

Application Number

P/2013/0180

Site Address145 -149
Winner Street
Paignton
Devon
TQ3 3BP**Case Officer**

Mr Scott Jones

Ward

Roundham With Hyde

Description

Construction of 3 dwellings with 2 bed rooms

Executive Summary/Key Outcomes

The proposal is an 'infill' development scheme on a vacant plot of land located towards the northern end of Winner Street in Paignton. The site currently holds six parking spaces for rent from the Council. The application comes before committee as it is a proposal on land owned by the Authority.

The proposal is a residential scheme that will provide three mid-sized dwellings in a short terrace, at two-storeys in height. The design ethos is a contemporary pastiche that seeks to draw on the character of Victorian buildings in the vicinity.

The principle of a residential scheme is supported as, although the site sits within a designated shopping area, it is considered to sit at the periphery of the commercial area where the character moves towards that of residential. The site and location is a highly sustainable brownfield site that will also support the local commercial area by providing new houses and occupants within close proximity of the various services.

The scale, form and design is considered to be a notable improvement to a similar scheme considered by the committee in June 2012, which raised concerns over its visual impact and the impact on neighbouring residents. The scheme is now considered to be a positive contribution to the streetscene.

Previous concerns in regard to the impact upon the amenity of occupiers to the North (Number 151), which have side-facing windows over the site, have been adequately addressed by the reduction in the scale of the building from three storeys to two storeys. The revised scale is considered acceptable when considering the 3.5 metre gap between the buildings and the fact that the eaves/parapet line now sits at an approximate 1.5 storey-height, aligned with the 1st floor windows adjacent.

Following the submission of revised plans, which amend the elevations and re-introduce the stepping of each unit, the minor design concerns that officers had with the original submission have been overcome.

Recommendation

Site Visit; Conditional Approval (suggested items for conditions to cover at end of this report); Subject to Planning Contributions, achieved via an upfront payment or S106 Legal Agreement. Any s106 agreement to be completed within 3 months of the date of this committee or the application is to be refused for reasons of the lack of a s106.

Statutory Determination Period

8 weeks / 14 April 2013 determination date.

Site Details

The site is essentially an undeveloped brownfield plot that appears as a break in the established built-up streetscene at the northern end of Winner Street, Paignton. It was cleared of its former buildings during the mid-20th Century and now holds six council-owned car parking spaces set in front of an overgrown exposed rock face, which rises steeply to eventually meet a retaining wall that defines the border with residential properties off Winner Hill Road to the West. To either side the plot is tightly framed by existing buildings, with a mid-20th Century two-storey mixed-use block to the South that holds ground floor retail with residential above, and a three-storey residential building to the North, which dates from the early/mid 19th Century.

In terms of designation the site and local area is within the Old Paignton Conservation Area and forms part of a defined Secondary Shopping Frontage and wider Town Centre. The area has also previously been party to a heritage regeneration scheme and it should be noted that the Victorian terrace opposite the site that dates from the early/mid 19th Century is grade 2 listed.

Detailed Proposals

The proposal is a two-storey residential scheme with three dwellings set within a short terrace. Each property offers two-bedroom accommodation with separate living, kitchen and bathrooms, along with a degree of outdoor amenity space to the rear.

In terms of detail the scheme is a contemporary pastiche design solution that draws on 19th Century Victorian development in the area. The elevations are largely crisp render inset with aluminium windows that provides a scale and

vertical emphasis aligned with the general character of the predominant fenestration pattern in the area. At ground floor a render finish frames the windows, which then gives way to a modern grey composite panel detail. The roof form is a simple low-pitched gable finished in seamed metal, set behind a parapet detail.

In regard to general build parameters the footprint of the development is 13 metres wide by 8.5 metres deep, which is unchanged from the previous submission from 2012. The height has however been reduced with the scheme now being two-storey rather than three-storey. Resultantly where it was 8 metres to the top of the parapet on the northern end, it is now 6 metres. Similarly the apex of the gable has reduced from around 9.75 metres to 7.5 metres. In regard to the buildings proximity to adjoining properties the proposal will be set approximately 2 metres away from number 143 Winner Street and between 2.5 and 3.5 metres away from number 151 Winner Street (reflecting a staggered building line).

Summary Of Consultation Responses

Conservation & Design Team: There is no objection to the principle of (re)development of the site and this revised scheme is now considered to accord with Policy BE5 *Policy in Conservation Areas*, as it removes an uncharacteristic gap and enhances the character and appearance of the area.

Archaeology Officer: Previous comments (2012 scheme) stand in respect to whether the proposal should be supported. It is recommended that a condition be attached to ensure that no development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation (submitted by the applicant and approved by the Planning Authority). The reasoning being that where an important archaeological site will be materially damaged or destroyed as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission.

Torbay Development Agency: Previously (2012 scheme) the TDA offered support to the mixed use scheme citing the positives of creating commercial units and the positives of creating three new apartments which will help towards meeting the housing shortfall in Torbay. No further comment has been offered.

Strategic Transport / Highways: Previous comments (2012) offered that the site is currently a private parking area along Winner Street, a predominantly built up area on the edge of Paignton town centre. The development would lead to the loss of this parking facility.

Although Winner Street is not a bus route, the site is close to Paignton Bus Station and routes running to and from the town centre, so is very accessible by public transport.

If the proposal is supported, planning contributions in-line with the SPD should be sought for cycle route improvements in the vicinity of the site based on the number and scale of the residential units. At least one cycle parking space should be available for each dwelling.

Drainage: No comments offered.

South West Water: No objection.

Summary Of Representations

Two letters of representation received from owners/occupiers of properties within 151 Winner Street citing concern over the impact upon amenity, chiefly through the impact from the loss of light on the living environments and the loss of outlook from key rooms.

Relevant Planning History

P/2012/0233/R4 Construction of 3 new 2-storey flats with 2 bedrooms and 3 new self-contained commercial units – Refused

Pre-Application Enquiry ZP/2011/0459 – 3 Townhouses – Not Supported

Key Issues/Material Considerations

The key issues for consideration are deemed to be;

- (i) The general principle of residential use
- (ii) The visual impact and impact upon the Old Paignton Conservation Area and nearby listed buildings
- (iii) Implications upon local neighbour amenity
- (iv) Highway, parking and traffic matters

The principle of residential use:

The proposal sits within a defined Town Centre site and Secondary Shopping Frontage. The key policy considerations are considered to be whether the proposals would undermine the shopping character, contribute positively to the town centre (as a focus on commercial or community life), and whether there would be any detrimental effects upon the visual or other special character or amenities of the area. Consideration should also be given to the suitability of the layouts in terms of being fit for purpose and thus sustainable for the uses proposed.

Firstly in terms of general principles the basis of a residential scheme appears to sit comfortably with policy guidance. Although the site sits in an established shopping area it is at the periphery, in an area where a residential character begins to establish itself. With consideration of the peripheral location, together with the fact that there is no current commercial offering from the site that is to be lost, it is considered acceptable to support the introduction of additional residential units within such a sustainable location. It is also considered that additional residential units within the Town Centre area will itself add footfall in support of local businesses, thus being indirectly supportive of relevant shopping policies.

Further to the above, in regard to detail, the residential environments proposed appear to provide a suitable scale of living space, offering key habitable rooms with good levels of natural lighting. Amenity space is somewhat limited but is reflective of town centre living and local context. All matters considered there is no obvious concern in respect to the quality of the living environments offered in the scheme.

Visual implications / impact upon the historic built environment:

The site sits in a sensitive historic context that has evolved from medieval times, which gives a somewhat eclectic local form. In terms of policy guidance as it sits under Conservation Area designation and forms part of the setting of a grade 2 listed terrace that lies opposite, the development will need to preserve or enhance the local area.

The revised scheme is a contemporary pastiche design that seeks to reflect the predominant local form, that of Victorian commercial and residential development. As a contemporary response it draws on the 19th Century Victorian development in the area in terms of its elevation finish and fenestration pattern and detail. The crisp render walls inset with aluminium windows that offer the scale and vertical emphasis aligned with historic buildings around is considered a success. At ground floor interest is added via the introduction of a modern grey composite panel detail. The roof form is a simple low-pitched gable finished in seamed metal, set behind a parapet detail, which also appears to sit comfortably within the context.

In regard to general scale and massing the buildings footprint is maintained to that previously sought, being 13 metres wide by 8.5 metres deep. This comfortably fills the plot. The height has been reduced with the scheme now being two-storey rather than three-storey and where it was 8 metres to the top of the parapet on the Northern end it is now 6 metres. Similarly the apex of the gable has reduced from around 9.75 metres to 7.5 metres. The reduced scale is considered to sit comfortably within the site, which requires a sensible degree of massing in order for the development to relate to the adjacent buildings that are all of a notable scale.

The original submission had a horizontal appearance due to there being a single eaves line running through the scheme, a lack of vertical emphasis in the elevation and the use of a shop style window for the ground floor of each unit. Following negotiation the scheme has been amended to reflect concerns about fitting the design into its context. The ground floor window proportions now relate to the prevailing context, the elevations have a vertical emphasis and each unit steps up so as to remove the single eaves line that generated horizontality.

In relation to the historic context it is considered that the proposal would now enhance the character or appearance of the Conservation Area and hence the visual implications of the scheme are acceptable.

Neighbour amenity issues:

Amenity issues centre on the impact upon adjacent occupiers to the site, in relation to the potential loss of privacy, loss of light or outlook, or creation of an overbearing relationship.

It is unlikely that properties/occupants to the rear (Winner Hill Road), to the South (Number 143), and to the East (across Winner Street), would experience any notable change in the levels of amenity afforded them. This is due to the relationship between buildings, such as the distances involved, local topography, lack of window openings etc. The only notable relationship for consideration is therefore that to the North, with the occupiers of residences within 151 Winner Street.

Firstly in regard to any potential loss of privacy, the proposed building lacks any form of side facing windows or doors looking towards No. 151. This affords protection against direct inter-looking between rooms within the proposed and existing buildings. Over looking from the raised courtyard gardens set at first floor level to the rear (which respond to the sloping topography) is also restricted. The plans show that these areas are bounded by 2 metre high partition walls, which afford privacy between each unit and with the properties adjacent. This border treatment is considered to remove any potential overlooking into rooms within Number 151 and hence, it is judged that local privacy levels would remain largely unaffected by the development.

In regard to loss of light, outlook and the potential for the creation of an overbearing relationship, such issues are all closely entwined and centre on the relationship and distance between buildings and the massing of the proposal. Previously the three-storey building proposed in 2012, which was 8 metres to the eaves and nearly 10 metres to the apex, across a depth of 8.5 metres, was considered to result in unacceptable implications. The question is now whether the revisions to the scheme have overcome these concerns.

The revised scheme has been reduced by one storey and is now a two-storey

building, which is now 6 metres in height to the parapet and a further 1.5 metres to the ridge line at its northern end. The distance between this flank wall to the sensitive section of the adjacent properties (i.e. where the windows are set) is 3.5 metres.

Following the revisions the 2nd floor unit at No. 151 appears to be unaffected, as the outline of the building has dropped below the two windows set on this floor.

In regard to the 1st floor unit at No. 151, the drop in height of the revised building brings the outline of the roof largely in-line with the two windows that serve a lounge and kitchen. The revised relationship is far more comfortable than that previously considered and across a gap of 3.5 metres it is considered that the amenity of the occupiers would be substantially protected.

At ground floor level it is apparent that a building to the scale proposed will have some form of impact upon the light and outlook offered to inhabitants through the two windows. The window towards the front of the building is a light-well to a habitable room which offers light rather than outlook. The window to the rear serves a kitchen area. The proposal includes a 3.5 metre gap to these windows, with a building to a reduced scale of building. It is considered that the reduced scale of building will provide a practical arrangement that limits the likely impact upon the adjacent occupants.

It is noted that historically a building of similar or larger scale would have occupied the plot and it is reasonable, given the brownfield nature of the site and the sustainable central location, that the site be developed. The scale has been negotiated down to two-storeys in order to find the balance between protecting living conditions and enabling the development of the site to come forward.

Highway parking and traffic matters:

The issues relate to the loss of the existing parking provision and the suitability of the resultant use without supportive on-site parking.

Firstly the loss of the six parking spaces, which are currently rented from the Authority rather than openly available as public spaces, is considered acceptable, as there is provision for public and contract parking in close proximity in the Crown and Anchor Way car park and other central car parks. The current provision, although offering a local service, can be met elsewhere locally with little impact.

The provision of residential units without accompanying parking is commensurate with the local character of this central area and sits comfortably with the expectations of town centre living. Considering the central location it is accepted that the development does not necessarily require any on-site parking provision as any occupants would be served by good local transport links and access to key facilities.

The Authority's estate office accept the potential loss of parking through redevelopment and the Authority's transport team does not oppose the development provided suitable cycle parking is included along with contributions to infrastructure works in-line with the scale of the development (as outlined within the adopted SPD).

S106/CIL -

The application will provide three residential units, which would create additional pressures upon local physical and social infrastructure, costs which can be recouped as sanctioned by Section 106 of the 1990 Planning Act. The Council's adopted SPD *Planning Contributions and Affordable Housing: Priorities and Delivery* outlines the levels for contributions for varying forms of development. Considering current guidance the following levels of contribution are triggered;

Contributions triggered by three residential units within the 55-74m2 category:

Sustainable Transport:	£4811
Greenspace & Recreation:	£3011
Education:	£ 881
Lifelong Learning:	£ 311
Waste & Recycling:	£ 150

South Devon Link Road: £1395 (obtained by deducting this amount from the sustainable development contribution types listed above)

The applicant has confirmed that he accepts the need to enter into a S106 Agreement on the terms outlined above.

Conclusions

The site is a highly sustainable brownfield site and clearly holds development potential.

The revised scheme now provides a suitable form of development that would create a positive contribution to the streetscene by removing an uncharacteristic gap.

The scale, which was previously considered imposing upon neighbouring occupiers, has been reduced to an acceptable level.

If minded to approve it is recommended that conditions should be attached covering the following matters:

- Submission of materials

- Detailed design drawings
- Archaeological matters

Relevant Policies

- HS Housing Strategy
- H3 Residential accommodation in town centre
- H9 Layout, and design and community aspects
- ES Employment and local economy strategy
- SS Shopping strategy
- S4 Secondary shopping frontages
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings
- TS Land use transportation strategy
- T25 Car parking in new development
- W7 Development and waste recycling facilities
- CFS Sustainable communities strategy
- CF6 Community infrastructure contributions
- CF7 Educational contributions