

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Totnes

Application No: 56/2221/15/O

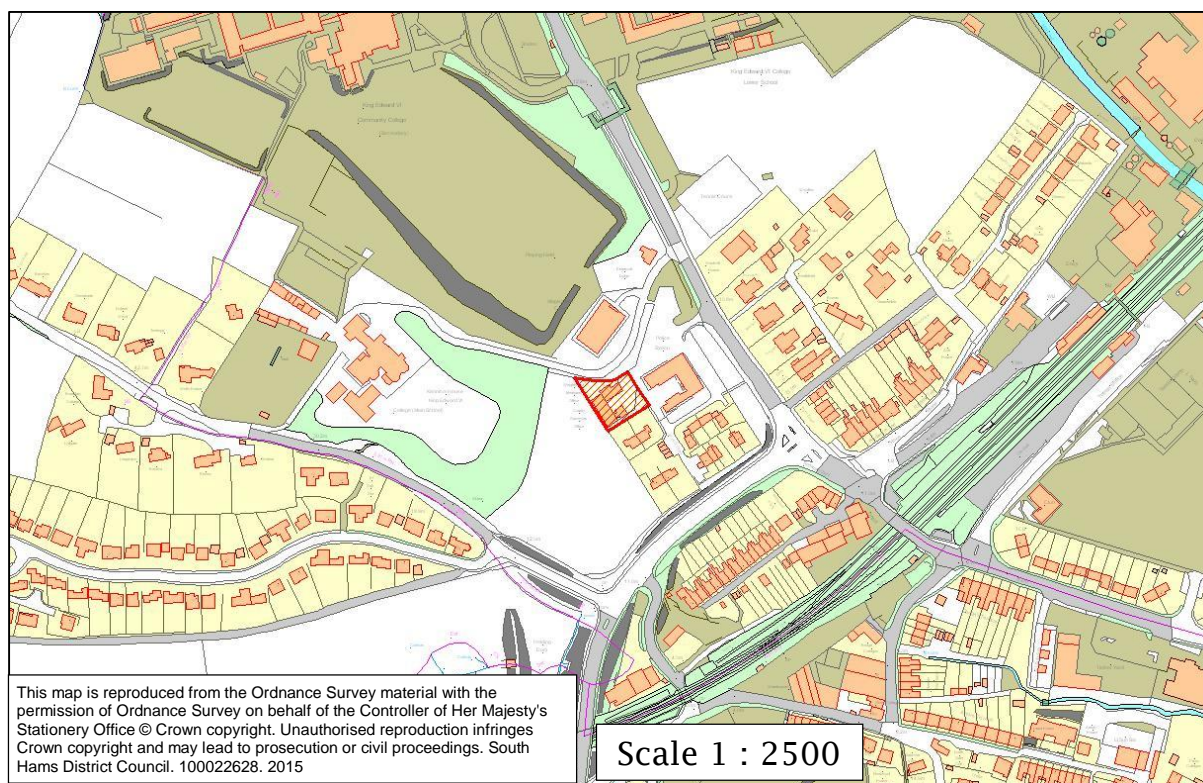
Agent/Applicant:

Coco's Nursery Ltd
Miss C Nicholson
Cocos Nursery
Ashburton Road
Totnes
TQ9 5JZ

Site Address: Cocos Nursery, Ashburton Road, Totnes, TQ9 5JZ

Development: Outline application with all matters reserved for 8no. three bedroomed houses with 8no. parking spaces

Reason item is being put before Committee: This application is before Committee at the request of Councillors Vint and Horsburgh who feel that this application could have major implications for the overall development of the wider area.



Recommendation:

To delegate approval to the Community of Practice Lead Officer subject to the completion of the necessary Section 106 legal agreement in respect of affordable housing and Open Space, Sport and Recreation contributions.

Conditions:

Time limit for commencement

In accordance with plans

Materials

GPDO restrictions

Parking and access to be provided before occupation.

Construction Management Plan

Universal contamination condition

Key issues for consideration:

The main issues with this application are the appropriateness of redevelopment of the site from that of a Nursery use to residential, on this site within the Totnes Development Boundary. The form of the development, as well as any impacts upon neighbouring properties, as well as any highway considerations are further matters.

Site Description:

The application site comprises land currently occupied by single storey flat-roofed buildings (although now disused) formerly used as a nursery, to the west of the Totnes Police Station. Residential properties are located to the south, and the former Magistrates' Court and open space is located to the north. The site is located within the Totnes Development Boundary.

The Proposal:

This is an outline application with all matters reserved for the demolition of the existing nursery and for the erection of eight dwellings.

Consultations:

- County Highways Authority – No objections as the junction of the private access shared with the Police Station is adequate to accommodate the proposed traffic generated by the development. Recommend two conditions.
- Environmental Health Section - No objections subject to contaminated land condition.
- DCC Education – A contribution towards education infrastructure is not sought; there is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.
- Environment Agency – Site in Flood Zone 1 so no comments to make.
- Natural England – No comments to make.

- Affordable Housing Officer – Affordable housing policy is 35% on-site provision, which means two of the units must be affordable rented dwellings.
- Police Architectural Liaison – Detailed comments. Police do not consider the site appropriate for 8x3 bedroom housing with only one space per dwelling.
- Town Council – No objection. The Committee had reservations about the solar orientation of the houses and thought that any PV panels should be prioritised on social housing units. It felt that the site layout and street scene could be improved and wanted consideration of co-housing units. The Committee was satisfied with 25% affordable housing as a minimum level.

Representations:

Around four letters of objection making the following broad points, presented in no particular order:

- Insufficient parking provided
- Potential for disruption and obstruction of Police Station
- Will compromise security of the Police Station
- Concerns regarding potential conflicts between existing Police Station and new residents
- Development will overlook Police Station resulting in lack of privacy for Police, members of the public brought for questioning and the new residents.
- Will overlook residents of Walnut Close
- Where will extra vehicles park?
- Concern regarding surface water runoff.
- Too dense a layout.
- Concerns relating to future development of the adjacent Sheepfield site by KEVICC and whether this could prejudice it.

Relevant Planning History

No relevant history.

ANALYSIS

Principle of Development/Sustainability:

The application site lies within the Totnes Development Boundary and is within relatively close proximity to both Totnes railway station and the facilities of the town. The site is clearly sustainable and it would not be possible to argue in any way that development in this location would not accord with the principles of sustainable development.

The applicant has stated that the existing nursery business has now closed and that the business had been marketed for twelve months as a going concern. It was stated at the time of the application that the nursery was operating at 20% capacity and other nurseries are available within the area. Whilst the loss of the nursery is regrettable, there does not exist any fundamental reason to object to the redevelopment of this site with residential dwellings, given its highly sustainable location within the development boundary.

Design/Landscape:

It must be emphasised that this application is for all matters reserved outline consent, and in spite of indicative plans being submitted, the layout or scale of the proposals do not fall for consideration at this time. It would be for the reserved matters stage to fully assess the layout, scale and appearance of any development of the site. Despite this, plans have been shown that demonstrate that the site could contain eight dwellings and whilst the indicative layout shown may not be acceptable in itself, it does indicate that there is potential for development of this site for eight dwellings.

Neighbour Amenity:

Concern has been raised regarding the impact on amenity of both the residents in Walnut Close and the users of the Police Station. It is considered that there exists the ability at reserved matters stage to fully ensure the amenities of all of these buildings can be satisfactorily addressed, through the careful siting of buildings and through the use of obscure glazing to first floor windows where appropriate.

In terms of the indicative layout provided it is considered there exists the scope for a development to adequately cater for the amenities of existing properties. Unit 3 would lie close to the rear boundary of No. 12 Walnut Close but with obscure glazing this would mitigate any potential for overlooking. Given that these matters do not fall for consideration at this stage however it would not be reasonable to refuse outline consent on the impacts on amenity as there exists the ability for this to be fully assessed at the outline application stage.

Highways/Access:

Although concerns have been raised in respect of the levels of parking proposed, and for the potential of the proposal to cause unacceptable conflict with existing surrounding development (Walnut Close and the Police Station). Highway Officers raise no objection to the application, which in their opinion would not give rise to any situations prejudicial to highway safety. In light of this stance, and together with the highly sustainable location close to the town and railway station it is considered it would be very difficult to defend a refusal on this basis.

There exists the opportunity for the layout and bin storage arrangements to be satisfactorily agreed at the Reserved Matters stage.

Planning Obligations:

The Council's Affordable Housing Officer has advised that a contribution of two on-site affordable rented dwellings are required in order to accord with the Affordable Housing SPD. The applicant has indicated acceptance to this and will be secured through a Section 106 Legal Agreement.

In terms of Open Space, Sport and Recreation (OSSR) contributions, based upon the SHDC OSSR SPD (2006), the development will generate 32 anticipated occupiers and a requirement for an off-site contribution of £31,200.

Core Strategy Policy CS8 and Development Plan Policies DPD (2010) policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of

reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document (2006).

This proposed development will be unable to incorporate levels of open space, play and pitch as required by policy on site at the proposed development, however an additional 32 anticipated residents (applying Table 3 of SHDC OSSR SPD) will generate increased pressure on existing local open space, sports and recreation facilities off site within Totnes.

Borough Park is just over 200m from the proposed development site, and contains a variety of open space, sport and recreation facilities (including play area, skate park, rugby pitch, tennis courts, MUGA) – this is the nearest facility that will be available for new residents for their formal and informal recreation. A variety of investment is required to ensure that Borough Park continues to meet current and future needs of residents – projects identified include improvements to the skatepark, landscaping at the play area, improvements to drainage of the rugby pitch, and improvements to the tennis clubhouse. The South Hams and West Devon Playing Pitch Strategy (Nov, 2015) identifies investment in improving drainage at Borough Park as a priority project for Totnes.

Investment in these facilities will assist with making them sustainable and mitigate for the pressure on the facilities within Borough Park generated by the proposed development, and accordingly make the proposal acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

The contribution of £31,200 should be collected towards ‘improvements to open space, sport and recreation facilities within Borough Park, Totnes.’, and this can be secured by way of a Section 106 Legal Agreement.

The Devon County Council Education Officer has advised that in this instance, no contributions are to be sought.

Conclusion:

The application is considered to be acceptable and is therefore recommended for APPROVAL subject to the completion of a Section 106 legal agreement.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

NPPF
NPPG

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Affordable Housing SPD

Open Space, Sport and Recreation SPD

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.