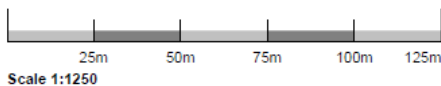


## TORBAY COUNCIL

Application Site Address	36 Dunstone Park Road Paignton TQ3 3NG
Proposal	Demolition of house and garage. Formation of three storey detached dwelling, including garage and vehicular access.
Application Number	P/2022/0091
Applicant	Mr Daniel
Agent	Mr Stan Pomian-Srzednicki
Date Application Valid	29/03/2022
Decision Due date	24/05/2022
Extension of Time Date	22/03/2024
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr Twelves following the SRM procedure.
Planning Case Officer	Verity Clark

## **Location Plan**



## **Site Details**

The site, 36 Dunstone Park Road, Paignton, comprises of a detached bungalow, located on the northern side of Dunstone Park Road. The topography of Dunstone Park Road varies significantly, with dwellings on the northern side of Dunstone Park Road being set up from the existing street scene and on substantial higher ground compared to those dwellings on the southern side being set down from the existing street scene. The site currently has an area of hardstanding and a garage with pedestrian access to the dwelling. The site forms part of the built up area but is not otherwise subject to any designations within the Torbay Local Plan.

## **Description of Development**

The application seeks permission to demolish the existing house and garage and form a three storey detached dwelling, with a new garage and vehicular access.

## **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

### **Development Plan**

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Paignton Neighbourhood Plan 2012-2030

### **Material Considerations**

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

### **Summary of Consultation Responses**

#### **Paignton Neighbourhood Forum:**

No response received.

#### **Green Infrastructure Manager:**

No arboricultural objections are raised to the proposed development. Any approved development should have a landscape condition attached.

#### **Highways:**

Standing advice applies.

#### **Environmental Health:**

I would confirm that I have no objections subject to the inclusion of a construction management plan condition.

#### **Devon County Council Ecology:**

Acceptable, subject to conditions:

- Vegetation and clearance works and enabling/demolition works to be undertaken outside of bird nesting season unless inspected by an ecologist.
- Construction environmental management plan.
- Adherence to ecology report and enhancement measures.

### **Summary of Representations**

At the time of writing a total of approximately 23 objections have been received (from 5 households and 1 from an agent on behalf of one of the households) and 4 letters of support (from 3 households) have been received. A number of these representations relate to previous iterations of the proposal as the scheme has been modified and re-advertised during the course of the application. Issues raised:

#### **Objections:**

- Plan discrepancies

- Land ownership
- Impact on neighbours solar panels
- Overlooking and loss of privacy
- Loss of light and overshadowing
- Noise
- Design
- Height
- Subterranean ground floor out of keeping with streetscene
- Massing
- Overbearing impact
- Sets precedent
- Size and bulk
- Impact on foundations
- Impact on views
- Overdevelopment
- Building line
- Covenants
- Not in-keeping
- Planning history of site
- Drainage
- Impact from swimming pool
- Construction impacts
- Height of garden wall
- Impact on attached garage
- Light pollution
- Ecology
- Loss of a bungalow

Support:

- Requires party wall agreement
- Variety of design in road
- Design not out of keeping
- Will replace an eye sore

**Relevant Planning History**

P/2007/0350 Extend Living Accommodation At Rear; Extend Single Garage Into Double Garage At Front. Approved 03/01/2008

P/2019/0689 Extension on South elevation. Raised ridge height and new roof design to accommodate loft rooms with balcony to South. Insertion of a driveway. (Revised plans received 05/01/20). Withdrawn 19/02/2020

P/2023/1107 Formation of single storey front and side extension and the formation of a dormer extension at rear and associated works. Certificate of lawfulness application under consideration at the time of writing.

## **Planning Officer Assessment**

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

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Ecology
5. Flood Risk and Drainage
6. Highways, Movement and Parking
7. Sustainability

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

The proposal is for the demolition of the existing detached dwelling and the construction of a replacement dwelling.

In the context of development within the built-up area, there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

#### **2. Design and Visual Impact**

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Torbay Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal seeks to demolish the existing detached dwelling and construct a replacement dwelling. The site is located to the north of Dunstone Park Road and the existing dwelling is a detached, single-storey dwelling with a tiled roof and UPVC openings. The site benefits from a garage and parking area located adjacent to the road.

The replacement dwelling will be set over three floors and will include excavation to form the ground floor level which will be built into the slope of the land resulting in the appearance of a three storey dwelling from the front and a two storey dwelling at the rear. The width of the replacement dwelling will be approximately 1.89m smaller than the existing dwelling with a width of 10.82m, however the depth will be increased with the replacement dwelling extending approximately 2.73m closer to the rear northern boundary. The replacement dwelling will extend further to the south than the existing dwelling and will include front balconies at first and second floor level. The dwelling will feature a modern design with the ground floor clad in stone and a mixture of render and vertical cladding at first and second floor level. The dwelling will feature large areas of glazing on the front, southern elevation, and the dwelling will include timber doors at ground floor level and grey window openings. The roof will feature two monopitch roofs of different pitches finished in single ply membrane with feature standing seams in grey. A driveway, carport and manoeuvring area would be formed within the front garden and the existing garage will be demolished with a new detached garage formed alongside a new area of hardstanding, general landscaping works and boundary features.

The replacement dwelling will include an increased ridge height approximately 1.75m higher than the existing dwelling at the central highest section of the proposed roof. The proposed ridge height will sit approximately 1.3m lower than the ridge height of No. 36A Dunstone Park Road to the west and approximately 1.7m higher than No. 34 Dunstone Park Road to the east at its highest point.

Objectors have raised concerns that the proposal would represent overdevelopment; not be in keeping with the local area; set a precedent, and have a negative impact on the local area. The supporter has stated that the proposal would have a positive impact on the local area.

When considering the proposed development in the context of the existing streetscene, it is considered to be sufficiently set back from the highway. The main bulk of the building is set roughly in line with the frontage of No.36A Dunstone Park Road and behind No. 34 Dunstone Park Road. The projecting balcony at first floor level, although extending further south than both the adjacent dwellings is angular therefore reducing its size and scale. The proposal involves excavation of areas of the site including the existing front patio area. As a result of the excavation, the height of the first floor balcony does not exceed the height of the existing patio area. The west elevation of the first floor balcony will feature a rendered wall which will extend down to ground floor level and the south elevation of the balconies at first and second floor level will feature glass balustrading. It is considered that the siting of the replacement dwelling will not have an immediately overbearing or overly dominant visual effect in the streetscene given the relationship with the adjacent dwellings and the set back location of the development.

In terms of the building footprint within the plot, the proposal will result in an increase over the existing. The increased footprint proposed is considered to retain a suitable

level of garden and outside space and is not considered to appear as an overdevelopment of the plot. The proposal is not considered to be out of character with the local urban grain and ratio of building footprints to plot areas, as the other existing dwellings within the locality have a sufficiently diverse and wide range of footprints.

Whilst the proposal will result in a three storey dwelling, the excavation of the site to form the ground floor level in addition to the use of stone to break up the visual massing and bulk of the dwelling reduces the dominance of the design and visual appearance. In the immediate streetscene there are examples of single storey and two storey dwellings, and a block of flats set over three floors. There is no uniform characteristics in the streetscene and ridge heights, design and roof forms all greatly vary. The replacement dwelling will not exceed the height of No.36A Dunstone Park Road and whilst set over three floors and modern in its design rationale, the use of two monopitch roofs is considered to acknowledge the local character of pitched roofs in the area, including that of No. 32 and No.34 Dunstone Park Road. It is considered that the proposal positively addresses the topography of the site and provides a dwelling of an acceptable size, scale, massing and visual appearance for its context. A planning condition is recommended to secure the details of the external materials to ensure an acceptable visual appearance.

The replacement single storey flat roof garage, hardstanding parking area, new gate, walls and landscaping at the front of the site are considered to result in an acceptable visual appearance for the context of the site. The new garden wall and gate adjacent to no.36A Dunstone Park Road's shared boundary and garage will feature an approximate height of 1.89m with the wall finished in stone to match the ground floor of the dwelling. The new garage will be single storey with a flat roof and an approximate height of 2.7m, finished in render with a timber garage door and single ply membrane with feature standing seam roof. The garage is considered to appear subservient in scale, appearing as a small scale garage similar to the garage which it will replace and the existing garage of the neighbouring dwelling; 36A Dunstone Park Road.

Given the extent of the landscaping and engineering works proposed, a landscaping condition is recommended to ensure the replacement dwelling successfully assimilates into the surrounding streetscene and acceptable boundary treatments are installed.

Given the proposal's siting, form, scale, and visual appearance, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene in accordance with Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained with the NPPF. In terms of precedent each application has to be considered on its merits and as the development is considered acceptable it is not considered that this would warrant the refusal of the application.

During the course of the application the occupiers of 34 Dunstone Park Road have installed solar panels on the eastern and western roof of their dwelling. They have subsequently raised a concern that the replacement dwelling will result in reduced efficiency to their solar panels. The applicant has submitted a plan detailing the relationship of the solar PV with the replacement dwelling and this indicates that the replacement dwelling will not impede a clearance of 45 degrees.

The optimum position for solar panels is on a south facing roof angled at approximately 30 to 35 degrees from horizontal. At summer solstice the maximum charging period is long. The sun sets in the west/north west and so some solar generation to west facing panels may be reduced in the evening. Whether this is increased over the existing situation by the proposed replacement dwelling depends on the increased ridge height, the increase forward projection and the height and angle of nearby dwellings.

At the equinoxes the sun sets directly west and may breach the line of sunlight to part of the west-facing panels late in the afternoon, however that is when the strength of the sun is reducing. The low angle of the neighbouring roof where the panels are located reduces the efficiency of the panels when the sun is low in the sky.

At winter solstice the sun falls below the horizon in the afternoon in the west/south west. Given the angles of the sun at this time, the proposed replacement dwelling would be unlikely to breach the line of sunlight to the neighbour's solar panels in winter.

At present the existing dwelling would likely block an element of light in the late afternoon/evening due to the existing siting and height. Given the siting of the replacement dwelling in comparison to the existing dwelling, as the solar PV are located to the front of the roof slope and given the angle clearance of the replacement dwelling, it is considered that the replacement dwelling would be unlikely to result in any significant detriment to the operational capacity of the solar panels in comparison to the existing dwelling and this is therefore not considered to constitute a reason for refusal.

### **3. Residential Amenity**

The NPPF guides (Paragraph 135) that decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses.

#### Quality of living accommodation for future occupiers:

The submitted plans indicate that the proposed replacement dwelling would be three-bedrooms with six bed-spaces set over three-storeys. Policy DE3 of the Torbay Local Plan provides a table which sets out the minimum internal floor space standards for all new residential units. Table 23 of the Torbay Local Plan 2012-2030 sets the



dwelling space standards for Torbay which are taken from the Government's Nationally Described Space Standard which states for a three bedroom, six bed-space dwelling, set over three storeys, the dwelling should have the minimum gross internal floorspace area of 108 square metres. The submitted proposed floorplans, indicate that the dwelling would have approximately 213 square metres of internal floorspace. The replacement dwelling is considered to provide an adequate and suitable environment for future occupiers in terms of floor area, outlook and natural light levels. Therefore, it is considered that the proposal would comply with this criterion of Policy DE3 of the Local Plan.

Policy DE3 of the Local Plan also states that new dwellings should provide 55 square metres of outdoor amenity space. The dwelling would have sufficient outdoor amenity space and exceeds this requirement.

#### Adjacent neighbouring amenity:

Policy DE3 of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

Objectors have raised concerns including on matters of noise, loss of light, overbearing impact and privacy/overlooking.

The replacement dwelling includes one window and a rooflight on the western side elevation of the dwelling. Both openings serve stairs and given their siting on the dwelling and height from internal floor levels they would not allow overlooking into the adjacent dwelling; No. 36A Dunstone Park Road.

The eastern side elevation features two windows and a rooflight. The rooflight is high level and would not allow any views out. The two windows are listed as obscure glazed to remove any potential overlooking towards the adjacent dwelling; No. 34 Dunstone Park Road which includes two clear glass windows facing this side elevation. It is considered reasonable to require the obscure glazing via a planning condition alongside the fitting of a 100mm restrictor on the windows to ensure that overlooking and intervisibility cannot be achieved.

The site faces No.31 Dunstone Park Road which is set at a substantially lower level due to the prevailing topography. The intervening un-adopted road and siting of the dwellings provides a substantial separation distance between the two dwellings and the other dwellings on the south of Dunstone Park Road and therefore it is considered that the proposed development would not result in a loss of privacy of the occupants of No.31 Dunstone Park Road or other dwellings opposite the application site.

To the rear (north) of the site is No.11 Dixon Close. The rear northern elevation of the dwelling will feature windows and openings at first floor level. This level is comparable with the ground floor level of the existing dwelling and the windows and door are not considered to result in overlooking to any adjacent dwelling given the land levels and

existing boundary screening. At second floor level the rear elevation will include one high level bathroom window and one central clear window serving a bedroom. There is an approximate separation distance of 19.53m between the new rear window and the rear elevation of 11 Dixon Close. The rear garden slopes from south to north and the existing levels will be retained as part of the proposal. The rear boundary currently features a hedge. The site section on plan reference '4637-KE-XX-XX-DR-A-(32)000-D5-P4' details the relationship between the rear garden and shared rear boundary with the height of the replacement dwelling and the location of the rear window. This section demonstrates that given the height of the window in relation to levels, providing there is boundary treatment at the rear, overlooking from the window will be minimal. The site levels, topography, separation distance and existing screening is considered to result in an acceptable relationship between the replacement dwelling and 11 Dixon Close. Concerns have been raised that the rear window will result in unacceptable overlooking to No. 34 and 36A Dunstone Park Road. Whilst indirect views could be achieved towards the adjacent dwelling's gardens, views will primarily be focused towards the application site's rear garden space. It is considered that the proposal will not have such a significant impact on neighbouring amenity with regards to overlooking from this rear window to warrant refusing the application.

The proposal includes a new balcony at first floor level which sits roughly at the same level as the existing front patio area. The west elevation of this balcony is enclosed by a rendered wall which restricts any intervisibility towards No.36A. Given the shape of this proposed balcony and the height, in addition to the existing boundary screening, the proposal is not considered to result in any additional overlooking to No.34 Dunstone Park Road nor is the new rendered wall considered to result in an overbearing impact. Two balconies are proposed at second floor level on the southern front elevation. These balconies will be enclosed with rendered walls thereby not allowing direct views to the side and focusing views to the south. These balconies are not considered to result in any unacceptable overlooking to adjacent dwellings.

In terms of the concerns regarding noise, the existing use is residential accommodation and the proposal maintains this use. The proposal will result in additional balconies at second floor level however these are relatively small in scale and located at the front of the dwelling with rendered walls on the side elevations. The new first floor level balcony will replace the existing ground floor patio area and at ground floor level a new carport and parking area will be formed in addition to a new garage and parking space. Given the levels, boundary screening and domestic use, it is considered that the proposed replacement dwelling would have no further detrimental impact on neighbouring occupiers with regards to noise than the existing dwelling.

A construction method statement will be recommended as a condition to ensure that the construction works are undertaken in a manner that is not injurious to local amenity, this will mitigate any concerns raised regarding noise.

With regards to the concerns about the loss of light the proposed development would cause, it should be noted that No.34 Dunstone Park Road has two openings on its western side elevation that faces the eastern side elevation of the site. On the side elevation, one window serves as a secondary window to a living room area and the other serves a kitchen. The habitable rooms of No.34 Dunstone Park Road are also served by windows on the northern and southern elevations. These two existing side windows primarily sit adjacent to the side wall of the existing dwelling. The existing set in design at the front of the existing dwelling does allow for angled views with greater outlook towards the front of the dwelling and the front of the application site from the neighbouring window sited closer to the front of their dwelling. The replacement dwelling will be sited approximately 1.35m further away from the shared boundary thereby increasing the separation distance between the dwellings, although the existing dwelling includes a set in section further from the shared boundary. The replacement dwelling will not feature a set in element thereby siting the dwelling closer to the side boundary in this location. The overall height of the replacement dwelling will increase however the proposal utilises two monopitch roofs of different heights and pitches thereby resulting in varying heights. The monopitch roof closest to No. 34 Dunstone Park Road features a shallower pitch and the overall height increase from the existing roof varies on this roof slope from approximately 0.88m to 1.34m higher than the existing roof. Whilst the proposal will result in an increase in the ridge height, given the siting of the dwelling in relation to the shared boundary and as No.34 Dunstone Park Road's windows currently face the side wall of the existing dwelling, the relationship of the replacement dwelling with the windows on No.34 Dunstone Park Road, when considering the existing arrangement, is not considered to result in any significant loss of light or outlook which would warrant the refusal of the application.

The replacement dwelling will extend approximately 0.92m beyond the main rear elevation of No.34 Dunstone Park Road, not including the rear single storey element present on this dwelling which extends approximately 3m beyond the rear elevation. Given the siting of the dwellings, modest increase in ridge height and the boundary treatment present, the replacement dwelling is not considered to result in a loss of light to the rear garden of this dwelling, nor the opening at the rear, nor is the proposal considered to result in an overbearing impact. It is therefore considered that the proposed development would not have a detrimental impact on the occupiers of No.34 Dunstone Park Road.

With regards to No.36A Dunstone Park Road, in terms of their eastern side elevation facing the western side elevation of the dwelling, there is a door to the ground floor which provides access into the dwelling and two windows to the first floor. The central window is the only window serving a bedroom and the window closest to the rear of the dwelling is a window serving a bedroom which is also served by a window at the rear. Whilst the proposal will result in the replacement dwelling extending in front of No.36A Dunstone Park Road's window which is closest to the rear of their dwelling, given this is a secondary window and the bedroom is also served by a large rear window, the proposal is not considered to result in an unacceptable loss of light and outlook to this habitable room. The central window solely serving a bedroom currently

faces out onto the roof of the application site's dwelling. The monopitch roof of the replacement dwelling adjacent to 36A Dunstone Park Road matches the pitch and location of the existing roof and therefore does not alter the direct outlook achieved. The monopitch roof will result in a higher overall ridge height however this is not considered to result in an unacceptable impact on light levels given the angle of the roof in relation to this neighbouring dwelling and the location of the window. Given the siting of the dwellings, modest increase in ridge height and the boundary treatment, the replacement dwelling is not considered to result in a loss of light to the rear garden of this dwelling, nor the opening at the rear, nor is the proposal considered to result in an overbearing impact. It is therefore considered that the proposed development would not have a detrimental impact on the occupiers of No.36A Dunstone Park Road.

Issues relating to impacts on foundations and stability are matters to be considered by Building Control rather than at the planning application stage.

Subject to the use of aforementioned planning conditions, given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

#### **4. Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

The application is supported by an ecology report. During the course of the application an updated ecology report was submitted to provide updated findings. The updated report found no evidence of bats or breeding birds. The report states that no further surveys or assessment is required. The report recommends the installation of two sparrow nest boxes to provide biodiversity enhancement.

Comments from objectors have criticised that the site has been cleared of vegetation prior to the update report. Images from the planning officer's site visit prior to any clearance works were provided to the DCC Ecologist and they have reviewed the photos and ecology reports. The DCC Ecologist has confirmed their support of the proposal subject to conditions. They have confirmed that the ecology report makes no reference to the potential presence of reptiles, but it appears that the habitat onsite has the potential to support common reptile species such as slow worm. They therefore recommend that a Construction Environmental Management Plan condition is added to ensure vegetation removal is undertaken in a sensitive manner. Further conditions relating to works taking place outside of bird nesting season and adherence to the biodiversity enhancement measures are also recommended.

Subject to the addition of the planning conditions recommended by the DCC Ecologist, the proposal is considered acceptable with regard to Policy NC1 of the Local Plan.

#### **5. Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere. Policy PNP1(i) Surface Water of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment which confirms adherence to the drainage hierarchy in terms of prioritising the use of a soakaway and permeable driveway. Given the nature of the proposal this is considered acceptable having regard to the adopted Standing Advice and the means of drainage will be secured by a planning condition. The proposal is considered to accord with Policies ER1 and ER2 of the Local Plan and Policy PNP1(i) of the Paignton Neighbourhood Plan.

## **6. Highways, Movement and Parking**

Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development.

Policy TA3 of the Local Plan states that new dwellings should be served by two car parking spaces. The parking space size requirements are set out in Policy TA3 and Appendix F of the Local Plan with off-street parking spaces abutting the public highway requiring 3.2 metres width by 5.5 metres depth as a minimum, to prevent an obstruction to the public footway and/or public highway. The Council's Highways Engineer was consulted on the proposal and stated that the Highways Standing Advice applies. The proposal provides for the required minimum of two full size parking spaces in the front hardstanding area and larger parking area and carport thereby meeting the requirements. Whilst the garage falls below the required standard to count as a parking space it is indicated to be used for bikes and storage which is considered acceptable. The proposal is considered to provide an adequate level of visibility onto the road and will improve the existing parking provision.

Appendix F of the Local Plan states that new dwellings should provide 2 secure and covered bicycle spaces. Bicycle storage has been indicated as within the garage and this is considered to be acceptable. Appendix F also notes the requirement of one electric vehicle charging point for new dwellings and this has not been detailed. A planning condition requiring the installation of a charging point is therefore recommended.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should

provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. Details of bin storage have not been provided and a planning condition is therefore recommended to secure such details prior to occupation.

Subject to the conditions recommended above in addition to a suitably worded planning condition requiring the parking provision to be made before the dwelling is re-occupied in its enlarged form, it is considered that the proposed development complies with Policies TA1, TA2 and TA3 of the Local Plan.

## **7. Sustainability**

Policy SS14 of the Local Plan relates to 'low carbon development and adaptation to climate change' and states that commensurate with their scale and nature, development proposals will be required to minimise carbon emissions and the use of natural resources expected to arise during the lifetime of the development. Policy ES1 of the Local Plan seeks to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited.

A supporting statement has been provided confirming:

The existing property is a 2-bedroom house in poor condition built c1960. It has a very poor thermal envelope and, due to its single storey layout, has an extremely high form factor - the ratio of enclosed floor area to external surface area - which further compounds the issue of heat loss. The ground floor level is set some 5m above the street below making stepped access unavoidable and restricting access to many visitors.

Previous proposals for extensions have met with objection and withdrawal of the planning application. A comprehensive new build project has now been submitted to address the above issues, facilitating level access for all guests, and providing high levels of thermal comfort and airtightness. The 2.5 storey design helps optimise the form factor – significantly reducing heat loss and low energy fittings along with efficient heating systems will significantly reduce in operation emissions.

It is anticipated that a detailed demolition/construction management plan will be submitted under a planning condition providing details of the extent of re-use of existing material (eg concrete blocks re-used as hardcore), and avoidance of landfill – minimizing the loss of embodied carbon within the existing structure.

A recycling hierarchy will also be applied wherever practical, and the appropriate local infrastructure is available:

1. Reuse (ie roof tiles as architectural salvage)
2. Recycle (ie wood chipped for biomass or blocks used as hardcore)

The sustainability measures outlined above are considered reasonable and in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

## **Sustainability**

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

### **The Economic Role**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the re-development of an existing dwelling to provide a larger dwelling.

There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

### **The Social Role**

The principle social benefit of the proposed development would be the provision of a replacement dwelling which provides a good quality form of accommodation.

The use of the site for a replacement dwelling would provide an appropriate use and the site is within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on the built environment, making effective use of the land, ecology and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition. The proposal will include bicycle storage and an EV charging point and sustainable drainage will be required by condition.

It is concluded that the environmental impacts of the development weigh positively within the planning balance.

### **Sustainability Conclusion**

Having regard to the above assessment the proposed development is considered to represent sustainable development.

## **Statement on Human Rights and Equalities Issues**

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Local Finance Considerations**

### **Affordable Housing:**

Not applicable.

### **S106:**

Not Applicable.

### **CIL:**

The CIL liability for this development is Nil.

## **EIA/HRA**

### **EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

### **HRA:**

Not applicable.

## **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the Development Plan policy supports the principle of the development. The report gives consideration to the objections raised and concludes



that these issues are not of weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal.

### **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or neighbouring living conditions; would provide acceptable arrangements in relation to highway safety, flood risk, and ecological constraints. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

### **Officer Recommendation**

Approval: Subject to;

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

### **Conditions**

#### **1. Construction Management Plan**

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Plan 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, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to the commencement of the development as it will confirm how the construction process will be managed in the interests of highway safety and local amenity in accordance with policies TA1, TA2 and DE3 of the Torbay Local Plan 2012-2030.

## **2. Construction Ecological Environmental Management Plan (CEEMP)**

Prior to the commencement of development including ground works or vegetation clearance a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site shall be submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works.
- b) Identification of "biodiversity protection zones".
- c) Details of working hours; Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM); Details of temporary lighting used in construction of for security reasons.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and the NPPF. These details are required pre-commencement as specified to ensure that

biodiversity and protected species are not harmed by building operations or vegetation removal.

### **3. Landscaping and Boundary Treatments**

Prior to the first occupation of the replacement dwelling hereby approved, full details of the hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments and vehicle and pedestrian/cyclist circulation.

All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the first occupation of the replacement dwelling hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of five 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 similar size and species unless the Local Planning Authority gives written consent to any variation.

All boundary treatments or means of enclosure shall be carried out and installed prior to the first occupation of the replacement dwelling and shall be retained for the life of the development.

The approved landscaping scheme shall be carried out in its entirety and shall accord with the approved details and timetable.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

### **4. External Materials**

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes, roofing materials, eaves, fascias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

### **5. EV Charging Point**

Prior to the occupation of the replacement dwelling hereby approved, a scheme for the insertion of one electrical vehicle charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The approved electrical vehicle charging point shall be thereafter available for use, maintained and retained for the lifetime of the development for the associated dwelling.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

## **6. Bin Storage**

Prior to the first occupation of the replacement dwelling hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

## **7. Drainage**

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation or occupation of the replacement dwelling (whichever is sooner). To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The agreed drainage scheme shall be installed prior to the first occupation of the replacement dwelling and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and Policy PNP1(i) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

## **8. Adherence to Ecology Report**

The recommendations and mitigation given in the 'Ecology Report – SWE 963' dated October 2023 shall be followed, including precautions to prevent threat of harm during construction works and timings of works. Two sparrow nest boxes shall be installed prior to the first occupation of the replacement dwelling hereby approved and the nest boxes shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain in accordance with Policy NC1 of the Torbay Local Plan.

### **9. Obscure Glazing and Restricted Opening**

The two second floor windows on the east elevation serving a bathroom shall include obscure glazing to Pilkington level 4 or equivalent over the entirety of the windows with no clear areas and shall be fitted with a 100mm restrictor. The windows shall be permanently retained in accordance with the requirements of this condition thereafter.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

### **10. Parking Provision**

The replacement dwelling hereby approved shall not be occupied or brought into use until the hardstanding parking areas/ carport detailed on approved plan '4637-KE-XX-ZZ-DR-A-(22)000-D5-P5' has been provided in full. The parking areas/carport shall thereafter be permanently retained for the use of parking for the associated dwelling thereafter. The parking arrangements shall be retained for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

### **11. Bird Nesting Season**

No vegetation removal including hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan.

### **Relevant Policies**

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

NC1 – Biodiversity and Geodiversity

TA1 – Transport and Accessibility

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Hierarchy

SS14 – Low Carbon Development and Adaptation to Climate Change

ES1 - Energy

PNP1(c) – Design Principles

PNP1(d) – Residential development

PNP1(i) – Surface Water