

Application Number

P/2012/0895

Site Address

Devon & Cornwall Constabulary
Southfield Road
Paignton
Devon
TQ3 2SP

Case Officer

Mrs Helen Addison

Ward

Clifton With Maidenway

Description

Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

Executive Summary/Key Outcomes

The application is for demolition of the existing building and construction of 53 sheltered apartments and a wardens apartment. The principle of the proposed use is considered acceptable on this site and would be compatible with the character of the surrounding area. The site is capable of accommodating a substantial building.

However there are serious concerns about the design and form of the proposed development, which it is considered would not be appropriate in its context and would impact on the setting of listed buildings in the area. There is also concern about the resulting living standards for the occupants. The applicant has also advised that due to the viability of the scheme no S106 contributions should be sought. This opinion is not supported in the independent viability assessment.

An offer of £300,000 has been made by the applicant on 26 November 2012 in the light of their desire to expeditiously achieve a planning permission. It is our understanding that a Unilateral Undertaking to that effect will be presented at the committee meeting. Notwithstanding this offer, the applicant has unfortunately declined the opportunity to meet to resolve the outstanding design and 106 concerns. The offer of £300,000 remains well below the anticipated viability that has arisen from the Independent Viability Assessment (between £500,000 and £1.1mil).

Recommendation

Refusal for the reasons set out in this report.

Site Details

The application relates to the site of the existing police station that is located on

the junction of Southfield Road and Blatchcombe Road. Southfield Rise bounds the site to the north and rises in height from its junction with Southfield Avenue, resulting in properties in this road being at a higher level than the application site. There is a large retaining wall close to the northern boundary of the site with Southfield Rise. Vehicular access to the site is from Southfield Road. There is also pedestrian access from Blatchcombe Road to the rear of the site. The southern boundary of the site along Blatchcombe Road is characterised by a number of mature trees and a sandstone boundary wall. The site is not covered by any specific designations or policy constraints although there are a number of listed buildings in the vicinity.

The existing building on the site extends to a maximum of four storeys in height. It has some architectural merit and won a civic trust award in the early 1970s for its design. It has been pre screened by English Heritage and confirmed of not being sufficient quality for listing. The surrounding area is predominantly in residential use.

Detailed Proposals

The application is submitted in full for demolition of the existing building on the site and construction of 54 apartments with communal facilities to be used as accommodation for elderly persons (category II type accommodation) with off street parking and landscaping. The proposed building would be part three storey and part four storeys in height. One of the apartments would be used as wardens accommodation and another apartment would be used as a guest suite. The communal facilities would include an owner's lounge and well being suite. The proposed development would comprise a single building and the apartments would be a mix of 1 and 2 bedroom. All the apartments would be accessed from central corridors within the building. Both stairs and a lift would be provided in the building.

Twenty two car parking spaces (two of which would be disabled spaces) would be provided to the east of the building adjacent to Southfield Avenue, in a similar position to existing parking on the site. A sunken garden is proposed to the north of the building. It is proposed that a number of trees that are in poor condition would be removed from the boundary with Blatchcombe Road.

The proposed building would be predominantly finished in render although there would be sections in brick and stone. The detailing would include the use of rendered bands and rendered window surrounds. The roof would be finished with tiles and upvc windows are proposed. The design of the building includes a corner feature at the junction of Southfield Avenue and Blatchcombe Road where a higher 'tower feature' is proposed. The footprint of the building is staggered resulting in a fairly complex roof form. A small number of balconies are proposed.

Summary Of Consultation Responses

South West Water: No objections subject to full details of the means of surface water drainage being submitted for our prior approval.

Drainage and Structures: Before planning permission can be granted the following information must be submitted - where surface water is identified to drain via soakaways the developer must carry out trial holes and infiltration tests at the locations of the proposed soakaways.

Arboricultural Officer: The scheme is suitable for approval on arboricultural merit subject to a number of conditions.

Torbay Local Access Forum: Concerned about the mature trees lining Blatchcombe Road.

Natural England : Advises the authority that permission may be granted.

RSPB: Support the conclusions and recommendations set out in the Developer's Ecologists Report particularly the installation of bird boxes for building dependent species.

Conservation Officer: This proposal impacts on the setting of the five listed buildings in the vicinity of the site for two reasons 1) the arrangement of the site (in a 'T' shape) with the bulk of the development at the front of the site is alien to the built form of the area 2) the architectural treatment is a very poor pastiche of the styles in the area and is said to take the lead from the listed buildings. This is considered to be unsuccessful. The proposed pastiche has none of the sensitivity of the listed buildings and will overwhelm them. However, overall the harm to the designated heritage assets is medium to low.

Archaeological Officer: The site lies in part over the footprint of the former Southcombe House, deposits may remain. Requires a programme of archaeological works prior to demolition or commencement of development.

Housing Services: The financial offer made by the applicant would deliver no affordable housing in Torbay. Requests the application is refused due to lack of affordable housing provision.

Strategic Transport: Position of vehicular access needs to be clarified. Requests the following; a) works to be carried out to junction of Blatchcombe Road and Southfield Road to improve crossing facilities, b) a contribution of £17,500 to improve three bus shelters in the vicinity of the site, and C) provision of at least 5 secure cycle parking spaces for staff, visitors and occupants.

Summary Of Representations

Two letters of objection received and reproduced at Page P.203. These

representations raise the following points;

- The previous planning application included removing the trees at the western end of the site, which have a detrimental impact on adjoining residential properties. These are now shown as being retained.
- Concerned about the size of the application compared to previous application.
- Development is higher than original plan for houses.
- Proposal will be higher than existing police station building and will affect privacy and result in loss of light.
- Impact on view
- 54 new dwellings will increase traffic on a busy road with no pedestrian crossing.
- Inadequate parking provision
- Building is too big

Relevant Planning History

P/1996/0726	Alterations and extensions to existing front car park, minor alterations to existing front car park, minor alterations to existing building and widening of access approved 9/1/97
P/2006/1704	Installation of ramp, formation of parking area approved 4/12/06
P/2010/1204	Formation of 16 dwellings with associated parking and access road withdrawn 24/1/11
P/2011/0324	Residential development to form 14 dwellings with associated parking and access road. Approved 20.2.12

Key Issues/Material Considerations

The main issues to be considered are the principle of the proposed development in this location, the design and size of the proposed building, impact on the setting of listed buildings, impact on neighbouring properties, highways, landscape, ecology and viability.

Principle and Planning Policy -

The principle of a change of use on this site from a commercial use to a residential use has already been accepted by the Council under application reference P/2011/0324. Similarly the demolition of the building and redevelopment of the site has been approved recently. There is no case for the retention of the existing building on the site as it is not worthy of listing or in a Conservation Area. The surrounding area is in residential use and the proposed use would be compatible with the character of the surrounding area. The use for

sheltered apartments in this location would be appropriate as the site is reasonably close to the town centre and is accessible by public transport.

Environmental Enhancement -

The size of the site, the rising ground levels around the site and the mature landscape features provide an opportunity for a substantial building to be constructed that would provide an acceptable fit with the appearance and character of the surrounding area. The existing building extends to four storeys in height but this scale of the building is only apparent from a few viewpoints around the site, which greatly assists in its assimilation into the streetscape. It is considered that this site does provide an opportunity for the provision of the proposed 54 apartments on the site and subject to a sensitive, robust and sustainable design, development of this scale could be accommodated on the site.

The submitted scheme has been considered by the Design Review Panel. A copy of their report is attached at P. The report recognises the good qualities of the site but concludes that the current approach does not allow these to be properly exploited. The main points covered in the report are;

- Concern that the quality of life of residents does not seem to be driving the internal layout nor the arrangement and access to external garden spaces.
- The pattern, grain and structure of the surroundings seem not to have influenced the proposals in a meaningful way. The frontage appears to have been drawn back from Southfield Road to an arbitrary position determined it would seem by the need for a double banked car park.
- The success of the existing police station on the site demonstrates that a wide frontage is not necessary.
- External landscaped spaces surrounding the complex are residual peripheral areas rather than potentially forming part of the social life of the complex.
- The context of the site includes some good quality listed buildings and these seem not at all to have influenced the detailed architectural language of the proposals.
- The elevations presented were supposedly a reflection of the existing surrounding architectures. This was unconvincing and it was unclear where these features originated. It is simply impossible to make convincing architectural design solutions in this way for a building type and form which is so different from its older neighbours.
- The proposed scheme does not have a positive resonance with the character of the locality. The massing of the accommodation produces a bulky form that is

incongruous with the domestic scale of the surrounding houses. The overly complex roof forms that are employed produce a roofscape that is confused and inelegant.

- Internally the long relentless corridors with no natural light or cross ventilation are disappointing. The location of the common room at the periphery of the plan (rather than perhaps its centre) is questioned. The opportunity of encouraging gentle exercise and active lifestyles is missed by only a lift being provided in a central core and the staircase being located in a marginal position.

- Many of the apartments will receive no direct sunlight at all and the proposed northern terrace will be virtually constantly in shadow.

Although the DRP report raises a number of concerns it is considered that the principle of this development on the site could be achieved through modifying the form and appearance of the building. The DRP suggests that a set of independent villas or a series of courtyard forms open to the southerly aspect could be considered by the applicant.

The DRP report is helpful in identifying the shortcomings of the proposed scheme. As submitted the proposal would fail to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 which seek to achieve positive enhancement of the built environment through ensuring the integrity of local character and distinctiveness is protected. The key concerns are that the elevation treatment of the building is overly complicated resulting in a building that would fail to blend in with and enhance its surroundings. There are a lot of different design features incorporated into the building such as the striped brickwork, feature window surrounds, glazed canopies and window surrounds which make the building complicated in appearance.

In a building of this size a simpler and more consistent and regular appearance with less detail would work well in the street scene, and would assist in assimilating the building into a townscape that is characterised by domestic scale development.

The second key issue is the form and layout of the building on the site. The existing police station building does not extend the full width of the site and this allows the strong mature landscape character of the site to be evident and also off sets the scale of the building in the street scene. In contrast to this approach the proposed development would extend across the width of the site and would result in a far more urban appearance to the site. The predominant form of development along Southfield Road comprises buildings set back from the road with space around them. It would be preferable for this form to be replicated on the site with space and landscaping around the frontage to Southfield Avenue. There would be sufficient space on the site to achieve this objective. The Conservation Officer has advised that this approach would result in an improved

relationship with the listed buildings around the site.

The form of the building also has a significant implication for the internal layout of the accommodation. As identified by the DRP there would be 18 apartments that would solely face north and also there would be a retaining wall on the north boundary which would mean that they would receive no natural sunlight. There appears to be a significant opportunity to improve the internal layout to alter the length of the internal corridors and to review the orientation of such a significant proportion of north facing apartments. It is also questioned whether relocating the owners lounge and other shared facilities would provide more privacy for the occupiers and provide a central hub within the building. The submitted scheme raises concern about the quality of accommodation that would be provided and whether this would fall below the living standards that would normally be expected. It appears that the opportunity of integrating the open space around the building into the overall design has also not been maximised.

Guidance in the National Planning Policy Framework (NPPF) includes the presumption in favour of sustainable development and para. 49 advises that “housing applications should be considered in the context of the presumption in favour of sustainable development.” However, in order to achieve the objective of delivering sustainable development, this proposal needs to be of sufficient quality and deliver a robust form of development that meets the objectives in both the NPPF and the plan.

One of the 12 core planning principles in the NPPF at para.17 is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.” Para. 56 acknowledges that “good design is a key aspect of sustainable development...and should contribute positively to making places better for people. Para. 61 recognises that “planning ..decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”. It is noted that at para. 59 it is advised that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. This is a key issue that needs to be addressed in the determination of the application. On the basis of the points made above it is considered that the proposal would fail to meet these objectives in the NPPF and in Policies H2, H9, H10, BES and BE1 of the Torbay Local Plan 1995-2011 to provide a sustainable form of development that would positively enhance the appearance and character of the surrounding area.

The applicant has been invited to discuss the above issues with officers to find a way of resolving these matters to reach a satisfactory scheme on the site, which it is believed would be achievable. However, the applicant has declined to engage with Officers following receipt of the DRP report and has requested that the application be determined as submitted.

Impact on neighbouring properties -

The proposed building would be sited eight metres from the boundary with the adjoining bungalow at 50 Blatchcombe Road. Because of the changes in ground levels on the site the west elevation of the building would be partly screened and a new retaining wall would be constructed along this boundary, which would reduce the visibility from the proposed development towards the rear curtilage of the adjoining bungalow. In addition the existing trees along this boundary would be retained. It is noted that the current building has a considerable number of windows facing west, and the number of windows facing the property would be reduced as a result of the application. The difference in uses between the two buildings from office to residential is material as this would affect the occupation of the building.

On balance it is considered that the relationship would be acceptable and the proposal would not result in an unacceptable loss of amenity to the adjoining property in Blatchcombe Road.

Concern about the relationship of buildings has also been expressed by a resident of Southfield Rise. The comparative elevation plan shows that the proposed building would be no higher than the existing building. There is a substantial change in levels between the application site and properties in Southfield Rise which would largely result in only the third floor windows being visible from Southfield Rise. The distance between windows would predominantly be in excess of 22 metres. There is one gable end where this distance would be less which would have a kitchen and corridor window facing Southfield Rise. It is considered that this would be an acceptable relationship of buildings and would not result in an unacceptable loss of residential amenity for occupiers in Southfield Rise.

Accessibility -

The proposal includes the provision of 22 car parking spaces, 2 of which would be designated for disabled users. A buggy store for four buggies is also shown. The access to the parking area would utilise the existing vehicular access on the eastern side of the site from Southfield Avenue (although the Design and Access statement refers to a new access position). Clarification is being sought from the agent.

The existing pedestrian access at the western end of the site would be retained. A transport statement has been submitted which identifies that there would be no noticeable increase between traffic levels generated by the existing site use and the proposed use. The level of on site parking provision would be consistent with the demand that has been experienced on other similar sites. It is advised that occupation is restricted to those over the age of 60 and the average age of residents is 78. Generally 30% of occupants are over 80. There are four bus stops within 200metres of the application site. Strategic Transportation has confirmed that there is no objection in principal to the proposal, but has

requested provision of secure cycle parking and contributions towards improvement to the junction of Southfield Avenue and Blatchcombe Road and to local bus shelters.

Landscape -

The proposal involves felling 6 trees along the boundary with Blatchcombe Road and two trees along the boundary with Southfield Road. The Arboricultural Impact Assessment states that two of the trees to be removed along Blatchcombe Road are classified as category C because of their size. The remainder of the trees proposed to be removed is in the interest of good management. Measures for protection of the existing trees are included in the Assessment and a comprehensive landscaping scheme is suggested. It is also proposed that some areas of existing tarmac surfacing under trees will be replaced with permeable surfacing. The assessment advises that all the significant boundary tree cover will remain intact and no high category trees will be removed.

The Council's Arboricultural Officer has advised that the proposal would retain the mature trees on the site which contribute to considerable public visual amenity in the area. He advises that there would be no objection to the loss of the 6 trees referred to above, providing a detailed landscaping scheme is submitted to robustly replace them. It would be acceptable on this scale of development for the landscaping scheme to be addressed by means of a condition.

Ecology -

Both an Ecological Appraisal and a Bat Survey and Mitigation Strategy have been submitted in support of the application. The Ecological Appraisal advises that there are no high value or particularly vulnerable habitats present. There is the potential for the habitats present to support protected or valuable species and therefore sympathetic management practices for reptiles, birds and bats are recommended. The Bat Survey and Mitigation Strategy notes that when bat activity surveys were undertaken no bats were observed emerging or entering the building and therefore it is unlikely that the existing building supports roosting bats.

However low level foraging and commuting behaviour was recorded across the site by bats. It is recommended that some enhancements be put in place to address this. These include retention of vegetation used by foraging and commuting bats is retained and enhanced and additional planting is included. External lighting should be directed away from boundary vegetation and external lighting on the new building should be kept low. In addition two bat boxes and bat tubes should be provided on the site. It is noted that the building does have the potential to support nesting birds and it recommended that its demolition occurs outside of the nesting season.

Natural England has advised that on the basis of the surveys referred to above planning permission may be granted. The RSPB has advised that they support the conclusions of the Ecological Appraisal.

S106/CIL and Viability -

The applicant has submitted a confidential Affordable Housing Statement and Viability Appraisal in support of the application. This report concludes that the Local Plan affordable housing requirement and planning gain contributions cannot be borne by this development whilst maintaining an economically viable position. The applicant's report supports their stance that the development cannot provide any contributions or affordable housing if it is to remain viable, hence the 106 offer is £0.

In accordance with the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions would be required to offset the impact of the proposal on local infrastructure;

Waste Management	£ 2,700
Sustainable Transport	£ 82,350
Lifelong Learning	£ 10,550
Greenspace	£ 48,650

Total **£144,250**

The applicant has presented their case that, if there were viability in the scheme, the affordable housing provision should be provided off site by means of a commuted sum. The sum required to provide 30% affordable housing would be £2.16 million.

Combining infrastructure payments and a commuted sum for off site affordable housing provision would result in a total of £2,304,250.

An independent viability appraisal has been carried out to assess the applicant's submission. This has concluded that the chief area of difference between the applicant's submission and the independent appraisal is the estimated construction costs of the new building.

The independent assessor makes a good case that the build costs used by the developer in their viability appraisal are outdated and suggests a more realistic figure. Using this figure he advises that the development would be viable with S106 contributions of £1,100,000. Notwithstanding this difference of opinion, even using the applicants build costs, the independent assessor's view is that the development would generate a S106 contribution of between £500,000 and £600,000, whilst remaining viable.

It is noted that the approved development of 14 dwellings on the site was subject

to S106 contributions of £62,180.

In light of the assessment and their desire to achieve a planning approval. The applicants have revised their offer to some £300,000 and it is understood that a Unilateral Undertaking is to be submitted ahead of the committee meeting in that regard. However, £300,000 is still considerably less than even the minimum amount that the Independent Assessor recommends that scheme can afford. As such this remains an issue that has not been resolved and as such is a further reason for the refusal of the scheme.

Drainage -

As detailed in the Drainage consultation response above, the applicant has advised that surface water from this development will be dealt with via a discharge to the public combined sewer system and a sustainable drainage system, however no drainage details have been provided. The combined sewer system in this area discharges through Paignton town centre, a known major flood risk area. Any increase in surface water run off discharging to the combined sewer system in this area will increase the risk of flooding. Site infiltration tests have been requested for the site to assess the suitability of the ground conditions for soakaways. The applicant has declined to provide these. SWW have been requested to advise whether this should be included as a reason for refusal of the application.

Conclusions

In conclusion, the principle of the proposed use on this site is considered to be acceptable. However the submitted scheme would not achieve the opportunity of creating a sustainable high quality development on the site that would optimise the quality of life for residents. There are shortcomings in the design and external appearance of the building and the form of development would fall short of the objective of integrating the development into the natural, built and historic environment. The operational model would fail to encourage a healthier, more active and socially engaged lifestyle which could be achieved through good design. In addition the proposed development fails to deliver an acceptable level of S106 contributions after viability is taken into consideration and as such is unsustainable in not mitigating the impacts of the development on local infrastructure. For these reasons the proposal would fail to meet the objectives of the Torbay Local Plan 1995-2011 and the NPPF and it is recommended that planning permission is refused.

Condition(s)/Reason(s)

01. The proposed development by reason of its footprint, layout and complex external detailing would result in a form of development with an extensive and overly dominant frontage to Southfield Avenue that would fail to respect the character of this landscape dominated site and the established form of the

surrounding townscape that is derived from a spacious layout of buildings with simple external articulation. The proposed development would be visually dominant in the street scene, would have a detrimental impact on local character and distinctiveness and would detract from the setting of nearby listed buildings. The residential amenity for future occupants would be below the standard expected with a third of apartments facing exclusively north towards a high retaining wall, and thus consequently receiving no natural sunlight. As such the proposal would fail to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60 and 61 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment maintaining the integrity of local character and distinctiveness.

02. The applicant has failed to satisfy the sustainability aims of Policy CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of physical, social and community infrastructure necessary to make the development acceptable in planning terms and directly related to the proposal, by failing to secure planning obligations under Section 106 of the Town and Country Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy CF6 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

03. Drainage if applicable

Relevant Policies

- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- CF6 Community infrastructure contributions
- LS Landscape strategy
- L9 Planting and retention of trees
- BES Built environment strategy
- BE1 Design of new development
- BE9 Archaeological assessment of development
- T25 Car parking in new development
- T26 Access from development on to the highway