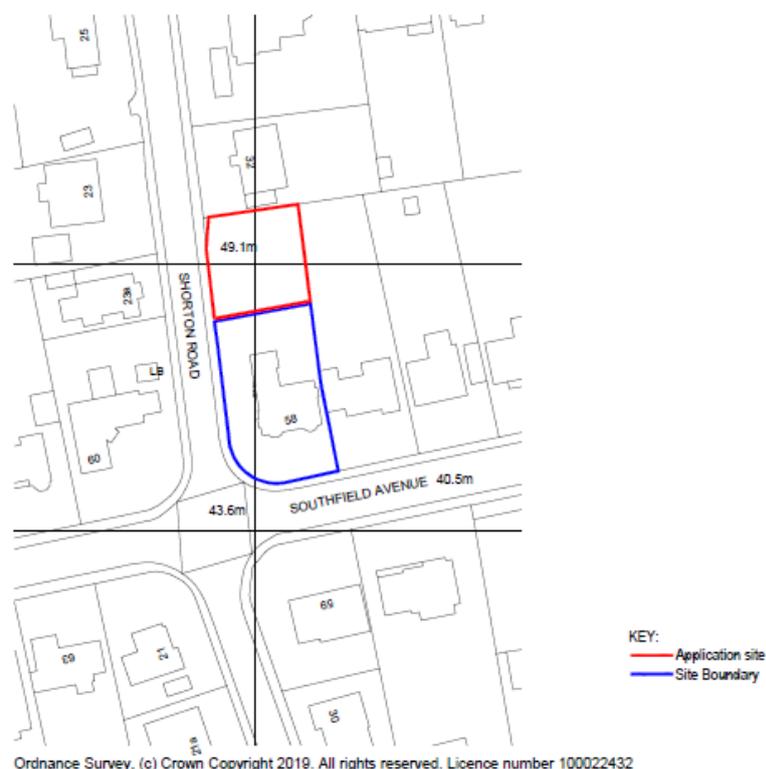


TORBAY COUNCIL

Application Site Address	58 Southfield Avenue Paignton TQ3 1LH
Proposal	Formation of dwelling in curtilage of property. (Resubmission of P/2019/0923) (Revised plans received 27.01.21)
Application Number	P/2020/1130
Applicant	Mr and Mrs Munro
Agent	Mrs Anna Suszcynska – Narracotts Architects
Date Application Valid	16/11/2020
Decision Due date	11/01/2021
Extension of Time Date	12/03/2021
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it seeks to address reasons the Committee refused planning permission for a similar development at the site.
Planning Case Officer	Emily Elliott

Location Plan:



Site Details

The site is part of the curtilage of No.58 Southfield Avenue, Paignton, which is a detached residential property located on the corner of Southfield Avenue and Shorton Road. The site will have access from Shorton Road and will be sited to the northern, higher section of the rear garden of No.58 Southfield Avenue. The site slopes down towards the southern edge of the site. The outdoor amenity space for No.58 Southfield Avenue is on two levels that are relatively level. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

To the north of No.58 Southfield Avenue is No.32 Shorton Road, which is separated by dense vegetation and a stone boundary wall. The ridge line of No.32 Shorton Road is 58.370 (AOD), whilst the host dwelling No.58 Southfield Avenue has a ridge line of 56.30 (AOD). To the east of No.58 Southfield Avenue is No.56 Southfield Avenue, which is separated by a close-boarded fence. The application site adjoins the end of the rear garden of No 56. Southfield Avenue.

Description of Development

The proposal seeks to form a four bedroom dwelling with an integral garage in the curtilage of 58 Southfield Avenue, Paignton. The proposed dwelling includes a second off-street parking space and outdoor amenity space. The appearance of the proposed dwelling is contemporary and includes a main pitched gable roof with a projecting gable feature. The proposal is for a split-level storey dwelling, that includes lower, ground, first and second floors.

The split-level design incorporates the following:

- Lower ground floor – Hallway, store, utility and integral garage.
- Ground floor – Open lounge/kitchen/dining area.
- First floor – Two bedrooms and a bathroom.
- Second floor – Two bedrooms both with en-suites.

Full-height windows are proposed in the following locations:

- On the eastern elevation to serve bedroom 3 (ground floor) and the lounge/dining area (bottom panes obscurely glazed – first floor);
- On the southern elevation to serve the lounge/dining area (obscurely glazed – first floor); and
- On the western elevation to serve the open lounge/kitchen/dining area (first floor).

Planning permission was recently refused by this Committee for a similar proposal under planning reference P/2019/0923. The proposed plans for this planning application have been revised to address the reasons for refusal on the previous planning application. The key changes are:

- Redesigning the overall appearance of the proposed dwelling from a pitched design with mono-pitch features to a gable pitched roof that incorporates a

projecting gable feature, whilst maintaining the split-level design so that it is more in keeping with the street scene and will have a more traditional appearance, whilst addressing the topography of the area.

- Reduction in the size of the rear terrace.
- Alterations to the design of the roofscape enables the proposal to reduce in bulk and massing when viewing both the northern and southern elevations, to alleviate concerns of the proposal being overbearing.

Pre-Application Enquiry

None sought.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

Relevant Planning History

P/2019/0923: Proposed new dwelling in curtilage of property (revised plans received 24/06/2020). Refused 17/07/2020. Appeal in progress.

1. Given the siting, scale and design, the proposed development would constitute an overdevelopment of the site, having an overbearing impact on neighbours and the street scene and would be out of character with the street scene. As such, the proposed development does not represent sustainable development and is contrary to Policies DE1 and DE3 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan and the National Planning Policy Framework in particular paragraphs 127 and 130.

P/1990/0708/OA: Erection Of One Dwelling House With Access Onto Shorton Road (In Outline). Refused 25/05/1990.

1. The proposal constitutes over-development of a restricted site, detrimental to the character, appearance and residential amenity of adjacent property and the

area, and would establish a serious precedent for other similar proposals in this and other areas, which cumulatively would destroy the character of such areas.

P/1982/1421/OA: One Dwelling. Refused 09/08/1982.

1. After due allowance has been made for the provision of an adequate building line, the site is of insufficient size to allow for the erection of a dwelling which would be in keeping with the character of the area, and at the same time allow for adequate space about both the proposed building and the existing house.
2. The proposal would result in an unsatisfactory arrangement of buildings which would adversely affect the residential amenities and privacy of the existing house and adjoining dwellings.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Approximately 20 letters of objection have been received, it should be noted that this number reflects 15 objectors as some have made more than one objection.

This application has been amended since it was originally submitted and was re-advertised when amended, some of the letters respond to the original as submitted proposal

Concerns raised include:

- Loss of light
- Overdevelopment
- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets precedent
- Drainage
- Impact on local area
- Noise
- Traffic and access
- Trees and wildlife
- Land stability
- Planning history

An update will be provided to Members of the Planning Committee following the end of a further public consultation period due to receiving revised plans.

Summary of Consultation Responses

Paignton Neighbourhood Forum:

No comments received.

Torbay Council's Highways Engineer:

Highways standing advice would apply to the above application.

Torbay Council's Drainage Engineer:

As the development is located in Flood Zone 1 and the developer is proposing to discharge his surface water drainage using soakaways, please use the recently agreed standing advice for this planning application.

South West Water:

I refer to the above application and would advised that South West Water has no objection subject to roof/surface water being managed by means of a soakaway as proposed in the Flood Risk Assessment.

Torbay Council's Senior Tree and Landscape Officer:

No arboricultural input is required however the landscape proposals will need to be more detailed to include species, size, planting arrangements and aftercare to ensure establishment.

Torbay Council's Senior Environmental Health Officer:

Further to your recent consultation regarding the above application I would confirm that that I have no objections subject to the inclusion of the following condition:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Ecology
6. Impact on Flood Risk and Drainage
7. Low Carbon Development

1. Principle of Development

The site is located within an established residential area and is considered to be a sustainable location for such development being in relatively close proximity to services and public transport routes. Objectors have raised concerns regarding the planning history of the site. It should be noted that previously in 1990 and 1982 outline consent was refused for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. The reasons for refusal include overdevelopment, impact on visual and residential amenity, potential precedent. These concerns will be addressed in the body of this report.

Objectors have also raised concerns regarding land stability. It should be noted that full structural considerations would be a matter for Building Regulations instead of the planning process.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. As the Council cannot demonstrate a 5 year housing land supply the tilted balance in favour of sustainable development is applicable as required by the National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

This broad position is subject to wider policy considerations that are relevant to the development proposal.

2. Impact on Visual Character

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

There is a somewhat mixed local character and pattern of development within the locality, although it is generally characterised by detached houses within spacious plots. Objectors have raised concerns that the proposal is a form of overdevelopment, it is not in keeping with the local area and it will have a negative impact on the local area. Concerns have also been raised that permitting the proposal will set a precedent. Outline consent has previously been refused on site for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. Previous refusals have stated that the proposed dwelling constituted a form of overdevelopment, set a precedent and would have a negative impact in terms of visual impact.

The most recent previous planning application (planning reference P/2019/0923) was refused at Planning Committee, with concerns over the siting, scale and design of the proposed dwelling constituting an overdevelopment of the site and being out of character with the street scene. The current proposal has reflected upon the Council's concerns raised and has redesigned the proposed dwelling to have a more traditional appearance that is of a main pitched gable roof with a projecting gable feature, compared to the previous pitched and mono-pitched element appearance. It should be noted the adjacent properties, Nos. 23A and 32 Shorton Road have gable roofs, to which the proposed dwelling would provide a similar roof form. The proposal is for a split-level storey dwelling, that includes lower, ground, first and second floors. It is considered that the proposal would not have a detrimental impact on the existing street scene as over the decades the adjacent infill plots have been filled (Nos.23, 23A and 32 Shorton Road). It is considered that the existing street scene does not offer any particular characteristic or ambience that would be adversely impacted by the proposed development

The proposed dwelling provides an active frontage along the section of Shorton Road and when considering the existing dwelling, it is considered to be far enough away so as not have an overbearing or over dominant effect on nearby houses or the street scene. The relationship of the proposed siting of the new dwelling within the street scene is therefore considered to be acceptable.

In terms of the footprint of the dwelling within the plot the proposal will result in additional built form within the plot, however other corner plots within the locality have been infilled. Furthermore, an adequate area of outside space is retained for both the proposal and No.58 Southfield Avenue. The overall footprint is therefore considered to be consistent with the urban grain of the area and without detriment to the character and appearance of the locality.

The general scale of development is considered commensurate with the locality when considering the mix of dwellings in the area. It is considered that there is scope for a dwelling within the plot, considering previous planning decisions made in the area. It is also relevant to consider that having regard to the lack of a five year housing land supply in Torbay a tilted balance should be applied in favour of sustainable development. It is considered that the proposal will provide a reasonably sized house which will assist in the supply of housing. It should be noted that the site slopes to the south and that the natural ground levels therefore fluctuate on site, however it is considered that the proposal positively addresses the topography and provides a dwelling of a reasonable size, scale and massing. The footprint of the existing plot of No.58 Southfield Avenue will be subdivided to accommodate the new dwelling however it is considered acceptable due to the plot size, and as an adequate level of space will be provided around both the proposed and existing dwelling.

In terms of design and massing the proposed dwelling will appear predominately as two and a half storeys, due to the topography of the land and the split level internal configuration. In considering the design regard must be given to the surrounding street scene there is a mixture of house types and designs and therefore given the context of the area, the proposal is considered to be acceptable in terms of design and impact on the street scene. There is a mixture of gable and hipped roofscapes with the vicinity, there is also a mixture of finishes from render to cladding. It is considered that as there is no distinct house type or character that the proposal is in keeping with the local area. The proposal is considered to provide a dwelling with a contemporary visual appearance, a planning condition is recommended to secure details of external materials for the proposed dwelling.

Members previously raised concerns that when walking within the locality, the massing of the proposed dwelling would appear out of character and dominant. The design of the proposed dwelling has been revised considerably to provide a more traditional appearance, therefore it is considered that it has overcome Members concerns. It should be noted that the No.23A Shorton Road is some 12.1 metres in width and at the tallest part approximately 7.9 metres high, whereas the proposed dwelling is some 12.8 metres in width and ranges between approximately 8-8.5 metres in height. The ridge height of No.23A Shorton Road is +58.37AOD, the proposed dwelling is +55.85AOD and the original build of No.58 Southfield Avenue is +52.12AOD, therefore the proposal suitably fits into the topography of the street. When considering No.23A Shorton Road is an infill dwelling, it is considered that a dwelling of such a proportion would be considered acceptable.

As a result the size, scale, massing and visual appearance of the dwelling is considered to be acceptable and without detriment to the character and appearance of the locality or street scene, and is considered to comply Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a guidance of 55 square metres for new dwellings. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum

floor space of 121 square metres is required for a four bedroom, seven bed-space, three storey dwelling.

The internal floor space area for the proposed dwelling is approximately 175 square metres and the outside amenity space is in excess of 120 square metres, which is above the standards required. No.58 Southfield Avenue retains and maintains its off-street parking spaces and over 200 square metres of outdoor amenity space. It is therefore considered that an adequate standard of accommodation for the proposed dwelling is provided and adequate parking and outdoor amenity space is maintained for No.58 Southfield Avenue.

In terms of impact on the neighbouring properties, the proposal is considered to have an acceptable impact. Objectors have raised concerns regarding loss of light, invasion of privacy, overlooking, noise, negative impact on residential amenity and overbearing. Concerns have also been raised by adjacent dwellings on the opposite site of the road on Shorton Road, it should be noted that Shorton Road separates the proposal and the dwellings adequately, it is considered that the proposal will not have a detrimental impact upon those occupiers.

The proposed dwelling has been significantly revised to overcome the Council's concerns regarding the impact the proposal would have on adjacent neighbours in terms of overbearing. The scheme has been amended in the following ways:

- Alterations to the proposed fenestration, including the insertion of a number of rooflights instead of normal windows in the elevations
- Alterations to the roof form, gable features to provide a more traditional appearance whilst altering the mass of the proposed dwelling.

Impact on privacy

The southern and eastern elevations of the proposed dwelling will sit adjacent to Nos.56 and 58 Southfield Avenue's outdoor amenity space. A planning condition is recommended to ensure that certain windows within the proposed dwelling are obscurely glazed as per the plans, as some particular openings could be detrimental to the privacy of adjacent occupiers, however by obscurely glazing the openings it enables the proposed dwelling to gain natural light.

The site benefits from dense vegetation between itself and No.32 Shorton Road which is shown to be retained on the proposed plans. It should be noted that there is only one opening on the side elevation of No.32 Shorton Road that faces the site, which is an obscurely glazed door leading out onto a roof terrace sited on top of the garage from where it is possible to overlook the existing outdoor amenity space of No.58 Southfield Avenue.

The proposed plans also show a lower patio and a high terraced area, it is considered that with adequate boundary treatments, the privacy between the site and No.56 Southfield Avenue will be maintained. It should be noted that No.56 Southfield Avenue has a large amenity space and the site will only impact upon the end section of this with the most sensitive area of No.56 Southfield Avenue's outdoor amenity space being protected. A further planning condition is recommended to secure the landscaping of the scheme which will provide natural screening between the site and the adjacent dwellings.

The building design has been amended so that the east facing full height glazing to the living area of the new dwelling is set back behind a solid wall to prevent oblique views back towards Nos.58 and 56 Southfield Avenue. It should be noted that the previous refused planning application, did not include invasion of privacy/overlooking as a reason for refusal. Therefore, this element of residential amenity is considered to be acceptable.

Impact of scale and massing on adjacent neighbours

The most recent refused planning application, cited that the siting, scale and design of the proposed dwelling would have an overbearing impact on neighbours.

The resubmission proposes similar separation distances, with the proposed dwelling being located approximately 16 metres from openings on No.58 Southfield Avenue that face the proposed development, whilst No.58's garage is some 9.5 metres away, but has no openings that face the proposal. The proposed dwelling would be approximately 18 metres from openings on No.56 Southfield Avenue and approximately 7.5 metres from the side elevation of No.32 Shorton Road.

The relationship between the proposed dwelling and No.32 Shorton Road is considered to be acceptable given the topographic levels and No.32 being significantly higher than the site.

In respect of the impact to Nos.56 and 58 Southfield Avenue to the south of the site, the dwelling is not considered to impact on the amenity of these properties due to the separation distances and due to the siting, scale and design of the proposal and therefore it is considered that the proposal will not have an overbearing impact on adjacent dwellings. It is considered that the change in roofscape has reduced the massing of the building and therefore alleviates Members concerns on the previous scheme of the proposal being overbearing.

Access to natural light

Due to the siting of the proposed dwelling and it being to the north of No.58 Southfield Avenue, it is considered that due to the topography and orientation that the proposal will not have an impact on the access to natural light to any adjacent neighbour, including No.32 Shorton Road which is sited on higher land.

Residential amenity overview

The site is large enough to accommodate a new dwelling without resulting in any harmful overlooking, overbearing or overshadowing impacts to neighbouring properties. In addition, a planning condition is recommended to remove permitted development rights to ensure that amenity of adjacent dwellings is not impacted due to the site being constrained. A further planning condition is recommended to secure a Construction Method Statement. As such with the addition of the recommended planning conditions, the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Local Plan.

4. Impact on Highways

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy PNP1(d) of the Paignton Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to viability space for solid waste storage within the curtilage and purpose designed cycle parking space that is covered, safe and convenient.

The proposal proposes one off-street parking space to be accessed from Shorton Road and the other off-street parking space is contained within the integral garage. Objectors have raised concerns regarding traffic and access. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from overhanging and causing an obstruction to the public footway and potentially the public highway. The off-street parking space will be sited directly in front of the garage and therefore 6 metres depth is required to enable the garage door to open. The Council's Highways Engineer has been consulted on the application and has stated that the Highways Standing Advice would apply. The proposed parking provision accords with Appendix F and a planning condition is recommended to retain the parking provision for the new dwelling. Furthermore, two covered and secure bicycle spaces should be provided, these are not indicated on the proposed site layout, however a planning condition is recommended to secure such details prior to occupation.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should

provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. The submitted proposed plans indicate bin storage, therefore a planning condition is recommended to secure the bin storage for the new dwelling.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies TA2, TA3 and W1 of the Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan. An informative can be employed to bring to the applicant's attention the requirement that a licence be sought for works within the highway.

5. Impact on Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

Objectors have raised concerns regarding trees and ecology. It should be noted that the site does not have any tree preservation orders on site, and the site can be cleared without requiring permission from the Local Planning Authority however no tree removal is proposed as part of this development. A planning condition and an informative has been recommended to remind the developer of their responsibility for bats and breeding birds.

6. Impact on Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. Objectors have raised concerns regarding drainage. South West Water have raised no objections to the proposed development. The Council's Drainage Engineer was consulted on the proposal, the adopted Standing Advice applies to the proposal as it is within Flood Zone 1. A planning condition is recommended to ensure that a sustainable surface water drainage method is secured.

7. Low Carbon Development

Policy SS14 of the Local Plan seeks to promote a low carbon form of development with adaptations to climate change so as to minimise carbon emissions and the use of natural resources.

The proposal is considered to be a good example of low carbon development, and this weighs favourably as part of the planning balance. The proposal would make a contribution to much needed housing delivery in Torbay

A planning condition shall be employed to provide an electrical charging point and suitable bicycle storage, to encourage the future occupiers to use a sustainable method of transportation.

The proposal is considered to be in accordance with Policy SS14 of the Local Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwelling is occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwelling to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that it would be possible to develop this site as proposed without significant harm to residential amenity.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on

ecology and biodiversity and surface and foul water drainage. These matters are considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of a brownfield site within the existing urban area.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106: Not applicable.

CIL: Not applicable.

EIA/HRA

ERA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

Conclusions and Reasons for Decision

In the absence of a 5 year housing land supply applications for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; would provide an adequate standard of living accommodation and provide acceptable arrangements in relation to access, ecology and flood risk. The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

Permitted Development Rights

Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to the approved dwelling, and no outbuildings or other means of enclosure shall be erected within the garden area of this dwelling house, with the exception of one ancillary structure up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Materials

Prior to their installation details of the proposed exterior materials including wall finishes, roofing materials, windows, doors, eaves, fascias and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Flood Risk Assessment

In accordance with the submitted flood risk assessment received 5th November 2020, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change unless an alternative means of surface water

drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030, Policy PNP1(i) of the Paignton Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF.

Obscure Glazing

Prior to the occupation of the dwelling hereby approved, the first floor window in the southern flank elevation which serves the dining/lounge area, the first floor lower pane windows in the eastern flank elevation which serves the dining/lounge area, and the second floor window in the northern flank elevation which serves an en-suite of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. These windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with 100mm opening restrictors. The windows shall thereafter be permanently retained in that condition for the lifetime of the development.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

Parking Provision

The dwelling hereby approved shall not be occupied or brought into use until the parking space and garage detailed on the plan reference "2364-02 A" received on 27th January 2021 have been provided. These elements shall thereafter be retained for such purposes for the associated dwelling for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Electric Charging Point

Prior to the occupation of the development hereby approved, a scheme for the insertion of one electrical charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The agreed electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Refuse Storage

Prior to the first occupation of the development hereby permitted, the provision for storage of refuse and recycling awaiting collection as detailed on the approved plans (plan reference '2364-01 B' received 27th January 2021) shall be in place and available for use. Once provided, the approved storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Removal of Vegetation

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Landscaping

Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Boundary Treatment

Prior to the first occupation of the development hereby approved, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
2. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.
3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are

also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

PNP1(c) – Design Principles

PNP1(d) – Residential Development

PNP1(i) – Surface Water

SS3 – Presumption In Favour Of Sustainable Development

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Management