

Application Number

P/2015/0679

Site Address286-288 Totnes Road
Paignton
Devon
TQ4 7HD**Case Officer**

Carly Perkins

Ward

Blatchcombe

Description

Demolition of one pair of semi detached houses and redevelopment with 2 no. x 3 bed houses and 5 no x 2 bed flats with associated parking

Executive Summary/Key Outcomes:

The application site occupies a corner plot on the junction of Totnes Road and Kings Ash Road. The existing site is currently occupied by two semi detached two storey houses which are in a state of disrepair. The site is owned by Torbay Council.

There are trees located within adjacent sites which pose a constraint to the development of the site. An area of land to the south eastern corner of the site has been excluded from the application site as it may be required for future road junction improvements.

The application is for outline planning permission with all matters reserved except access for the demolition of the existing two semi detached houses and erection of 2 three bedroom dwelling houses and 5 two bedroom flats and associated parking to serve the development.

Whilst the proposal is in outline only, indicative plans have been submitted detailing the appearance, scale and layout of the proposal. The plans indicate a part two storey and part three storey building which is located towards the south of the site and has frontages facing both Totnes Road and Kings Ash Road. The layout indicates private gardens for house 1, 2 and the two ground floor flats. The three upper floor flats benefit from balconies only. The indicative plans show 11 parking spaces and access from Kings Ash Road. A bicycle and bin store is also indicated on the layout plan.

The application site is within the urban residential area of Paignton and policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban

brownfield land. It is also noted within policy SDP1 that Paignton will provide around 4,290 new homes over the plan period. The principle of residential development in this location is considered acceptable and compliant with policy H1 of the Torbay Local Plan 2012-2030. Subject to the inclusion of conditions and confirmation from the Council's Drainage Engineer that the submitted Drainage Strategy is acceptable, the proposed residential development in this location is considered acceptable and compliant with policies SS8, SS11, H1, C4, DE1, DE3, ER1 and ER2 of the Torbay Local Plan 2012-2030.

Recommendation:

Conditional approval. Final drafting of conditions to be delegated to the Executive Head of Business Services.

Recommended Conditions:

1. Reserved Matters
2. Tree Protection
3. Details of cellular root protection system
4. Landscaping scheme including biodiversity enhancements
5. Implementation of drainage scheme
6. Submission of reptile mitigation strategy
7. No vegetation removal or demolition during bird nesting season
8. Provision of cycle storage
9. Provision of bin storage and submission of waste management strategy
10. Provision of parking provision

Statutory Determination Period:

8 weeks, the determination date was the 18th December 2015. However due to the need for further information this date has been extended to allow for this information to be submitted. An extension of time to determine the application has been agreed with the applicant.

Site Details:

The application site occupies a corner plot on the junction of Totnes Road and Kings Ash Road. The existing site is currently occupied by two semi detached two storey houses which are in a state of disrepair. The site is owned by Torbay Council.

There are trees located within adjacent sites which pose a constraint to the development of the site. Two of these trees are protected by a tree preservation order. These trees are located within sites to the north and west of the application site.

An area of land to the south eastern corner of the site has been excluded from the application site as it may be required for future road junction improvements.

Detailed Proposals:

The application is for outline planning permission with all matters reserved except access for the demolition of the existing two semi detached houses and erection of 2 three bedroom dwelling houses and 5 two bedroom flats and associated parking to serve the development.

Whilst the proposal is in outline only, indicative plans have been submitted detailing the appearance, scale and layout of the proposal. The plans indicate a part two storey and part three storey building which is located towards the south of the site and has frontages facing both Totnes Road and Kings Ash Road. The layout indicates private gardens for house 1, 2 and the two ground floor flats. The three upper floor flats benefit from balconies only. The indicative plans show 11 parking spaces and access from Kings Ash Road. A bicycle and bin store is also indicated on the layout plan.

Summary of Consultation Responses:

Arboricultural Officer: As highlighted in the Tree Report there are six trees of note on or in the immediate vicinity of the site which will be affected by the proposed construction, with tree preservation order TPO2014.005 T1 & T2 extant upon trees noted as T2 and T1 on the supporting tree survey. The combination of the high usage junction, quality of the trees and local landform combine to significantly heighten the public visual amenity contributions made by the protected trees. The proposed entrance and car parking areas are situated across root protection areas of both TPO'd trees. No constraints presently exist to restrict root growth into the site as the boundary is formed of a fence and the rear to the properties is grassed sward. Submission of special methodology to construct a no-dig solution to form parking areas would be essential. Mitigation planting must be provided within the site boundaries.

Additional comments following submission of additional information requested:

The scheme is acceptable on arboricultural merit. A pre-commencement condition requiring further detail on the cellular root protection system.

Drainage Engineer: As infiltration drainage is not suitable for this site the applicant has identified that the surface water drainage will discharge at a controlled rate to the surface water sewer in Kings Ash Road.

The applicant must demonstrate that their surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to the development. The applicant must supply calculations to prove that the tank and connected surface water drainage system is suitable for the critical 1 in 100 year design event plus a 30% allowance for climate change.

Green Infrastructure Coordinator: An assessment of the ecological impacts of the proposed development needs to be made and details of any required mitigation, compensation and enhancement measures provided.

South West Water: No development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Highways Engineer: The applicant will be required to enter into a 278 Agreement to construct the new footway and reinstate the vehicle crossing back to a footway. Highways have no objections to this application.

Summary Of Representations:

1 representation of objection has been received. Issues raised: Houses should be restored to contribute to housing stock rather than demolished. This representation has been sent electronically for Members consideration.

Relevant Planning History:

P/1980/1168	1 dwelling REFUSED 02.07.1980
P/1980/1937	Rear porch APPROVED 01.09/1980
P/1982/1901	Extension APPROVED 30.09.1982
P/1988/2098	Erection of bungalow with shared access onto Kings Ash Road (in outline) REFUSED 09/11/1988
P/2000/0841	Change of use from residential dwelling house to offices for social services WITHDRAWN 16.10.2000
P/2009/0573	Change of use from residential to use as site office accommodation for duration of works associated with proposed Tweenways Cross junction improvement scheme APPROVED 04.08.2009

Key Issues/Material Considerations:

- ***Principle of residential development:***

The application site is within the urban residential area of Paignton. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and

liveable urban areas. It is also noted within policy SDP1 that Paignton will provide around 4,290 new homes over the plan period. In line with these policies, the principle of further residential accommodation on this site is considered acceptable.

The demolition of the existing dwellings is considered acceptable. The existing dwellings are currently in a state of disrepair and are not of a particular design which would warrant their retention and re-use rather than demolition and redevelopment. The points raised within the public representation received are noted and whilst the restoration of the existing dwellings and their earlier re-use would have been beneficial it is not considered to constitute a reason to refuse the current proposal under consideration.

- **Trees:**

There are six trees on or in the immediate vicinity of the site which will be affected by the proposed development. Two of these trees are subject to tree preservation order TPO2014.005. These trees contribute to the visual amenity to the area being highly visible from public areas. The proposed entrance and car parking areas are situated across root protection areas of both trees subject to the tree preservation order. The construction method of the access and parking area will significantly affect a large proportion of the present rooting area and therefore a no dig solution for the parking area would be required. The submitted tree information is considered sufficient to demonstrate that the indicative layout could be constructed without impact on the existing trees subject to further information being submitted regarding the cellular root protection system via a pre-commencement condition.

The development will result in the loss of two trees within the site and suitable replacements to mitigate their loss will be required. This will be considered further at the later reserved matters stage.

- **Biodiversity:**

The submitted ecological report states that no evidence of presence of or use by bats were found within the existing two dwellings and no potential roosting locations or access features were detected outside of the buildings. In addition no nesting bird activity around the outside of the building was found, but potential habitat was noted on the south facing elevation and along on the western boundary of the site. No nesting bird activity was found within the roof voids. No reptiles were found at the time of the survey but favourable habitat was noted in the rear garden.

No further surveys are required in terms of bats. However a nesting bird survey will be required if vegetation is to be cleared within bird nesting season and a general reptile mitigation strategy will be required by condition in the absence of a summer time survey being carried out and confirming the absence of reptiles. The proposals are considered acceptable and compliant with policy NC1 of the

Torbay Local Plan 2012-2030 subject to the imposition of conditions relating to no vegetation removal works or demolition being undertaken during bird nesting season, the submission of a reptile mitigation strategy, the submission of a landscaping scheme which includes biodiversity enhancements and bird and bat roosting features.

- **Access, Parking Provision, Cycle and Waste Storage:**

The access to the site in terms of visibility is considered acceptable in line with comments from the Council's Highways Engineer. A condition requiring a Section 278 agreement prior to occupation to secure the vehicle crossover and footway works is recommended by condition.

The proposals include 2 parking spaces per dwelling house, 1 space per flat and 2 visitor spaces which is compliant with policy TA3 and associated with appendix F of the Torbay Local Plan 2012-2030.

Cycle storage provision and waste storage provision is noted on the indicative plans. Such provision will be secured by conditions and will be expected to meet the requirements of policy TA3 and associated appendix F. A waste management strategy will also be secured by condition to explain how the proposals will encourage recycling, minimise waste and aid the collection of the waste.

- **Scale, Design and Layout:**

Whilst the application is for outline consent only with matters relating to scale, layout, design and landscaping reserved for later consideration, the amount of development in relation to the scale of the site is a consideration. Indicative plans have been submitted to demonstrate that 7 residential units can be accommodated on the site.

The site is made up of two existing housing plots which are of a similar size to others to the north of Totnes Road. The proposed scheme would represent a higher density form of residential development than currently present on the north side of Totnes Road. It is however noted that there are examples of other high density development within the vicinity particularly in corner locations on this junction. It is considered that a higher density development of three storeys in this corner location can be accommodated on this site comfortably without resulting in the overdevelopment of the site.

The indicative plans demonstrate that 7 residential units can be accommodated on the site together with private amenity space for four units and balcony areas for the three upper level flats, a policy compliant level of parking provision, cycle storage and bin storage. There is a concern regarding the proximity of the flats to the south eastern boundary of the site, however it is considered that this can be successfully resolved via amendments to the layout without impacting on existing trees, parking provision or the level of outdoor space available for the

units. The private amenity space afforded to the upper floor flats is limited being less than 10sqm however amendments to the layout of the rear gardens could allow for a communal area to serve these units to ensure a suitable level of outdoor amenity space is provided. Again this issue can be resolved and considered further at a later reserved matters stage.

The overall design of the building is not particularly innovative nor does it appear to be locally distinctive in terms of materials or architectural features. The design of the building will be considered further at reserved matters stage.

- **Residential Amenity:**

The proposals are considered acceptable and without serious detriment to residential amenity by reason of loss of privacy, light or by reason of being unduly dominant or overbearing.

The indicative layout shows the proposals following the line of the existing dwelling house and no windows in side elevations. Side facing windows in the west elevation of flat 4 are located 20m from the boundary with the neighbouring properties to the west and as such is not considered to result in any serious detriment to residential amenity. Rear facing windows are not considered to result in any serious detriment to residential amenity by reason of loss of privacy. Due to the location of the proposals in relation to existing buildings, they are not considered to result in any serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant or overbearing. The proposals are considered compliant with Policy DE3 of the Torbay Local Plan 2012-2030 in terms of neighbouring residential amenity.

The proposals are for 2 three bedroom dwelling houses and 5 two bedroom flats. The indicative plans illustrate that the proposed residential units are comparable with the size standards noted within policy DE3 of the Torbay Local Plan 2012-2030. The units provide an adequate living environment together with external amenity space afforded to each of the units. As noted above the level of private amenity space for the upper flats is below the 10sqm noted within the guidance to policy DE3. However amendments to the layout of the rear gardens could allow for a communal area to serve these units to ensure a suitable level of outdoor amenity space is provided. Again this issue can be resolved and considered further at a later reserved matters stage.

- **Drainage:**

A revised drainage strategy has been submitted in response to comments from the Council's Drainage Engineer. The Council's Drainage Engineer has been consulted on the revised strategy and their comments will be presented to the Members at the Committee meeting.

S106:

No financial contributions are sought from this development.

Conclusions

The principle of residential development in this location is considered acceptable and compliant with policy H1 of the Torbay Local Plan 2012-2030. Subject to the inclusion of conditions and confirmation from the Council's Drainage Engineer that the submitted Drainage Strategy is acceptable, the proposed residential development in this location is considered acceptable and compliant with policies SS8, SS11, H1, C4, DE1, DE3, ER1 and ER2 of the Torbay Local Plan 2012-2030.

Relevant Policies

H1LFS Applications for new homes_
SS12 Housing
SS11 Sustainable Communities Strategy
DE1 Design
DE3 Development Amenity
ER1 Flood Risk
ER2 Water Management
SDP1 Paignton
NC1LFS Biodiversity and Geodiversity
C4 Trees, hedgerows and natural landscape
SS8 Natural Environment
TA1 Transport and accessibility
TA2 Development access
TA3 Parking requirements