

**Application Number**

P/2013/1125

**Site Address**

Snooty Fox  
89 - 91 Fore Street  
St Marychurch  
Torquay  
Devon  
TQ1 4PZ

**Case Officer**

Matt Diamond

**Ward**

St Marychurch

**Description**

Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698)

**Executive Summary/Key Outcomes**

The proposals are to build a four storey block of flats comprising 14 no.1-bed flats and 13 no. 2-bed flats (27 in total) on undeveloped land behind the Snooty Fox public house, Fore Street, St Marychurch. This is a revised scheme following the refusal of application P/2013/0698.

Planning permission was obtained in 2005 to redevelop the wider area behind the Snooty Fox, but this part of the site has remained unimplemented. The applicants have cited economic factors for this and consider flats to be more economically viable. Whilst the application seeks 8 more units on this part of the site than the 2005 permission, the number of bed spaces would remain the same, at 40 bedrooms, due to the smaller size of the units.

The design of the proposed development is considered to be acceptable. It would be orientated to face the informal parking area behind the Snooty Fox, which would enhance the safety and security of the area through natural surveillance. The site is large enough to accommodate a building of this scale; its footprint would be slightly smaller than the substantial extension buildings that previously occupied the site and it would be lower in height than the Snooty Fox. Its third (top) storey would be set back from the front and rear elevations to be less visible at ground level, it also steps down in height to three storeys to the east to fit in with the adjacent property. It would have a flat roof and contemporary architecture. It would be primarily rendered white, which fits in with the character of the area.

The impact of the proposed development on the amenities of neighbouring

properties has been assessed, with particular attention given to Nos. 4C, 4 and 6 Rowley Road to the south of the site which are at a lower level. A substantial wall provides screening between the site and these properties, and this would be retained in the proposals. The design includes privacy screens on the rear balconies to avoid overlooking of these properties. It is considered that the proposed development would not have an adverse impact on the outlook, privacy, daylight and sunlight of these or other properties.

This application has responded to the reasons of refusal of the previously refused application (ref. P/2013/0698) by relocating the building 2.2 metres further away from the rear boundary wall and adjoining lower level properties on Rowley Road, and increasing car parking provision from 11 to 14 spaces. This has improved the relationship of the development with the adjoining properties and ensured one parking space is available for each 2-bed flat. It has also improved the level of amenity provided to the rear ground floor flats.

The proposed development would be a low car development, with 1 parking space for each of the 2-bed flats plus 1 visitor space. Whilst no parking would be available for the 1-bed flats, this is acceptable in this location due to the close proximity of the District Centre and opportunities to use public transport. A Travel Plan would need to be conditioned to encourage the use of sustainable modes of travel. Cycle parking would be provided, but a condition is required to increase provision from 14 to 20 spaces. Direct access from the site to the district centre would be possible using the route to the side of the Snooty Fox.

An independent viability assessment has been carried out concluding that it would be unviable to provide any affordable housing in the scheme. However, it is viable to provide £42,745.50 towards site acceptability and sustainable development contributions. In this case officers have taken the unusual step of considering using the funds to part gap fund the project for the redevelopment of Pavor Farmhouse, to the north of the site, which is within the same ownership. This site is a derelict listed building that recently gained planning permission to convert it into two dwellings. However, it requires external funding in order to be developed, given the viability gap of some £90,000.

Having given consideration to the merits of the scheme, in relation to, i) the provision of 27 units of modern residential accommodation, ii) the improvement of the existing built environment, iii) the resolution of the amenity impact on neighbouring occupiers, iv) the provision of an appropriate level of car parking and v) the opportunity to restore Pavor Farmhouse; the scheme is considered to be acceptable for planning approval.

### **Recommendation**

Conditional approval delegated to the Executive Head of Spatial Planning to detail the wording of conditions and to add any further conditions as necessary; and, subject to the signing of a section 106 agreement securing £42,745.50

towards the redevelopment of Pavor Farmhouse as enabling funding and including a clause for the completion of a schedule of works to Pavor Farmhouse prior to the completion of the Snooty Fox development. The agreement to be signed within 13 weeks of the valid application being submitted, or the application be refused for the lack of a s106 agreement.

### **Statutory Determination Period**

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 05.11.2013. The 13 week determination date is 05.02.2014.

### **Site Details**

The site is a backland site to the rear of the Snooty Fox public house, Fore Street, St Marychurch. The area of the site is 0.14ha. It formerly comprised a number of large rear extensions to the Snooty Fox that were used as function rooms in the past, but had been disused and semi-derelict for a number of years. These buildings have been demolished recently leaving rough open ground and exposing the remaining rear extensions to the Snooty Fox. To the north, the site includes an informal parking area used by occupiers of the surrounding residential properties, including Colsons Cottages which front onto the site to the north. Vehicular access is provided via an unsurfaced track linking to Petitor Road to the northeast. The site has an untidy appearance, which is hindered further by the unattractive appearance of the rear of the Snooty Fox.

The site is bounded by: Colsons Cottages and the rear gardens of properties fronting Petitor Road to the north; the access track and side elevation of a recently developed residential property to the east; the rear gardens of Nos. 4C, 4 and 6 Rowley Road (semi-detached houses) and blank rear elevation of Rowley Court (residential courtyard development) to the south; and the rear of the Snooty Fox and other three storey buildings fronting Fore Street to the west. Two other residential properties are accessible from the informal parking area to the west of the site: 1 and 2 Petitor Apartments.

A high stone wall topped with ivy runs along the southern boundary of the site adjacent to Nos. 4C, 4 and 6 Rowley Road. These properties are approximately 2 metres lower than the site, with part raised rear gardens. The wall is approximately 4 metres high measured from the site and just over 6 metres high measured from the ground level of Nos. 4C, 4 and 6 Rowley Road. The top of the wall is generally level with the eaves of these properties.

The site is located within St Marychurch District Centre and the St Marychurch Conservation Area, as defined in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). The site is also located within a Traffic Management Zone (TMZ).

### **Detailed Proposals**

The proposals are to erect a four storey block of flats comprising 14 no. 1-bed

flats and 13 no. 2-bed flats (27 in total), with associated car parking.

The application is the first revision of previously refused application ref. P/2013/0698. It proposes to relocate the building 2.2 metres further forward on the site, away from Nos. 4C, 4 and 6 Rowley Road. It also proposes 14 car parking spaces for the flats instead of 11.

As before the building would be sited in the same location as the former extensions, but would cover a smaller area than the extensions being between 5 and 7 metres away from the southern boundary wall. The building would step down to three storeys to the east behind 6 Rowley Road to fit in with the height of the adjacent residential property. The third floor would be set back from the front and rear elevations, so that it is less apparent/visible at ground level. There would be 8 flats on each of the ground, first and second floors (4 to the front and 4 to the rear) and 3 flats on the third (top) floor.

The rear ground floor flats would have small gardens adjacent to the boundary wall, whilst the flats above would have balconies with 1.8 metre high privacy screens (first and second floors) to prevent overlooking of Nos. 4C, 4 and 6 Rowley Road. The third floor flats would also have rear balconies with a 1.2 metre high parapet wall and low level privacy screen atop to prevent any overlooking. The rear gardens of the ground floor flats have increased in size from the refused application.

The parking area to the north of the site would be retained and 18 marked out car parking spaces created (14 for the flats and 4 for Colsons Cottages). The vehicular access from Petitor Road would also be retained and resurfaced, with the addition of 4 more car parking spaces for use by surrounding properties. A gated pedestrian footway would be provided to the side of the Snooty Fox building leading to Fore Street. The main entrance to the building would face the parking area, whilst a secondary entrance would open onto the side footway. A bin store would be provided to the rear of the building adjacent to the footway and a cycle store provided for 14 bicycles.

The building would have a contemporary appearance, primarily white render walls with some timber panelling and a standing seam zinc flat roof. The height of the building would be 10.8m (12m including the lift shaft), stepping down to 8.6m to the east.

An independent viability assessment has been carried out showing that it is not economically viable to provide affordable housing as part of the scheme, partly due to the location of the development and quality of the surroundings; this also took into account that the existing access from Petitor Road would be resurfaced. It has also been agreed with officers that should the application be approved the available contributions generated by the scheme will be used towards enabling the redevelopment of Pavor Farmhouse, a derelict listed building on Fore Street

about 600 metres north of the site within the same ownership. Planning permission was granted recently to redevelop the listed building as two dwellings (refs. P/2013/0688 & 689), but an independent viability assessment showed that this scheme was not economically viable without additional external funding.

### **Summary Of Consultation Responses**

*Housing Services:* It would have been preferable if the site was retained for the completion of the development granted planning permission in 2004, as it would have delivered 12 affordable housing units. As the available contribution of approximately £42,000 has not been made available for affordable housing, the proposal would not assist in meeting Torbay's affordable housing need, which as of 23rd September stands at 3,115 households on the waiting list for rented accommodation and 323 for shared ownership.

*Highways/Strategic Transportation:* Highways and Strategic Transportation support the scheme. 20, not 14, secure covered cycle spaces are required. The proposed level of car parking could work in this location; however, the development must be promoted as a 'low or no' car development with first class provision of facilities for alternative travel and assistance to use them. Hence, a Travel Plan would be beneficial, which will help alleviate potential pressures for on road parking in part.

A sustainable transport contribution of £40,004.00 is required towards the provision and enhancement of cycle links in the vicinity of the site.

The parking proposes along the access road should not be formalised and the access road should remain loose and informal to help slow traffic. A give way line is required at the junction with Petitor Road.

*Engineering:* Drainage: The applicant has indicated that surface water from the development will drain to the main sewer system, however there is no indication a sustainable drainage option has been investigated. Soakaways should be investigated by carrying out trial holes and infiltration tests. If the ground is suitable the soakaway should be designed in accordance with Building Research Establishment Digest 365 and cater for the critical 1 in 100 year storm event plus an allowance for climate change. If the ground is unsuitable the developer should investigate the possibility of draining to the sewer system, which would have to be approved by South West Water. Details of infiltration tests must be submitted before planning permission can be granted.

*SW Water:* No objection.

*Building Control:* Unclear how staircase is ventilated, which will have implications on window design or vents for each floor. The hammerhead turning point for the fire brigade does not appear to comply with Table 20 and diagram

50. It is unclear where the boundaries are. Radon measures should be provided unless test data proves otherwise. Check public sewer locations with South West Water. Any drainage on the site should be investigated. The area for the proposed bin storage should be enclosed.

*Police Architectural Liaison Officer:* Disappointing designing out crime is not addressed in Design and Access Statement. The development should be built to Secured by Design (SBD) standards. Inadequate parking for the quantity of apartments, which may cause conflict. The parking bays should be marked as being allocated to the development and existing properties. The parking area has good surveillance from the front aspect of the development. The side access is not overlooked. A robust lockable gate no less than 1.8m high should be fitted at each end and as near to the building line as possible to prevent a recess and hiding place. This area should only be accessible by residents and should be well lit. External lighting should also be installed over the car parking area and main entrances. There should be no public access to the rear of the block. The access path adjacent to the Snooty Fox will need a robust lockable gate fitted for use by residents only. A tradesman entrance should be discouraged. A through the wall system should be considered for post. There should be no access onto the adjacent flat roof. Drainpipes should be designed so they cannot be climbed - flush fitted. The bin store should be made secure. Balconies should be designed to exclude handholds for climbing. The local Police report that they have not encountered many issues with the location.

The following consultation response was received for the previously refused application ref. P/2013/0698:

*RSPB:* There may be opportunities to enhance the biodiversity of the site by integrating next boxes suitable for swifts into suitable locations on the side elevations. These boxes should utilise the maximum height of the building with clear airspace below. They may also be used by crevice roosting bats.

### **Summary Of Representations**

The application was publicised on 14.11.2013; therefore, the 21 day publicity period shall end on 05.12.2013. At the time of writing this report 9 days remain of the publicity period.

13 objections have been received to date (9 proforma letters). However, 45 people objected to the previously refused application (ref. P/2013/0698) and 10 people supported.

The following issues have been raised in objections to the current application:

- Overdevelopment
- Added traffic congestion
- Inadequate and inappropriate access

- Loss of privacy from overlooking windows and balconies
- Loss of light from higher roof line
- Overcrowding in restricted area
- Not enough parking - cycle parking provision will not stop vehicular access and traffic will remain a major problem
- Application does not state use of flats
- Access must be maintained to existing properties - access lane not owned by developer
- Concerns with safety of vehicular access onto Petitor Road from more traffic
- Impact on the conservation area
- Site already benefits from a previous planning consent to tidy the area
- Party walls, access routes and services need to be clearly defined and legally approved, as it may affect neighbouring properties
- Access for emergency vehicles and other services
- Revised plans have not changed from refused application – moving building by a few feet will not solve anything
- No change to size or design of building
- Building would still dominate skyline and impact privacy/light of Nos. 4C, 4 and 6 Rowley Road
- People standing on balconies will be able to view into windows of Nos. 4C, 4 and 6 Rowley Road
- Any new building should be no higher than existing boundary wall
- New building will be visible from Rowley Road and as far as main road (possibly Model Village) due to height
- 14 spaces is still inadequate for 27 flats
- 8 additional parking spaces for existing residents should be disregarded as these spaces are already in place
- No funds to introduce CPZ in area
- Car parking proposed on land developers do not own
- No s106

The following issues were raised in objections to the previously refused application (ref. P/2013/0698):

- Overcrowding
- Not enough parking
- Impact on privacy
- Access must be maintained to existing properties
- Concerns with safety of vehicular access onto Petitor Road from more traffic
- Impact on the conservation area
- Site already benefits from a previous planning consent to tidy the area
- Party walls, access routes and services need to be clearly defined and legally approved, as it may affect neighbouring properties
- Access for emergency vehicles

- Not against principle of redevelopment, but proposals are considered to be an overdevelopment
- Height and scale of the proposals is out of context and would be overbearing
- Loss of light
- Concern the site is properly drained
- Design not in keeping with surroundings
- Lack of amenity space and soft landscape
- Impact of construction vehicles on local roads
- Noise
- Light pollution - impact on neighbours
- Lack of energy efficiency measures
- Impact on infrastructure
- Lack of affordable housing
- Impact on archaeology
- Impact on boundary wall

The following issues were raised in support of the previously refused application (ref. P/2013/0698):

- Will clean up the building and surrounding areas
- Will improve the safety of the area

The representations will be sent electronically for Members consideration.

### **Relevant Planning History**

- |                  |  |
|------------------|--|
| P/2013/0698/MPA: | Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats and associated parking, following demolition of existing buildings: Refused 21.10.2013 |
| DE/2013/0025:    | Further details to follow (Pre-application Enquiry): Pending consideration   |
| P/2012/0654/CA:  | Demolition of part of rear section of building: Approved 01.10.2012  |
| P/2012/0471/PA:  | Formation of 2 dwellings for plots 33 and 34 with vehicle and pedestrian access - works commenced: Approved 13.08.2012   |
| P/2008/0597/PA:  | Alterations to previous approval (ref app no P/2004/2047/MPA) from 2 no 4 bed dwellings to 4 no 2 bed flats with alterations and extensions: Approved 02.06.2008                               |

- P/2004/2047/MPA: Alteration, Demolition In Part, Extension, Erection Of Dwellings To Form 41 Dwellings And 2 Shops (As revised by transport statement submitted 15/2/05 and plans received 21/2/2005): Approved 08.03.2005
- P/2001/1391: Residential Development To Provide 12 Houses With Garages, Car Parking And Vehicular And Pedestrian Access: Approved 26.07.2002
- P/2001/0938: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline) (As Revised By Letter Dated 17 September 2001 And Drawing Nos. 750.02 R1 And 750.03 R1 Received On 18 September 2001): Approved 28.06.2002
- P/2001/0369: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline): Refused 04.05.2001
- P/2000/1187: Revised Plans Depicting 12 Houses Instead Of 14 And Comprising Totally Revised Layout (In Outline) (As Revised By Plans Received 29/11/00 And 12/4/01): Approved 16.11.2001

### **Key Issues/Material Considerations**

The key issues are:

1. Principle of Development
2. Design
3. Impact on Character and Appearance of Conservation Area
4. Impact on Amenity of Neighbouring Properties
5. Parking
6. Access
7. Drainage
8. Levels of Amenity Space and Daylight to Proposed Ground Floor Flats

#### **1. Principle of Development**

The principle of redeveloping the site for residential development is acceptable, as this use has already been approved on the site previously. The Snooty Fox and area behind it, including the application site, was granted planning permission in 2005 for a development to form 41 dwellings and 2 shops. This development consisted of: converting the public house into 2 shops and 13 flats; converting the rear extensions (now demolished) into 19 terraced units (17 no. 2-

beds and 2 no. 3 beds); converting Colsons garage into 4 no. 2-bed dwellings; and creating 5 dwellings to the east (2 no. 3-beds and 3 no. 4 beds).

The 2005 approval has been implemented in part; Colsons garage has been converted into 4 dwellings and the 5 dwellings to the east have been built. The remaining parts of the 2005 permission have not been implemented and it is understood that the owners of the Snooty Fox now wish to retain it as a public house.

The owners of the Snooty Fox and the land behind have sold the central part of the site, subject to this application, to the applicants. During pre-application discussions the applicants stated it was unviable to implement the 2005 permission on this part of the site, which is borne out by the fact that it has remained unimplemented. This is due in part to the economic downturn since 2008. However, the applicants were interested in developing a block of flats on the site, consisting of a greater number of units than the approved scheme, but with a similar number of bed spaces overall. The applicants consider that 1 and 2-bed flats are more economically viable in this location, which has led to the current application being submitted.

There has been a longstanding desire by the Council's Housing Standards Team in Community Safety to tidy up the site (to demolish the rear extensions in particular), due to concerns over the area as an eyesore and health risk to nearby residents. The former extensions were not secure and seen as a fire risk. There had been instances of unauthorised access to the buildings and a bonfire was started in July 2012, which got out of control leading to the fire service being called out. Conservation area consent was obtained to demolish the extensions in 2012 and this has now been carried out.

## **2. Design**

The design of the block of flats is considered to be acceptable. The scale of the proposed development in terms of its height and massing is larger than the terraced and semi-detached housing that characterises the area in general, but is considered acceptable given the scale of the former extensions that occupied the site previously and the height of the Snooty Fox and other buildings which front Fore Street to the west. The site forms part of a substantial backland area that is large enough to accommodate a building of this scale. The building footprint would be smaller than the area covered by the previous extensions, and the height of the building - whilst higher than the previous extensions - would be lower than the Snooty Fox to the west and step down to fit in with the height of the adjacent residential property to the east. The relationship of the building with Nos. 4C, 4 and 6 Rowley Road will be discussed under (4) below.

The density of the proposed development is higher than the 2005 permission for this part of the site, due to the increase in the number of dwellings from 19 to 27.

However, in terms of people, the density of the proposed development is the same as the approved scheme, as both have 40 bedrooms.

The layout of the proposed development is appropriate. It would front onto the parking area to the north, providing natural surveillance of this area, which would enhance the safety and security of the site and its surroundings.

The proposed access arrangements are appropriate, making use of the existing vehicular access onto Petitor Road and providing a pedestrian link to Fore Street to the west, allowing residents to access the District Centre shops and facilities more easily.

In terms of the architectural style of the building, the proposed contemporary design is considered acceptable taking into account the surroundings. The National Planning Policy Framework (NPPF) states that policies and decisions should not attempt to impose architectural styles or particular tastes, however it is proper to seek to promote or reinforce local distinctiveness. It is considered that the proposed materials, primarily white render, would fit in with the character of the area and would reinforce local distinctiveness. There is no reason why a contemporary design would not be appropriate for the site, provided it improves the character and quality of the area.

There is an opportunity to improve the quality of the parking area to the north through appropriate hard and soft landscaping. A detailed landscaping plan has not been submitted with the application, therefore a condition would be required requiring these details to be submitted for approval.

Devon and Cornwall Police has recently appointed an Architectural Liaison Officer who has provided comments on the application. A number of sensible design improvements are suggested. These are minor and can be dealt with via condition.

Therefore, the proposals accord with Local Plan Policies CF2, BES, BE1 and BE5, and Section 7 of the NPPF.

### **3. Impact on Character and Appearance of Conservation Area**

The proposals would not have an adverse impact on the character and appearance of the Conservation Area, as the site is not visible from the surrounding public streets. Representations have been received stating the building would be visible from surrounding streets and possibly the Model Village due to its height, but this would be restricted to glimpses due to existing buildings and trees blocking views. It is considered that the proposals would have a positive impact on visual amenity by enhancing the appearance of the site and improving safety and security. The quality of the parking area could also be improved through an appropriate landscaping strategy, which should be a

condition of any planning approval.

Therefore, the proposals accord with Local Plan Policy BE5, and Section 12 of the NPPF.

#### **4. Impact on Amenity of Neighbouring Properties**

This issue was part of a reason for refusal of the previously refused application (ref. P/2013/0698). In response, the current proposals relocate the building 2.2 metres further away from dwellings to the rear of the site, i.e. Nos. 4C, 4 and 6 Rowley Road. This reduces the impact on the amenities of Nos. 4C, 4 and 6 Rowley Road and is considered to be acceptable. This is explained further below.

Whilst the distance of the proposed development from the dwellings fronting onto Petitor Road is sufficient to maintain their privacy (approx 28 metres), which is improved further by Colsons Cottages and other structures blocking views, the proposed development would be close to the dwellings fronting Rowley Road, which are at a lower level. Therefore, the impact of the proposed development on the outlook, privacy, daylight and sunlight of these properties must be given careful consideration.

Apart from a single skylight, Rowley Court to the south has no rear windows or gardens facing towards the site. Therefore, the proposed development would have no impact on the amenity of these properties. However, Nos. 4C, 4 and 6 Rowley Road all have rear windows and gardens facing towards the site, which could be impacted upon.

The potential for harm to the living conditions of the residents of these three semi-detached properties was identified at pre-application stage and the applicants were asked to design the scheme to ensure no harm to these properties. The potential for harm is mitigated significantly by the presence of the existing boundary wall, which is a high structure that is level with the eaves of these properties and topped with ivy. This wall provides an effective and attractive screen between the site and the three properties, and the applicants were asked to ensure its retention in the overall scheme design.

In terms of outlook, which is the visual amenity afforded a dwelling by its immediate surroundings, the general rule-of-thumb is outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. In these circumstances, the structure could be described as having an overbearing impact on the dwelling. Nos. 4C, 4 and 6 Rowley Road each have principal windows facing the site on the main part of the house and on two storey rear extensions.

The separation distance of the windows on the main part of the house and the

proposed development is between 21.2 and 21.4 metres for the three properties. The separation distance of the windows on the two storey rear extensions and the proposed development is between 15.6 and 16 metres. The height of the proposed development measured from the ground level of Nos. 4C and 4 Rowley Road to the roof of the facing balconies is 10.2 metres. The height of the proposed development measured from the ground level of No. 6 Rowley Road to the top of the facing privacy screen is 9.4 metres.

As the building gets higher it steps further away from the neighbouring properties and at no point does the height of the building exceed the separation distance. This indicates that the proposed development would not have an overbearing impact on the neighbouring properties. In addition, this does not take into account the existing boundary wall, which would partially screen the proposed development. This has improved from the previously refused application, due to the building being relocated further away from the neighbouring properties and less of the building would be visible above the wall. Therefore, it is considered that the proposed development would not have an adverse impact on the outlook of Nos. 4C, 4 and 6 Rowley Road.

Notwithstanding the view that the proposed development would not have an overbearing impact, the inclusion of windows and balconies on the rear elevation of the proposed development could lead to direct and harmful overlooking of the rear windows and gardens of Nos. 4C, 4 and 6 Rowley Road, impacting on their privacy. Due to the boundary wall, there is most danger of overlooking from the second storey flats, as the third storey would be set further back. However, the balconies incorporate 1.8 metre high obscured glazing screens on the first and second floors to prevent overlooking, as well as obscured glazing screens to the top of the parapet wall for the third floor balconies.

It is considered that the privacy screens are sufficient to prevent any overlooking of the neighbouring properties and that they have been designed to appear integral to the overall design of the building. Therefore, the privacy of Nos. 4C, 4 and 6 Rowley Road would be protected. A condition is recommended to control the level of obscured glazing to ensure maximum screening is provided.

In terms of daylight and sunlight, it is considered that the proposed development would not have an adverse impact on Nos. 4C, 4 and 6 Rowley Road, as the site is located to the north of these properties. Therefore, the proposed development would not overshadow the rear elevations or gardens of these properties. Furthermore, the third storey is set back to allow more daylight into these properties.

In terms of other issues that might impact on the amenity of Nos. 4C, 4 and 6 Rowley Road, such as light pollution and noise, it is considered that these issues can be dealt with via appropriate conditions to any planning approval, e.g. preventing external lighting on the balconies and requiring soundproof glazing if

necessary.

The proposals are likely to overshadow Colsons Cottages during the afternoon in winter; however, on balance this impact is not considered significant enough to outweigh the benefits of the proposal, which includes tidying up the area to the benefit of Colsons Cottages.

Therefore, based on the above, the proposals accord with Local Plan Policies H9 and H10 with regard to amenity considerations and impact on neighbouring properties.

## **5. Parking**

This issue was a reason for refusal of the previously refused application (ref. P/2013/0698). In response, the current proposals increase car parking provision for the flats from 11 spaces to 14 spaces. This provides a parking ratio of 0.52 per dwelling compared with the parking ratio approved as part of the 2005 scheme of 0.68 per dwelling.

The level of car parking provision for the flats is considered acceptable and policy compliant, given the location of the development within the District Centre with easy access to public transport, shops and other facilities. Therefore, the proposals accord with the maximum parking standards in Local Plan Policy T25, and Section 4 of the NPPF.

4 more spaces would be allocated to Colsons Cottages, formalising their existing informal provision, and 4 more spaces provided along the access road formalising existing informal parking along the access road.

Sustainable Transportation has recommended a Travel Plan in order to promote the scheme as a 'low or no' car development. In addition, the number of cycle spaces should be increased from 14 to 20. These can be made conditions of any planning approval.

## **6. Access**

Highways and Sustainable Transportation have raised no objections to the proposed development in terms of access or impact on local highways. The proposed vehicular access to Petitor Road is existing and already in use. Its width is 5.6 metres at its narrowest point, which is sufficient for two vehicles to pass. There is also a pavement next to it for pedestrians. Therefore, the proposals accord with Local Plan Policy T26.

## **7. Drainage**

The application indicates that surface water would be drained into the main

sewer, which was the case for the 2005 scheme. However, since that application was approved the NPPF has been published, which promotes sustainability, including reducing the causes and impacts of flooding. Therefore, Engineering has recommended investigating whether soakaways would be suitable for the site. This can be dealt with via a pre-commencement condition. In the event that soakaways are not suitable, South West Water has raised no objection to the proposals.

## **8. Levels of Amenity Space and Natural Daylight to Proposed Ground Floor Flats**

This issue was part of a reason for refusal of the previously refused application (ref. P/2013/0698). However, the relocation of the building further away from the boundary wall has resulted in the rear gardens of the proposed ground floor flats increasing in size and natural daylight would be improved. It is considered that the proposed ground floor flats would have adequate levels of amenity in this regard.

### **S106/CIL -**

As stated above, an independent viability assessment was carried out that concluded that no affordable housing is viable within the scheme.

The site acceptability and sustainable development contributions have been calculated below. The Greenspace and Recreation contribution has been calculated for 8 no. 1-bed units to reflect the uplift in the number of units on the site compared to the 2005 scheme, as the amenity contribution for the 2005 scheme has already been paid.

Waste Management (Site Acceptability)	£ 1,350.00
Sustainable Transport (Sustainable Development)	£37,181.67
Lifelong Learning - Libraries (Sustainable Development)	£ 1,331.67
Greenspace and Recreation (Sustainable Development)	£ 491.67
South Devon Link Road	£14,755.00
Administration charge	£ 2,755.50 - 5%
<b>TOTAL =</b>	<b><u>£57,865.50</u></b>

The independent viability assessment concluded that the scheme could afford to pay £42,745.50.

It has been agreed with the applicants that the £42,745.50 will be offset to part fund the redevelopment of Pavor Farmhouse as enabling development (in accordance with planning permission ref. P/2013/0688 and listed building consent ref. P/2013/0689).

Further funding is also required to meet the total deficit for Pavor Farmhouse, which will become available from another development site. Notwithstanding the higher figure calculated above for a 100% open market scheme, £42,745.50 is the figure that has been determined as viable by the independent assessor. A section 106 agreement is required accordingly and is being drafted.

### **Conclusions**

In conclusion, this application has the potential to lead to the redevelopment of two problematic sites: the area behind the Snooty Fox and Pavor Farmhouse. Notwithstanding the lack of a section 106 agreement, which is being prepared, it has addressed the reasons for refusal of the previously refused application (ref. P/2013/0698) by relocating the proposed building 2.2 metres further away from the neighbouring properties to the rear and increasing the level of car parking provision for the flats from 11 to 14 spaces.

Therefore, it is considered that the proposals would not harm the amenities of Nos. 4C, 4 and 6 Rowley Road and that sufficient car parking would be provided for the flats given the sustainable location of the site within the District Centre. In addition, the gardens of the rear ground floor flats have been increased in size improving the amenity space and natural daylight for these flats.

### **Condition(s)/Reason(s)**

01. No development shall take place 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
- (h) measures to minimise noise nuisance to neighbours from plant and machinery Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

02. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority

showing full details of all external building materials, including specification and images. The External Materials Schedule shall include the arrangements for the display of samples of materials on site prior to the approval of the same. The development shall be constructed from the building materials approved.

Reason: In the interests of design and in order to accord with saved Policy BE1 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

03. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented as approved and shall include both hard and soft landscaping, including the treatment of the vehicular access and parking to serve the site.

Reason: In the interests of design and in order to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

04. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land:

(2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land:

(4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. None of the dwellings shall be occupied until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to comply with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

06. Cycle Parking

07. Travel Plan

08. Security design improvements, including lighting and gated access where relevant and provision of access to the footpath link to the side of the Snooty Fox, for the new the residents to access the district centre/Fore Street

09. Obscured glazing level on balcony privacy screens

10. External lighting

### **Relevant Policies**

BES Built environment strategy  
BE1 Design of new development  
BE2 Landscaping and design  
BE5 Policy in conservation areas  
T2 Transport hierarchy  
T25 Car parking in new development  
T26 Access from development onto the highway  
HS Housing Strategy  
H2 New housing on unidentified sites  
H6 Affordable housing on unidentified sites  
H9 Layout, and design and community aspects  
H10 Housing densities  
H11 Open space requirements for new housing  
CF2 Crime prevention  
CF6 Community infrastructure contributions  
IN1 Water, drainage and sewerage infrastructure

EP1 Energy efficient design  
EP6 Derelict and under-used land