

Application Number

P/2013/0259

Site AddressBirds Haven
Avenue Road
Torquay
Devon
TQ2 5LS**Case Officer**

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Formation of new dwelling on land adjacent to No. 1 Birdshaven

Executive Summary/Key Outcomes

The application seeks permission for the addition of a single storey dwelling adjacent to 1 Birds Haven. The site is within the Urban Landscape Protection Area (ULPA) and within an area designated as a wildlife corridor. There are also a number of protected trees in the area.

The Arboricultural Officer is happy that the proposal will not have a significant impact on the trees and therefore on the ULPA. The proposal largely overcomes the reasons for refusal resulting from the previous decision on the site (P/2012/0017). The proposed dwelling will not be highly visible in the surrounding area and will not affect the open character of the ULPA.

The site is on the edge of the wildlife corridor and is an open area which is currently maintained by the applicant. As the existing trees will not be detrimentally affected by the dwelling it is considered that the wildlife corridor will not be substantially affected.

Due to the size and siting of the proposed dwelling, which is single storey with a pitched sedum roof, it is not considered that it would be highly visible from the wider area or have a significant impact on the privacy and amenity of neighbouring properties.

Bearing these points in mind it is considered that the proposal complies with policy L5 of the saved adopted Torbay Local Plan 1995-2011 and is acceptable for the granting of a conditional approval.

Recommendation

Site Visit; Conditional Approval; subject to the receipt of upfront payment or the signing of a s106 legal agreement within 3 months of the date of this decision or the application be refused for reason of the lack of a s106 obligation.

Site Details

The site is adjacent to 1 Birds Haven, which forms part of a group of 12 flats which are set out as a courtyard within the grounds of Rowcroft Hospice. This is located off a private road accessed from Avenue Road. The site is within the Urban Landscape Protection Area (ULPA) and a Wildlife Corridor.

Detailed Proposals

The application seeks permission for the addition of a single dwelling within a site adjacent to 1 Birds Haven.

The proposed dwelling is to be single storey with the majority of the building being timber clad with pitched sedum roofs, so as to limit its impact in the location in which it is to be sited.

The site is to be accessed off of the existing private driveway rather than the car park so as to not increase the number of vehicle movements to and from the car park.

Summary Of Consultation Responses

Arboricultural Officer: has confirmed that the scheme is suitable for approval on arboricultural merit, provided that a pre-commencement condition is added.

Highways Officer: have no objections to this application as the road is private and un-adopted.

Strategic Transportation: request that the SPD is applied to provide a contribution towards improvement of the walking and cycling routes surrounding the site, which need to be improved to facilitate good, safe sustainable access to this site from the town centre and harbour.

The site is close to proposed local and national cycle routes linking the outskirts of the town via the hospital and Torre to the town centre and beach front.

Summary Of Representations

One letter of representation has been received in relation to the application. This related to the impact on wildlife and trees on the site.

A letter of support was received from the applicant.

Relevant Planning History

P/2012/0017 - Formation of 1 dwelling on land adjacent to 1 Birdshaven, Torquay - Refused by DMC 07.06.2012

P/2010/1388 - Scotts Meadow - Residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (In Outline); Refused by DMC 17.10.2011 - Appeal Granted - Development within the ULPA

P/2008/1350OA - Formation of 3 detached dwellings with access road (in outline) Land Adjacent The Stoep, Dartmouth Road, Paignton - Approved by DMC 28.11.2008 - Development within the ULPA

P/2001/0246 - Erection Of Single Dwelling Unit - Birds Haven - refused and subsequent appeal rejected 21.02.2001

P/2000/0924 - Erection Of Single Dwelling Unit - Land Adj 1-4 Birds Haven Land Adj - refused 22.06.2000

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the ULPA and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The main consideration is the impact it would have on the character and appearance of the ULPA. In the application which was refused at appeal (P/2001/0246) the Inspector's main issue with the proposal was the impact it would have on the protected trees and the associated affect on the ULPA. The Arboricultural Officer has confirmed that the submitted scheme is acceptable and the proposed Arboricultural Impact Assessment, Outline Method Statement and Tree Protection Plan overcome the Inspectors previous reasons for refusal.

The most recent application (P/2012/0017) was refused due to its size, design and impact on the ULPA. This revised application provides a smaller and less dominant design than previously refused, with the use of pitched sedum roofs reducing it visual impact.

The proposal has been specifically redesigned (with pitched sedum roofs, a reduction in footprint, changes to siting and orientation), to have a very limited impact on the ULPA and would not be highly visible in the wider streetscene. The development will therefore maintain the open element of the area and the quality it provides to the urban environment.

The proposed dwelling is not considered to have a significant impact on the privacy and amenity currently enjoyed by the occupiers of neighbouring properties due to its size and orientation.

Having given consideration to the above points and the most recent refusal of planning permission on this site, the proposal now complies with the relevant saved adopted Torbay Local Plan (1995-2011) policies and in particular policy L5, which relates to development in ULPA's. It is therefore deemed acceptable for conditional planning approval.

S106/CIL -

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

Contribution for dwelling:

Waste Management	£50.00
Sustainable Transport	£2,710.00
Lifelong Learning	£410.00
Greenspace and Recreation	£2,370.00
South Devon Link Road	£975.00
TOTAL FOR DEVELOPMENT	£5,540.00
5% Admin Charge	£5,817.00
Upfront Payment -5%	£5,526.15

Conclusions

The proposed dwelling is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations particularly policy L5 of the saved adopted Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. Landscaping and tree protection conditions
02. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.
Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011
03. Prior to the occupation of the dwelling hereby approved, suitable bin and cycle storage facilities shall be provided in accordance with details that shall have previously been submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of the area and in order to comply with policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
L5 - Urban Landscape Protection Area
H9 - Layout, and design and community aspects
NC4 - Wildlife Corridors