

Application Number

P/2013/0187

Site Address36 Preston Down Road
Paignton
Devon
TQ3 2RW**Case Officer**

Mr John Burton

Ward

Preston

Description

Formation of 12 dwellings comprising 7 houses and 5 apartments with associated external works and infrastructure, vehicular and pedestrian access

Executive Summary/Key Outcomes

The proposal makes good use of a site with established residential permission and, at 12 units the development reflects the density which was previously approved (albeit in a block of flats) under planning reference P/2006/1508. The site has lain undeveloped for a number of years and this scheme will make efficient use of a brownfield site in a sustainable location.

Although the tenure as affordable housing is not one that can be restricted (given that only 12 units are proposed) the applicant's stated intention is to provide much needed affordable housing on this site. As such the 106 will provide for this intention and in the event that affordable units are not provided the usual planning contributions will apply.

The design and appearance provides a principle villa form to the flats at the front of the site and a number of dwelling houses to the rear of the site. This relates well with the predominant urban grain and form with a number of semi-detached and detached villa's with development behind being characteristic of this part of Preston Down Road. The dwellings to the back of the site are set back substantially from the street.

The relationship with neighbouring properties requires careful consideration, however, the view reached is that, given the back to back distances and side to back relationships proposed, the development is acceptable in this regard, subject to appropriate boundary treatment and landscaping.

There are a number of minor outstanding matters in relation to the detailed design of this scheme. These relate to the need to refine the elevations to emphasise the villa form of the main block (A) and to emphasise the subservience of the rear block (B). In addition, there is a need to vary the landscaping scheme to ensure that this fully complements the development and

is manageable in the longer term.

It is considered on its merits, that this scheme is acceptable for approval.

Recommendation

Conditional Approval, delegated to the Executive Head of Spatial Planning subject to; 1) the refinement of the design of the elevations to the villa (block A) and the rear dwellings (block B) and minor variations to the landscaping strategy, and; 2) subject to the views of highways and the response of the architects to the suggestion of moving plot 12 forward on the site, and; 3) subject to the completion of a s106 legal agreement (in respect of the options to either deliver affordable housing and any relevant contributions or provide the full range of SDLR and sustainable development contributions) by 17 May 2013.

In the absence of a completed 106 legal agreement by 17 May, the application will be returned to committee for reconsideration.

Statutory Determination Period

This is a major application for which the decision due date is 17th May 2013. Given the Government's clear stated ambitions to secure quicker permissions for major development it is important that this application is approved within the 13 week time period if at all possible. However, if the s106 is not completed by 17 May then rather than refuse an application for affordable housing it will be returned to the next available committee meeting for further consideration.

Site Details

Vacant site of the former Meadowfield Hotel on the eastern side of Preston Down Road, opposite its junction with Langdon Road, now with planning permission for residential redevelopment.

Relevant Policies -

Torbay Local Plan 1995-2011 -

- H2 New housing on unidentified sites
- H6 Affordable Housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- CFS Community Infrastructure Strategy
- CF6 Community Infrastructure Contributions
- CF7 Education contributions
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T25 Car parking in new development
- T26 Access from development onto the highway.

Detailed Proposals

Permission is sought for 2 blocks of residential dwellings on the site, the first roughly in line with the established building line on this part of Preston Down Road and the second behind towards the rear of the site. A new access way into the site is shown and 17 car parking spaces are indicated as a mixture of garaging and surface parking. Some landscaping is provided around the dwellings to soften the scheme.

Summary Of Consultation Responses

Torbay Development Agency (Affordable Housing Unit) Make the following comments: of the 12 units in this application, 6 are proposed to be larger affordable family homes, which is a strategic priority for Torbay.

As of Tuesday 19th March 2013 there were 3024 households on the housing waiting list for rented accommodation and 385 for shared ownership accommodation. The homes in this application have achieved Government funding to ensure that they are all affordable and will be used to house families from Torbay council's housing waiting list which is to be commended. These homes will help meet the needs of local people in housing need and also meet the strategic priorities of Torbay Council, therefore Housing Services are fully supportive of this application.

Environmental Health Officer Views on the submitted contamination assessment report still awaited

Highways / Strategic Transport Highways raise no objection in principal providing confirmation that a visibility splay of 43m at 2m back from the junction can be achieved at the proposed access onto Preston Down Road in both directions. This distance can be reduced if it can be shown by the Applicant that the 85th percentile speed is less than 25mph, in which case the distance required would be 33 metres, or if under 20 mph just 25 metres, as specified in Manual for Streets. Any hedging or boundary wall at the access should also be less than 0.6metres so as not to obstruct visibility.

Given the close proximity to the road of the properties at the rear, Highways would also consider the access road as private parking courtyard and so maintenance and use not to be the responsibility of this Authority. This is particularly relevant to the eventual management and control of the use of visiting parking bays and ongoing maintenance of landscape areas and road surface.

A sustainable transport contribution is required which will be used towards footway improvements opposite the site and cycle network enhancements that will connect the area with the Torquay, Paignton, and Brixham Town Centres.

This accords with the Local Authority policy document aiming to improve sustainable transport opportunities and enabling travel by sustainable modes,

particularly for short journeys. The works are described within the Local Transport Plan 3, Devon and Torbay Strategy 2011-2026 and is a Foundation Scheme detailed within the Local Transport Plan 3 Implementation Plan (Part B: Torbay) March 2011, section 7 – particularly 7.4.

Summary Of Representations

Representations have been received from the neighbouring occupiers at 9A, 13 and 15 Preston Down Road:

The issues raised in the representations are as follows:

Overdevelopment of a restricted site
Highways impact of the additional dwellings
Over dominance / over bearing impact on neighbouring residents
Opportunity to reduce impact of plot 12 on 9a Headland Park Road by moving it forward on the site
Overlooking to properties at rear and side
Number of parking spaces
Design / three storey nature of the properties
Land contamination

Relevant Planning History

P/2010/0794	Non material amendment - Amendments to design of plots 2 and 3 to application P/2008/1296/PA. Approved 17/08/2010
P/2008/1296	Residential development to form 8 houses with vehicular/pedestrian access. Application Permitted.
P/2008/1030	Sub division of apartment no.12 into 2 no.1 bedroom flats. Application Permitted.
P/2007/1132	Variations To Elevations And Site Layout (Ref App P/2006/1508/PA). Application Permitted.
P/2006/1508	Demolition of hotel and erection of 12 apartments with vehicular/pedestrian access. Approved 21/12/2006
P/2006/0911	Demolition of hotel and erection of 12 apartments with vehicular/pedestrian access. Presented to Committee 31/7/2006 and subsequently withdrawn to allow for negotiations on design.
ZP/2006/0548	Pre-application enquiry to determine the likelihood of permission being granted for the redevelopment of the site with 12 flats, 15 parking spaces and a cycle store. Decision letter dated 6/6/2006 stated that planning permission would be likely to be granted, in principle, subject to seeing the detail of the scheme.
P/2001/0013	Erection of extension to form laundry and stores. Permission granted 23/2/2001.
P/1991/1460	Two storey extension to form 2 flats for owners'

P/1987/O539 accommodation. Permission granted 2/12/1991.
Ground floor and second floor extensions, erection of covered swimming pool and alterations to vehicular access. Permission granted 8/9/1987.

Key Issues/Material Considerations

Principle

The principle of the loss of the hotel has already been established and the hotel has now been demolished. Indeed 12 residential units have already been established on the site with the 2006 permission, albeit that the consent at the time was for apartments. This application seeks consent for a different layout of the site and different appearance for the properties. The continuation of the 2008 consent for dwelling houses as well as flats on the site is welcomed.

Density

This application proposes 12 residential units on an area of approximately 0.17 hectare which roughly equates to 71 units to the hectare. Although this is high, it equates to the permission already granted in 2006. The primary consideration has to be whether or not the density would unduly impact upon any neighbouring property or the prevailing character such that it is considered unacceptable.

In this instance the dwellings are not positioned such that it could be concluded that the site is being overdeveloped. The development follows the general stepping down of roof heights along Preston Down Road, the height and bulk of the apparent development in the street is typical of its surroundings and of recent consents on the site. Further discussion on the relationship between the proposed development and surrounding buildings follows below.

Residential Amenity

The living conditions of the adjacent occupiers are an important consideration here. The development will take a similar approach to the scheme for 8 houses approved in 2008, with frontage development on the Preston Down Road and a block of dwellings to the rear.

The rear block of dwellings sits further back into the site than the previous approval for 8 units (as shown dotted on the layout plan). This will alter the relationship with the properties behind on Headland Park Road and to the sides at 34 Preston Down Road, 9a Headland Park Road and 15a Headland Park Road.

It is understood that the trees to the rear (off site) may be removed in the near future (one of the representations refers to the desire to see these trees removed). These trees currently screen the existing properties at Nos 11 to 15 Preston Down Road from the new development. However, the back to back distances will remain more than 30 metres to the rear, even with the

development moving back into the site towards Headland Park Road. Although the proposed dwellings to the rear are at 3 storeys, the height is not distinctively different to the prevailing height in the area given that the existing villas include much higher floor to ceiling heights. In addition the proposed 2nd floor accommodation is set within the roof of the new development.

The relationship with the properties to the side also demands consideration. The side elevations of plots 7 and 12 do not include windows (there is a ground floor access door only) and this assists in protecting privacy of the adjacent properties. In addition, the side to back relationship is mitigated by the inclusion of Dutch hips to the sides of the roofs and the insertion of the 2nd floor of the dwellings into the roofs.

The relationship between properties can be judged at the committee site visit, but officer's view is that this is acceptable.

The residents at number 9a have requested that consideration be given to moving forward plot 12 to align with plot 7. This would reduce the impact on 9a and bring plot 12 closer to the approved site of the dwellings under the 2008 approval. This would impinge upon the side access to plot 12 and would result in a different relationship with No. 34 Preston Down Road. The architects have been asked to explore this request and provide a response, which will be reported at the committee meeting.

Layout and Design

The layout roughly follows that established by the previous consents, and is not considered to be a cause for concern. The units are slightly smaller than previously granted permission, but this allows for a greater degree of landscaping on the site. Although some of the end units would be positioned close to party boundaries, they have been designed such that there would not be any loss of privacy through overlooking, nor loss of light. The end units do allow for access to the sides of the properties, but this is fairly standard with most proposals for dwelling houses.

The design and appearance provides a principle villa form to the flats at the front of the site and a number of dwelling houses to the rear of the site. This relates well with the predominant urban grain and form with a number of semi-detached and detached villa's with development behind being characteristic of this part of Preston Down Road. The dwellings to the back of the site are set back substantially from the street.

There are a number of minor outstanding matters in relation to the detailed design of this scheme. These relate to the need to refine the elevations to emphasise the villa form of the main block (A) and de-emphasise the return rear wing of the villa. In addition to emphasise the subservience of the rear block (B) by reducing the use of strong gables and balconies and pairing down the

treatment of the main elevation. In addition, there is a need to vary the landscaping scheme to ensure that this fully complements the development and is manageable in the longer term.

Land Contamination

The representation from the neighbouring objector at No. 13 Headland Park Road cites concerns relating to land contamination. This stems from the submitted geo-technical report on ground conditions which lists Benzo-a-pyrene as a substance that is present on the site.

The applicants have stated that negative pressure tenting will not be required given the very low levels of contamination that have been discovered. The usual dust suppression techniques are therefore envisaged to be more than adequate during the remediation process.

Given the importance of protecting local receptors and ensuring that appropriate techniques are used to remediate / cap any contaminated land, the views of the Environmental Health Officer in this respect will be reported at the committee meeting.

Ecology

The ecological report submitted with the application finds very limited habitat of value for birds, mammals, reptiles or bats and no substantive evidence of any protected species on the site. The recommendations in the report include a condition to control scrub clearance (to be outside of the bird breeding season) and to include new planting within the landscaping scheme that is a positive benefit for biodiversity. The landscaping scheme is to be re-visited to ensure that this advice has been pulled through into the scheme.

Car Parking

The site provides for 17 spaces to serve the 12 dwellings. These are a mixture of garaging and surface parking. Technically the site should have 18 spaces, although the standards within policy T25 of the Saved Adopted Torbay Local Plan state that 2 1/2 spaces per unit is a maximum that should be allowed. The site is within walking distance of Preston shops and a complete range of facilities as well as being on a bus route.

A number of representations cite parking as a concern, the view expressed is that the numbers are too high and that this will have an impact on highways safety and congestion. The views of the highways officer have been requested, but given previous consents, the level of visibility and the number of parking spaces being broadly in line with policy, it is considered that the parking proposed is acceptable. Therefore subject to a legal agreement to secure Sustainable Transport Contributions, the proposal is considered to be acceptable in this regard.

S106/CIL -

It is the Council's policy to seek appropriate financial contributions from developers under s106 of the Town and Country Planning Act 1990 and The Community Infrastructure Levy Regulations 2010. The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. More recently, at Full Council on 6th December 2012, Members agreed to seek contributions towards the South Devon Link Road (SDLR), where it is lawful to do so.

Contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size. Financial contributions will be due for the following items - the South Devon Link Road, municipal waste and recycling, sustainable transportation, Education, lifelong learning, and green space/recreation. It has now been clarified that the contribution towards the South Devon Link Road shall not be an additional cost, but that other sustainable development contributions shall be reduced by a percentage equal to the amount of the SDLR sum, such that the overall burden of contributions is not increased.

The relevant SPD on Planning Contributions does make clear that sustainable development infrastructure contributions will not be sought on social rented housing and a 50% discount will apply to on-site intermediate housing units provided through an RSL. As such the relevant s106 will provide for reduced contributions in the event that affordable housing tenures are delivered on the site. Members are asked to give Officers delegated responsibility for resolving the s106 in line with policy.

Conclusions

This proposal is for the provision of much needed affordable housing at a density approved under the 2006 consent. It is not considered that the proposal would lead to any problems with overlooking or loss of light. Car parking is accepted as being appropriate and the access way into the site has been established in previous consents. The proposal is therefore acceptable subject to a Planning Obligation, should one prove necessary. This is also subject to the views of highways, Environmental Health and to the revision of the plans in line with the discussion above.

Condition(s)/Reason(s)

01. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of

the types described in Schedule 2, Part 1 shall be carried out without the prior written consent of the Local Planning Authority.

Reason The site is small and in close proximity to neighbouring properties, and so the Local Planning Authority will need to maintain control over all of the cited developments in the interests of the amenities of the surrounding properties and the area in general.

02. The development hereby approved shall not be used or occupied until all of the garages and/or car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Torbay Local Plan (1995 – 2011) as adopted in April 2004, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

03. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general.

04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason In the interests of the amenities of the area, and to accord with policies BE1 and BE2 of the Torbay Local plan (1995 – 2011), adopted April 2004.

05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar

size and species, unless the Local Planning Authority gives written consent to any variation.

Reason In the interests of the amenities of the area, and to accord with policies BE1 and BE2 of the Torbay Local plan (1995 – 2011), adopted April 2004.

06. Any requirements as may be submitted by the Environmental Health Officer in respect of potential land contamination.

Relevant Policies

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