



Friday, 3 February 2012

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 13 February 2012

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

Our vision is working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Democratic Services, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: democratic.services@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the committee.

2. **Minutes**

To confirm as a correct record the Minutes of this Committee held on 16 January 2012.

(Pages 1 - 4)

3. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

5. **P/2011/0197 - Land west of Brixham Road, Paignton**

RE-ADVERTISEMENT (REVISED ACCESS DETAIL)-Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings , 36,800m² gross employment floorspace, a local centre including food retail (approx 1652m² gross) with additional 392m²A1/A3 use and student accommodation, 15 hectares of open space, sports pavillion and associated

(Pages 5 - 32)

infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) -THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE TORBAY LOCAL PLAN.

6. **P/2011/0906 - 1 Fortescue Road, Paignton** (Pages 33 - 38)
Alterations, extensions and conversion to former doctors surgery to form 6 apartments.
7. **P/2011/1068 - 110 Hookhills Road, Paignton** (Pages 39 - 42)
Remove porch, alterations to form enlarged tiled roof to cover porch and front of house; build pool/games room at rear in garden.
8. **P/2011/1112 - EF House, Castle Road, Torquay** (Pages 43 - 46)
Formation of a terrace to the southern elevation of EF house, to be built over the existing car park; formation of new opening from an existing window in the cafeteria to provide access to the terrace.
9. **P/2011/1142 - 23 Alta Vista Road, Paignton** (Pages 47 - 50)
Removal of conditions to application P/2008/1436/PA and condition 4 to application P/2008/0961 to allow the 2 owners flats to be occupied without limitation.
10. **P/2011/1234 - 11 Brunel Avenue, Torquay** (Pages 51 - 54)
Alterations and extension at side and rear to form sun lounge, study, kitchen and shower room with velux windows (revised scheme).
11. **P/2011/1269 - Land adjacent to 81 Lancaster Drive, Paignton** (Pages 55 - 62)
Formation of 2 detached dwelling houses with vehicular and pedestrian access.
12. **P/2011/1281 - Land at Diary Hill and 13 Stanbury Road, Torquay** (Pages 63 - 68)
Formation of vehicle hard standing with vehicle and pedestrian access.
13. **P/2011/1300 - Site curtilage of Little Preston, Brixham, Road, Paignton** (Pages 69 - 72)
Formation of bungalow (This is a Departure from the Local Plan)
14. **P/2011/1315 - Elsinore Villa, Greenway Road, Chelston, Torquay** (Pages 73 - 84)
Redevelopment of the site with one house and 7 flats, vehicular and pedestrian access; formation of new entrance on Greenway Road; demolition of house and outbuildings.
15. **P/2011/1316 - Elsinore Villa, Greenway Road, Chelston, Torquay** (Pages 85 - 88)
Demolition of house and outbuildings.
16. **P/2011/1321 - Bench House, Blackball Lane, Brixham** (Pages 89 - 92)
Temporary change of use of Bench House from residential to site office for the duration of the road widening scheme (approximately 3-4 months).

17. **P/2011/1345 - Curledge Street County Primary School, Curledge Street, Paignton** (Pages 93 - 96)
Engineering works to form an access ramp together with the installation of new school gates (revised proposals following planning permission P/2011/0751/R3).
18. **P/2011/1351 - Barton County Junior & Infant School, Barton Hill Road, Torquay** (Pages 97 - 100)
Formation of extension to provide new main reception facilities, replacement windows, provision of accessible parking spaces, realignment of paths, removal of pedestrian entrance gate and engineering works to improve grass play areas.
19. **P/2011/1391 - 111 Abbey Road, Torquay** (Pages 101 - 108)
Change of use and conversion of a disused hotel to 8 residential apartments with 2 bedrooms and associated building works; demolition works.
20. **P/2011/1392 - 111 Abbey Road, Torquay** (Pages 109 - 112)
Demolition works.
21. **P/2012/0008 - 302 Dartmouth Road, Paignton** (Pages 113 - 118)
Enclosure to existing swimming pool and formation of new changing rooms.
22. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or e-mail governance.support@torbay.gov.uk before 11 am on the day of the meeting.
23. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday 8 February 2012. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

16 January 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brooksbank, Hill, Kingscote and Pentney

(Also in attendance: Councillors Lewis and Richards)

475. Minutes

The Minutes of the meeting of the Development Management Committee held on 12 December 2011 were confirmed as a correct record and signed by the Chairman.

476. Urgent Items

The Committee considered an urgent item raised by the Executive Head of Spatial Planning regarding an application for a recycling facility at Churston. The Committee was advised that a number of objections had been received. The Committee therefore refused to consider this item on the grounds that the democratic process must take place.

477. P/2011/1080 - Palm Court Hotel, Torquay, Devon

The Committee considered an application in respect of the redevelopment of former Palm Court Hotel, Torquay to provide a six storey building comprising: A3 (Restaurant) use, ground floor and part first floor, 14 self catering holiday flats with ancillary facilities part first and second floor, 14 private residential flats third, fourth, fifth and sixth floor. 17 car parking spaces for self catering accommodation and 15 for private flats. Modifications to carriageway to create shared space/pedestrian crossing facility. Works to adjacent public park to allow construction of building.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Philip Kirkup, Colin Ritchie and Steve Clark addressed the Committee against the application and Richard Maddock, Peter Tisdale and Carolyn Custerson addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Lewis and Councillor Richards addressed the Committee.

Resolved:

Approved subject to:

- (i) the submitted scheme having the following holiday restrictions on the occupation of the 14 holiday flats:
- The holiday flats shall be occupied for holiday purposes only
 - The holiday flats shall not be occupied as a person's sole or main residence in the UK
 - The owner/occupier of the complex shall maintain an up to date register of the names of all owners/occupiers of individual holiday flats and of their main home addresses and shall make this information available at all reasonable times to the LPA
 - The same person or group of persons shall not occupy any holiday flat for more than 12 weeks in any calendar year
- (ii) the completion of a Section 106 Agreement to secure relevant contributions and matters detailed in the body of the report, including the provision of contributions towards the monitoring of the holiday use and clauses to secure the holiday use remains and in the case that a full residential use is obtained then a contribution towards affordable housing and sustainable development is payable. The Section 106 Agreement to be signed within six months of the date of this Committee or the application be reconsidered by members.
- (iii) the receipt of amended plans, additional detailed information in relation to the appearance of the building and public realm, the resolution of flood risk and relevant amendments to the floor levels as a result.
- (iv) Conditions to be delegated to the Executive Head of Spatial Planning.

478. P/2011/1201 - Seaford Hotel, 2 - 4 Stafford Road, Paignton, Devon

The Committee considered an application for the conversion of former hotel to 9 residential apartments with vehicle access.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit..

Resolved:

Approval delegated to officers subject to:

- (i) the completion of a Section 106 Agreement in respect of sustainable transport, waste management, education, lifelong learning and green space within six months of the date of this committee or the application be re-considered by members; and
- (ii) the imposition of the conditions set out in the submitted report with revised conditions relating to the provision of details in respect of the replacement windows, which are to be sliding sash on the main street façade.

- (iii) further negotiations in relation to the Flood Risk associated with the residential use of the proposed basement flat and ground floor flats.

479. P/2011/1238 - Apartment 8 Belvedere, 37 Marine Drive, Paignton, Devon

The Committee considered an application for the removal of condition 4 to application P/2000/1231 to allow apartment 8 to be used as residential.

Resolved:

Approved.

480. P/2011/1257 - Flat 9 Basement, 64 Windsor Road, Torquay, Devon

The Committee considered an application for the conversion of basement to 1 number flat with 2 bedrooms – retrospective.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to the completion of a Section 106 Agreement in respect of waste management, sustainable transport, lifelong learning and green space within three months of the date of this Committee or the application be re-considered by members.

481. Appeal Decisions

The Committee noted the outcome of recent appeal decisions, as set out in the submitted Report.

Chairman

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Agenda Item 5

Application Number

P/2011/0197

Site Address

Land West Of
Brixham Road
Paignton
Devon
TQ4 7RZ

Case Officer

Mr Scott Jones

Ward

Description

RE-ADVERTISEMENT (REVISED ACCESS DETAIL)-Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings , 36,800m² gross employment floorspace, a local centre including food retail (approx 1652m² gross) with additional 392m²A1/A3 use and student accommodation, 15 hectares of open space, sports pavillion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) -THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE TORBAY LOCAL PLAN

Updated Executive Summary / Key Outcomes

The application is an outline planning proposal that returns to committee following its consideration at the November 2011 meeting.

The proposal remains unchanged and is a mixed use scheme for housing, employment land and open space / community facilities on a site partly designated for employment and partly undeveloped and unallocated farmland within the Saved Local Plan. The committee are reminded that it is an EIA (Environmental Impact Assessment) application due to the magnitude of the potential environmental impacts and the sensitivity of the site, and as such the application is accompanied by a full Environmental Statement.

Officers consider that the scheme will provide the potential for significant investment in the area that would bring forward a balanced development of employment, housing and associated community facilities. This is also supported by substantial off-site ecological enhancement works and improved public access into the countryside by way of a proposed circular woodland walk.

The scheme provides the opportunity to secure significant investment in Torbay and to provide economic growth and stimulus.

For the sake of clarity the November Committee resolution was as follows;

Deferred for further negotiations in relation to the ecological impact, the vehicular junction/access opposite Kingsway Avenue and the terms of the Section 106 Legal Agreement. The item was also deferred for confirmation in writing that the Environment Agency was now satisfied with the proposed drainage strategy.

Detail on the progression of the four key outstanding issues cited above is discussed below along with an update on other matters of relevance. All previous considerations are detailed in the reproduced committee report from November 2011.

Updated Recommendation

Site Visit; Conditional approval (conditions to be delegated to the Executive Head of Spatial Planning), subject to the finalised resolution of matters in respect to ecology, and written confirmation from the EA in respect to their support for the flood drainage strategy, and subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the committee date.

Summary of progress on the four outstanding matters;

1. Ecology

The key issue is considered to be the implications of the development upon the European SAC (Special Area of Conservation) at Berry Head, where the favourable status of the Greater Horseshoe Bat roost, including the surrounding foraging area, should be maintained. Wider issues include the implications upon Cirl Buntings, an identified Priority Species and wider biodiversity concerns.

The Council's ecological advice has concluded that the scale of development is unlikely to give rise to any significant cumulative impact as long as other development proposals in the surrounding area also provide adequate on-site mitigation and compensation measures. These measures should provide for the continued use of strategic flyways and continuity of flight corridor features for the Greater Horseshoe Bat. Appropriate measures should be secured through planning conditions and/or S.106 Agreements as necessary to protect the favourable status of the Berry Head roost and foraging area.

The Authority is awaiting comment from Natural England in respect to their view on the detail and conclusions of the Habitat Regulations Assessment summarised above. Natural England have been concerned that information submitted does not provide clear assurances that the development would achieve a net biodiversity gain consistent with requirements associated with the NERC Act and PPS9 *Biodiversity and Geological Conservation*.

The RSPB have highlighted that cirl buntings thrive in the area and that not all of

the previous concerns have been fully addressed to adequately compensate for the loss of year-round cirl bunting habitat. The RSPB recommended that a financial contribution via a section 106 agreement should be made to the Council to secure cirl bunting habitat acquisition and management elsewhere if further land management and enhancement nearby cannot be secured directly.

However, the ecological advice from the Council's consultants and the view of officers is that, pending further discussion with Natural England and RSPB, the matter of the ecological impact of the development can be satisfactorily resolved. As such, officers recommend approval on ecology grounds, subject to the resolution of the outstanding detailed matters with Natural England/RSPB.

2. Access arrangements on to Brixham Road

The Authority's Strategic Transportation Team now accept a second junction arrangement and are supportive of the revised junction detail on to the Brixham Road. This support is contingent upon the revised proposal for improvements to the Long Road junction and on the revised approach to the design of the new junction opposite Kingsway Avenue. This support is also subject to suitable detail, conditions and financial contributions in order to address matters of detail in the alterations to the highway.

In summary the Authority's highway advice is that the current proposals should be supported by the following;

- £15,000 for signing and lining along Long Road South from the College to Stoke Road, and in Gibson Road / Kingsway Avenue

- A refundable £25,000 bond to be used after 2 years of 50% of the site (units + residential) being occupied should rat running become an identified data led problem in either Long Road South or Kingsway. Costs of monitoring should be borne by the Applicant.

- Highways SPD contribution for general improvements to the Western Corridor to enable this development

- Sustainable transport SPD contributions to provide:

- a. a quality bus service through the site 7 days a week to service residents, employment, retail and leisure facilities on the site as well as to and from it

- b. well signed external links to the on site green corridor provision, connecting beyond the site boundaries to areas within reasonable walk / cycle distances along safe, sustainable routes and specifically to:

- i. Education Sites:

1. South Devon College,
2. Paignton Community College,

3. Roselands Primary School, and
4. White Rock Primary

ii. Cherrybrook Medical Centre,

iii. Sainsburys, and

iv. The local shops in Kingsway

- A robust Residential Travel Plan and an area wide framework Business Travel Plan for the employment areas, which will require individual occupiers to develop their own Business Travel Plans.

- All construction details including design layout and material specifications are to be agreed with the Highways Department under a Section 278 Agreement.

It is anticipated that a highways officer will be available to respond to questions on this issue at the committee meeting.

3. S106 terms

An independent viability assessment has been carried out and discussions about the viability of the scheme and the consequent content of the s106 agreement are ongoing. Officers will be requesting that the detail of the heads of terms of the s106 agreement be delegated to the Executive Head of Spatial Planning for final resolution. Further information has been requested in relation to the viability of the proposals and the cash flow for the developer which will ultimately determine the extent of the Agreement.

Matters currently being discussed as potential s106 heads of terms include the following:

1. The provision of on-site affordable housing. The current offer from the developer has increased from 15% to 20%, discussions are ongoing as to whether or not this is the appropriate figure. In any event a deferred contributions arrangement should be secured in relation to any matter not achieving the Council's current policy position in relation to the current viability of the project.

2. Phasing arrangements to secure the timely provision of affordable housing, serviced employment land, employment buildings, commuted payments, highway works, strategic landscaping, public open space and other key elements of the scheme.

3. A commuted sum payment to defray the costs of infrastructure (current offer £500,000), including education, off-site highway works, public transport, libraries etc) - subject to resolution of IVA and to incorporate a deferred contributions

arrangement in the event that the contribution falls below the Council's policy, subject to further negotiations on the viability of the scheme.

4. CHP Plant - Delivery of future-proofing infrastructure to serve a Combined Heat & Power supply. Total cost of all work, including building, boilers and pipe work to serve development has been costed at £2M. The precise level of future proofing is to be agreed.

5. Western Bowl

- Completion of 40,000 sq ft of employment space, capable of single or multiple occupation, triggered in accordance with the phasing plan
- Construction of new access and spur road to service the site and the 40,000 sqft building within 6 months of planning consent.
- Implementation of strategic landscaping, strategic drainage and flood attenuation early in the phasing of the development
- The provision of additional employment space in the Western Bowl at agreed trigger points in the phasing of the scheme or alternative arrangements to secure employment provision, subject to further negotiations on the viability of the scheme.

The purpose behind the above is to secure the delivery of employment space in the Western Bowl. In the absence of clauses to secure its provision, the employment space is unlikely to be delivered, as the viability assessment demonstrates that the development in the Eastern bowl is subsidising the Western Bowl.

At the present time the developer is willing to sign up to an agreement to deliver 20-40,000 sqft, but not the remainder of the employment space in the Western Bowl.

It is noted that there is employment provision in the Eastern Bowl that will make a significant positive contribution to Torbay's employment space.

6. Eastern Bowl

- Innovation Centre land to potentially be provided free of charge to Council, with freehold interest and serviced. Acceptance that the Council be required to deliver Innovation Centre within specified period (TBA), or develop an alternative acceptable scheme.
- New access to be provided very early in the development, possibly 6 months from OPP (without prejudicing reserved matters).

7. Other Matters

- Provision of potential drainage infrastructure as deemed necessary, subject to outstanding comments from the Environment Agency.
- Provision of further ecological enhancement measures, as deemed necessary through ongoing discussions with Natural England and the RSPB

4. Drainage and Flood Risk:

The Water Resources chapter of the EA and the Flood Risk Assessment by Clarkebond, dated February 2011, provide an assessment of the drainage capacity of the site and the risk of flooding as a result of the proposed development.

The FRA document also sets out appropriate measures to reduce flood risk. The Environment Agency has requested further information in this regard and this was submitted on 01 November. This latest information provides a strategy for the sustainable drainage of the surface water within the Western Bowl. As identified at the bottom of page 2 of the supporting information from Clarkebond, dated 31 October, the strategy includes the following:

- provide soakaways where practical – subject to confirmation through site soils testing,
- in the absence of confirmed site soils a worse case strategy is presented assuming that infiltration is not feasible, the worse case strategy is presented on the basis of:
 - providing permeable paving to the site car parking (where practical),
 - provide a new on-line attenuation basin to accommodate up to the 100 year event with 30 % allowance for Climate Change
 - provide a complex control to restrict discharge from the proposed on – line attenuation basin to Greenfield Runoff Rate (as identified in the original FRA).
- The scheme also provides 3 No. new gullies or the modification of the existing hedge line to naturally shed flows from the road to the existing attenuation basin (lagoon).
- Provide a 100m³ sump within the existing attenuation basin (lagoon).

The result of this strategy will be that the site will be self sufficient in drainage terms and will not rely on the existing lagoon near to Long Road. In addition, the strategy includes improvements to resolve existing flooding problems on Long Road.

The responses of South West Water, the Environment Agency and the Council's

drainage engineer in respect of this revised strategy are awaited, but it is anticipated that the response will be positive, given the ongoing discussions that have taken place between the applicant and these organisations.

It will remain necessary for the applicant to carry out foul drainage investigations to establish whether capacity is available in the public sewer network. If the result of these investigations leads to the requirement for improvements to the network, these will need to be funded by the developer.

Planning conditions will be required to secure the appropriate surface water drainage scheme and to ensure that development does not commence until foul drainage investigations and the identified improvements have been undertaken.

As such, officers recommend approval on drainage grounds, subject to the resolution of the outstanding detailed matters with the Environment Agency.

Summary Of Updated Consultation Responses

For previous comments please refer to accompanying details within the reproduced November 2011 committee report.

Update comments:

Natural England:

Latest correspondence states that Natural England will comment shortly on the conclusions of the Authority's HRA (Habitat Regs Assessment), in respect to effect on the local Greater Horseshoe Bat colony. Natural England maintains the view that the current mitigation does not satisfy NERC and PPS9 responsibilities in respect to protected species and wider biodiversity protection.

RSPB:

A response to the updated November ecology statement advised that not all of the previous concerns have been fully addressed and therefore to adequately compensate for the loss of year-round habitat it is recommended that the Authority seek a financial contribution via a S106 to secure cirl bunting habitat acquisition and management elsewhere.

Environmental Protection & Consumer Health:

It would be prudent to attach a condition in respect to the submission of detailed plans for the new dwellings proposed adjacent to the existing business premises including the mitigation methods that they will be using to prevent the residents being caused a nuisance from an already established business.

Conclusions

The proposal provides the potential for significant investment in the area which would bring forward a balanced development of housing with associated

community facilities. This will be likely to benefit the established local community, and will provide a range of employment opportunities through the local centre, office development and industrial units.

The mix of uses and the broad development proposals are considered commendable in terms of their planning merit and the fostering of regeneration and economic benefit for Torbay.

The four key outstanding matters, in respect to access, ecological mitigation, resolution of the detail of the 106 agreement, and comments from drainage experts, are either resolved or close to resolution.

Officers support the scheme and consider that the outstanding matters can now be delegated to the Executive Head of Spatial Planning for resolution.

PLEASE REFER TO THE PREVIOUS COMMITTEE REPORT BELOW FOR THE FOLLOWING;

- SITE DETAILS
- DETAILED PROPOSALS
- SUMMARY OF REPRESENTATIONS
- SUMMARY OF CONSULTATION RESPONSES
- PREVIOUS CONSIDERATIONS /CONCLUSIONS AND RECOMMENDATIONS

Conditions -

Full schedule to be completed, conditions to be delegated to the Executive Head of Spatial Planning

PREVIOUS COMMITTEE REPORT – NOV 2011 -

Executive Summary / Key Outcomes

The application is an outline planning proposal for a mixed use scheme for housing, employment land and open space / community facilities, for a site partly designated for employment and partly undeveloped and unallocated farmland within the Saved Local Plan. This is an EIA (Environmental Impact Assessment) application due to the magnitude of the potential environmental impacts and the sensitivity of the site. As such the application is accompanied by a full Environmental Statement.

Holistically the proposal provides the potential for significant investment in the area that would bring forward a balanced development of employment, housing and associated community facilities, supported by substantial off-site ecological enhancement works and improved public access into the countryside by way of a proposed circular woodland walk.

The mix of development is considered acceptable and the proposal is supported on planning merit subject, principally, to the resolution of i) the access arrangements to the eastern bowl adjacent to Brixham Road, ii) suitable off site ecological enhancement to mitigate against potential implications upon protected species, and iii) the resolution of outstanding s106 viability matters. These matters appear resolvable should the Committee be minded to approve the scheme and it is therefore anticipated that members would be in a position to approve subject to the resolution of the outstanding matters.

Recommendation

Site Visit; Conditional approval (conditions to be delegated to the Executive Head of Spatial Planning), subject to the satisfactory resolution of matters in respect to ecology, access, viability, flood risk (in respect of further comment requested from the Environment Agency), the views of Environmental Protection in respect of the submitted noise assessment; and subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the committee date.

Site Details

The application site comprises a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. At present there are a number of buildings to the east of the site and recently constructed road infrastructure which has been constructed in connection with earlier approvals at the site. The developed and previously developed portions of the site comprise 6.8 hectares. The site comprises two topographical 'bowls' one to the west and one to east of the site, with higher ground towards the centre of the site.

To the south and west are a number of wooded areas; Waddeton Road Plantation, Shopdown Copse and Peter's Copse. A number of hedgerows cross the site.

The eastern section of the site is allocated in the Saved Local Plan for new employment uses surrounded by strategic landscaping. The remainder of the site is within the Countryside Zone and the majority of the site (excluding the area to the north east adjacent to Long Road and accessed via Waddeton Close) is within an Area of Great Landscape Value. Brixham Road, running north/south to the east of the development site, is part of the Major Road Network.

The extent of additional land within the applicants control is also indicated on the submitted O/S plan and the extent of land within the applicants control provides the opportunity to secure appropriate off-site landscaping and ecological mitigation.

Detailed Proposals

This application is in outline with all matters reserved except for access. Therefore all drawings and illustrative material submitted with the application are indicative apart from those which detail the new junctions and accesses into the site. One of these is proposed from the eastern bowl onto Brixham Road, approximately opposite the Kingsway Avenue junction. The second is from Woodview Road into the western bowl, between existing employment buildings within the Woodview Road industrial estate.

The eastern part of the site would accommodate the following uses:

- 11,495 sqm employment (offices)
- Energy centre
- 350 dwellings
- Student accommodation (approx 50 units)
- 392 sqm general retail
- 1,188 sqm food retail
- Community building

The western part of the site would accommodate the following uses:

- Up to 25,319 sqm employment floorspace within use classes B1 (office), B2 (General industry) and/or B8 (Storage and distribution). This is indicated as being distributed between 8 buildings.

The masterplan drawings indicate 8.4 hectares of public open space including local areas of play, local areas of equipped play, a grass football pitch adjacent to the community buildings, and a multi-use games area. An area of allotments is also proposed.

A number of areas of off site mitigation in the form of woodland planting are proposed. The total provision extends to some 9Ha and whilst the vast majority of this planting was required by the 2005 consent relating to the business park, additional planting is proposed around the Western Bowl. In addition, changes have been made to the planting following the initial submission of the scheme, these changes effectively provide a more continuous link for the woodland walk that is proposed within the new woodland and provide enhance connectivity for biodiversity purposes.

This is an EIA (Environmental Impact Assessment) application due to the magnitude of the potential environmental impacts and the sensitivity of the site. As such the application is accompanied by a full Environmental Statement (ES). The ES provides details on the following areas of assessment:

Landscape and Visual Impact
Lighting Impacts

Ecology and Nature Conservation
Cultural Heritage
Water Resources
Traffic and Transport
Noise and Vibration Impacts
Socio Economic Effects

These issues have been considered in detail in consultation with relevant statutory and non-statutory bodies and the prime material considerations are covered within the main body of this report.

Summary Of Consultation Responses

Torbay Design Review Panel:

Comments on the live outline application commend the clarity of the proposal and the evolution of the scheme and the improvements from the previous scheme. Key points noted are;

1. The entrance to the development, in particular the nature of the junctions to Brixham Road is critical to the success of the development both in terms of place-making and in making the vital connections to Goodrington.
2. Questioned the potential to lessen the dominance of the roundabout infrastructure inherited from the business park aspirations in the eastern bowl area.
3. Supports the more successful integration of the park, amenity area and open spaces.
4. Questioned the layout around the retail unit and the potential to provide a more continuous, balanced street scene.
5. The road infrastructure supporting the configuration of the housing was thought to be very conventional and the site could sustain more innovative and bespoke street design.
6. A sense remains that the landscape strategy is filling in the gaps or being used as screening rather than helping to determine the character of the place.
7. Pleased to see the emerging strategy for district heating.

Natural England:

Natural England object to the proposed development on the basis that the application contains insufficient information to effectively determine the impacts upon the Greater Horseshoe Bat interest associated with the South Hams SAC (Special Area of Conservation).

Considerations of impact include that the proposed development is within the identified sustenance zone and within 400metres from a strategic flyway.

Further information, provided on 21 October 2011, is considered not to have satisfied matters in respect to methodology, off-site biodiversity enhancements, biodiversity losses and gains, and green infrastructure.

RSPB:

The site is located in an area that is extremely valuable for ciril buntings, which is a rare and priority species. Parts of the site have been recorded as breeding territory and further territories have been recorded within a 1km radius of the site. Negative impacts at construction and post-development stages have been identified and the RSPB consider that should permission be granted, consent should be made conditional on the following;

- no vegetation clearance during the breeding season
- existing habitat of value for ciril buntings should be retained where possible
- where there is a loss of ciril bunting habitat on site there should be mitigation, ideally via off site replacement habitat
- should replacement habitat not be secured, funding to secure appropriately managed land within the Borough should be sought via S106.

The Barn Owl Trust:

Although the Environmental Statement provides no evidence at any of the surveyed buildings within the site, the surrounding area does provide suitable foraging habitat for Barn Owls. The trust holds 53 records of Barn Owls within a 5km radius of the site. There is hence good reason to believe that Barn Owls may use the area and the lack of provision within the development is a wasted opportunity. Considering the duty to have regard to the purpose of conserving biodiversity the trust recommends that permanent provision be sought in at least two buildings on the periphery of the site, ideally facing West or South, inline with Natural England advice '*Barn Owls and Rural Planning Applications*'.

Torbay Coast and Countryside Trust:

Comment provided in respect of biodiversity, green infrastructure/ access to the countryside, food growing, orchard provision, open space and water management. The trust states that the scheme incorporates a number of commendable green infrastructure features, they confirm that the woodland walk is welcomed, as is allotment space and the potential for a community orchard. Comments do however conclude that current proposals still do not sufficiently address the loss of biodiversity onsite, specifically in regard to the impact upon the Greater Horseshoe Bat. In this regard the trust advises that significant

amendments should be made to address the issues before the application is determined.

Environment Agency:

Measures over and above those identified within the Flood Risk Assessment by Clarkebond, dated February 2011, will need to be implemented, as failure to achieve such measures risks an increase in flood risk which would be contrary to guidance in PPS25. Supplementary comments, dated 28 September 2011, state that, although improvements have been made, there remains a degree of uncertainty as to flood risk that will need to be addressed prior to determination. At the very least a revised Drainage Strategy Drawing should be submitted.

Since these comments have been made further information has been submitted for consideration and it is anticipated that this will overcome the Environment Agencies outstanding concerns in this respect. This matter is considered further within the main body of the report.

Drainage Department:

The proposals for the surface water drainage within the eastern bowl are in accordance with a previously agreed drainage strategy for this area. This involves the assumption of individual soakaways for each residential property, which may however be precluded due to ground conditions. An alternative strategy should be identified if this is proven to be the case. The tanked attenuation feature in the western bowl is accepted, following discussions and agreement with South West Water. It would also be beneficial for the detailed design stage to identify elements of car parking and highways which could be constructed using permeable paving in order to further reduce surface water runoff and reduce the risk of flooding.

South West Water:

The details of the scheme are acceptable in terms of the potential impact upon the public surface water drainage network.

Regarding foul drainage investigations are required to establish whether capacity is available in the public sewer network. The investigations would need to be funded by the developer as will any improvements necessary and planning permission should not be granted until any developer financial contributions are secured by way of a S106. Until such time as the investigations have been undertaken and the cost of any improvements identified, it is suggested that planning conditions are attached to preclude development until such time as the investigation has been carried out and any necessary improvements have been completed at the developer's expense.

Police Architectural Liaison Officer:

The development has the potential to alter the social structure of the area. However these potential changes can be mitigated by good design which can be

applied when the detailed reserved matters applications are made.

Devon County Council:

As the adjoining mineral planning authority the Council does not wish to raise any objection.

Strategic Transport / Highways:

Whilst there is support for the development in general from highways, there is concern over the proposals to provide an additional unrestricted traffic lighted junction into the site. Although the proposal for further growth in the area is acceptable, with appropriate contributions towards the western corridor improvements, the case for the need for a further signalised junction has not been successfully made.

There are already four signalised junctions with a further junction already agreed within a 1.8km stretch of the Brixham Road, which is part of the Major Distributor Network. Policy states that new access points will not be permitted where they would reduce road safety or detract or conflict with the function of the route. Although the Traffic Assessment attempts to show that the delay is acceptable, any signalised junction introduces a delay to a network and for a major network this is unnecessary delay. Highways contend that such delay would fall foul of the policy on conflicting within the function of the route.

The existing junction on Long Road has already been provided to give access to this area. However, a new second access for public transport, pedestrians and cyclists would be agreeable.

£500,000 highway contributions should be sought to support the following improvements;

- Provision of an additional lane heading North West away from the Long Road Junction
- Provision of an additional lane heading South East towards the Long Road Junction
- Provision of an additional lane between Yalberton Road and Borough Road

Environmental Protection & Consumer Health:

A number of investigations have been carried out previously in the development area and results show that the level of contamination is minimal and that only arsenic is at an elevated level. Although arsenic is naturally occurring it nevertheless can have serious health impacts. It is therefore advised that a full survey of the residential areas be carried out and mitigation measures be put in place if necessary. The proposal is recommended for approval with conditions relating to ground investigations.

Torbay Development Agency:

The TDA has requested that a minimum of 40,000 square feet of commercial units are built prior to the completion of a certain number of residential dwellings in order to ensure the tandem delivery of homes and jobs. There is no minimum specification required for these units other than that each unit should be delivered with the necessary infrastructure and wiring to connect into the energy centre or bolt on solar and PV panels. It is envisaged that the remainder of the commercial units would be delivered on a pre-let basis. The delivery of units could be secured via phasing arrangements / delivery triggers in the s106. The delivery of key elements of the scheme is to be subject to further consideration once the full independent viability assessment is available.

Summary Of Representations

Community Consultation -

The application is accompanied by a Statement of Community Involvement. The scheme has been subject to extensive community engagement and has changed over time to reflect comments made by community and other stakeholders. Early engagement took place at pre-application stage and following the submission of the application the White Rock Neighbourhood Forum was set up to ensure that the community and all relevant stakeholders were fully involved in the consultation process. The relevant stakeholder groups included the community partnership, local councillors, and South Devon College.

Extensive exhibitions have been held consisting latterly of a three day exhibition in a local hall and consultation boards within two local libraries. In order to ensure that knowledge of the event reached potential interested leaflets were posted to 400 local residents and a number of public notices were placed in the local press. Key stakeholders were also contacted by letter.

174 people attended the three day exhibition and 41 comments were received via the optional feedback forms.

It was considered that the sessions and formal responses generally identified that the cumulative effect of a number of proposals within the area was a concern, particularly in relation to traffic.

Further consultation with the interested parties was undertaken in November 2010 with a Project Team feedback which discussed the key issues which were raised.

Feedback in relation to the public consultation exercise itself has been very positive and it is considered that the local community has been included successfully in this process. In fact many have viewed this as a potential exemplar scheme for community engagement that sets a benchmark standard for other developers to follow.

The following lists the key issues raised in the representations, a copy of all the representations has been provided for members:

- Traffic congestion
- Concerns about new junction
- Danger to pedestrians and cyclists
- Concerns about rat-running/large vehicles in residential areas & country lanes
- Concerns about the food retail
- No need for new retail
- No need for commercial premises/many vacant available
- Departure from local plan
- Loss of open space/habitats/agricultural land
- No need for new housing
- Concern that housing would be unaffordable
- Student accommodation should be closer to college
- Development would result in need for more health care facilities
- Cumulative impact with other developments in vicinity needs to be considered
- Damaging to tourism industry
- Concerns about flooding
- Impact of proposed footpaths on adjacent farm
- Advantages to community from open space, woodland and allotments
- Need for housing

Relevant Planning History

P/1994/0914	Erection of buildings for classes B1, B2 and B8 use together with associated works (in outline) – PER – 03/03/1995
P/1999/1641	Variation of condition (b) of planning application P/1994/0914 to extend period for outline approval to March 2002 – PER – 31/01/1999
P/199/1642	Construction of service roads and groundworks incidental to the use of land uses (employment)- PER – 31/01/1999
P/2001/1047	Erection of employment units for classes B1, B2 and B8 – PER – 18/10/2001
P/2001/1662	Erection of employment units for class uses B1m B2 and B8 additional land for car parking and first floor accommodation – PER – 18/02/2002
P/2003/1057	Erection of employment units for class B1, B2 and B8 uses – PER – 11/08/2003
P/2003/1693	Erection of employment units for class B1, B2 and B8 uses with car parking – PER – 02/12/2003
P/2004/1621	Outline application for the erection of buildings comprising a business park totalling not more than 55,740 sqm of accommodation (including ancillary accommodation)

	comprising a hotel/conference facility (use class C1), Creche (use class D1), restaurant and/or public house (use class A3/A4), Health and fitness centre (use class D2) and small scale retail units (falling within use classes A1, A2 and/or A3) with associated infrastructure and engineering works to facilitate access, parking, landscape and drainage requirements (in outline) – PER - 04/08/2005
P/2006/1843	Roads, sewers, attenuation tanks and enabling works – PER – 11/04/2007
P/2007/0970	Construction of roads, sewers, attenuation tanks, utilities/services, street furniture and enabling works, lighting and landscaping works – PER – 15/08/2007
P/2010/1379	Formation of 61 bed hotel (c1) and pub/restaurant (A3/A4) with associated car parking and landscaping – PER – 25/05/2011

Key Issues / Material Considerations

Principle and Planning Policy -

It is first recognised that the proposal is a departure from the provisions of the local plan, as a substantial part of the residential element sits over land designated for employment use, which was granted permission as such in 2005 but has not come forward. For the ease of understanding, this previous approval is considered to relate to an area of the site loosely termed as the 'eastern bowl'.

The proposal also introduces development adjacent to Shopdown Copse on land loosely termed as the 'western bowl'. For clarity the western bowl is an area of undeveloped farmland sited immediately adjacent to the existing Woodview Road business park, although this is visually severed from the eastern bowl by a raised copse. This commercial and industrial development on the western bowl is in lieu of the allocation for employment on the eastern bowl, which is now to provide a mix of uses, but primarily residential development.

The overall scheme mix provides the right conditions for employment land to come forward, and will also result in a balanced development that would create jobs, housing and community facilities.

Although it is noted that the application is in outline with only access fixed, the large amount of contextual detail submitted provides for a strategic approach that will deliver housing, offices and retail within the eastern bowl in order to enable employment development to come forward in the western bowl.

Employment provision

The proposed employment development provides industrial (B-Class), office and retail opportunities, supportive of Local Plan Employment Policies, which seek new jobs and economic regeneration within sustainable locations that can be

easily accessed. The retention of employment land previously established, albeit predominantly moved from the eastern bowl to the western bowl, also satisfies the retention of specifically allocated land.

In regard to the movement of the employment development away from the allocated site there is acceptance that the choice of location within the Western Bowl is a suitable location for such a development. This would extend and support the existing established employment site on Woodview Road and would also provide fresh opportunities for a full range of businesses from large-scale employers down to those requiring starter units. The proposed site is also retained within a location that can encourage sustainable travel to work patterns, as it sits close to established residential areas and strong public transport links.

Residential element

The proposed housing on land designated for employment within the eastern bowl adjacent to Brixham Road appears acceptable in terms of its general planning merit, as provision is made for employment elsewhere within the site. As the scheme provides replacement serviced employment land within the area of the western bowl, supplemented by office and retail development maintained within the eastern bowl, the addition of housing within the scheme supports rather than weakens the employment potential of the site. Such higher value uses enable the development to provide a robust mix that facilitates employment generation and the creation of a sustainable community.

The Government's Draft National Planning Policy Framework has recently been issued for consultation and indicates the Government's intention to introduce a 'presumption in favour of sustainable development' and a clear intention to increase the supply and delivery of housing. The ministerial forward to the document indicates that development that is 'sustainable' should be approved without delay. The draft NPPF also requires that the Local Plan meets the full requirements for market and affordable housing, and planning authorities should maintain a 5 year (plus 20%) supply of specific deliverable sites. Whilst this direction of travel is not established fully, due to the draft nature of the NPPF it is considered material to consider the nature of the development in this context.

There is also a significant amount of information about the extent of housing need most recently identified in the Exeter and Torbay Strategic Housing Market Assessment (2011 Update) which highlights a need for the delivery of around 820 dwellings a year. The evidence of need is likely to continue to be a material consideration even when the Localism Bill becomes law. Whilst this need should be measured against the significant constraints to development in Torbay, it is likely that the Council will seek to provide around 500 dwellings per year within the forthcoming plan period.

The Ministerial Statement accompanying the 'Planning for Growth' White Paper indicates a presumption in favour of development except where it would

compromise key sustainable development principles and as stated, the emerging National Planning Policy Framework encourages growth and looks set to retain a 5 year housing supply target plus 20%.

The proposed site at White Rock will enable the provision of some 350 dwellings in a sustainable location, served by good transport links and services. The housing development will also act as a pump priming use for the development of serviced employment land within the Western Bowl. The mixed use nature of the scheme will ensure that there is an appropriate balance of uses in order to provide for a vital and viable community.

With employment potential safeguarded and housing policy set out above, the key further consideration in respect to the housing subsequently falls on the suitability of the site which has not previously been designated for such a use. Policy guidance outlines that housing schemes should be sustainable and respond to the local housing need, within appropriate locations. They should provide an appropriate mix and density, ensure good access to facilities and infrastructure, and avoid physical and environmental constraints. The scheme is considered to be consistent with these aims. In regard to environmental constraints, although the matters of land contamination and flood risk appear acceptable, ecological constraints remain unresolved and will be discussed later in this report.

Community / open space provision

In addition to the housing and employment land, the scheme proposes a large degree of public open space, which includes 8 hectares of informal open space, a full size grass football pitch, a multi use games area, equipped play facilities and further open greenspace for allotments / community orchards. The provision of these supportive community facilities, including a community pavilion building, is considered entirely appropriate and is inline with the objectives of providing balanced developments that meet the wider recreational needs of the area. The inclusion of these land uses is considered a significant positive aspect of the development. Certain of these elements, such as the extent of public open space and the provision of the community pavilion.

To conclude, in respect to principle and planning policy, the scheme provides a complimentary and extensive mix of uses within a sustainable location close to established transport links, employment land and residential suburbs. The scheme is therefore considered to sit comfortably with Local Plan Housing, Employment and Retail Strategies, notwithstanding that the scheme departs from land use allocations within the Local Plan.

Notwithstanding these points it is also accepted that the proposals should not adversely affect the built or natural environment and the implications of the development, most importantly in terms of landscape and ecology, will be discussed separately within this report.

Retail -

The eastern bowl is expected to provide a local centre with retail space and offices. The retail assessment (dated September 2011) provided with the application, followed discussions with officers. The retail assessment demonstrates that the retail provision is appropriate in this case.

The store will provide for primarily top-up and basket shopping with limited provision for weekly shopping for smaller (single and double person households). The retail impact of the store is not assessed as being significant, the shop will anchor a new local centre to support both the new development and existing housing at Kingsway and the wider Goodrington area over the Brixham Road. The impact on existing retail provision within the local and wider Paignton area is assessed as being very limited (see para 3.4.14 of the retail assessment in particular for detail).

Economy -

The masterplan proposes approximately 39,700m² of employment related floor space, which is distributed across both the eastern and western bowls. Approximately 13,895m² within the Eastern Bowl (including retail provision) and approximately 25,805m² within the Western Bowl.

The western bowl is intended to provide flexible serviced accommodation for larger employment providers. Although with flexibility in mind it is also envisaged that the development will also look to cater for starter units.

In terms of job creation the development is expected to create between 1170 and 1350 full time equivalent jobs (including the adjacent hotel and pub site on the corner of the Long Road junction which has been annexed from the proposal and is currently being developed out).

The scheme, when taken as a whole, is considered to support the growth and expansion of the area as a significant employment provider for Torbay. It is however pertinent to appreciate that with distinct areas and forms of development, in conjunction with the relocation of the bulk of the employment land away from that which is designated, it is vital to ensure a balanced delivery of uses. Delivery of the employment provision in this context is key, and further discussion will need to be had to cement agreement on the delivery milestones for the employment generating uses within the s106 agreement.

The concept of higher value uses, such as residential, providing pump priming in order that serviced employment land can come forward, makes it important to tie down the phasing between the various elements of the scheme. This will ensure the delivery of all of the core elements. It is envisaged that suitable phasing arrangements can be provided through appropriate clauses within an accompanying S106 legal agreement.

Ecology / Environmental Enhancement -

Ecology - The proposal seeks to address the ecological implications of the development upon the favourable status of the Greater Horseshoe Bat and provide biodiversity off setting for that which is lost to development. The development includes significant off-site landscape and ecological enhancements that seek to address the on-site impacts largely focused around the implications of the loss of potential foraging land for the bats.

The lighting assessment submitted with the application looks at the likely impact on lighting levels both from a visual impact perspective and in relation to the likely impact on wildlife (most notably bats). The assessment provides the background against which a detailed lighting strategy can come forward at reserved matters stage.

As matters stand Natural England object to the proposals and negotiations between the developer, Natural England and Kestrel Consultants (the ecologists acting on behalf of the Council in this case) are ongoing.

Wider concerns pertaining to the likely impact upon Cirl Buntings and Barn Owls are also under discussion.

There would appear scope for resolution of this matter and it is requested of members that resolution to grant is subject to the acceptable conclusion of this matter to the satisfaction of the Executive Head of Spatial Planning in consultation with Natural England and the Council's instructed ecologists.

Kestrel Consultants are to provide Habitats Regulations advice to the Council in this regard and it is anticipated that this advice will clarify the approach that should be taken to the ecological mitigation measures in this case.

Landscape -

The majority of the site sits under the designation of an Area of Great Landscape Value and the western bowl and central area sits under the designation of a Countryside Zone. The former seeks to ensure development maintains or enhances the special landscape character of the area and the latter seeks to protect against urban sprawl and the merging of developments.

The topography of the site and its rural hinterland is characteristically that of undulating farmland with intermittent settlements and minor rural roads. From visual assessments submitted with the application it is apparent that there are sporadic strategic viewpoints towards the site from afar.

The proposal seeks to provide strategic landscape planting and the strengthening of existing landscape buffers along the southern and eastern borders of the site to mitigate any likely visual impact of the proposal as it would

be perceived.

As the proposal is in outline with only indicative information the reserved matters stage is expected to provide further appreciation of this matter, with the potential to secure appropriate positioning, scale and elevation treatment that could aid in lessening the developments prominence.

However, as matters stand by setting development within the two bowls and using the higher points for less impacting development, i.e. the provision of public open space and community facilities, the development, together with the strategic landscape planting, provides a suitable scheme for ensuring the suitable protection of the landscape character.

Access -

There are to be three principle vehicular access points into the development, the existing access off Long Road supplemented by two new access points. One access looks to serve the eastern bowl off Brixham Road and one of which serves the western bowl development off Woodview Road within an area of existing industrial development.

Brixham Road Access:

A new signalised junction is proposed off Brixham Road which will form a crossroads with Kingsway Avenue with an integrated pedestrian crossing. The access is proposed in order to supplement the existing access off Long Road for the residential development and to provide simpler navigation to the proposed local centre. As the Brixham Road is part of the Major Road Network Local Plan Policy T18 provides key policy guidance, which outlines that new access points will not be permitted where they would reduce road safety or detract from the or conflict with the function of the route. As matters stand technical data has been submitted to support the functionality of the signalised junction.

The Authority's Highways Department accept that the junction could work, however they do not support this option as they believe it would conflict with the function of the Major Road Network. They maintain that there is sufficient capacity within the existing Long Road junction and that there is no technical requirement for a second junction. They have also expressed that should a second access be considered it should be more submissive to the function of the major road network and should be non-signalised junction.

The applicant has expressed that there are wider benefits to accepting a signalised junction, which technical data shows would work, in that it would improve connectivity with the neighbouring estates and community facilities (such as schools) and improve the internal layout and general connectivity to the local centre in this part of the site.

It is anticipated that a highways officer will be available to respond to questions

on this issue at the committee meeting.

Woodview Road Access:

The access point into the employment area in the western bowl is considered acceptable as it does not conflict with the function of the existing route.

Drainage and flood risk:

The Water Resources chapter of the EA and the Flood Risk Assessment by Clarkebond, dated February 2011, provide an assessment of the drainage capacity of the site and the risk of flooding as a result of the proposed development.

The FRA document also sets out appropriate measures to reduce flood risk. The Environment Agency has requested further information in this regard and this was submitted on 01 November. This latest information provides a strategy for the sustainable drainage of the surface water within the Western Bowl. As identified at the bottom of page 2 of the supporting information from Clarkebond, dated 31 October, the strategy includes the following:

- provide soakaways where practical – subject to confirmation through site soils testing,
- in the absence of confirmed site soils a worse case strategy is presented assuming that infiltration is not feasible, the worse case strategy is presented on the basis of:
 - providing permeable paving to the site car parking (where practical),
 - provide a new on-line attenuation basin to accommodate up to the 100 year event with 30 % allowance for Climate Change
 - provide a complex control to restrict discharge from the proposed on – line attenuation basin to Greenfield Runoff Rate (as identified in the original FRA).
- The scheme also provides 3 No. new gullies or the modification of the existing hedge line to naturally shed flows from the road to the existing attenuation basin (lagoon).
- Provide a 100m³ sump within the existing attenuation basin (lagoon).

The result of this strategy will be that the site will be self sufficient in drainage terms and will not rely on the existing lagoon near to Long Road. In addition, the strategy includes improvements to resolve existing flooding problems on Long Road.

The responses of South West Water, the Environment Agency and the Council's drainage engineer in respect of this revised strategy are awaited, but it is anticipated that the response will be positive, given the ongoing discussions that have taken place between the applicant and these organisations.

It will remain necessary for the applicant to carry out foul drainage investigations to establish whether capacity is available in the public sewer network. If the

result of these investigations leads to the requirement for improvements to the network, these will need to be funded by the developer.

Planning conditions will be required to secure the appropriate surface water drainage scheme and to ensure that development does not commence until foul drainage investigations and the identified improvements have been undertaken.

Ground investigations and noise assessment -

The Environmental Statement provides a noise assessment for both during and after construction and the application also includes a comprehensive ground conditions report.

In respect of ground conditions, it is considered, following a response from the Council's Environmental Protection team, that the report is satisfactory and the matter of further on-site investigation can be dealt with by way of conditions. Comments are awaited in respect of the noise assessment report, however, it is not envisaged that there will be an over riding concern in that regard.

Climate change -

The application has an embedded sustainability strategy that has sought to reduce energy consumption and fossil fuel emissions through a tiered hierarchy of using less energy, supplying energy efficiently and assess potential use of low or zero carbon sources. The sustainability statement submitted in support of the application demonstrates the developments capacity to adapt to future demands. In addition, it sets out the development's provision of appropriate sustainable energy resources and the way in which the scheme operates within environmental limits.

All homes will, as a minimum, target the Codes for Sustainable Homes standard, with later phases expected to reach Code levels 4 or 5.

The indicative masterplan allows for a site-wide district heating and power distribution centre, which could also potentially serve adjacent users within the area. The delivery of such a system is subject to a detailed viability assessment. The scheme could potentially either deliver a site/district heating and power system, or future proof the development with the infrastructure for future delivery.

The approach to drainage will deal with storm water as close to source as possible and within the confines of the site. The site is well located and well provided in terms of local services, public transport, and connectivity.

Viability / S106 / CIL -

The developer accepts that the proposals may generate the need for financial contributions for social and physical infrastructure. The scheme is currently being appraised in respect to its viability and a summary document is expected to be presented to members prior to the committee. Notwithstanding this the

developer has identified the following heads of terms;

Proposed S106 Heads of Terms –

1. Development Phasing and associated ‘enabling’ works to deliver serviced employment land in the western bowl.
2. Affordable housing.
3. Off-site landscaping and landscape management plan for the off-site works.
4. Transport improvements
5. Western corridor road studies.
6. One-off or phased contributions inline with the Council’s SDP in regard to:
 - Stronger communities
 - Education
 - Lifelong learning
 - Greenspace and recreation
 - Waste and recycling
 - Monitoring obligations

Conclusions

The proposal provides the potential for significant investment in the area which would bring forward a balanced development of housing with associated community facilities, which could also benefit the established local community, along with differing forms of employment provided by a local centre, office development and industrial units.

The broad parameters of this outline proposal are considered commendable in terms of their planning merit and the fostering of regeneration and economic benefit for Torbay.

Notwithstanding the above there are key outstanding matters, in respect to achieving the right access solution, a suitable level of ecological mitigation, and establishment of the situation of viability. All three matters require further justification or adaptation, but they each appear to have the potential for positive resolution should the committee be minded to delegate matters to the Executive Head of Spatial Planning.

Conditions -

Full schedule to be completed

Condition(s)/Reason(s)

01. Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those agreed

details.

Reason: To provide a satisfactory form of development

02. No vegetation clearance that involves the removal of habitats such as scrub or hedges, including bramble patches, shall occur during the established breeding season for Cirl Buntings unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason: To limit the potential impact upon the Cirl Bunting population, in accordance with Policy NC5 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the commencement of works, a survey shall be carried out to determine the level of arsenic and shall be submitted to and approved in writing by the Local Planning Authority. This shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. The results of the arsenic survey and risk assessment and method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

2. A verification report on completion of the works set out in (1) confirming the remediation measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To ensure a suitable form of development that protects human health

04. No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network, rendered necessary by the development site as a whole, have been completed to the Local Planning Authority's satisfaction.

Reason: To provide a satisfactory form of development

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- ES Employment and local economy strategy
- E1 New employment on identified sites
- E119D Long Road South, Paignton (New Policy)
- E5 Employment provision on unidentified sit
- E9 Layout, design and sustainability
- TS Land use transportation strategy

T1	Development accessibility
T2	Transport hierarchy
T3	Cycling
T18	Major Road Network
T22	Western Corridor
T26	Access from development on to the highway
NCS	Nature conservation strategy
NC1	Protected sites - internationally import
NC5	Protected species
LS	Landscape strategy
L2	Areas of Great Landscape Value
L4	Countryside Zones
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
L10	Major development and landscaping
EPS	Environmental protection strategy
EP1	Energy efficient design
EP7	Contaminated land
CFS	Sustainable communities strategy
CF6	Community infrastructure contributions
CF7	Educational contributions
HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
SS	Shopping strategy
S11	New Local Centres

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Agenda Item 6

Application Number

P/2011/0906

Site Address

1 Fortescue Road
Paignton
Devon
TQ3 2DA

Case Officer

Mr Scott Jones

Ward

Preston

Description

Alterations, extensions and conversion to former doctors surgery to form 6 apartments

Executive Summary/Key Outcomes

The proposal offers the conversion of an empty doctors surgery to provide six residential flats. The principle of a residential conversion is acceptable due to the location of the site at the entrance to a residential road, its proximity to facilities/services and good public transport links. It is also inherently suitable for a residential conversion because it was originally built as a house and has only recently been converted to commercial use.

The physical alterations sought have been amended to those initially outlined and the scheme is now supported as there are only minor amendments to the form.

The size and mix of one and two bedroom units is acceptable and, if they are supported by suitable cycle and waste storage facilities, the general plot arrangement is considered adequate. The lack of car parking is considered acceptable within the context of there being excellent proximity to facilities, services and public transport links and on-street parking available in the area. The absence of car spaces alone is not considered a compelling reason to oppose the scheme, certainly in light of the fact that the previous use as a doctor's surgery would have been a higher trip generator than the proposed use.

The proposal was considered at a recent Site Review Meeting where the Officer's recommendation was one of approval. However, that meeting referred the application to Committee for resolution. Officer's recommendation remains as an approval.

Recommendation

Approval; Subject to conditions in regard to detail on cycle parking and waste storage to be agreed by officers, and the signing of a s106 legal agreement to secure planning contributions inline with the Council policy document *Planning*

and Affordable Housing: Priorities and Delivery SPD.

Site Details

The site is a prominent corner plot on the junction of Torbay Road with Fortescue Road, which holds a fairly substantial two-storey building that lies empty but was previously used as a doctors surgery. The building has a painted render finish, white casement windows and a dual-gabled pitched roof form with rear flat-roofed extensions that help offer a degree of space within the roof. There is a small degree of outside space to the front and sides of the plot.

In terms of land designation the plot sits within the wider Preston District Centre, which is a linear shopping area that loosely follows this area of Torbay Road.

Detailed Proposals

The proposal is for the alteration, extension and conversion of this former doctors surgery to provide six flats.

The alterations to the building are limited to the addition of two roof-lights in the gables of the roof, the render infill and the provision of a window within a large glazed section within the lower-ground floor off Torbay Road, and the addition of third floor windows set in the gable features.

The extension of the building is solely at roof level, offered through the infill and provision of a flat-roofed structure in the central valley area between the two gables, which hips down to the eaves to offer a pitched finish; the provision of a flat-roofed dormer adjacent to the existing area of flat roof to the side of the building facing Carlton Court; and, the provision of a small pitched dormer fronting Torbay Road.

The proposal seeks permission for the conversion of the building into six flats, arranged with two units on each floor, which are accessed through front and side entranceways. The flats offered are a mix of one and two-bed units, to a scale range between 51m² to 114m² in floor area.

Summary Of Consultation Responses

Highways Authority: Raise no objection to the proposed use, because of the location and previous use as a doctors surgery.

Strategic Transportation: Notes that the site is within close proximity to local facilities with good public transport provision and a cycle route propose adjacent. It is considered that the lack of car parking can be overcome by promoting the development as particularly attractive to those without a car. Methods can include bus pass provision and/or cycle vouchers for occupants. It is also agreed that the proposed use would generate less traffic than the previous use, (which is helpful when considering the issues). The SPD should be applied and monies for transport improvements sought if applicable. Cycle parking should be

provided and there is no clear indication or understanding of any proposed supply.

Natural Environment Services: Suggests that a greenspace and recreation contribution should be sought as a Planning Obligation for improvements at Hollicombe Gardens or the woodland area behind the old gas works..

Summary Of Representations

Four representations have been received that oppose the scheme, which detail the following concerns:

- Overdevelopment
- The building would suit less units
- The proposal would worsen the existing parking pressures that are currently experienced due to restricted parking and parking pressures from shoppers etc
- Insufficient space for cycle parking and waste storage
- Local cycling facilities are not good

These are re-produced at Page P.200.

Relevant Planning History

Residential conversion of the building has been broadly supported at pre-application stage.

Key Issues/Material Considerations

The key issues are considered to be; 1) the principle of residential use, 2) the suitability of the residential environments proposed, 3) the visual implications of the scheme, 4) the likely implications upon neighbour amenity and, 5) highway matters.

1) Principle and Planning Policy -

Although the site lies within a designated District Shopping Area the building actually addresses and relates more strongly with the residential side road that it frames. This relationship, which is chiefly defined through the orientation of the building, is also strengthened by the domestic residential character of the building . On this basis, the proposal for residential use is considered appropriate as it would sit comfortably alongside the dwelling and flat uses established within Fortescue Road, whilst not overtly offering any clear potential to undermine the wider function, desirability, or character, of the district shopping centre. A residential use is considered one that is appropriate for a building that inherently expresses a residential character and sits at the head of a residential side road. No. 1 Fortescue Road was originally built and used as a residential property. With regard to the proposal for flats as opposed to a single dwelling house, the area is not characterised by individual dwellings set within their own plots and so there is a general acceptance of sub-division.

2) Quality of residential environment -

The proposal provides six units, two on each floor, with floor sizes varying from 51m² to 114m². The proposed flats offer either one or two bedrooms supported by wider living space (living space, kitchen space, bathrooms etc). Each unit appears supported by good levels of natural light and appropriate access arrangements. It is considered that the living units offer an acceptable standard of living space and, if supported by suitable communal waste storage and cycle parking facilities, then the scheme would be an acceptable form of development in terms of the number of units proposed.

3) Visual implications -

Through officer negotiation, the physical changes proposed to the building have been reduced. They are now limited to small pockets of roof alterations, some of which would be largely obscured from public view, and minor elevation changes to add or alter windows. The alterations are considered relatively minor and are considered acceptable when bearing in mind the current form of the building and its local context. The amendments are deemed acceptable as there would be little actual change to the overriding character and appearance of the building. It is suggested that cycle parking and waste storage details are submitted to the Authority prior to commencement via planning conditions, which will offer the ability to assess the suitability, location, form and prominence within the streetscene of these structures/facilities .

4) Local amenity -

With little in the way of additional bulk to the building it is considered that there would be no loss of light or outlook to neighbouring properties.

Additional windows and rooflights are proposed but their size and orientation offers little concern that privacy would be affected by any resultant overlooking.

In light of the limited external changes it is considered the amenity afforded neighbouring occupiers will remain largely unaltered.

5) Highway matters -

The scheme proposes six flats in place of a doctors surgery on a site that sits at the head of a residential side road within a district shopping centre. In terms of associated facilities, the plot is restricted and offers no potential for on-street parking, although there would appear scope for cycle spaces. It is hence clear that vehicle movements resulting from the proposed use, as with those generated by the former use, can only be served by on-street parking in the area.

Highway advice affirms that the previous use is considered a greater generator of vehicle movements than the proposed use. They hence do not object to the scheme being offered without private parking as the premise is that there would be a net reduction in the level of traffic to and from the site. Notwithstanding the

observation on the expected levels of movement, support for the scheme without parking would appear furthered by the sustainable location of the site near to shops, services, facilities and excellent transport links. It is therefore considered that the scheme could offer conveniently located flats that would not isolate the sections of society who do not wish to own a car or do not have the opportunity to own a car.

There is obviously some local concern that the proposed use could exacerbate local parking pressures. However it is concluded that any form of use would create a degree of pressure upon the level of street parking available, but the property has to have an acceptable use. When considering the comments of the Highways Authority, the broader picture would appear to suggest that the current proposal offers an acceptable use. The future levels of car ownership of occupiers is indeterminable, however the local context of its central location and good access links, potentially with the perceived issues on there being limited street parking, could themselves determine the choices of future occupiers. The over-riding consideration is, however, that the previous use was a higher vehicle trip generator than that proposed. The proposal would therefore technically improve the parking situation.

S106/CIL -

The proposal is liable for a Planning Obligation under s106 of the Act in order to offset costs that would arise from the development. The former doctors surgery had a floor area of 470 sq. m. and consideration should be given to the net additional impact of the proposal for six residential flats. The proposed flats would fit into the following categories for financial contributions as defined by the 'Planning contributions and affordable housing S.P.D.' (update 3, April 2011) - 1@45-54m², 2@55-74m², 1@75-94m² and 2@95-119m².

There is established need for contributions towards primary education, greenspace/recreation, lifelong learning and waste/recycling. As the previous use is considered to generate a greater level of trip generation sustainable transport contributions are not sought. On this basis, the financial contributions triggered by this proposal are as follows;

Greenspace & Recreation:	£9580.00
Education:	£4130.00
Lifelong Learning:	£1720.00
Waste & Recycling:	£ 300.00

Total: £15,730.00 + legal fees

Should the applicant wish to provide payment upfront the figure would attract a 5% discount and would not attract any legal fees.

Conclusions

The principle of the conversion of the building into residential flats is considered acceptable in respect of the location of the property and the form and character of the building in question. The physical alterations sought have been amended to that initially submitted and they are now supported by officers. The scale of the units is satisfactory, with a mix of one and two bedroom flats, and if they are supported by suitable cycle and waste storage facilities the arrangement is considered to be acceptable. The lack of car parking is not considered a reason that could by itself be used to refuse the proposal. This is because the previous use would have had a higher vehicle trip generation and thus a higher deficit of off-street parking spaces to standard.

Condition(s)/Reason(s)

01. Prior to the commencement of development details of the proposals for safe and secure covered cycle spaces shall be submitted and approved by the Local Planning Authority. The approved details shall then remain permanently in place to serve the development at all times thereafter.

Reason: To protect the amenities of the area and ensure the provision of acceptable supporting facilities for the development, in accordance with Policies BES, BE1, T1, T2, and T3 of the Saved Adopted Torbay Local Plan (1995-2011).

02. Prior to the commencement of development details of covered bin storage facilities to serve the six units shall be submitted to and approved by the Local Planning Authority. The approved details shall then remain permanently in place to serve the development at all times thereafter.

Reason: To protect the amenities of the area and ensure the provision of acceptable supporting facilities for the development, in accordance with Policies BES, BE1 and W7 of the Saved Torbay Local Plan 1995-2011.

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
HS	Housing Strategy
H4	Conversion and sub-division into flats
H9	Layout, and design and community aspects
H15	House extensions
W7	Development and waste recycling facilities
CF6	Community infrastructure contributions
CF7	Educational contributions
T25	Car parking in new development
S9	District Centres

Application Number

P/2011/1068

Site Address

110 Hookhills Road
Paignton
Devon
TQ4 7NT

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Remove porch, alterations to form enlarged tiled roof to cover porch and front of house; build pool/games room at rear in garden

Executive Summary / Key Outcomes

It is proposed to construct an extension to the dwelling at the rear of the property and to alter the porch to the front.

It is considered that the development will have an adverse impact on the detached property, its setting and the wider characteristics of the area as well as impacting in a detrimental manner on the amenity of neighbouring residential occupiers. The scale of the development is not considered suitable for the proposed location.

The proposed drawings were amended during the consideration of the application as there were concerns raised as to the accuracy and detail. The revised plans provided a clearer understanding of the proposed development.

Recommendation

Site Visit, Refusal

Site Details

The site contains a two-storey detached property on a late 20th Century development. Attached to the side of the property is a converted garage now in use as habitable rooms and the property has been extended at the rear with further accommodation.

A footpath runs to the North of the property which provides access to the rear of this and the rear of properties in two terraces to the north of the site. There are further properties to the west which also back onto this site. To the east of the site there is a public open space with a footpath through to a larger open space.

Detailed Proposals

It is proposed to extend the dwelling to the rear with a flat roof single storey

building running adjacent to the northern boundary. The extension will be 3m high, which is 1 metre higher than the existing boundary fence. It will extend out by 12.7 metres from the rear of the existing extension which totals 17.1 metres from the rear of the original dwelling. The extension will be 6.7 metres wide where it attaches to the dwelling and 5.5 metres wide at the Western end running at all times adjacent to the footpath. A small decked courtyard will be maintained at the rear of the converted garage/utility space with access from the path. The extension is indicated to house a sun lounge / Games room.

Additionally it is also proposed to remove the existing and develop a new porch to the front of the property.

The plans have been altered during the process. This has changed the shape of the roof and levelled the roof at a height higher than previously indicated.

Summary Of Consultation Responses

No Comments Received.

Summary Of Representations

Nine letters of representation have been received. Some of these letters were received prior to the amendment to the plans. The issues raised were:

- Concern of the overall height
- Loss of light
- Loss of outlook and view
- Noise
- Character
- Proximity to other dwellings
- Overlooking
- Overdevelopment

These letters are re-produced at Page P.201.

The issue of the detail of the plans is also a common thread through the representations. The lack of detail and measurements on the plans made them difficult to interpret initially. This was addressed with the amended plans.

Relevant Planning History

P/2010/0237	Conversion of garage including roof space over, and downstairs bathroom to provide granny annexe on two floors (retrospective) – PERMITTED 10.05.2010
P/2007/1511	Extension To Rear – PERMITTED 21.12.2007
P/1984/0759	Shed And Greenhouse – PERMITTED 19.04.1984

Key Issues / Material Considerations

The key issues raised by the application concern the impact on the appearance

and character of the property, the site, the streetscene and the surrounding area in general as well as the occupiers and users of the neighbouring properties and area.

With regards firstly to the porch alterations proposed at the front of the property this is not considered to raise any significant concern or to have any adverse impacts on either the character and appearance of the property or the residential amenity.

In considering the rear development there are more significant concerns. The overall extent of the development would be in excess of 17 metres from the rear of the original house. This will develop a considerable proportion of the plot and the existing amenity space relating to the property. The impact is such that this would overdevelop the site and result in a less suitable residential environment with a poor balance of internal and external living spaces.

There is an existing extension to the rear of the property, already in excess of common permitted development allowances, which significantly increases the footprint of the original building. However it was considered that given the detached nature of this dwelling and its siting that this form of development would not have had significant adverse impacts. However the combination of the existing development and this proposal would have adverse impacts on the character of the plot, the size and bulk of the existing building, and could lead to an undesirable precedent for other extensions on similar properties.

The properties to the north are separated from the application site by an access footpath. Most of those boundaries alongside the footpath have approximately 1.8 metre or 2 metre high fences. This makes the footpath a well enclosed space. The addition of a building alongside the boundary at an increased height will be imposing on the path and impact on the amenity therefore of the neighbouring occupiers.

Furthermore the mass and extent of the development along the boundary at the increased height will adversely impact on the outlook of, and have an overbearing impact upon, those neighbouring occupiers.

The mass, bulk and overall scale of the development will have a detrimental impact on the character of the area as well as the appearance of the site and the setting of the building. The proposal is visible, all be it minimally, from the street at the front and this would have a negative outcome.

Principle and Planning Policy -

The development would result in an over development of the site as well as being out of keeping with the residential character of the area. Furthermore the proposal would be detrimental to the residential amenity of the area in terms of outlook. Collectively this is contrary to the objectives of the local planning

policies.

Accessibility -

Whilst the proposals do not directly impact on the accessibility of the site it will have a concerning impact on the access footpath along the side of the development caused through the height and massing having an overbearing impact on the users of that footpath. This could also raise security and safety issues.

Conclusions

The proposed development is considered contrary to the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed unacceptable and is therefore recommended for refusal given the adverse impacts of the development on the built environment setting and the residential amenity.

Condition(s)/Reason(s)

01. The proposed single storey extension, by reason of its size, siting and design, would represent an inappropriate form of development, due in particular to the overall scale, mass and bulk of the proposal relative to that of the application site and its surroundings. The adverse impact on the appearance of the property and the character of the area that this would have is contrary to the policy objectives of the Local Plan, in particular policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995-2011 and the Urban Design Guide – Supplementary Planning Document section 3.3 I Layout Structure and IV Scale: Height and Massing.

02. The proposed single storey extension, by reason of its size, siting and design, would adversely impact on the amenity of the neighbouring properties through having an overbearing effect on, and obscuring the outlook of, the neighbouring residential occupiers contrary to planning policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
H15 House extensions

Application Number

P/2011/1112

Site Address

E F House
Castle Road
Torquay
Devon
TQ1 3BG

Case Officer

Mrs Ruth Robinson

Ward

Ellacombe

Description

Formation of a terrace to the southern elevation of EF house, to be built over the existing car park; formation of new opening from an existing window in the cafeteria to provide access to the terrace

Executive Summary/Key Outcomes

This application involves the provision of a terrace to the front elevation of EF house with access from the cafeteria to create an elevated area for meeting, eating and drinking for students of the school. The applicants contend that its provision would help resolve student management issues for the school as it would encourage students to remain on site at lunch time rather than congregating in the street. Whilst the design is acceptable and would not detract from the appearance of the building there are amenity concerns arising from the proximity of residential properties that would experience noise and overlooking due to the relationship of the terrace to their homes.

Recommendation

Site Visit: Refusal due to impact on residential amenity.

Site Details

EF House, a language school, is prominently located within the Upton Conservation Area. It is described as a building of merit in the Conservation Area Appraisal. It has a distinctive early Gothic architectural character which has been somewhat compromised over the years through a range of alterations and extensions. Planning permission has recently been granted for a new classroom block on the elevated ground to the rear of the existing school and a range of alterations to the main building to include the provision of a 140 space cafeteria and dining hall. Work on this has now started on site.

Detailed Proposals

Is for the erection of a 90m² timber terrace with steel and hardwood rail and natural stone supports to be located at an elevated level above the existing car park with a new access from the proposed cafeteria. It is to provide an outside

area where students can congregate, eat and drink.

Summary Of Consultation Responses

Conservation Officer: Considers that the proposal is acceptable in design terms and acts in a way to help break up the tarmac expanse of the car park.

Summary Of Representations

1 letter of objection from adjacent occupier concerned at noise and overlooking. This is reproduced at Page T.203. A rejoinder to these observations from the agent is reproduced at Page T.203 and explains that the idea of the terrace arose in response to resident concerns about students congregating outside the building. This current proposal would provide an attractive space where the students could eat their lunch in a controlled environment and be supervised thus curbing littering and anti social behaviour. The Agent points out that use of the terrace would move the main point of assembly for the students away from the entrance to the site which is closer to residential properties. It is being put forward for committee consideration at the applicants request.

Relevant Planning History

P/2010/0876: Alterations and Extensions to existing building to provide administrative offices/dining hall/cafeteria. Approved 10.05.11

P/2010/0536: Construction of new classroom block: Approved 10.05.11

P/2010/0877: Demolition of gymnasium. Approved 10.05.11

Key Issues/Material Considerations

There are two main issues. Firstly the effect of the elevated terrace on the amenity of nearby residential properties. This has to be balanced against the benefits to the school from enhanced student facilities and the visual benefit of the structure which does help break up the impact of the car park. The principle of including a terrace on this elevation was initially explored in discussions on the overall scheme to extend EF House which was approved in 2010 and is now on site.

The second main issue concerns design and appearance. It is considered that the appearance of the building would benefit from an appropriately designed terrace, as it would help break up the tarmac expanse of the car park and would sit comfortably with the appearance of the reworked southern elevation. From an operational point of view the creation of a terrace would provide a spill out area from the café which is to be provided as part of the overall proposals and it was hoped that this would provide an attractive place for students to meet and deter them from congregating on the street which, as was evident from consultation on the scheme, is a matter of concern for residents.

These possible benefits have to be balanced against the amenity of people who live adjacent to the site. Its elevated position and the nature of its use would lead

to some loss of privacy to the residential properties opposite and lead to noise intrusion. However, the nearest property (no. 5 Castle Road which is in use as two flats), would be 24 metres away from the nearest point of the new balcony. It is noted that there are no objections from either flat at no. 5 Cadstle Road. It should also be noted that the deck would be at a much higher level than the properties on the opposite side of the road, due to differences in levels.

The 1 objection received comes from the occupier of no. 7 Castle Road. This property would be approximately 33 metres away from the nearest point of the new balcony and looking at its side. The occupier of no. 7 has had concerns about the project as whole and this has been dealt with through the corporate complaint procedure and the Ombudsman who found no fault with the Councils handling of the matter.

Conclusions

It is a matter of balance between design improvements, improvements to student's welfare and facilities, and the rights of neighbours to privacy from intrusion. However, in this instance it is thought that the impact on local amenity outweighs the design and operational benefits outlined. However it is recommended that a site visit be carried out by Members to assess the likely impact for themselves.

Condition(s)/Reason(s)

01. The provision of an elevated terrace for use as a spill out area for students from the cafeteria area will lead to overlooking of adjacent residential properties and noise intrusion which would be harmful to their amenity contrary to policy EP4 of the Saved Adopted Torbay Local Plan (1995-2011).

Relevant Policies

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Application Number

P/2011/1142

Site Address

23 Alta Vista Road
Paignton
Devon
TQ4 6DA

Case Officer

Mr Robert Pierce

Ward

Roundham With Hyde

Description

Removal of conditions to application P/2008/1436/PA and condition 4 to application P/2008/0961 to allow the 2 owners flats to be occupied without limitation

Executive Summary/Key Outcomes

The application seeks the removal of restrictive conditions to two flats of owners accommodation relating to the former holiday use of 23 Alta Vista Road. The conversion of the units from holiday accommodation to residential was granted by the Planning Inspectorates decision to allow an appeal to a previous application (P/2011/0021). The former restrictive conditions relating to owners accommodation are therefore no longer considered relevant.

Recommendation

Approval.

Site Details

Former holiday flats now with permission for residential use at the junction of Alta Vista Road and Braeside Road with good views across Youngs Park and Goodrington Sands.

Detailed Proposals

Permission has been sought to remove a condition relating to application P/2008/0961 and one relating to application P/1988/1436 which are shown, respectively, below.

“The existing owners flat shown on drawing no. 2872.05 hereby approved shall be retained as owners accommodation ancillary to the holiday flat use.”

“Reason - To retain adequate control over the holiday flats in compliance with policy TU6 of the Saved Adopted Torbay Local Plan.”

“The extension hereby approved shall only be used as owners accommodation ancillary to the existing hotel and not for letting purposes without the prior

consent in writing of the Local Planning Authority.”

“Reason – The Local Planning Authority consider that the use of the extension for the purpose specified is appropriate, but that a proposal to use the extension for any other purpose would have to be made the subject of a separate application to be considered on its merits.”

The application proposes that these conditions are removed to allow the two flats used as owners accommodation can be occupied without limitation.

Summary Of Consultation Responses

None.

Summary Of Representations

None.

Relevant Planning History

P/2011/0021	Removal of condition 1 on application P/2008/1663/PA; condition 2 on application P/2008/1263/PA; condition 3 on application P/2008/0961/PA. Refused by committee 31.03.2011 – APPEAL ALLOWED 27.09.2011 – APP/X1165/A/11/2154771.
P/1988/1436	Extension to Form Owners Accommodation with Integral Garage. Approved.

Key Issues/Material Considerations

The previous holiday flats have already had permission to become residential through the removal of restrictive conditions as allowed by the Planning Inspectorate through the successful appeal against the non-determination of application P/2011/0021. Therefore it is no longer considered that the conditions are relevant and should be removed.

S106/CIL -

As the units in question already have permission for residential use it is not considered that a planning contribution towards the local infrastructure is required.

Conclusions

The conversion of the building from holiday to residential use has been determined by the Planning Inspectorate at appeal and considered to be acceptable when considered in relation to policy TU6. Therefore the proposal to remove these conditions is considered to be acceptable.

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

TU6

Relevant Policies

TU6 Principal Holiday Accommodation Areas

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Application Number

P/2011/1234

Site Address

11 Brunel Avenue
Torquay
Devon
TQ2 8NW

Case Officer

Mr Adam Luscombe

Ward

Watcombe

Description

Alterations and extension at side and rear to form sun lounge, study, kitchen and shower room with velux windows (revised scheme)

Executive Summary/Key Outcomes

The key issues concerned the appearance and character as well as the amenity of the neighbouring occupiers. This is a revised application following a previous refusal.

It is considered that this proposal has a lesser impact on the amenity of the neighbouring property and does not adversely impact on the appearance, or character, of the streetscene or existing property itself.

A site visit is recommended to the committee to fully assess the impacts of the development. A Site review meeting was undertaken, at which it was decided that the application be referred to the Development Management Committee.

Recommendation

Site Visit; Conditional Approval

Site Details

The property is a detached bungalow set within the crescent of Brunel Avenue opposite the junction with Froude Avenue. To the rear are dwellings on Heaviside Close. The plot is lengthily though narrows slightly towards the rear. The bungalow has a wide frontage and is set more than 5metres back from the road, it is also set slightly higher than the road and neighbouring property to the South East. There is a driveway access to the North West side of the building.

Detailed Proposals

It is proposed to construct a side and rear extension to the existing bungalow. It will project to the side by 3.1metres, adjacent to the boundary and to the rear by 4metres. The plans indicate that ancillary accommodation will be provided within the extension. Velux windows will be provided in the side roof slope over the ground floor level.

Summary Of Consultation Responses

No comments received.

Summary Of Representations

One letter of representation has been submitted. It concerns the affect on the neighbouring property with particular respect to loss of light and proximity to boundary. This has been reproduced at Page T.201.

A site review meeting was held. The outcome of the meeting was that the application be referred to the committee for further consideration.

Relevant Planning History

P/2011/0810 Alterations and extension at side and rear to form sun lounge, study, kitchen and shower room with velux windows
– REFUSED 19.09.2011

Key Issues/Material Considerations

The previous application, P/2011/0810, for an extension of this property proposed a significant extension to the rear of the property. It sought consent for an eight metre extension to the rear and part extension at the side. It did not come as far forward as this proposal but the significance of the extension at the rear was considered to adversely impact on the amenity of the neighbouring property, affecting the outlook and having an overbearing impact in particular.

The changes to the proposal for this revised scheme are as follows. The roof has been raised to connect to the existing ridge of the dwelling and the extension has been brought forward at the side. The extent to the rear has then been reduced to 4 metres. The overall footprint is reduced by approximately 5sq metres.

The key issues for consideration with this application concern the impacts on the streetscene, as well as the property itself, and the amenity of the neighbouring occupiers.

Principle and Planning Policy - It is understood that previously large shrubs/bushes, hedging and trees existed on the boundary. These were recently removed prior to the previous application.

The development, as described above, will be set back from the front elevation but will connect to the existing roof which will not adversely impact on the appearance of the property or that of the streetscene.

There is a consideration for the closing of the gap between the properties. There is already evidence at other properties around the development where side extensions have occurred and where gaps have been closed. Given the angle of

the boundary and development it is noted that any extension of the neighbouring property could not fully meet with this extension and that therefore the gap would not be entirely closed.

The scale of the development in this case is less than the previous submission. It is a large plot that will not become overdeveloped through the inclusion of a development of this size. However, as with the previous application there is a consideration for the impact of the scale on the neighbouring occupier. In this case though, with the reduction in the extent at the rear of the building, the impact of the scale is reduced.

There are no concerns for overlooking resulting from this development. The only side facing windows are positioned in the roof slope at a height at which it is not possible to look out of. A condition would be appropriate on any approval ensuring that no windows were installed that could compromise that privacy level.

The issue of light is a further consideration of this application. Previously the rear extent of the building was considered, due to its significance, to impact on the light level at the rear of the neighbouring property. Given that this has been reduced it will allow a greater level of light to rear of the neighbouring property. However, due to the new development extending further forward at the side it will reduce levels of light from the front. Overall, and in addition given the previous boundary treatment, it is considered to have an impact on the levels of light but not to such a significant extent so as to cause harm to the amenity of the neighbouring occupiers.

The floor plans indicate ancillary accommodation is proposed within the extension. A connecting door is shown on the plans which is considered necessary as a separate dwelling in this location with no clear amenity or parking area, would adversely impact on the character of the area. For this reason a condition is appropriate to ensure that the connection between the extension and the existing dwelling is maintained.

With regards to permitted development, this development has an area wide restriction limiting the permitted development rights and opportunities. Therefore works can not be carried out in this manner and an application would be required. However, it is relevant to recognise that, with a lower roof to the extension, it would be possible to development this proposal under permitted development in many other locations. The Government has set out the Permitted Development legislation with a schedule of limitations that where a development falls within it, by implication; it would imply a non-impacting form of development that should be acceptable.

S106/CIL - Not applicable to this application

Conclusions

The proposed development is considered to accord with planning policy as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is recommended for approval with conditions relating to the privacy.

Condition(s)/Reason(s)

01. The use of the extension hereby approved shall at all times remain ancillary to the existing dwelling house as additional accommodation and shall not be sold, let or used separately for either residential or business use. The internal door between the bedroom and existing dwelling and between the bedroom and proposed extension, as shown on the plans hereby approved, shall therefore be installed prior to first occupation of the extension and shall at all times be retained thereafter. The door shall not be locked, blocked or removed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the annexe remains ancillary to the existing property at all times in order to preserve the residential amenity of the area in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, or the plans as hereby submitted and approved, no windows, doors, openings or glazing shall be installed in the side (South East) elevation adjacent to number 9 Brunel Avenue unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the levels of privacy are not adversely impacted upon in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. The proposal was considered against policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the property or the wider context and there is also no detrimental effect on the amenity of the neighbouring occupiers.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
H15 House extensions

Application Number

P/2011/1269

Site Address

Land Adjacent To 81 Lancaster Drive
Paignton
Devon
TQ4 7RP

Case Officer

Mr John Burton

Ward

Goodrington With Roselands

Description

Formation of 2 detached dwelling houses with vehicular and pedestrian access

Executive Summary/Key Outcomes

The site does contribute to the open and green feel along Lancaster Drive, and it does link in to the wooded land behind. Nevertheless, the proposal is considered to be justifiable infilling of an urban space, without detriment to the street scene, wildlife or any other interest of acknowledged importance. The development proposed is quite spacious and well designed taking on board existing themes in the area. The properties are shown on the site in a position which respects the protected trees in the vicinity. There are no policy objections and the provision of housing makes good use of the site.

Recommendation

Subject to a planning Obligation under s106 of the Town and Country Planning Act, Conditional approval.

Site Details

Undeveloped parcel of land currently owned by the Council, in between 81 Lancaster Drive and the Childrens playground on the northern side of Lancaster Drive.

Detailed Proposals

Permission is sought for two detached properties in the north-eastern portion of this site. The plots are shown staggered, each with their own attached single driveway, but sharing an access driveway off Lancaster Drive. Downstairs accommodation comprises a lounge, kitchen/dining room and cloak room. Upstairs are three bedrooms, the biggest of which has an en-suite, and a separate bathroom. The site contains some trees which are the subject of a T.P.O. However, the two dwellings have been located to avoid the trees and their root protection areas.

The plans specify that the materials will include facing brick for the walls,

concrete interlocking tiles on the roof, with white PVCu double glazed windows and doors.

Summary Of Consultation Responses

Arboricultural Officer: States that the application follows the pre-application advice given and so is happy to recommend approval on arboricultural merit subject to standard tree protection conditions.

Highways Authority: Raise no objection, but do refer to the need for a footway crossover which will need to be constructed under licence to the highways department.

Strategic Transportation: Requested that the SPD should be applied to provide for a contribution towards the provision of new cycle and walking routes through the Clennon Valley to the rear of the site, which will link into this and other surrounding residential sites, as well as to Claylands and Goodrington, forming part of a more comprehensive wider cycle network. Provision of this cycle link will provide high quality, user friendly access to the main sea front national cycle route NCN28.

Summary Of Representations

Two letters of representation have been received. They raise objections as follows:-

- Will affect value of properties
- Will impact upon parking, especially on-street
- Impact upon roots of the neighbouring tree
- Will affect wildlife living in the woods behind
- Noise and disruption from a building site
- Impact upon privacy of existing dwellings
- Provides an access point to the wooded walks behind

The exact comments made have been reproduced at Page P.203.

Relevant Planning History

Some planning history for minor works at no. 81, but nothing specifically for this current application plot.

Key Issues/Material Considerations

Principle of development and Planning Policy -

Although this is a green space within the built environment, the proposal would continue a line of development that has been established for some decades now. The proposal is considered to be justifiable infilling. Although the site would not appear to have had a previous use and so cannot be classed as a 'brownfield site', it is preferable to develop infill plots in existing urban areas rather than

utilising more traditional 'greenfield' sites. As such, the proposal is considered to meet the tests of policies H2 and H10 of the Saved Adopted Torbay Local Plan. The application has addressed wildlife, arboricultural and design issues (see below) and so is not felt to be in conflict with policies H9 or H11 of the saved Adopted Torbay Local Plan. Therefore on the basic principles of development and policy, the proposal is considered to be acceptable.

Design -

The design and choice of materials is typical of many of the detached properties in the area. So the new houses would blend into the street scene and the wider environment. This makes the design in accordance with policies H9, BES and BE1 of the Saved Adopted Torbay Local Plan.

Car parking and access -

The two properties would be served by one double width driveway off Lancaster Drive, for which a dropped kerb would be required. Each house would have a single attached garage. This is entirely in accordance with policies T25 and T26 of the Saved Adopted Torbay Local Plan.

The Strategic Transportation group have asked for a sustainable transportation contribution under s106 of the Town and Country Planning Act towards the provision of new cycle and walking routes through the Clennon Valley to the rear of the site, which will link into this and other surrounding residential sites, as well as to Claylands and Goodrington, forming part of a more comprehensive wider cycle network. Provision of this cycle link will provide high quality, user friendly access to the main sea front national cycle route NCN28. These improvements will enable the LTP Policy to promote alternative travel options to be achieved for trips by occupiers within 5km, the nationally acknowledged distance for cycling trips. It is also in line with the Green Infrastructure Plan and national policy and guidance to promote more sustainable developments. The application will attract a requirement for a Planning Obligation (see below) and this would be a justifiable use for this element of contribution.

Arboricultural issues -

There are some trees on the site all of which are covered by a Tree Preservation Order (nos. 1970.02 and 2010.20). Concern has been expressed at pre-application stage about the need to preserve these trees because they are important specimens within the urban environment. Negotiations have lead to the current position and design for the houses, which is outside of the Root Protection Areas and away from areas likely to cause future pressure to fell. On this basis the Council's Arboricultural Officer recommends that the proposal would be acceptable on arboricultural merit, subject to suitable and standard tree protection measures. Therefore the proposal is deemed to be in accordance with policies L8 and L9 of the Saved Adopted Torbay Local Plan.

Wildlife issues -

It will be noted that the representations received refer to wildlife, and badgers in particular, as using the site. This could be sufficient to thwart development as badgers are a species protected in law. On this basis a 'Phase 1 Habitat Survey' has been requested. This has been produced by a competent and recognised ecologist and it concludes the following:-

- The site is too small to represent a significant loss in bat foraging habitat.
- There would be no impact on barn owls.
- No nesting bird activity was observed.
- No badger activity was observed on the site or within 50 metres of the site.
- Other protected species were unlikely to be present on site.
- No flora of botanical interest were found.

However, standard recommendations have been made regarding good practice in any event. These can be ensured through an appropriately worded condition.

Archaeology -

Concerns have been expressed by the Council's Senior Historic Environment Officer about the potential for underground evidence of former and historic use of the site. On this basis a competent professional has undertaken an initial site and desk top investigation. This includes on site trial pits. The results of this investigation conclude that there is nothing of any historical value underground. In fact it is now known that the original cause for potential concern is an old filled pond area, not a historic relic. The land was used as a store during the course of the original development of the road, and the original builders have left various materials behind as underground fill. The proposal does not therefore conflict in any way with policy BE9 (Archaeological Assessment of development proposals) of the Saved Adopted Torbay Local Plan.

Economy -

The proposal will provide jobs during the course of construction.

S106/CIL -

This proposal is liable for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the current update form part of the Torbay Local Development Framework. The document splits contributions up into 5 categories according to size. It is considered that contributions would be due for the following items - municipal waste and recycling, sustainable transportation, education, lifelong learning, and green space/recreation. The amount that is currently charged for each new dwelling unit is now based on floorspace to be created which is calculated as 102 metres sq. for each dwelling. As such would work out as follows:-

Category 4 (95 – 119 Sq. M.)

Municipal waste and recycling	£ 50
Sustainable transportation	£2710
Education	£1240
Lifelong learning	£ 410
Green space and recreation	£2370

TOTAL **£6780 x 2 units = £13560**

Strategic Transportation have made a specific request for the use of the Sustainable Transportation element of the contribution and this is detailed above. The green space and recreation contribution should be used towards updating and improving the existing children's play area adjacent to the site.

Conclusions

The proposal is considered to be justifiable infilling along an existing urban road. Whilst the site is not an identified brownfield site, its use for residential development would provide development within the existing urban framework without detriment to the wider spacing and green areas behind. Concerns that have been expressed in relation to interests of acknowledged importance have been investigated and satisfied. There are concerns from local residents (2) as reproduced, but other than non-planning issues, all other concerns have been successfully addressed through the research and recommendations. Therefore, subject to appropriate conditions, the application is considered to be satisfactory.

Condition(s)/Reason(s)

01. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(v) No trenches for service runs, or any other excavations shall take place within the fenced area.

(vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Saved Adopted Torbay Local Plan.

02. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property in accordance with policies L8, BES and BE1 of the Saved Adopted Torbay Local Plan.

04. Conditions as required by Lee Marshall (yet to be transcribed).

05. The development hereby approved shall not be used or occupied until all

of the garages and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The garages shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, and in order to protect the residential amenities of the neighbourhood

06. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

07. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the area.

08. Conditions as required by the Ecological survey (yet to be transcribed)

Relevant Policies

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Application Number

P/2011/1281

Site Address

Land At Dairy Hill
And 13 Stanbury Road
Torquay
Devon
TQ2 7JL

Case Officer

Miss Alix Cathcart

Ward

Shiphay With The Willows

Description

Formation of vehicle hard standing with vehicle and pedestrian access

Executive Summary/Key Outcomes

This is a revised proposal for a residential hardstanding, sited in the position of a proposed single garage and parking space that was the subject of a recent refusal decision. The application is considered to address the unsatisfactory aspects of the previous scheme in an acceptable manner.

Recommendation

Approval.

Site Details

The application site lies partly on highway verge and partly within the curtilage of the semi-detached house 13 Stanbury Road. The land is a steep bank, covered in mature vegetation, which includes a hazel tree on the outside of a pronounced bend in the road. A public footpath linking Dairy Hill with Stanbury Road adjoins the north boundary, beyond which is a recently built house, with a parking area fronting the public highway. This is a predominantly residential area, with other houses on both sides of the road, along Dairy Hill in both directions, with residential accesses. Dairy Hill is narrow with one way traffic, with banking and vegetation on both sides, as the site is approached from the south.

The application is for consideration by Committee because part of the site is Council owned land.

Detailed Proposals

Construction of a vehicle parking area within the existing bank, at the side of the road 6m wide and 6m deep. A retaining wall 1.8m high would be constructed at the back of the parking area in concrete, with a facing of timber trellis to establish climbing evergreens. On the north side, adjacent to the public footpath, the existing wall would be built up to form a 1.1m high balustrade, with a rendered finish. On the south side, the land would be graded to form a bank. The

surfacing material would be paviers. The application is supported by a Design and Access Statement. It is explained that the row of houses 7-13 Stanbury Road are set away from the road with no parking and residents have to park on Stanbury Road, which is congested.

The application is also supported by a Tree Survey and Arboricultural Implications Assessment.

Summary Of Consultation Responses

Highways and Engineering Officer: Due to this proposal being similar to the other driveways in this road and therefore the precedent being set, Highways would raise no objections.

Arboricultural Officer The tree report and implications study confirm that the rooting environment of the Beech and Ash tree would not be negatively affected by the proposals. The calculated root protection area radius will allow for tree retention if approval is granted. It defines a root protection area which should not be excavated or have any levels changed. The loss of lower storey vegetation can be mitigated for by way new landscaping for which a plan and schedule is required. The scheme would be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:

1. Heras fencing to be installed on the radius defining the root protection area.
2. Detailed landscaping plan to be submitted and approved.
3. No grade changes to root protection areas.

Structural Engineer: Commented in respect of the previous application, 2011/0388: "If approved, an investigative report on the ground conditions and design for the proposed retaining wall to be required by Condition, to be carried out by a competent and qualified Structural Engineer before the structures are built to enable the design to be assessed and requiring the structure to be constructed in accordance with the approved design".

Archaeological Officer: The site lies within the boundaries of the late medieval hamlet of Shiphay but there is no evidence from 19th century mapping of any archaeological features within the footprint of the proposal.

Summary Of Representations

One letter of representation has been received in connection with the current application relating to the loss of mature trees and banking, the unsuitable location on a bend and the likelihood of subsequent related proposals for outbuildings. This letter has been re-produced at Page T.200.

Relevant Planning History

2011/0388 Detached garage with adjacent hardstanding with vehicular and pedestrian access. Refused. Reason for refusal – “The proposed development, by reason of the size, siting and design of the combined garage and parking space proposal, in particular its proximity to the highway and lack of appropriate visibility for vehicles emerging from the garage, would have a detrimental impact on the safety of all users of the highway. The proposal would not provide safe access and egress in terms of traffic and road safety due to this inadequate visibility. In addition, the loss of boundary bank and mature vegetation, and the construction of the proposed garage and retaining wall, in close proximity to the carriageway, would have a detrimental impact on the character of the area. Furthermore, the excavation works would remove significant sections of the rooting environment of two nearby Beech and Ash trees, likely to destabilise those trees or lead to their long-term decline and eventual loss. The proposal would therefore be contrary to Policies H15, T25, T26 and L8 of the Saved Adopted Torbay Local Plan 1995-2011 and Urban Design Guide - Supplementary Planning Document Section 3.3 Aspects of Development Form I, II & VIII (pages 63, 64, 67).”

Key Issues/Material Considerations

The proposal would improve the amenities of the applicant’s home by providing parking provision where, at present, there is none.

The main issues in this case are highway safety, the safeguarding of valued trees and the resulting impact of the proposal on the character of the area.

On the advice of the Highways and Engineering Officer, it is accepted that the proposal meets highway safety standards.

The submitted Tree Survey was prepared with the benefit of advice from the Arboricultural Officer on the scope of the report, which identified that the impact of the proposal on the nearby Beech tree was the main issue in this case. The Arboricultural Implications Assessment provides an accurate plotting of the location of the tree and shows that the root protection area does not extend into the site of the application proposal. There would be the loss of some other smaller trees and shrubs. There would be potential for re-planting on the newly graded sides of the proposal, with suitable native species.

There are a number of residential accesses from Diary Hill. The application proposal would have a similar character and would not harm the character of the area.

The reason for refusal of the previous scheme: This application differs from the previous scheme in that it does not propose a garage building. Highway safety

associated with use of the garage, and the resulting visual appearance of the building sited within the banked highway verge, were the main reasons for refusal of that proposal. In addition, the earlier scheme was not supported by a report addressing the implications for nearby trees. The current proposal would involve the creation of a recessed space and would affect only a short length of this stretch of bank, the remainder of which would continue to contribute to the character of the road. In view of the other existing vehicular accesses along the road, it is considered that refusal of permission would not be justified. Conditions are proposed in respect of land stability and tree protection. The proposal now under consideration is considered to address the unsatisfactory aspects of the previous scheme in an acceptable manner.

Response to points made in representation/s: Loss of vegetation and siting are addressed above. Any future proposals for buildings, requiring planning permission, would be a separate matter, to be considered on their own merits.

Sustainability:

Environment Agency Flood risk map status: FloodZone 1. Standard advice applies.

Surface Water Drainage: The paviers would be set in sand, which is a permeable method, achieving SUDS objectives.

S106/CIL -

Not applicable.

Conclusions

The proposal meets Local Plan policy criteria and is recommended for approval

Condition(s)/Reason(s)

01. No development shall commence until an investigative report on the ground conditions and design for the retaining wall of the vehicle hardstanding hereby approved, prepared by a suitably qualified structural engineer, has been submitted to and approved by the Local Planning Authority in writing, such scheme to take account of the planting proposals to be submitted in accordance with Condition 4 below.

Reason: In order to safeguard the stability of the land, in accordance with the objectives of PPG 14 Development on unstable land.

02. Construction of the retaining wall of the vehicle hardstanding hereby approved shall not be carried out other than in accordance with the details approved under Condition 1 above and, no later than 3 months of completion of the development, a report, prepared by a suitably qualified structural engineer, shall be submitted to the Local Planning Authority confirming that the structures

have been constructed in accordance with the approved design.

Reason: In order to safeguard the stability of the land, in accordance with the objectives of PPG 14 Development on unstable land.

03. No development shall commence until Heras fencing, or similar barrier of 1.2m in height securely pinned to the ground, has been erected on the radius defining the root protection area as defined in the approved Arboricultural Implications Assessment / Tree Survey and there shall be no alterations to existing ground levels within the root protection area. The fencing shall remain in position until all construction operations have ceased and all machinery, materials and equipment have been removed from the site.

Reason: To ensure that the nearby Beech tree is protected from damage during construction and in accordance with the objectives of Policy L9 of the Saved Adopted Torbay Local Plan 1995-2011.

04. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority in writing, the scheme to include the numbers, sizes and species to be planted. The scheme should include a maintenance schedule for five years following planting. The planting shall be carried out in accordance with the approved details in the first planting season following completion of the development, or by such later date as may be approved in writing by the Local Planning Authority, and maintained in accordance with the approved details, replaced as may be necessary from time to time.

Reason: In the interests of the amenities of the area and in accordance with the objectives of Policy L9 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The vehicle hardstanding hereby approved shall not be used other than ancillary to the use of 13 Stanbury Road as a single dwelling house.

Reason: Use for any other purpose would be a separate matter to be considered on its merits and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because of its size, siting and design. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies

PPG14 Development on Unstable Land

- L9 Planting and retention of trees
- H15 House extensions
- T25 Car parking in new development
- T26 Access from development on to the highway
- L8 Protection of hedgerows, woodlands

Application Number

P/2011/1300

Site Address

Site Curtilage Of Little Preston
Brixham Road
Paignton
Devon
TQ4 7BA

Case Officer

Mr Alexis Moran

Ward

Blatchcombe

Description

Formation of bungalow (This is a Departure from the Local Plan)

Executive Summary/Key Outcomes

The application seeks permission for the addition of a bungalow in the grounds of the property known as Little Preston which is sited off of the Brixham Road, Paignton.

The Local Plan allocation of the land highlights it for employment and as such the addition of a residential unit here is considered to be a departure from the Local Plan.

However the site is clearly in a residential section of this land allocation and appears to be in scale with, and designed in relation to, its surroundings.

Recommendation

Conditional Approval

Site Details

The proposal site relates to the rear garden of Little Preston off which is located at the end of a private cul-de-sac off of the main Brixham Road (A3022) in Paignton. Adjacent to the site is the existing Sainsbury's superstore on Brixham Road, and to the East there are four residential properties.

The application site is within a wider employment land allocation (E1.16c) within the Saved Adopted Torbay Local Plan (1995-2011) and as such, the proposed development for a residential property is a departure from the Local Plan.

Detailed Proposals

The application seeks permission for the addition of a bungalow with rooms in the roof . The proposed new dwelling is to be sited at the end of the garden and

close to an existing garage which is to be retained.

The proposed dwelling is to be 14.5 metres in length and 11.5 metres in width with an overall height to ridge of 6 metres and a height of 2.4 metres to eaves level. Velux rooflights are proposed on the side elevations of the pitched roof.

The new property will be accessed by the existing vehicle entrance to Little Preston with the addition of timber gates leading to a new gravel driveway with a turning area. The garden boundary of the property will be enclosed by the addition of a 1.8 metre high timber boundary fence. The existing site boundary is shielded by fence and hedge.

The existing garage area will be used by the new dwelling for parking with a total of 3 spaces being formed with the parent property of Little Preston also retaining 3 parking spaces.

Summary Of Consultation Responses

Highways Officer: Due to a passing bay being provided along with satisfactory parking levels and turning facilities, highways raise no objection.

Highways: recommend applying the SPD as a contribution towards the Western Corridor improvements that run directly past the site.

Summary Of Representations

None.

Relevant Planning History

ZP/2010/0514 Dwelling; positive officer response to the potential for a new dwelling on the site 02.12.2010

P/2010/0289 Mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline)– approved by Development Management Committee 30.04.2010

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the streetscene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The proposed dwelling will not be highly visible in the surrounding area due to its size and siting and will sit well in the plot. Due to this and the distance to the nearest property, which is some 50 metres away, it is considered that the proposal would not have a detrimental impact on the privacy and amenity of neighbouring properties.

Although the area in which the site is located is allocated as employment land it is clear that this specific area is currently residential. Bearing this in mind and the approval of a mixed use development of residential and employment on the adjacent land (P/2010/0289) it is considered that the principle of an additional residential unit here is acceptable.

Accessibility -

The existing access to Little Preston is to be utilised and highways have no objection to this.

S106/CIL -

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit with over 120sq metres of gross internal floor area:

Contribution for dwelling:

Waste Management	£ 50.00
Sustainable Transport	£ 3,610.00
Education	£ 1,660.00
Lifelong Learning	£ £470.00
Greenspace and Recreation	£ 2,370.00

TOTAL FOR DEVELOPMENT £ 8,160.00

The applicant has indicated that they are willing to pay the contribution by means of an upfront payment.

Conclusions

The proposed building is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations. Subject to the submission of a planning contribution as outlined above.

Condition(s)/Reason(s)

01. The development shall not be used/occupied until the vehicle parking areas and turning area shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve' the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the adopted Torbay Local Plan 1995-2011

02. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.

Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

BES, BE1, H9, E1, T25 & T26.

Relevant Policies

- BE1 Design of new development
- H9 Layout, and design and community aspects
- BES Built environment strategy
- T25 Car parking in new development
- T26 Access from development on to the highway
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- E1 New employment on identified sites

Application Number

P/2011/1315

Site Address

Elsinore Villa
Greenway Road
Chelston
Torquay
Devon
TQ2 6JE

Case Officer

Mr Scott Jones

Ward

Cockington With Chelston

Description

Redevelopment of the site with one house and 7 flats, vehicular and pedestrian access; formation of new entrance on Greenway Road; demolition of house and outbuildings

Executive Summary/ Key Outcomes

The proposal seeks to redevelop a relatively large suburban residential plot, demolishing the existing 1950s dwelling and associated outbuildings in order to provide a primary building of 7 flats supplemented by a smaller detached dwelling to the rear of the site.

The existing buildings, which already have an extant approval for their demolition, do not overtly contribute to the character and appearance of the Cockington-with-Chelston Conservation Area, where the Character Appraisal document notes the defining form of development in the area to be typically that of the larger Victorian villas. The removal of the structures on this proposal site is not therefore opposed.

The primary building proposed is loosely set on the established building line and height within the street scene and is considered to be suitably scaled within the context of the predominant larger villa developments in the area. The scheme has been positively amended from that previously considered, by the removal of the rooftop lift shaft, amendments to the previously unsuccessful rear fenestration pattern and the introduction of a stone plinth that grounds the building in the plot. The form and detailed design is also considered to present a successful modern interpretation of Victorian villa development.

The secondary building proposed is a two-storey detached dwelling to the rear, accessed off Huxtable Hill. This building is considered suitably scaled and formed for it to sit comfortably aside the primary building and within the wider development that surrounds it. It is considered that this building offers a due level of subservience to the main building, and successfully blends in with the

main building whilst expressing its own character.

On wider matters it is considered that both buildings are supported by suitable access arrangement and suitable levels of ancillary facilities, such as parking, cycle provision, waste storage and amenity space.

On balance the scheme is considered to offer an acceptable form of redevelopment within a relatively large residential plot set in a wider suburb characterised by buildings of a grander domestic scale than the 1950s dwelling that currently exist here.

Recommendation

Committee Site visit: Conditional Approval, subject to revised plans and conditions as itemised within this report and the signing of a S106 Legal Agreement to secure financial contributions inline with the Adopted SPD (in terms acceptable to the Executive Head of Spatial Planning).

Site Details

Elsinore Villa is a mid-20th Century detached dwelling located on the north side of Greenway Road with vehicular access from the rear via a shared entry, off Huxtable Hill. The dwelling is single storey at the rear with a level of under-build to the southern elevation that offers a degree of lower ground floor living space. Within the plot, to the North of the main building, there is a single storey outbuilding that in-part provides covered car parking. To the south of the dwelling is the garden area and amenity space.

In terms of its wider context the site sits within the Chelston Conservation Area, which is typified by Victorian villa development such as Froyle House to the East. It is however noted that there are a number of houses near to the site, such as Hartwell House to the West, which sit as newer additions to the conservation area.

Detailed Proposals

The application seeks the demolition of Elsinore Villa and the adjacent outbuilding in order to redevelop the site to provide 7 flats and one dwelling.

The primary building is proposed to contain 7 flats and would sit approximately in the same position as the existing dwelling. It is shown as having two flats on each of the three floors, with a further penthouse flat set in the pitched roof. Externally, this building would have white rendered walls set under a natural slate pitched roof. Glazed Balconies feature in the front elevation and flush 'Juliet' railings sit in the rear elevation. The windows are shown as being finished with dark grey aluminium. Vehicular access is proposed off Greenway Road, with a driveway set to the side of the property sweeping to the rear where 14 spaces and cycle parking are to be provided.

The secondary building is shown set to the rear of the existing villa / the proposed flat complex, set within the area of the existing outbuilding. The plans show a two-story mono-pitched structure finished in smooth white render and cedar cladding, set under a grey metal profile roof finish. The dwelling is served off the existing rear access which is shown leading to a pitched-roof double garage finished in matching materials.

Summary Of Consultation Responses

Highways: Highways raise no objection and recommend applying the SPD for planning contributions for infrastructure to improve sustainable transport links in the surrounding area that may discourage car trips and promote alternatives for local trips. If approved one cycle parking space should be available per dwelling and if supplied within a garage the cycle space must be accessible with a car still inside.

Drainage: Planning permission can be granted subject to consideration of the sustainable urban drainage solution. This could be handled by way of a condition.

Arboricultural: The only arboricultural constraint appears to arise from the group of trees whose ownership is undeterminable. Recommend that the proposal is acceptable on arboricultural merit with conditions to address tree protection during construction and a suitable landscape scheme to address the changing landscape character.

Summary Of Representations

A number of objections have been received from occupants of adjacent dwellings and flats. The concerns raised relate to the following issues:

- Too High
- Increase in numbers of units will result in additional traffic and disturbance to existing residents
- Will exacerbate parking pressure in the area in-part caused by the nearby GP service
- Loss of light and outlook and privacy to certain residences
- Design, height and scale not appropriate for a conservation area
- Overdevelopment of the site
- Disruption due to construction noise and future noise from residents
- The position of the car parking would impact amenity through noise and light
- The form of the proposed dwelling is inappropriate
- The proposed dwelling is too close to boundaries and would impact amenity
- Queries in relation to accuracy of plans
- Concerns about the size of the detached house
- Disturbance to habitats

- Concerns about location of entrance
- Concerns about boundary treatment
- Loss of trees
- Loss of part of the wall
- Loss of view [this is not a planning issue]
- Loss of value to property [this is not a planning issue]
- Covenants [this is not a planning issue]

These have been re-produced and placed in the Members Room.

Relevant Planning History

Planning permission was granted for the conversion of the outbuildings into a bungalow in 1987 and this permission was renewed in 1992, 1997 and 2002.

Planning permission was granted in outline for the demolition of the bungalow and its replacement with 9 dwellings in 1989 and this was renewed in 1992, 1995 and 1998, although the description changed to 7 flats.

A further application was made to renew the consent in 2002 but this was later withdrawn.

In 2010 a proposal for a contemporary building to supply 5 flats and a further dwelling to the rear was refused on grounds of (1) the mass, bulk and design failing to preserve the conservation areas character, and (2) that neighbour amenity would be unduly impacted on due to the roof terrace. (3) Lack of planning contributions was also cited as a reason for refusal, although negotiations weren't entered into due to the wider concerns on the scheme. Concurrent with this was P/2010/1126/CA which sought Conservation Area consent for demolition of Elsinore Villa and its outbuildings. Conservation Area consent was granted on 7th December 2010.

P/2011/1316/CA - Conservation Area consent for demolition, concurrent application also on this agenda.

Key Issues/Material Considerations

The key issues in determining this application are considered to be;

- i) The principle of the development
- ii) Design / Visual Implications
- iii) The Impact on Neighbour Amenity,
- iv) Highway / Parking and Movement,
- v) Impact on Trees and Landscape, and
- vi) Planning Contributions

The principle of the development:

The plot sits in a relatively spacious and well 'greened' suburb that is largely

characterised by Victorian villas set in large plots and landscaped grounds, although there are more modern and modest-scaled buildings in the area. The existing property dates from the 1950's and is not in keeping with the prevailing character of the conservation area. However due to its scale and relatively low lying nature it has little impact upon its character and appearance.

It is considered that there is scope to develop the site with a proposal that is in keeping with the area in order to provide good quality residential units of accommodation, in a building which is a positive enhancement to the area. Considering the size of the plot it is also considered that there is scope for some ancillary accommodation to replace the existing outbuilding, provided this is of an appropriate scale and form.

ii) Design / Visual Implications:

The visual implications of the scheme are a key consideration as the site sits in the Chelston Conservation Area. It is hence paramount that any building conserves, or enhances, the local character and appearance.

Firstly in regard to the primary building proposed, it is considered that the general massing and scale of the proposal is largely reflective of the predominant building form of the area - that of Victorian villa-style development. It appears that the proposal offers a building width, floor-to-eaves, and floor-to-ridge heights that are clearly comparable to the scale of the adjacent villas. Within this established scale it would appear that that modern floor-to-ceiling heights offer the opportunity for three floors within the elevation treatment rather than the two customary of the period properties. With correct detailing this rationalisation of space within the building is acceptable and is not a concern. With regard to the detail, the proposal is considered to offer a successful modern interpretation of a period villa, with predominantly rendered elevations inset with a repetitive window pattern that express a slender vertical emphasis. The mix of windows, doors and balconies within the elevation collectively offer a suitable modern mimic of bay features and full height sash frames. In regard to the roof form the multi-pitched slate-finished design with gable and valley features is also considered fairly consistent with the local form and as such offers a suitable 'hat' to the building. The placement of the building on the site broadly accords with the location as the existing dwelling and also broadly follows the loose building line established along the street frontage. The actual footprint of the building, when compared to those of villas around it, is not considered to be excessive. A setting for the building appears maintained as the placement of the building gives an appropriate distance from the boundaries of the plot.

With regard to the secondary building it should clearly be a subservient form of building in order to maintain the hierarchy of buildings within the plot and that characteristic of the conservation area. The proposal seeks a two-storey mono-pitched dwelling finished predominantly in render with sections of cedar cladding, all sat under a metal profiled roof. The scale of the building proposed is

considered acceptable in the context as it would sit comfortably aside main building. The detailed design is considered acceptable, as it provides a complimentary character to that of the main building, whilst also offering its own identity through the introduction of elements individual to the building.

The third key element of the development in respect of visual implications and potential impacts upon the conservation area, relates to the proposed vehicular access onto Greenway Road and the sweeping driveway up to the rear parking court. At present vehicular access is achieved via a shared access off Huxtable Hill, however it is cited that covenants restrict utilising this for further development. The proposed access onto Greenway Road proposes the loss of a section of wall, which is itself considered a positive attribute of the conservation area. Notwithstanding this it is appreciated that the scheme does however propose a recessed gateway that negates the need for over-engineered splays, which would be a more damaging option for the streetscene and the conservation area. The proposed solution is akin to other accesses off Greenway Road and appears to be an acceptable solution. The proposal also involves a new driveway, which is an extension of the existing pathway in this area of the plot, that sweeps to a car parking area that would be tucked away behind the building. The parking arrangement to the rear of the buildings offers scope to maintain the garden setting of the building to the south, which is welcomed, and minimises its visibility. The general arrangement is considered the best plausible option. Notwithstanding this, within the design there is a turning space that projects into the garden area, which potentially harms the setting and severs part of the garden from the building. This feature appears unjustified as the courtyard offers turning and the driveway itself features a passing bay. Its removal is recommended in order to enhance the garden setting and recreational value, which is suggested to be sought via a hard and soft landscaping condition.

ii) The impact on neighbour amenity:

In order to assess the impact upon neighbour amenity, each of the nearby neighbours will be considered in turn.

Hartwell House

The siting of the building and its increase in size is such that the building will be much more visible to the occupiers of Hartwell House than the existing dwelling. This however is not a sufficient reason to refuse the application. In respect to the issues at the heart of amenity considerations, (loss of light, overlooking and loss of privacy) it is not considered that the proposed primary building will result in a loss of light to Hartwell House, certainly when bearing in mind that the part of Hartwell House closest to the boundary is a garage. With regard to potential overlooking the windows on the side elevation with an outlook towards the house will either be high level or obscure glazed, and this could be controlled by condition. It is appreciated that there are balconies to the south elevation and

'Juliet' openings to the northern elevation of the building that may offer occasional viewing of the plot, however it is considered that the scale and location of these areas will not demonstrably result in a loss of privacy. As a note to history the scheme no longer features a wraparound roof terrace that raised concerns during the 2010 application and was cited as a reason for refusal.

The secondary building of the dwelling is in a location and of a scale that is unlikely to impact amenity in this direction.

Hatherleigh

Sits on higher ground to the northwest of the site with some considerable distance between it and both the primary and secondary buildings proposed. Other than being able to see the buildings, which is not a concern on amenity grounds, the proposals are unlikely to have any impact on this dwelling by way of loss of light or outlook, or loss of privacy and overlooking.

Richmond Flats

Sits to the north of the site close to the location of the proposed single dwelling, which will be approximately 4 metres away from its extended ground floor section and 13 metres from its main building element. When considering the drop in ground levels, which lessens the perceived bulk of the proposed two-storey building by nearly 2 metres, the relationship is considered acceptable as the massing of the building would not be overly dominant or oppressive. With regard to overlooking the potential appears to have been mitigated through designed, with upper floor windows limited to a high level.

The primary building proposed is considered to be too far away, beyond the single dwelling and its garage, to have any impact.

Froyle House

Located to the east this Victorian villa sits aside the proposed primary building, with the main building lines set approximately 10metres apart towards the rear, which increases to 15metres towards the front. The siting of the proposal appears to offer sufficient space in order to avoid potential cramping that could afford a loss of light and/or outlook, certainly as the majority of the build sits aside the recessed area set 15metres away. With regard to potential overlooking the windows proposed on the side elevation of the new primary building are again all proposed to be either high level and/or obscure glazed. This could be controlled by condition. There are balconies to the south elevation and 'Juliet' openings to the northern elevation of the building, however the scale and location of these openings will not demonstrably result in a loss of privacy. .

iii) Highways, parking and movement:

The key questions are whether the proposal offers suitable access arrangements and parking facilities to serve the scale of development and protect highway safety.

The Highways Officer has confirmed that he is happy with the access as shown, subject to the gates being set back 6m, which could be secured by condition. It is understood that Greenway Road has become more heavily used since the introduction and expansion of the Doctors Surgery, however the road remains a suburban highway that is not heavily trafficked. It is believed that the access off Greenway Road offers a safe and functional arrangement for the development.

The parking provision appears generous to that established within the Local Plan, with 2 spaces per unit. However bearing in mind local concerns in relation to on street parking in the locality, and acceptance that the plots character and functionality is not affected by this degree of parking provision, the proposal is considered to be acceptable.

Cycle parking is also provided however further detail will be required. The development should be supported by safe and secure covered parking facilities to promote cycle ownership and use. Such a provision is paramount within a flatted development where internal space and movement is more restricted than for larger dwellings. It is proposed that suitable facilities should be secured via condition.

iv) Trees / Landscape:

A small number of trees and shrubs are to be removed as part of the development, however the tree officer has confirmed that he has no objections to these being removed. It is suggested that a landscaping scheme be required by condition in order to ensure that the proposal assimilates readily into the conservation area and that a condition affords the suitable protection of retained trees during construction phase.

Planning Contributions / S106 / CIL -

The proposal attracts developer contributions as outlined in the Adopted Supplementary Planning Document and the accompanying relevant update paper. The required contributions are as follows:

Education	Zero
Sustainable Transport	£19,870 (6x2710 & 1x3610)
Greenspace and Recreation	£16,590 (7x2370)
Lifelong Learning	£ 2,930 (6x410 & 1x470)
Waste	£350 (7x50)

Total: £39,740.00 (+ legal fees)

The above figures are calculated on the basis of the proposal providing a net additional development of 7 units, six being within the 95-119m² category and one being in the +120m² category. The existing dwelling mitigates sums sought against the proposed dwelling.

Conclusions

The existing buildings, which already have an extant approval for their demolition, do not contribute to the character and appearance of the Conservation Area and hence their removal is again supported.

The proposed primary building, which offers 7 flats, is considered to be suitably scaled within the context of the areas predominant large villas. Its form and detailed design, in light of the positive amendments to the scheme via the removal of the rooftop lift shaft, amendments to the unsuccessful rear fenestration pattern, and the introduction of a stone plinth that grounds the building in the plot, is also considered to present a successful modern interpretation of Victorian villa development.

The separate dwelling building to the rear is considered suitably scaled and formed in order to sit comfortably aside the primary building being of a subservient character to it.

Both buildings are supported by suitable levels of ancillary facilities, such as parking, cycle provision, waste storage and amenity space.

On balance the scheme is considered to offer an acceptable form of residential redevelopment of this large plot, set within a suburb containing numerous large-scale domestic buildings that offer a mix of dwellings and flats.

Condition(s)/Reason(s)

01. Prior to the commencement of development sections and elevations, to a scale of not less than 1:20, indicating the following details, shall be submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) fascias
- (iii) soffits
- (iv) rain water goods;
- (v) reveals to window/door openings;
- (vi) window / door profiles;
- (vii) sub cills.

The dwellings shall not be occupied until they has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995-2011 and PPS5 Planning for the Historic Environment.

02. The development hereby approved shall not be commenced until a sample of the roof slate and colour palette of the buildings for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the agreed details.

Reason: To protect the amenities of the area, in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995 – 2011 and PPS5 Planning for the Historic Environment.

03. Prior to the commencement of development details of all curtilage walls and retaining structures, including the bin store, shall be submitted to and approved in writing by the Local Planning Authority. The walls and retaining structures shall then be implemented in accordance with the approved details and remain as such at all times thereafter unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area, in accordance with Policies BES, BE1 and BE5 of the Saved Adopted Local Plan 1995-2011 and PPS5 Planning for the Historic Environment.

04. Prior to the commencement of the development a full and detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained along with details of the quantity, size, species and position of all new trees, hedges and shrubs to be planted with regard to their mature size and anticipated routine maintenance. The approved landscaping scheme shall include the removal of the occasional turning bay to the South of the building.

The development shall then be implemented in full within the first available planting season following the commencement of development.

Reason: To protect the amenities of the area, to accord with policies L9, L10, BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995-2011.

05. Any trees or shrubs planted as part of the approved landscaping scheme, which within a period of 5 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.

Reason: In the interests of the amenities of the area and to accord with policies L9, L10, BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

06. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority that responds to filtration tests that determine the suitability of ground conditions and designed to cater for the 1 in 100 year storm event (with allowance for climate change), such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and protect the quality of the water environment and local amenity, in accordance with the provisions of PPS25 'Development and flood risk'.

07. The development shall not be used/occupied until all of the vehicle parking areas shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995-2011

08. Notwithstanding the details shown on the approved plans the development shall not be used/occupied until details of a covered cycle parking area has been submitted to and approved by the Local Planning Authority. The approved provision shall then be implemented inline with these details and kept permanently available for cycle parking purposes to serve the development.

Reason: To ensure that adequate cycle parking is provided in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

09. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Parts 1 (excluding Classes C, G and H) and 2 (excluding Classes C, D and E), shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area, in accordance with Policies BES, BE1, HS, H9 and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

10. All openings identified as obscure glazed on the plans hereby approved shall be obscured to a level of obscurity equivalent to Pilkington Level 5 and be retained as such at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local amenity and privacy, and to ensure accordance with Policies H4, H9 and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- HS Housing Strategy
- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- TS Land use transportation strategy
- T25 Car parking in new development
- T26 Access from development on to the highway
- W7 Development and waste recycling facilities
- PPS3 Housing
- PPS5 Planning for the Historic Environment

Application Number

P/2011/1316

Site Address

Elsinore Villa
Greenway Road
Chelston
Torquay
Devon
TQ2 6JE

Case Officer

Mr Scott Jones

Ward

Cockington With Chelston

Description

Demolition of house and outbuildings

Recommendation

Approval.

Site Details

Elsinore Villa is a detached dwelling located on the north side of Greenway Road but accessed from the rear, off Huxtable Hill. The dwelling is single storey at the rear, with a level of under-build to the south elevation. There is a single storey outbuilding to the north of the building. The site is within the Chelston Conservation Area which is typified by villa style buildings such as Froyle House, to the east, although a number of houses near to the site such as Hartwell House to the west and the existing Elsinore Villa are newer additions to the conservation area.

Detailed Proposals

This application proposes the demolition of Elsinore Villa and the outbuilding to the rear.

Summary Of Consultation Responses

Senior Conservation Officer - No objection to the removal of the building, which is uncharacteristic in an area predominated by Victorian villa development.

Summary Of Representations

3 objections have been received in relation to the conservation area consent application to demolish. However they do not cite objection to the demolition, but rather cover issues relevant to the associated planning application to redevelop. These letters have therefore been duplicated and placed against the concurrent planning application. These are reproduced at Page T.204.

Relevant Planning History

Permission for the demolition of the house and outbuildings was granted on 7th December 2010 (under reference P/2010/1126/CA), although the accompanying planning proposal for the redevelopment of the site was refused. However, the previous conservation area consent for demolition is still extant and capable of implementation. This application is submitted purely so that the dates are consistent with the current planning application (also on this agenda - P/2011/1315 - redevelopment of site with one house and 7 flats).

Further planning history should note that planning permission was granted for the conversion of the outbuildings into a bungalow in 1987 and this permission was renewed in 1992, 1997 and 2002, and that planning permission was granted in outline for the demolition of the bungalow and its replacement with 9 dwellings in 1989 and this was renewed in 1992, 1995 and 1998 although the description changed to 7 flats. A further application was made to renew the consent in 2002 but this was later withdrawn.

Key Issues/Material Considerations

As an application for conservation area consent the key issue in determining this application is whether the loss of these buildings would be detrimental to the character and appearance of the conservation area. The building has not been identified as being of any merit within the conservation area character appraisal and is described in the document as being visually unappealing. This issue has already been considered with the previous application (P/2010/1126/CA) and was considered acceptable. There are no changes in circumstances since that time that would indicate that a different decision should be reached now. A precedent has therefore been set for the demolition of the buildings on site.

Despite the precedent set by the previous extant permission, it is considered that the loss of the house and its outbuildings would not be detrimental to the character and appearance of the conservation area, provided that its replacement is acceptable. Therefore a condition is recommended to control the demolition by only allowing it to occur only after the grant of planning permission and a contract for a replacement building has been made.

Conclusions

The building itself does not contribute significantly to the conservation area and is not historic. Subject to a condition not allowing demolition until after planning permission has been granted, the proposal is recommended for approval. This is consistent with the previous approval for demolition which is still extant.

Condition(s)/Reason(s)

01. The building(s) shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the development for which the contract

provides.

Reason: To ensure that the character and appearance of the area is not prejudiced in accordance with Policy BE5 of the Saved Adopted Torbay Local Plan 1995-2011 and advice in PPS5 "Planning for the Historic Environment".

Informative(s)

01. The proposal has been tested against the provisions of the Development Plan and in the opinion of the Local Planning Authority is not in conflict with the following policies:

(a)The building itself does not contribute significantly to the conservation area and is not historic. Subject to a condition limiting its demolition until planning permission has been granted and a contract for a replacement building has been made the proposal is considered to be acceptable.

Relevant Policies

BE5 Policy in conservation areas
PPS5 Planning for the Historic Environment

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Application Number

P/2011/1321

Site Address

Bench House
Blackball Lane
Brixham
Devon
TQ5 8AX

Case Officer

Mr John Burton

Ward

Berry Head With Furzeham

Description

Temporary change of use of Bench House from residential to site office for the duration of the road widening scheme (approximately 3-4 months).

Executive summary/key outcomes

The Development Management Committee has already approved a scheme for the widening of Blackball Lane at its pinchpoint in between Bench House and Dalverton Court and the works can now proceed. The use of Bench House as a temporary office during the course of construction is not considered to impact upon any neighbouring land use or occupier. Following completion of the works the property would revert to its former use as a residential dwelling. There are no planning principles or policy reasons that would dictate that this temporary consent should not be granted. No adverse third party representations have as yet been received, although it should be noted that the advertisement period will not have expired by the time Committee meets to consider the proposal.

Recommendations

Committee are asked to delegate the responsibility of dealing with any adverse representations that may be received after consideration at Committee to the Executive Head Spatial Planning, unless they are in writing and raise objections that relate to justifiable issues which have not previously been considered by Members. Subject to this proviso, the recommendation is one of conditional approval. The condition that is suggested to accompany the approval is a 6 month temporary limit for the change of use, after which time the use would automatically revert to one of residential use.

Site details

Residential property accessed off Blackball Lane but situated above road level, and opposite the block of residential flats called Dalverton Court. Its garden area is supported by a tall retaining wall which acts as a pinchpoint to the highway below. Underneath the garden lie two former Lime Kilns, but it has been established by English Heritage that these are not worthy of listing. Bench House is situated within the Brixham Town Conservation Area.

Detailed proposals

Planning permission has already been obtained to widen Blackball Lane by moving back the wall retaining the garden of Bench House. Bench House has been acquired by the Council to facilitate this. The works involved are estimated to take approximately 3 or 4 months, and during this time, it would assist if Bench House could be used as a temporary site office. It is currently a residential property although it is understood not to have been occupied for some time. Planning permission is therefore sought for a temporary change of use from residential use to an office (site office) for the duration of the road widening and associated engineering works. The proposal needs to come before Committee for resolution because the site is owned by the Council.

Summary of consultation responses

None sought

Summary of representations

None have been received as yet, but please note that the 3 week public consultation period does not expire until end of 22nd February.

The application is presented to February's meeting partly to assist in speeding up the decision on behalf of the Council, but also because the application would be beyond its target 8 week period come March's Committee date. However, the validation or start date which relates to when the appropriate fee was received means that the consultation period will not have expired by the time Members consider the matter. Clearly Members of the Public and interested third parties must be given the appropriate time to consider the proposal and make any appropriate views known. However, in this instance, it is suggested that it would be expedient for Committee to delegate the responsibility of dealing with any adverse relevant representations received after the Committee date to the Executive Head Spatial Planning, unless those representations are objections raising appropriate and valid issues which have not previously been considered by Members.

Relevant planning history

P/2011/0968	Variation of condition 3 of permission P/2011/0039, relating to the bat survey and memorandum dated 06/01/2011. Matter considered and approved by Members at December's Committee.
P/2011/0040	Demolition works (Conservation area consent), permission granted 24/03/2011.
P/2011/0039	Demolition works and alterations to form road widening, reduction of residential curtilage and formation of new retaining wall topped by new railings. Permission granted 23/03/2011.

Key issues/material considerations

Principal and planning policy

The only relevant planning policy the Council has adopted to cover this is policy H8 of the Saved Adopted Torbay Local Plan. This policy does not permit changes of use from housing to other uses where 4 criteria listed are met. These relate to existing living conditions, the residential character of the area, provision of self contained accommodation and the achievement of other local plan objectives. It is not considered that this current proposal would meet any of these criteria. Nevertheless, the proposal will only be temporary for the duration of the road widening works anyway. The proposal is not therefore considered to be contrary to policy.

Economy

The widening of the road is required to ease the passage of traffic past a narrow pinchpoint on this popular route. It serves the AstraZeneca Laboratories, the boat storage areas and the Council's car parks. However, the Torbay Development Agency have plans to regenerate the Council owned land to provide for a mixed use development that will include a range of 'B' class uses as defined by the Town and Country Planning Use Classes Order. This will provide many jobs and new employment opportunities, the numbers of which are as yet unknown. However, it is vital that the road is widened in order to improve access and so attract the identified development. The provision of the site office at Bench House is helping towards this ultimate aim.

Environmental impacts

Members may recall that when the earlier planning application for the road widening scheme and the subsequent application to amend one of the conditions, were considered, some third party concern had been expressed about the impact of the scheme upon the old lime kilns under the garden of Bench House and the likelihood of bats hibernating over the winter in the old kilns. These issues have been satisfactorily resolved. It should be understood that this current proposal will not have any impact upon the old lime kilns or any bats that may be in the area. It simply relates to a different use for an existing building, and does not involve any development or excavation works. There will not therefore be any impact arising out of this proposal upon any historic structure or artefact, nor will the proposal have any undue impact upon wildlife or the environment in general.

Planning Obligation

A change of use can often lead to a requirement to have a Planning Obligation under s106 of the Town and Country Planning Act, in order to secure a financial payment to offset implications arising from the proposed change of use. In this instance, the change of use is only required on a temporary basis, it is suggested for three to four months. It is not considered that there would be any impacts arising in such a short space of time, and the change of use would in any event be temporary not permanent. On this basis it is clearly not appropriate to seek

financial redress via a Planning Obligation.

Conclusions

The Council or its approved contractors will clearly need a site office while the works to widen the road, now authorised in planning law, are undertaken. It makes clear sense to use Bench House which is within the Council's ownership. The proposal is not considered to be contrary to the relevant planning policy. The proposal for the temporary use of bench house as a site office does not in itself include for any alterations, development or engineering works, and so will have no impact upon the environment or any other interest of acknowledged importance. As the proposal is sought for a temporary period it would not be appropriate to seek any financial payment under a Planning Obligation, which is designed to redress costs that might arise on a permanent basis. Although the Council consider that the site office will only be required for some 3 to 4 months, it is considered reasonable to grant the permission for a period of 6 months to cater for any slippage in progress with the works. The required condition can be worded such that the residential use should be reinstated at an earlier time if the site office is not needed for so long.

Condition(s)/Reason(s)

01. The use of Bench House as a temporary site office shall inure for a period not exceeding 6 months from the date of its first use as a site office. After the passage of 6 months, or at any such time earlier that the temporary use may cease, the building and land shall be restored to residential use and the site reinstated to the condition it was in prior to its use as a temporary site office.

Reason: The permission is required only for a temporary period and the consent for a change of use has been granted on this basis. Once the temporary use has ceased, it is important that the land is restored for use as a residential property to ensure that the proposal is in accordance with H8 and BES of the Saved Adopted Torbay Local plan.

Relevant Policies

H8 Change of use from housing to other uses

Application Number

P/2011/1345

Site Address

Curledge Street County Primary School
Curledge Street
Paignton
Devon
TQ4 5BA

Case Officer

Mrs Helen Addison

Ward

Roundham With Hyde

Description

Engineering works to form an access ramp together with the installation of new school gates (revised proposals following planning permission P/2011/0751/R3).

Executive Summary/Key Outcomes

The proposal is for provision of new gates, railings and a ramped access to the southern side of the site. Access to the site would be improved and the proposed alterations would be acceptable in this location.

Recommendation

Approval

Site Details

The application site comprises an existing primary school and children's nursery that is situated on both the north and south sides of Curledge Street, close to its junction with Midvale Road. The main part of the school is on the northern side of Curledge Street. The majority of buildings are stone faced although more recent extensions and mobile classrooms have been added. The school is visible in the street scene. This application relates to the site on the southern side of Curledge Street..

The surrounding area is in mixed use. There are a number of residential properties in Curledge Street and residential and commercial properties in Midvale Road. Curledge Street is a one way road. In the Torbay Local Plan 1995-2011 the site is shown as being within the Old Paignton Conservation Area.

Detailed Proposals

The application is a revision of application reference 2011/0751 and seeks to provide a ramped access to the southern part of the site, with new gates and railings adjacent to the entrance. Currently the only access to this part of the site involves a number of steps which is inconvenient for parents with pushchairs and wheelchair users. Under the previous application it was proposed to realign the boundary wall to provide the new access ramp adjacent to the existing steps.

This revised proposal is to replace the steps with a ramp and would not involve any alterations to the boundary walls. The proposed gates and railings would be made from mild steel which would be painted black.

The proposed access ramp will be approx. 14.5 metres in length and 1.5 metres in width, widening to 1.8m at the midway point to provide a passing place for wheelchairs/pushchairs. Stainless steel handrails of 0.9m in height would be provided either side of the access ramp. The new school gate would be 1.9 metres in height.

Summary Of Consultation Responses

Conservation Officer: Revised proposal is acceptable.

Summary Of Representations

None received

Relevant Planning History

Extensive previous planning history. Most recent applications are as follows;

P/2009/1038	Demolition works; Formation of new classroom building and Children's Centre building, together with associated landscaping. Approved 08/01/2010.
P/2009/1039	Demolition works. Approved 02/03/2010.
P/2010/0450	Removal of stone wall sections and rebuilding of stone wall fronting Midvale Road. Approved 24/06/2010.
P/2010/0469	Demolition works. Approved 18/06/2010.
P/2010/0756	Construction of access ramps to proposed children's centre and change of use between numbers 16 to 20 Curledge Street from public highway to form part of Curledge Street school. Refused 11/11/2010.
P/2011/0384	Revised plans received, elevation details changed revisions to previously approved application P/2009/1038 MR3 to allow for a first floor extension providing 2 additional standard classrooms and child protection/nurture classroom above the previously approved single storey element of the extension proposed north of site. Approved 19/08/2011.
2011/0751	Engineering works to form an access ramp and new school gates, approved 21.9.11

Key Issues/Material Considerations

The main issue is the impact on the appearance and character of the Old Paignton Conservation Area.

The main change in the street scene would be in the provision of new steel gates and railings painted black. Their design and appearance would be traditional and would be appropriate for this site. The proposed railing would replace existing

chain link fencing and would be a visual improvement to the site. Also this revised proposal would not involve any alterations to the boundary wall.

The proposed ramp would be within the site and therefore would have limited visual impact on the surrounding area. There would be a community benefit from improving access to this part of the site.

Negotiations have been carried out to attach the railings to the existing boundary wall in order to minimise the visual impact of the proposal. Revised plans to this effect have been received.

Principle and Planning Policy - The principle of improving school facilities is consistent with Policy CF10 in the Torbay Local Plan 1995-2011. Policy T7 supports the improvement of access for disabled people. Policies BES, BE1 and BE5 require new development within a Conservation Area to enhance the appearance and character of the area.

Closing the gap - The proposal would improve accessibility to the site for parents with young children and the disabled. As a result of the proposal the site would be more user friendly.

Environmental Enhancement - The proposal would alter the external appearance of the site. The overall impact on the character of the area would be an improvement through the replacement of an existing chain link fence with railings.

Accessibility - The proposal would significantly improve accessibility to the southern side of the site by means of providing ramped access. The agent advises that the proposed ramp would not comply with current building regulations, however the Building Inspector has indicated that it would be acceptable in this location.

Conclusions

In conclusion the proposal would result in an improvement to the access to the site through the replacement of existing steps with a ramp. The proposed new gates and railings would be consistent with the appearance of the site. There would be no adverse affect on the appearance and character of the area and the proposal is considered to constitute an acceptable form of development in this location.

Informative(s)

01. The Council has taken account of Article 22 of the Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and in the opinion of the Local Planning Authority is not in conflict with the following policies:

a) The proposal has been designed to positively enhance the character and appearance of the area taking account of materials, design, siting, height and scale of development in accordance with Policies BES, BE1 and BE5.

Relevant Policies

- CFS Sustainable communities strategy
- CF1 Provision of new and improved community
- CF10 New schools and improved school facilities
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- T7 Access for people with disabilities

Application Number

P/2011/1351

Site Address

Barton County Junior & Infant School
Barton Hill Road
Torquay
Devon
TQ2 8JA

Case Officer

Mr Alexis Moran

Ward

Shiphay With The Willows

Description

Formation of extension to provide new main reception facilities, replacement windows, provision of accessible parking spaces, realignment of paths, removal of pedestrian entrance gate and engineering works to improve grass play areas

Executive Summary/Key Outcomes

The application seeks permission for improvements to existing green play space and the accessibility of the site through alterations to levels to provide lower gradients. An extension to form additional office space is proposed to the front of the property. This will act to improve orientation throughout the site as it would act as a focus for visitors and parents whilst also providing additional surveillance to the school.

Recommendation

Approval.

Site Details

The site contains a large Infant and Primary school campus with an extensive frontage to Barton Hill Road. To the rear is a play area, an access and car park. One side of the site is bordered by dwellings the other with a church and associated building

Detailed Proposals

The application seeks permission for the addition of an extension to the front of the School, a small addition to the NE facing side elevation, additional accessible parking spaces, replacement windows the realignment of pathways and some engineering works to provide more accessibility. Some of the works including the alterations to the pathways and the vast majority of the replacement windows (i.e. those which are 5 metres or more from the boundary) are permitted development and therefore do not require planning permission.

The proposed extension to the front of the building to provide improved office space has been designed in contrast to the main building to act as a focal point

for visitors and which also acts as a distinct marker between new and old rather than attempting to copy the original building. This building will be framed with a render finished with the majority of the elevation being glazed. A small extension on the side is proposed to provide new toilets to the nursery.

The front play area is to be made more usable through reducing the existing slope through cut and fill and made more elliptical in shape. The rear play area is to be made more accessible and more usable, this is not of a regulation size so as to play official games on but acts as an additional facility.

Summary Of Consultation Responses

Highways Officer: Due to existing accesses with the public highway being utilised Highways raise no objection.

Arboricultural Officer: Awaiting comments

Summary Of Representations

A total of 3 letters have been received commenting on this application 2 of which object to the proposals. The main planning issues brought up relate to highways safety and the removal of trees. These are re-produced at Page T.205.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issues to consider in relation to this application are whether the alterations safeguard the existing playing fields within the school site and that the proposals can be accommodated without undue detriment to surrounding residential areas.

The playing field to the rear of the school has been altered to be more accessible and usable, although this is not suitable for official school games due to its size; it is a useful play area none the less. Similarly improvements are also proposed to the grass play area to the front of the school to make it more level and therefore creating an enhanced play space.

The proposed works, specifically those requiring excavation and those relating to car parking are deemed to be sufficiently accommodated without causing undue detriment to neighbouring residential properties.

The extensions to the front and side of the school are, by reason of their size and design, deemed to be acceptable for planning approval. The extension to the front of the school has been designed in contrast with the original school building so as to appear as a focal point to visitors and parents and is considered to be an acceptable form of development. The use of aluminium replacement windows is considered to be acceptable where required.

Accessibility -

The development proposes improved accessibility for vehicles and pedestrians.

Conclusions

The proposed developments are considered to be acceptable having regard to applicable national and local planning policies and having taken all relevant material considerations into account. It is therefore considered that planning permission should be granted.

Condition(s)/Reason(s)

01. Within two months of the completion of works to the parking area and pathways, the verge and hedge, which are to be altered during construction to provide temporary pedestrian access, shall be reinstated and remain at all times thereafter.

Reason: In the interests of the amenities of the area and in accordance with policies BES, BE1 & CF10 of the saved adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

BES, BE1, CF10, T25 & T26

Relevant Policies

BES Built environment strategy
BE1 Design of new development
T25 Car parking in new development
T26 Access from development on to the highways
CF10 New schools and improved school facilities

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Application Number

P/2011/1391

Site Address

111 Abbey Road
Torquay
Devon
TQ2 5NP

Case Officer

Mr John Burton

Ward

Tormohun

Description

Change of use and conversion of a disused hotel to 8 residential apartments with 2 bedrooms and associated building works; demolition works

Executive Summary/Key Outcomes

The proposal involves the loss of a former 24 bed hotel, although the use has been ceased for approximately 3 years and there has been an unlicensed HiMO in situ for some of the intervening years. The former Westwood Hotel is situated within an identified Principle Holiday Accommodation Area and as such saved adopted Local Plan Policy TU6 is a relevant consideration. This would tend to indicate that permission should not be granted. However, the Revised Guidance on PHAA's identifies the site as being within a green area where residential use of holiday accommodation may be permitted. Recent appeals within Torbay that also sought conversion of holiday accommodation have confirmed the materiality of this revised guidance. Indeed the Inspector confirmed that this is a consideration that holds significant weight when determining the application.

It is considered that Abbey Road at this point does not contribute much to the holiday character of the PHAA, and there are other residential and non-holiday uses in the area. It is not considered that there would be any benefit to the Torbay tourism industry in keeping this property in hotel use, and given the large cost that would be involved in bringing the dilapidated building back into a fit state, use for holiday purposes in this location is unlikely to be viable. There are no transportation issues as the proposed use would generate less traffic and demand for off-street parking than the former use.

Recommendation

The developer will need to enter into a Planning Obligation in order to guarantee payment for costs that would arise from the development. The developer will also be asked to consider further physical and visual improvements to the fabric of the building in order to meet the requirements of policies BE1 and BE5 of the saved adopted Torbay Local Plan and the terms of paragraph 4.10 of the 'Revised guidance on the interpretation of policies TU6 and TU7 of the Adopted Torbay Local Plan' (March 2010). However, subject to these matters, the

recommendation is one of conditional approval.

Site Details

Large developed site containing an altered Victorian Villa with modern extensions, on the eastern side of Abbey Road, immediately due south of Castle Circus Health Centre. The last authorised use of the site was as an hotel, but it has not been used as such for approximately 3 years and has had intermittent HiMO use since.

Detailed Proposal

The application seeks permission to convert and refurbish the existing former hotel for use as eight 2-bed residential dwellings. The building is effectively arranged on a split level, with the original villa being two storeys high at the front/Abbey Road side of the site and later two storey extensions at the rear but at a higher level. There is also a free standing bungalow within the north-eastern corner of the site at the rear, which was granted planning permission in 2003 (revised scheme in 2004) as owners accommodation, thereby having a residential use and so is excluded from the application site. This would effectively make a ninth dwelling unit at the site. The plans show 3 units within the original Victorian villa at ground floor level together with a laundry room, refuse store and cycle storage. Four units are shown at first floor level extending into the more modern extensions at the rear. One unit is shown at first floor-upper level at the rear of the site. 9 car parking spaces are shown at the front of the property on the existing hard surfaced area. These would serve the 8 flats proposed by this application and the 1 residential unit at the rear in the former owners accommodation (not part of this application). This is a ratio of 1 to 1. There is no vehicular access to the rear of the site. It is understood that the former hotel operated mainly as coaching holidays.

Summary Of Consultation Responses

Highways Authority: No objections.

Summary Of Representations

One representation has been received and re-produced at Page T.202.

Relevant Planning History

P/2011/1392	Conservation Area Consent application to accompany this current proposal. Concurrent application, also on this agenda.
P/2004/0394	Single storey detached building at the rear to provide owners accommodation (revised scheme). Approved 29.04.2004
P/2003/1304	Single storey detached building at the rear to provide owners accommodation. Approved 10.09.2003
P/1990/1663	2 storey extension to form new bedrooms and sun lounge. Approved 13.11.1990
P/1989/2790	Extension to dining room. Approved 06.02.1990

P/1989/2117	2 storey extension to form new bedrooms. Approved 24.11.1989
P/1988/2767	Demolition of existing hotel and erection of sheltered flats (in outline). Refused 01.03.1989.

Key Issues/Material Considerations

Principle and Planning Policy -

The last authorised planning use for this property was as an hotel. Having 24 letting rooms, this would have made it medium sized serviced accommodation. The property is situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. However, recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although it would not carry as much weight as the Saved Adopted Torbay Local Plan.

Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bed space capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of

the PHAA.

Of the 4 considerations in policy TU6, (a) applies as the property does not meet the standards required by the modern day tourist and holiday maker. There would be limited room for improvement as such a high proportion of the site is already covered with buildings. It is not clear if (b) applies, because the hotel did have 24 bedrooms and this is not considered to be a restrictive number. However, some of these were very small and would be incapable of being improved without a significant loss in overall numbers of bedrooms. Given the state of the building and its location, it is felt that (c) would apply as the loss of the hotel would not be to the detriment of the holiday character and atmosphere of the PHAA. The property has not now been used as an hotel for approximately three years and there has been no appreciable or detrimental impact upon the PHAA. In fact this part of Abbey Road is in any event very much at the margins of the PHAA. This part of Abbey Road already has a wide range of uses including residential, casino, offices, medical, multi storey car park, as well as some (but not many) hotels. It is doubtful whether it could truly be considered to have a holiday character or atmosphere. The surrounding uses are truly mixed in type although there is a predominance of residential properties. It is considered therefore that (d) would also apply. It is for considerations such as these that the revised guidance on PHAA's (March 2010) placed this part of Abbey Road in a green zone where residential use would be likely to be allowed.

Following recent similar proposals elsewhere in the Bay, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and subsequently presented to Full Council on July 13th 2011. The recommendation was that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending review as part of the emerging Local Development Framework core strategy and that the Council should rely upon policy TU6 of the Saved Adopted Local Plan for the determination of applications in PHAA's. However, this motion was defeated, confirming that the Revised Guidance was still in force.

Since that time, determination has been made of several appeals where it was proposed to convert holiday accommodation to residential use, following the Council's resolution to refuse planning permission. These appeals have all been allowed effectively over turning the Council's objection. In reaching the various decisions, the Inspector concluded that the Revised Guidance on PHAA's should be given considerable weight in determining the appeals. He also concluded that allowing the appeals "would be very unlikely to have any perceptible impact upon the holiday atmosphere of the wider PHAA or the locality, and that there was nothing to demonstrate that it would harm the character or function of the PHAA". It is considered that this phrase is applicable to the Westwood Hotel. These appeal decisions have significant weight when determining the current and future applications for the loss of holiday accommodation.

Highways and transportation issues

The plans show 9 car parking spaces at the front of the property on the existing hard surfaced area. These would serve the 8 flats proposed by this application and the 1 residential unit at the rear in the former owners accommodation (not part of this application). There is no vehicular access to the rear of the site. The parking provision is at a ratio of 1 to 1. This is acceptable given that the site is on a well served bus route and very close to the town centre and to other services and facilities. It is also relevant that the former hotel operated mainly for coaching holidays, and the loss of this would be advantageous to the passage of vehicles along the important district distributor of Abbey Road. Given that the hotel had 24 bedrooms and this application proposes 8 flats, it is unlikely that there would be a detrimental impact on parking or highways issues anyway. The Highways Authority has confirmed this and do not object.

Design and visual appearance

The original Victorian villa at the site is stated as being 'a key building of architectural importance or which makes a significant contribution to the townscape' in the Abbey Road Conservation Area Character Appraisal (revised edition adopted July 2005). On this basis it is important to seek to conserve and enhance its appearance. This would be beneficial to the appearance of the Abbey Road Conservation Area. It is also a test referred to in paragraph 4.10 of the 'Revised guidance on the interpretation of policies TU6 and TU7 of the Adopted Torbay Local Plan' (March 2010). The Adopted guidance is quite clear that where permission is sought for residential use of holiday properties within a PHAA, unsightly features such as large porches or box dormers should be removed and original building restored in order to meet the requirements of policies BE1 (and BE5 where applicable) of the saved adopted Torbay Local Plan. The applicant has offered selective demolition of some of the low grade buildings at the rear of the site, removal of the blue canopies on the front elevation, add new windows to match the existing, and repainting. The Senior Urban Design Officer has been asked for his view on whether there area any other important changes required as part of any approval, and his views will be reported to the Committee.

Economy -

In theory, this proposal will result in the loss of some jobs to the tourist industry (hotel workers and service personnel). However, the site has not operated as an hotel for approximately 3 years and it is unlikely that the site would thrive in the holiday industry in the future given the location and state of the premises. It would appear that this property has been operating as an hotel for some years now at the margins of economic viability and so the loss of employment opportunities to the holiday industry is not an over-riding or significant issue.

Closing the gap -

The residential units proposed are each 2 bedroom properties with a minimum floor area of 66 square metres. This is in line with the requirements of the

Torbay housing market and would be providing residential accommodation of the type much needed in the Bay.

S106/CIL -

This proposal is liable for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the current update form part of the Torbay Local Development Framework. The document splits contributions up into 5 categories according to size. It is considered that contributions would be due for the following items - municipal waste and recycling, sustainable transportation, lifelong learning, and green space/recreation. The amount that is currently charged for each new dwelling unit is now based on floorspace to be created. However it is reasonable to mitigate the transportation costs and greenspace/recreation costs to take account of the fact that the previous use as an hotel would have utilised these services to some degree. The figure charged should reflect the net additional impact as stated in the S.P.D. and so these two amounts are reduced :-

Category 2 (55 – 74 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£1720 x 50% =	£ 860
Lifelong learning		£ 220
Green space and recreation	£1120 x 50% =	£ 560

TOTAL £1690 x 3 units = £5070

Category 3 (75 – 94 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£2350 x 50% =	£1175
Lifelong learning		£300
Green space and recreation	£2050 x 50% =	£1025

TOTAL £2550 x 4 units = £10200

Category 4 (95 – 119 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£2710 x 50% =	£1355
Lifelong learning		£ 410
Green space and recreation	£2370 x 50% =	£1185

TOTAL £3000 x 1 units = £3000

This gives a total contribution due of (£5070 + £10200 + £3000) = £18270.

At the time of writing this report, further checks were being undertaken to see if the sustainable transportation was still required.

Conclusions

The former Westwood Hotel is situated within an area in which the Revised Guidance on PHAA's states that residential use of holiday accommodation may be permitted. An Inspector has confirmed the materiality of this policy on previous similar appeals within Torbay. The applicant has offered to refurbish the external fabric of the building including the removal of some of its current worst features. This would benefit the appearance of the Abbey Road Conservation Area. Parking is provided for at a ratio of 1 space per unit, and the site is on good bus routes close to the town centre and required facilities. There is thus significant weight in favour of approving this application.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, showing the reveals to all new windows and doors, including details of the glazing bars have been submitted to and approved by the Local Planning Authority: The building shall not be occupied until it has been completed in accordance with these details.

Reason To ensure that the architectural detailing of the development is appropriate within a designated Conservation Area, in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

02. The development hereby approved shall not be used or occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking spaces shall be kept permanently available for parking purposes to serve the development at all times thereafter.

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

03. The development hereby approved shall not be commenced until details of the colour type and texture of all proposed new external materials, including hard-surfaced areas, to be used have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the

proposal and ensure that the new works are finished in a way that does not prejudice the character and appearance of the Abbey Road Conservation Area in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

Relevant Policies

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Application Number

P/2011/1392

Site Address

111 Abbey Road
Torquay
Devon
TQ2 5NP

Case Officer

Mr John Burton

Ward

Tormohun

Description

Demolition works

Executive Summary/Key Outcomes

The demolition works proposed are mainly at the rear of the property and seek to remove some of the more unsympathetic later additions to the original victorian villa. This would benefit the appearance of the property and the Abbey Road Conservation Area in general.

Recommendation

Subject to further information on the extent of the external alterations proposed, Conservation Area Consent be granted.

Site Details

Large developed site containing an altered Victorian Villa, on the eastern side of Abbey Road, immediately due south of Castle Circus Health Centre. The last authorised use of the site was as an hotel, but it has not been used as such for approximately 3 years and has had intermittent HiMO use since.

Detailed Proposal

This proposal accompanies the concurrent planning application for the conversion of a former hotel into 8 residential units. The former hotel use has been ceased for approximately 3 years and there has been an unlicensed HiMO in situ in the intervening years. As part of the proposal, the applicant is seeking consent for physical and visual improvements to the fabric of the building. These involve some demolition work, including a sun lounge, for which Conservation Area Consent is required. The bulk of the structures to be lost are at the rear of the site, and although they are not readily visible, they would improve the setting of the original Victorian villa.

Summary Of Consultation Responses

None.

Summary Of Representations

No third party representations have been received as yet, however, the three week statutory public consultation period will not expire until 2nd February.

Relevant Planning History

P/2011/1391	Planning application for alterations and conversion of the existing building to form 8 residential flats - accompanies this conservation area consent application. Concurrent application, also on this agenda.
P/2004/0394	Single storey detached building at the rear to provide owners accommodation (revised scheme). Approved 29.04.2004
P/2003/1304	Single storey detached building at the rear to provide owners accommodation. Approved 10.09.2003
P/1990/1663	2 storey extension to form new bedrooms and sun lounge. Approved 13.11.1990
P/1989/2790	Extension to dining room. Approved 06.02.1990
P/1989/2117	2 storey extension to form new bedrooms. Approved 24.11.1989
P/1988/2767	Demolition of existing hotel and erection of sheltered flats (in outline). Refused 01.03.1989.

Key Issues/Material Considerations

The original Victorian villa at the site is stated as being 'a key building of architectural importance or which makes a significant contribution to the townscape' in the Abbey Road Conservation Area Character Appraisal (revised edition adopted July 2005). On this basis it is important to seek to conserve and enhance its appearance. This would be beneficial to the appearance of the Abbey Road Conservation Area. It is also a test referred to in paragraph 4.10 of the 'Revised guidance on the interpretation of policies TU6 and TU7 of the Adopted Torbay Local Plan' (March 2010). The Adopted guidance is quite clear that where permission is sought for residential use of holiday properties within a PHAA, unsightly features such as large porches or box dormers should be removed and original buildings restored in order to meet the requirements of policies BE1 (and BE5 where applicable) of the saved adopted Torbay Local Plan. The applicant has offered selective demolition of some of the low grade buildings at the rear of the site, removal of the blue canopies on the front elevation, add new windows to match the existing, and repainting. The Senior Urban Design Officer has been asked for his view on whether there are any other important changes required as part of any approval, and his views will be reported to the Committee.

S106/CIL -

The requirement to make a financial contribution to offset the costs that would arise from the proposal has properly been entirely considered as part of the concurrent Planning Application. No additional contributions arise from this proposal.

Conclusions

The former Westwood Hotel is situated within an area in which the Revised Guidance on PHAA's states that residential use of holiday accommodation may be permitted. The applicant has offered to refurbish the external fabric of the building including the removal of some of its current worst features. This would benefit the appearance of the Abbey Road Conservation Area. There is thus significant weight in favour of approving this application for conservation area consent for demolition.

Relevant Policies

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Application Number

P/2012/0008

Site Address

302 Dartmouth Road
Paignton
Devon
TQ4 6LH

Case Officer

Mr Alistair Wagstaff

Ward

Churston With Galmpton

Description

Enclosure to existing swimming pool and formation of new changing rooms

Executive Summary/Key Outcomes

Enclosure of existing swimming pool, in rear garden, proposed to incorporate the existing swimming pool and provide changing rooms, sauna and a store. The development will also include stairs up to the existing roof terrace and photovoltaic cells on the new southern roof slope.

Key issues are impact on the character and appearance of the property, the streetscene and neighbouring residential amenity.

The scheme has been revised since the previous application to reduce the height of the proposal on the rear boundary and introduces a pitched roof to further reduce the impact. The height, length and pitch roof on the southern elevation has also been reduced.

While the alterations have attempted to reduce the impact on the neighbouring properties, it is out of keeping with the residential character of the area and would have an overbearing impact. As well as this it would be detrimental to the residential amenity of the neighbouring properties in terms of outlook.

In terms of its size it is considered to be an over development of the site. As such the development does not accord with the relevant local and national planning policies specifically H15, BES and BE1 of The Saved Adopted Torbay Local Plan 1995-2011 and is recommended for refusal.

Recommendation

Site visit, Refusal

Site Details

302 Dartmouth Road is a detached property on the western side of Dartmouth Road, set within a large plot. It is set back over 30 metres from the main road with further detached properties located to the North, South and West of the site.

Detailed Proposals

This is a revised proposal for the erection of an enclosure for an existing swimming pool, in rear garden covering well over half of the rear garden. The new enclosure is proposed to incorporate the existing swimming pool and provide changing rooms, sauna and a store. The development will also include a new set of stairs up to the existing roof terrace and photovoltaic cells on the new southern roof slope.

Summary Of Consultation Responses

None received.

Summary Of Representations

6 received;

Summary of Objections:

- Commercial feel to these plans and industrial appearance out of keeping with a residential neighbourhood
- Owner intends to use the pool for people other than family and friends.
- Pitched roofs abutting the northern and western boundary walls, clearly visible from adjoining properties, are to be clad with industrial looking, profiled steel sheeting
- A 21 unit array of solar panels is shown on the highest portion of the south facing roof slope which will be visible from Bardwell and Rozel.
- Bardwell's boundary wall is to be raised in part to partially screen the solar panels, has already raised this wall by the height of 3 blocks are concerned for the structural stability of the wall at its proposed new height.
- The plans show a large shaded area claimed as "permitted development". Although a 4m "permitted development" to the rear of an attached property is allowed, the proposal goes considerably beyond this.
- Increase noise and frequency than expected from normal use of a pool
- Alistair Wignall previously wrote to Councillor Thomas saying:- "Having given consideration to the key material planning matters the proposal, due to its size, massing, impact on neighbouring properties and visual impact, has been deemed unacceptable on planning merit and as such is now proposed to be refused under delegated powers." We do not see how the latest plans will have altered this opinion.
- Over development in residential area
- Over bearing visual impact
- Concerns over structural stability of boundary wall and drainage of structure.
- Frequent noise to detriment of neighbour residential amenity including late night use
- Plan do not show that rear boundary wall is stepped at its lowest point the enclosure maybe visible

These are re-produced at Page P.202.

Relevant Planning History

P/2011/1035 Enclosure of swimming pool, withdrawn.

Key Issues/Material Considerations

Impact on the character and appearance of the property, the streetscene and neighbouring residential amenity.

The proposed extension is only visible to a limited degree, from the street, with only the new roof being visible, ensuring that there is no adverse impact on the street scene.

The previous application received a number of objections and was subject to a site review meeting. Key areas of objection were the impact on the residential amenity of the neighbouring properties, in line with the objections received to this application. Following the site review meeting it was concluded that due to its size, massing, impact on neighbouring properties and visual impact that the application would be refused under delegated powers. The application was subsequently withdrawn. This current application has sought to address the concerns.

The scheme has been revised since the previous application to reduce the height of the proposal on the rear boundary wall by 1.35m, below the majority of the length of the existing boundary wall height. The rear elevation is now finished with a pitched roof to further reduce the impact on the rear neighbouring property. The pitched roof structure on the southern side of the proposed extension has been reduced in length and height with a reduced roof pitch to further decrease the impact on the neighbouring property on the southern boundary.

The proposed extension will enclose a substantive part, over half, of the rear garden. While the revisions to the previous scheme have reduced the impact on the neighbouring properties, elements of the roof structure will be visible from those dwellings. A large expanse of roof area will be highly visible from first floor level, this is not an attractive view and is out of keeping with the residential character of the area. It is also considered that the impact of the development in terms of an overbearing impact and outlook would be detrimental the residential amenity of the neighbouring properties.

In evaluating the impact of the proposal it has been considered what could be constructed under permitted development. Plans 'proposed sections 07()' and 'proposed layout 06()' show in greyed out section what could be constructed under permitted development. These plans are not completely accurate. However under permitted development a number of extensions or out buildings

could be constructed although they would not be as significant in terms of height and massing particularly in its proximity to the boundaries of the property. Additionally permitted development does not allow such a substantive structure to be attached to the existing property.

The proposed extension has a floor area of approximately 272 square meters this is similar to the total existing area of the property. This scale of development is considered to be an over development of the site and specifically the rear garden area. It is noted that the property has a large front garden, but this does not negate the impact of the proposal on the site.

Concern has been expressed about the additional use the enclosure will allow for the pool. While becoming an inside pool will enable an increase in use it will also enclose the noise created to a substantive degree. It has been indicated in objections that the use of the pool could be for commercial purposes, which would not be appropriate in a residential area. Such uses have not been considered in determining this application as they are not indicated in the submission.

Concern has also been expressed about the impact on the boundary walls, the proposal is formed on a load bearing steel structure and does not utilise the boundary walls for structural support. The concerns expressed in objections regarding the structural stability of the boundary wall are not a planning matter.

Principle and Planning Policy -

The proposal is considered to be; an over development of the site, it is out of keeping with the residential character of the area and would have overbearing impact and be detrimental the residential amenity of the neighbouring properties in terms of outlook, contrary to the objectives of Local Plan policies H15, BES and BE1. The proposed development is deemed not to be an acceptable form of residential extension to the host dwelling.

Climate change -

The proposal incorporates an array of photovoltaic panels which increase the sustainability of the scheme providing renewable energy for use at its point of source.

Conclusions

The height of the development in this case is less than the previous submission however it is considered that the impact of the development in terms of an overbearing impact and outlook would be detrimental the residential amenity of the neighbouring properties.

While the existing property is situated in a large plot it is considered to be overdeveloped through the inclusion of a development of this size.

The proposal is considered to be an unacceptable form of extending the property. Having regard to applicable national and local planning policies of the Local Plan specifically policies H15, BES and BE1 and having taken all relevant material considerations into account it is considered that planning permission should be refused.

Condition(s)/Reason(s)

01. The proposed single storey extension enclosure, by reason of its size, siting and design, would represent an inappropriate form of development, due in particular to the overall scale, mass and bulk of the proposal relative to that of the application site and its surroundings. The adverse impact on the neighbouring properties residential amenity, the appearance of the property, the character of the area and the overdevelopment of the site and the rear garden specifically, would have is contrary to the policy objectives of the Local Plan, in particular policies BES, BE1 and H15 of the Saved Adopted Torbay Local Plan 1995-2011 and the Urban Design Guide – Supplementary Planning Document section 3.3 I Layout Structure and IV Scale: Height and Massing.

Relevant Policies

BE1 Design of new development
BES Built environment strategy
H15 House extensions

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