Amendments to previous approval (ref application P/2008/1217/PA)- enhanced leisure facilities building; additions to lodges and cottages; extensions to existing main building

Site Details
Site of Barton Pines, which is situated about 2 kilometres to the north west of Collaton St. Mary on the edge of Torbay’s administrative boundary with South Hams.

Relevant Planning History
Formation of holiday village to form lodges, cottages, apartments and leisure facilities. Conditionally approved on 25/11/2008, subject to a Section 106 Agreement to ensure, inter alia, that the cottages, flats and lodges are used for holiday use only. A maximum of 59% of the approved units were to be sold on long leaseholds and the remainder retained within the ownership of the developer to be let for holiday purposes only.

Consideration of the current application (P/2009/0479) was deferred at the previous Committee meeting on 13/7/2009.

Relevant Policies
TUS Tourism strategy
TU3 New tourist facilities elsewhere
TU5 New holiday accommodation
TU9 Refurbishment and development of new holiday centres and parks
L2 Area of Great Landscape Value
L4 Countryside Zone

The majority of trees on the site are covered by a Tree Preservation Order.

Proposals
A full application has been submitted which proposes amendments to the approved plan as follows:

1. Leisure facility enhancements. It is proposed to substantially enhance the proposed leisure facility through the addition of a comprehensive spa facility, as set out in additional information from the applicant on this matter in an e-mail dated 8/5/2009 which is reproduced on Page S.200. The extension to the leisure facility which facilitates the additional spa is sited underground beneath the site access/car park and within the basement of the main building. The building has been moved marginally towards the frontage of the site, displacing 3 parking spaces which are re-sited to the south of the main leisure building. The gym has also been relocated from within the main part of the leisure building and is now sited underneath a redesigned spa/admin. building which replaces existing garaging accommodation. This is shown adjoining the boundary of the site with the existing property known as "Taliesin Pines".

2. Additions to the proposed lodges and cottages. Garden rooms are proposed to be added to lodges 5-11; 13, 14 and 16-20. Conservatory are proposed to be added to cottages 21, 22, 25-29 and 33.

3. Main building. A minor design change is proposed to the approved two storey extension, a new two storey extension is proposed to the south east corner of the building which will provide enhanced living accommodation to apartments 43 and 45, together with a roof terrace to serve unit 48. A single storey addition is proposed to the south elevation.
4. A single storey maintenance building, 26 metres by 4 metres, is shown along the western boundary of the site. A cycle and pedestrian path is also shown along the western boundary with access onto Blagdon Lane.

The applicant has written to request that, due to the current downturn of the economic climate, the Council enter into further negotiations to amend the Section 106 Agreement. A copy of her letter dated the 15th June 2009 setting out her requirements is reproduced on Page S.200. Basically, it will be seen that the current Section 106 Agreement allows that 29 of the holiday homes can be sold on a long lease. It is now proposed that the remaining properties (the 8 new apartments and 13 courtyard cottages) be sold by fractional ownership. Information on fractional ownership has been submitted and is reproduced on Page S.200. Basically, it gives a buyer ownership and use of a holiday home for an agreed number of weeks each year. It is envisaged that there will be 8 fractional shares in a year of 6 rotating weeks, leaving 4 spare weeks for maintenance and refurbishment.

Consultations
Arboriculturalist: Memorandum dated 4/5/2009 is reproduced on Page S.203. A detailed arboricultural report has been submitted together with amendments to the landscaping plan to take account of the proposed changes. It has been concluded that the scheme, if implemented correctly and monitored by the Planning Authority, has the potential to be of high quality, providing that further information which has been requested is submitted and approved prior to the commencement of any development. This includes amendments to the Tree Protection Plans, a detailed hard landscape scheme and a detailed method statement.

Representations
Letter of objection from the owner of the adjacent residential property, Taliesin Pines, is reproduced on Page S.200.

Key Issues/Material Considerations
The principle of this development has already been established by the previous planning approval. It is not considered that the proposed amendments have any significant effect on the character and appearance of the site. There are no traffic generation issues as the number of units is the same. Impact on trees is an important consideration and the Arboriculturalist has confirmed that there is no objection subject to suitable conditions. Indeed, he has concluded that the site has developed into a high quality design with considerable complimentary efforts to retain landscape features and enhance the tree cover of the area. He states that the proposed landscape scheme is of very high quality with a good range of diverse species cover for the longevity of the site.

The owner of the adjoining property, Taliesin Pines, has expressed concerns about the siting of the development and its impact on his property. Further information will be reported. Following the previous Committee, a meeting has been held with the applicant to discuss the working of the Section 106 Agreement and revised plans regarding the siting of the gym. The additional details provided in respect of the fractional ownership are considered to be acceptable and a draft Section 106 Agreement is being prepared on this basis.

Sustainability - No new issue.

Crime and Disorder - No new issue.

Disability Issues - No new issue.

Conclusions
Subject to satisfactory further information and plans in respect of the gym building, it is not considered that the proposed amendments give rise to any significant issues over and above those already considered. The additional information submitted in respect of 'fractional ownership' are considered to
be acceptable and appropriate for this site, and a Section 106 Agreement is being prepared on this basis.

**Recommendations:**
Subject to satisfactory revised plans and a new Section 106 Legal Agreement; Approval.

(Conditions similar to those on P/2008/1217/PA.)