



Friday, 3 July 2015

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 13 July 2015

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Chestnut Drive, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby
Councillor Cunningham
Councillor Darling (S)
Councillor Manning

Councillor Morey
Councillor Robson
Councillor Stringer
Councillor Winfield

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:

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Email: governance.support@torbay.gov.uk

www.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** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 8 June 2015.

3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary 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. **Land At Sharkham Village (Phase 6), St Mary's Hill, Brixham** (Pages 6 - 16)
(P/2015/0003/MPA)
Alternative proposed residential development at Phase 6, Sharkham Village, for 31 dwellings and associated infrastructure (accompanied by environmental statement received 12 May 2015).

6. **Snooty Fox, 89 - 91 Fore Street, St Marychurch, Torquay** (Pages 17 - 27)
(P/2015/0289/VC)
Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref.

P/2013/0698) (variation of condition P1 of original planning permission P/2013/1125 - variation to facade treatments) (Revised Plans received 18.05.15).

7. **5-7 East Street, Torquay (P/2015/0521/PA)** (Pages 28 - 31)
Change of use from 2 shops to single B1 office.

8. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

9. **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 July 2015. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Development Management Committee

8 June 2015

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Cunningham, Darling, Doggett, Manning, Morey, Robson and Winfield

(Also in attendance: Councillors Amil, Thomas (D), and Thomas (J))

1. Appointment of Chairman

Councillor Kingscote was elected as Chairman for the 2015/2016 Municipal Year.

2. Apologies for absence

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Doggett instead of Councillor Stringer.

3. Minutes

The Minutes of the meeting of the Development Management Committee held on 20 April 2015 were confirmed as a correct record and signed by the Chairman.

4. Appointment of Vice-Chairman

Councillor Morey was appointed as Vice-Chairman for 2015/2016 Municipal Year.

5. Urgent Items

The Committee considered the items in Minutes 13, 14, 15 and 16, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

6. P/2014/0938/PA Land Off Luscombe Road, Paignton

The Committee considered an application for the formation of up to 75 dwellings with associated road and landscaping. Members were advised that since the submission of the application, the number of dwellings had been reduced to 68.

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

the meeting Mr McCormick addressed the Committee against the application and Mr Tribble addressed the Committee in support of the application. In accordance with Standing Order B4, Councillors Thomas (J) and Thomas (D) addressed the Committee.

Resolved:

Approved subject to:

- i) the completion and signing of a Section 106 Legal Agreement to deliver the affordable housing contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate) and the proposed junction improvements; and
- ii) the conditions as set out in the submitted report.

7. P/2015/0123/PA Highways Land On Lower Warberry Road, Torquay

The Committee considered an application for the removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.

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

Resolved:

Approved with the condition set out in the submitted report.

8. P/2015/0152/PA Babbacombe Bowling & Cary Park Tennis Clubs, Cary Avenue, Cary Park, Torquay

The Committee considered an application for an extension to the rear of the clubhouse.

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

Resolved:

Approved with the condition set out in the submitted report.

9. P/2015/0171/PA 31 Loxbury Road, Torquay

The Committee considered an application for the erection of a single detached dwelling within the curtilage of Sunnyvale, involving the demolition of the existing garage and the erection of two new garages.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Ms Baker addressed the Committee against the application.

Resolved:

That approval of the application be delegated to the Assistant Director of Corporate and Business Services, that approval be subject to:

- i) the conditions as set out in the submitted report;
- ii) the findings of an extended phase one habitat survey concluding that protected species will not be affected, which are to the satisfaction of the Assistant Director of Corporate and Business Services in consultation with Ward Councillors; and
- iii) securing planning obligations (as considered necessary) via an upfront payment or Section 106 Legal Agreement.

10. P/2015/0213/HA Hilltop, Herbert Road, Torquay

The Committee considered an application for the demolition of existing side garage and replace with car port, creation of a new garage at the rear underneath the lawn, removal of existing swimming pool and erection of two storey extension to the rear of the property and erection of a porch to the front.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Salloway and Mr Stott addressed the Committee against the application and Mr Roberts addressed the Committee in support of the application. In accordance with Standing Order B4, Councillor Amil addressed the Committee.

Resolved:

Approved with the condition as set out in the submitted report.

11. P/2015/0229/PA 65 St Marychurch Road, Torquay

The Committee considered an application for a change of use to form supported living accommodation for adults with learning difficulties (Use Class C2); external alterations (retaining existing caretakers flat).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Ms Yates addressed the Committee against the application and Ms Hardwick addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) achieving planning contributions as considered necessary in-line with adopted and emerging policy;
- ii) the submission and approval of a business and operational statement to the satisfaction of the Assistant Director of Corporate and Business Services, in accordance with emerging policy H6 of the submitted Local Plan; and
- iii) the conditions as set out in the submitted report.

12. P/2015/0320/PA 101 Braddons Hill Road East, Torquay

The Committee considered an application for the demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces - partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access.

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

Resolved:

Approved subject to:

- i) the receipt of revised plans;
- ii) a drainage statement;
- iii) the signing of a Section 106 Legal Agreement or Unilateral Undertaking to meet the waste, sustainable transport and if necessary, greenspace and recreation contributions; and
- iv) the conditions as set out in the submitted report.

13. P/2013/1311/PA Woodlands, Little Preston Road, Paignton

The Committee were advised by the Team Leader, Development Management, that at the Development Management Committee on 10 February 2014 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 1 month from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

14. P/2014/1231/MPA Jewson Ltd, St James Road, Torquay

The Committee were advised by the Team Leader, Development Management, that at the Development Management Committee on 9 February 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 3 months from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

15. P/2014/0947/MOA, Land Off Brixham Road - Long Road, Former Nortel Site, Paignton

The Committee were advised by the Team Leader, Development Management, that at the Development Management Committee on 16 March 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 3 months from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

16. Annual Report

The Head of Spatial Planning provided a brief summary of the Annual Report that was considered by the Committee on 20 April 2015.

Chairman/woman

Agenda Item 5

Application Number

P/2015/0003

Site Address

Land At Sharkham Village (Phase 6)
St Mary's Hill
Brixham

Case Officer

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Alternative proposed residential development at Phase 6, Sharkham Village, for 31 dwellings and associated infrastructure (accompanied by environmental statement received 12 May 2015)

Executive Summary/Key Outcomes

The site is allocated in the Local Plan for housing (policy H1.22A) and as such, the principle of residential development is acceptable. There is an extant permission for the development of 6 apartment blocks on the site which is 1.68 hectares in area. The site is within an Area of Outstanding Natural Beauty (AONB) and is adjacent to the South Hams Special Area of Conservation (SAC).

The application seeks to amend the approved scheme to provide family homes, rather than the previous 34 apartments in 6 blocks, to reflect the current housing market. A total of 31 houses are proposed which comprise of a mix of 14 three-bed homes and 17 four-bed homes. The proposed homes would provide a mix of terraced, semi-detached and detached properties of 2, 3 & 4 storey in construction with pitched roofs.

The key issues with regards to this application are its visual impact on the AONB, the impact on ecology, housing land supply, the character and design of the scheme, how it affects residential amenity and the impact on highways.

The proposal has a strong landscape lead approach in order to breakup and minimise its visual impact within the immediate area and from wider vantage points. The topography of the site has helped determine the layout and design of the scheme. The scheme sits well within the landscape.

The application has been accompanied by an Environmental Statement. An initial consultation on this with Natural England resulted in further information being required. The applicant has submitted this information and Natural England have been consulted to ensure that the information submitted is sufficient and provides suitable mitigation and gains for the ecology of the area and in particular the SAC.

The palette of materials proposed consist of stone plinths, render and natural slate which are considered to be characteristic of Brixham with the design, layout

and property types being of a good design quality.

The dwellings provide good sized family homes with gardens and adequate parking. The layout of the dwellings minimises the potential for intervisibility or overbearing impacts on the existing dwellings in the area or for future residents.

It is therefore considered, when taking this point into account, that the revised application for 31 residential dwellings should be approved.

Recommendation

Approval subject to the completion of a deed of variation to the original S106 agreement to deliver the education contribution, a satisfactory conclusion of the HRA that the proposed development would not result in a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC and to the conditions itemised at the end of this report. Final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance

Statutory Determination Period

The decision on this application was due on the 28th April. Due to the need to resolve details in relation to ecology and the submission of an Environmental Statement an extension of time has been agreed with the applicant.

Site Details

The site is a 1.68 hectare parcel of land located towards the south of the Sharkham Village development and accessed from St Mary's Drive which is itself located off St Mary's Hill. Earlier phases of the development adjoin to the north and east. A field to the south-east, which is managed by the Torbay Coast and Countryside Trust (TCCT) under the terms of the original application, separates the site from the coast which is some 200m away.

In terms of designation and land use policies; the site is covered by a Tree Preservation Order (TPO 2010.005), it is also within the allocated housing site, formerly known as Dolphin Holiday Camp (policy H1.22A), within the South Devon Area of Outstanding Natural Beauty (AONB), partially within the Coastal Protection Zone, and within the sustenance zone for Greater Horseshoe Bats associated with the South Hams SAC. The site directly adjoins the Countryside Zone and Coastal Preservation Area. It is within 75m of a SSSI and the Special Area of Conservation (SAC) mentioned above.

Detailed Proposals

The site forms part of an extant permission (P/2004/1032), this part of the site (phase 6) currently has permission for 34 apartments within 6 blocks which can be carried out at any point in time without further permission from the Council. The application seeks to amend the approved scheme for the site to provide family homes, rather than apartments to reflect the current housing market.

These would comprise of a mix of 14 three-bed homes and 17 four-bed homes. The proposed homes would provide a mix of terraced, semi-detached and detached properties of 2, 3 & 4 storey in construction with pitched roofs.

The proposed materials consist of stone plinths, render and slate. This palette of materials is considered to be in keeping with the character of Brixham. Each dwelling will have an integral garage, dedicated external parking space and access to shared visitor parking areas.

The internal roads and services as approved for the original Phase 6 scheme have been constructed. It is not intended that the alignment or level of these will be altered.

Summary Of Consultation Responses

Senior Heritage and Design Officer: The layout, form of development and palette of materials are deemed to be suitable in this location.

Environment Agency: No objection.

Drainage: The Council's Engineer has confirmed that the revised Flood Risk Assessment is suitable and does not object to the proposal.

South West Water: No objection.

Arboricultural Officer: No objection, recommends a slight change to some of the species proposed which can be conditioned.

RSPB: Subject to the provision of enhancement recommended in their correspondence response of 24.06.2015, no objection.

Natural England: Awaiting further response as a result of additional information being submitted by the applicant.

Highways: Highways raise no objection to the proposal.

Brixham Town Council: Recommend refusal: (1) The proposed development is overbearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity (phase 5). (2) Visual impact of 3/ 4 storey houses from the coast path and surrounding area. (3) Design should be referred to the design review panel.

Architectural Liaison Officer: Suggests rear access paths will need to be gated and these should be lockable. The space between plots 25 & 26 should include a buffer between the dwelling boundaries and the open space.

AONB Unit: Comments awaited.

Urban Design Officer: Comments awaited.

Summary Of Representations

There have been four objections to the proposal which make the following points.

- o Impact on roads/parking
- o Visual impact of four storey buildings on the AONB.

Relevant Planning History

P/2014/1147 - Partial re-grading of Coastal Field with inert top and subsoil from adjacent Sharkham Village development - PER - 13/02/15

DE/2013/0351- Phase 6- formation of 34 new dwellings with associated parking - The applicant reduced the number of dwellings to 31 and was given a positive response - 08/10/13

P/2010/1083 - Residential development to form 12 apartments and 10 houses and associated infrastructure with vehicular and pedestrian access (alternative to scheme approved under P/2004/1032 and

P/2007/1064) - Phase 5 - PER - 18/04/11

P/2007/1064 - Amendments to approved design, details and positioning of apartment blocks - Phase 5 - PER - 11/10/07

P/2004/1032 - Residential development of 91 2-3 storey units comprising 97 flats and 94 detached, semi-detached and terraced houses with local centre, 2 play areas and associated open space, provision of a loop road access, clearance of existing buildings and re-instatement of coastal land and SW field for nature conservation purposes - PER - 13/5/05

P/1996/1517 - Outline permission for residential development (including junction highway improvements) - PER - 10/4/01

P/1993/1561 - 165 bedroom hotel leisure complex - approved 1996 and renewed August 2001.

Key Issues/Material Considerations

The principle of residential development of this site is long established through the allocation in the Local Plan, the existing 5 phases and the extant permission. The key issues relate to the scale and character of development, its impact on the ecology and the wider visual impact of the proposal.

The matters for consideration are:

- A. Visual Impact
- B. The character of the scheme
- C. Impact on amenity

- D. Impact on ecology, SAC and trees
- E. Flooding and surface water drainage
- F. Housing Land Supply
- G. Highways impact
- H. S106 requirements.

These points will be considered in turn below:

A. Visual Impact

The site is within the AONB and therefore the visual impact that the development has on it must be considered. Policy L1 of the saved adopted Torbay Local Plan 1995-2011 states that development within the AONB will be permitted where it would support their conservation or enhancement or would foster their social and economic well being. This objective is consistent with the NPPF which states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

The site slopes from the north-west corner towards the coast in a south east direction. The layout of the proposed development has been designed to respond to the site topography allowing it to retain the original design philosophy of being set within the landscape.

The original scheme contained blocks of flats set in landscaped grounds in this location without providing gardens or domestic curtilages due to the sensitivity of the site.

The revised scheme involves a slightly larger overall build coverage than the previously approved six apartment blocks. However the blocks of apartments in the original scheme have a permitted height of 13.1 metres. The revised scheme proposes a mix of dwelling heights with the maximum being 12.6 metres. The most visual of these from the coastline will be detached buildings broken up by gaps with pitched roofs in comparison to the previously approved wide blocks with larger and more dominant roofs. The revised scheme includes a far more comprehensive landscaping scheme which acts to break up the development further, therefore when viewed from a distance the buildings will not appear over-dominant in the landscape.

A Visual Impact Assessment (VIA) has been submitted as part of the application. Prior to the submission of the application the applicant and the Council agreed a number of viewpoints which were deemed to be of importance. The conclusion of the VIA states that the revised housing scheme does not give rise to significant landscape or visual effects either individually or together. The coastal footpath and its valued and important qualities will not be fundamentally or significantly altered or eroded as a result of this development.

It is considered that the revised scheme provides more comprehensive landscaping and ecological improvements, particularly for the Greater Horseshoe Bat, than that previously approved, and would appear less dominant in the landscape due to being broken up by tree and hedge planting. Bearing this in mind it is deemed that the proposal would have less of an impact on the AONB than the original scheme. It is also considered that the scheme would, when based on its own merits, comply with policy L1 of the saved adopted Torbay Local Plan 1995-2011. The scheme has been designed to fit into the topography of the landscape and consideration has been given as to how to break up the build to minimise the impact of the dwellings. When considering the conclusions made in the VIA, the importance of providing 31 additional homes and the improvements to the landscaping, the scheme is deemed to have an acceptable impact on the character and appearance of the AONB from both within it and from wider vantage points.

B. The Character of the scheme.

The site is allocated for residential development in the Adopted Local Plan and is set within the wider residential area of Sharkham Village. The original consent was for six blocks of apartments within a well landscaped area, the road layout for the revised application follows that previously approved and has already been provided.

The density of the development equates to 18 dwellings per hectare which is relatively low in order to ensure that the development sits comfortably within the landscape and provided a high level of landscaping.

The proposed layout has been designed with the topography of the site which slopes down towards the coast in a south-east direction. The layout has also shifted development away from the Greater Horseshoe Bat strategic flightpath to the west of the site. Planted bunds are proposed in strategic positions across the site to shield parking areas and create soft edges to define boundaries. These have been successfully used in phase 5 of the Sharkham Village development.

The buildings are designed to step down the site using a mix of 2, 3 and 4 storey heights, the majority of which will be split level.

As these dwellings will be visible from the coast and sea they are to be of a contemporary coastal design which sit comfortably within a landscape led approach. The palette of materials proposed consists of stone, render and natural slate which are in keeping with the general character of Brixham.

This scale and form of development is less dominant than the 3 storey blocks of apartments which occupy the adjacent site and those which could be built on this site under the existing permission.

The overall layout and form responds reasonably well to the topography of the

site and sits relatively well with the phase 5 development. It is considered that the form and layout of the scheme makes effective use of the site and responds well to the topography and sensitivity of the area. The proposed development would create a good quality, well designed scheme that will provide a sense of place and a satisfactory residential environment for future residents. As such it accords with policies H9 and H10 of the saved Adopted Torbay Local Plan 1997-2011.

It is considered that in order to ensure that the open character of the area is maintained, that parts 1 & 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed. This would prevent the building of extensions to the main dwellings and outbuildings without first obtaining planning permission and would ensure that the character of the scheme is not detrimentally affected by inappropriate additions.

C. Impact on Amenity

The scheme is likely to impact on the views of some of the existing dwellings built as part of previous phases however this would have resulted if the original scheme had been enacted in any case.

The layout of the dwellings has been designed to minimise overlooking and indivisibility between the proposed dwellings. The orientation and layout of the scheme is such that it would not have on an overbearing impact on the occupiers of the existing dwellings within the Sharkham village development.

The proposed dwellings include good sized gardens and spacious family homes providing a suitable level of amenity for future occupiers.

It is therefore considered that the site can be developed without undue impact on amenity in compliance with policies H9 and H10 of the saved Adopted Local plan 1990-2011.

D. Impact on ecology, SAC and trees

This is an allocated site and so the principle of residential development is established. It is important however that the value of the site from an ecological and landscape perspective is fully understood and appropriate mitigation achieved. The site is currently an open area which had previously been cleared with piles of rubble and soils and some vegetation, the access road has been completed under the extant permission.

Although no internal trees are present, there are TPO trees along the boundary of the site. Although the Arboricultural Officer does not object to the proposal he has suggested how the locations, species and number of tree/hedges could be improved in his consultation response. It is considered that the recommendations of the Arboricultural Officer should be adhered to and a revised landscape strategy should be conditioned to be in-line with those comments.

A Greater Horseshoe Bat Report was submitted with the application which determined that the site lies adjacent to a strategic flyway although no evidence of these bats within the phase 6 site was found. This was followed up by the submission of an Environmental Statement with Chapter 5 focusing on ecology. This includes mitigation measures which shall be conditioned to be undertaken to ensure that the development is acceptable in ecological terms.

As previously stated, an Environmental Statement has been submitted as part of the application which covered ecology and the visual impact of the proposal. Natural England responded to this by suggesting further information would be required with regards to the impact on the Greater Horseshoe Bat. This information has been received and Natural England have been re-consulted. As part of this the applicant has submitted a Landscape and Ecological Management Plan (LEMP) to ensure proper management of key landscape and ecology features which will be beneficial to the area. The implementation of the LEMP is to be conditioned to again ensure that the development provides benefits to the ecology of the area.

A Habitat Regulation Assessment (HRA) has been undertaken as part of this application. The results of this will be reported to Members at the Development Management Committee. Planning consent for the proposed development can only be granted if it is concluded in the HRA that the proposed development would not have a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC.

The proposal overall provides a layout and landscaping led approach which is more beneficial to the ecology and natural landscape (i.e. trees and natural boundaries) than the extant permission. The revised scheme also moves development further away from the strategic flightpath than the previous application. It is therefore deemed to enhance the natural environment and the character of the AONB.

Thus it is shown that subject to receipt of the HRA the site can be developed in compliance with policies LS, L1, L10, L8, L9, NCS, and NC5 of the saved Adopted Local Plan 1995-2011.

E. Flooding and Surface Water Drainage

The site lies in Flood Zone 1 and the applicant has submitted a Flood Risk Assessment as part of the application. Surface water drainage is to be dealt with through soakaways and parking areas are to use permeable surfaces, the application also includes an attenuation basin to provide on site mitigation for surface water disposal.

The Flood Risk Assessment states that the proposed development would not create any increase to flood risk to the area and the councils Drainage Engineer has confirmed that the surface water drainage proposed for this development is

acceptable.

It is therefore considered that the site can be developed in compliance with flood risk policies included in the NPPF.

F. Housing Land Supply

The NPPF requires the Council to ensure there is a supply of deliverable housing sites to meet housing needs in the Bay over a 5 year periods. This is one of a number of sites allocated in the existing Adopted Local Plan, it has planning permission (for 34 units) and is identified as part the Council's 5 year supply of housing sites.

The planning permission for apartments has not been implemented and market conditions suggest it will not be delivered. Consequently, it is important to secure a deliverable scheme, as now proposed. Failure to support the proposal will put the Council's 5 year land supply at risk, which could in result in additional pressure for development of more sensitive sites and could undermine the emerging Local Plan.

G. Highways Impact

The site is accessed via a road network which was approved as part of the original scheme and which is in situ. The application proposes 45 car parking spaces, which equates to 1.5 spaces per unit and therefore complies with current Local Plan requirements. The Councils Highways Department have not raised objection to the proposal.

H. Section 106 requirements

The consented scheme for 191 dwellings included provision of 30% affordable housing (58 homes) that have already been provided and are occupied pursuant to an existing S106 Agreement. The approved plans for Phase 6 do not therefore provide any further affordable housing as this requirement has been met by earlier phases of the development.

The approved S106 provided an area of open space adjacent to the coast that was designated for wildlife conservation and enhancement and was leased to the Torbay Coast and Countryside Trust together with a commuted sum of £180,000 to enable them to maintain the area in accordance with an agreed management plan. The revised proposals for Phase 6 would not affect this S106 provision.

The approved S106 contained further obligations relating to provision of on-site public open space and commuted sum payments towards maintenance that have both been provided and paid. The following S106 payments and obligations have also been made in full:

- o Public Transport Contribution
- o Skateboard Park Contribution
- o Wildlife Conservation Area Contribution

o Sharkham Point Car Park Contribution

The only S106 obligation not completed at this stage (as it is not yet required to be completed) is towards education. A deed of variation to amend and link this application to the original S106 agreement has been submitted by the applicant.

Conclusions

The site is allocated in the Local Plan for housing and there is an extant permission for a residential development on the site, as such, the principle of residential development is not for consideration. Viable residential development of the site is important in terms of meeting the Council's requirement to have a 5 year supply of deliverable housing land. The plans submitted show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

The scheme provides quality dwellings whilst ensuring that the landscape and ecological sensitivities of the site are taken account of in the overall scheme and that the amenities of existing and future residents can be accommodated. This scheme will involve the creation of a range of family homes rather than 100% apartments as previously approved. The design is more traditional and gives more of a reflection of the coastal location of the dwellings than the previously approved scheme in terms of both design and concept. This is considered to have been appropriately handled and landscaped in order to minimise impact upon the AONB.

Recommendation.

Approval: subject to a deed of variation to the original S106 agreement to deliver the education contribution and to the conditions itemised below and a satisfactory conclusion of the HRA that the proposed development would not result in a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC.

1. Existing and proposed levels across the site including details of all retaining structures.
2. Implementation of LEMP.
3. Lighting strategy to include bat friendly lighting.
4. No lighting during construction
5. No ground/clearance works in bird nesting season.
6. Removal of permitted development rights parts 1&2
7. No works to take place prior to reptilian relocation strategy being approved.
8. Landscape in line with suggestions from Arboricultural Officer
9. Landscape implementation/Replacement planting
10. Materials
11. Boundary treatment between dwellings
12. Implementation of parking
13. Retention of garages for parking

14. Implementation of drainage strategy and attenuation basin
15. Implementation of mitigation measures suggested in the Ecological Assessment

Relevant Policies

-

Application Number

P/2015/0289

Site Address

Snooty Fox
89 - 91 Fore Street
St Marychurch
Torquay
Devon
TQ1 4PZ

Case Officer

Matt Diamond

Ward

St Marychurch

Description

Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698) (variation of condition P1 of original planning permission P/2013/1125 - variation to facade treatments) (Revised Plans received 18.05.15)

Executive Summary/Outcomes

This application seeks minor material amendments to the rear elevation of a 4 storey block of flats behind the Snooty Fox public house, St Marychurch, Torquay, and the addition of a louvred fence panel to the rear boundary wall. The development was granted planning permission in February 2014 and is nearing completion. The s106 agreement for the scheme required the available funding from the development to be used to renovate the derelict, listed Pavor Farmhouse building to the north of the site, and the completion of these works within 3 years of commencement of the Snooty Fox development. The Pavor Farmhouse renovation works have now been completed.

The amendments include the reduction of the previously approved 1.8m high privacy screens on the first floor balconies to 1.1m. This will have the positive effect of allowing more light into the first floor flats, the balconies of which are covered by soffit panelling. Two floor to ceiling height solid wall panels which form the edge of the balconies of two of the flats will also be removed on the first and second floors. This will also allow more light into the main living spaces of these flats, which are behind the wall panels, significantly improving the living conditions of these flats.

Objections to the proposed amendments have been received from the residents of the three adjoining Rowley Road dwellings. Their primary concern is the impact of the lowering of the first floor privacy screens on their privacy and amenity. Officers have carried out a site visit and consider that the reduction in

height of the first floor privacy screens is acceptable, as views of the neighbouring gardens and windows are blocked by the existing boundary wall, which is topped with ivy. Furthermore, it is considered that the impact would be minimal if the ivy was cut or died from disease in the future. Members of the Development Management Committee will be visiting the site before the July meeting of the Committee.

The relatively small louvred fence panel (0.9m high x 1.8m wide) was added to the proposals by the developers in response to objections received from 4C Rowley Road. It will block a gap where the boundary wall drops in height and prevent oblique angle views from the balcony of the end first floor flat. Therefore, it will be an improvement to the scheme. It has been discussed with the Senior Heritage and Design Officer and will not have an adverse impact on the character and appearance of the conservation area.

Ordinarily a deed of variation is required to link s106 agreements to the planning permissions granted to allow minor material amendments. However, as the Pavor Farmhouse works have been completed, legal advice will be sought to see whether this is still necessary in this case.

Recommendation

Conditional approval; subject to a deed of variation to the s106 agreement pertaining to the original planning permission to ensure that it also applies to this application, unless Legal Services confirm this is not necessary.

Statutory Determination Period

The application was validated on 27.03.2015 and the statutory 13 week determination date is 26.06.2015. The applicants have agreed to extend the determination date to 17.07.2015 following revisions to the proposals.

Site Details

The site is a backland site to the rear of the Snooty Fox public house, Fore Street, St Marychurch. The area of the site is 0.14ha. It formerly comprised a number of large rear extensions to the Snooty Fox that were used as function rooms in the past, but had been disused and semi-derelict for a number of years. The site is in the process of being redeveloped for a block of flats under planning permission ref. P/2013/1125.

Access to the site is provided by a private access road from Petitor Road. This is currently unsurfaced, but will be resurfaced as part of the approved scheme. This leads to a parking area, which will be used by the flats and other surrounding properties.

The site is bounded by: Colsons Cottages and the rear gardens of properties fronting Petitor Road to the north; the access road and side elevation of a recently developed residential property to the east; the rear gardens of Nos. 4C,

4 and 6 Rowley Road (semi-detached houses) and blank rear elevation of Rowley Court (residential courtyard development) to the south; and the rear of the Snooty Fox and other three storey buildings fronting Fore Street to the west. Two existing residential properties are accessed via the parking area to the west of the site: 1 and 2 Petitor Apartments.

There is stone wall running along the southern boundary of the site, which is topped with ivy. This separates the development site from properties facing Rowley Road. The neighbouring properties are approximately 2 metres lower than the site, with part raised rear gardens. The wall is approximately 4 metres high measured from the site and just over 6 metres high measured from the ground level of the neighbouring properties. In general, the top of the wall is level with the eaves height of the neighbouring properties.

The site is located within St Marychurch District Centre and the St Marychurch Conservation Area, in accordance with the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). The site is also located within a Traffic Management Zone (TMZ). The site has been removed from the District Centre in the Torbay Local Plan - A landscape for success ('the emerging Local Plan') and is identified as a committed development site.

Detailed Proposals

The original application was to develop a block of flats on the site (27 flats) and this was approved in February 2014. The current application seeks minor material amendments to the rear elevation and the addition of a louvred fence panel (0.9m high x 1.8m wide) on the boundary wall where it is lower at one end to improve privacy to 4C Rowley Road.

The minor amendments to the rear elevation include the replacement of a solid wall panel on part of the balconies of flats 16 and 24 with the same privacy screens as all the other flats on these floors. In addition, the heights of the privacy screens on the first floor have been lowered from 1.8m to 1.1m and more columns have been added to support the soffits over the balconies.

The proposals were revised during the course of the application by adding the fence panel on the boundary wall in response to objections received. In addition, the heights of the privacy screens on the second floor were revised back to 1.8m from 1.75m, in accordance with the original plans.

Summary Of Consultation Responses

As the application is a section 73 application to make minor material amendments to an extant planning permission, the Council has discretion over the extent of any consultation carried out. In this case, no consultation was considered necessary, due to the minor nature of the proposals. Full statutory and non-statutory consultation was undertaken for the original application.

Summary Of Representations

Notwithstanding the above, the application was publicised in accordance with the statutory requirements in full. Additional publicity was undertaken for the revised proposals. This is because officers recognise that local residents have previously expressed significant concerns about the impact of the development on their amenity.

5 representations were made objecting to the application before revisions were carried out. 4 representations were made objecting to the revised proposals, all of which were from the same objectors as previously and two of which were from the same person.

The following issues were raised with regard to the original proposals:

- Object to reduction in height of second floor privacy screens from 1.8m to 1.75m - should remain at 1.8m.
- Impact on privacy of Rowley Road properties from overlooking from top floor (NB. not relevant to current application).
- Not enough parking (NB. not relevant to current application).
- Building is out of character in context of conservation area (NB. not relevant to current application).
- Argument that additional light is required in flats is poor. Full height glazed screens will allow light in but protect privacy.
- Removal of solid screens increases opportunities for overlooking.
- Lowering of first floor screens will allow opportunities to have clear views into neighbouring bedrooms if ivy on top of the wall is cut.
- Lowering of second floor screens will allow opportunities for overlooking neighbouring bedrooms.
- Screens should be retained to mitigate potential noise from flats.
- Two parking spaces and turning head on land not belonging to developer (NB. not a material consideration and not relevant to current application).
- Against lower balconies - higher balconies required for health and safety.

The following issues were raised with regard to the revised proposals:

- Revised plans still do not address the issues of privacy and noise.
- Lowering of first floor screens will allow opportunities to have clear views into neighbouring bedrooms if ivy on top of the wall is cut, or becomes diseased and dies.
- Proposed fence panel on boundary wall is shabby and cheap - difficult to maintain and potential health and safety issue.
- Removal of solid screens increases opportunities for overlooking.
- 1.5m high screens on third floor will not protect privacy (NB. not relevant to current application).
- Screens must be measured from finished floor levels of balconies.
- Concern that flat roof area will be used for sitting out on.
- 1.8m screens should be retained to mitigate potential noise from flats.
- Argument that additional light is required in flats is poor. Full height glazed screens will allow light in but protect privacy.
- Fence panel would be out of context and an eyesore.

These representations have been electronically sent to Members for their consideration.

Relevant Planning History

P/2013/1125/MPA: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698): Approved 05.02.2014

P/2013/0698/MPA: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats and associated parking, following demolition of existing buildings: Refused 21.10.2013

P/2012/0654/CA: Demolition of part of rear section of building: Approved 01.10.2012

P/2012/0471/PA: Formation of 2 dwellings for plots 33 and 34 with vehicle and

pedestrian access - works commenced: Approved
13.08.2012

- P/2008/0597/PA: Alterations to previous approval (ref app no P/2004/2047/MPA) from 2 no 4 bed dwellings to 4 no 2 bed flats with alterations and extensions: Approved 02.06.2008
- P/2004/2047/MPA: Alteration, Demolition In Part, Extension, Erection Of Dwellings To Form 41 Dwellings And 2 Shops (As revised by transport statement submitted 15/2/05 and plans received 21/2/2005): Approved 08.03.2005
- P/2001/1391: Residential Development To Provide 12 Houses With Garages, Car Parking And Vehicular And Pedestrian Access: Approved 26.07.2002
- P/2001/0938: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline) (As Revised By Letter Dated 17 September 2001 And Drawing Nos. 750.02 R1 And 750.03 R1 Received On 18 September 2001): Approved 28.06.2002
- P/2001/0369: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline): Refused 04.05.2001
- P/2000/1187: Revised Plans Depicting 12 Houses Instead Of 14 And Comprising Totally Revised Layout (In Outline) (As Revised By Plans Received 29/11/00 And 12/4/01): Approved 16.11.2001

Key Issues/Material Considerations

The key issues are:

1. Impact of the Amendments on Amenity of Flats
2. Impact of the Amendments on Amenity of Neighbouring Properties
3. Design and Impact on Character and Appearance of Conservation Area

1. Impact of the Amendments on Amenity of Flats

The first floor flat balconies are covered. Therefore, lowering the privacy screens on this floor from 1.8m to 1.1m will improve the amount of daylight into these flats and their amenity. This accords with Policy DE3 of the emerging Local Plan. This will also be the case for flat 16 on the first floor and flat 24 on the second floor by the removal of the floor to ceiling height solid wall panels on the balconies to these flats, behind which are open plan kitchen-living rooms.

Therefore, it is considered that the proposed amendments will have a positive impact on the living conditions of the four first floor flats to the rear of the building and also flat 24 on the second floor.

2. Impact of the Amendments on Amenity of Neighbouring Properties

The revised proposals seek the reduction in height of the privacy screens on the first floor from 1.8m to 1.1m. The heights of the privacy screens on the second and third floors will remain the same as the original approved application.

The reduction in height of the privacy screens on the first floor is considered to be acceptable. Due to the boundary wall, which is topped with ivy, it is not possible to overlook the gardens or windows of the adjoining Rowley Road properties from these balconies. This assessment is based on a site visit carried out and the submitted section plans. Whilst the neighbours have raised the possibility of the ivy being cut or dying in the future, the relationship is still considered to be acceptable given the separation distance between the buildings and likelihood of views of only the top parts of the upper floor windows at most.

Objectors have pointed out that decking may have been placed on the balconies after officers carried out their site visit. This will raise the finished floor levels of the balconies and have the effect of reducing the height of the privacy screens. Therefore, it is recommended to add a new condition requiring the heights of the balconies to be measured from the finished floor levels of the balconies.

Neighbours have also raised the issue of noise impact from the flats and the potential for this to be made worse by lowering the height of the privacy screens on the first floor. Noise impact was not considered to be a significant issue for the original application. The change of use from public house function rooms to residential would ordinarily be considered to be an improvement in this regard, as dwellings are normally considered to be a 'quiet' use. On balance, the reduction in height of the privacy screens by 0.7m for only four of the flats is not considered likely to result in an increase in noise that is significant enough to justify refusal of the application.

In response to objections received, the proposals were revised to include provision of a 0.9m high x 1.8m wide louvred fence panel on the boundary wall where there is a gap between the end first floor flat and 4C Rowley Road. Whilst the gap is relatively small, the fence panel will prevent oblique views from the end first floor flat balcony overlooking 4C Rowley Road and is therefore considered to be an improvement to the original scheme.

Overall, it is considered that the proposed amendments are acceptable and would not have an adverse impact on the privacy or overall amenity of the neighbouring residential properties.

3. Design and Impact on Character and Appearance of Conservation Area

The minor amendments to the rear elevation of the building are not considered to be significant from a design point of view and are therefore considered to be acceptable. In addition, the limited size of the fence panel on the boundary wall and likelihood of only glimpsed views of it from Rowley Road mean that it will not have an adverse impact on the character and appearance of the conservation area.

S106/CIL -

Following an independent viability assessment, it was concluded that the original application could afford a financial contribution totalling £42,745.50. It was agreed that this money would be used to part fund the redevelopment of Pavor Farmhouse, a derelict listed building, to the north of the site.

The s106 agreement required the completion of the Pavor Farmhouse works within 3 years of commencement of the Snooty Fox development, or the contribution must be paid to the Council towards waste management, the South Devon Link Road and affordable housing. As the developers have now completed the Pavor Farmhouse works, legal advice will be sought to see whether a deed of variation is still required to link this application to the s106 agreement.

Conclusions

The amendments to the rear elevation of the building are considered to be acceptable and will improve the living conditions of five of the flats by allowing more light into them. Whilst objections have been received by residents of the neighbouring properties on Rowley Road, it is considered that the lowering in height of the first floor balcony privacy screens from 1.8m to 1.1m is acceptable, as, following a site visit, it is clear that there will be no adverse overlooking from these balconies of the neighbouring residential properties. A new condition should be added though to ensure that the heights of the privacy screens are measured from the finished floor levels of the balconies.

The addition of a relatively small louvred fence panel to the top of the boundary wall where it steps down in height on the corner of the garden of 4C Rowley Road is also considered to be acceptable, as it will prevent oblique views from the balcony of the end first floor flat from overlooking this property.

In conclusion, the minor amendments are considered to be acceptable and the application should be approved.

Condition(s)/Reason(s)

01. Prior to the installation of the windows on the building, details of the

specification of the windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed as approved and should any become damaged and need replacement shall be replaced with windows of the same specification.

Reason: To protect the amenity of the neighbouring dwellings with regard to noise in accordance with saved Policy H9 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

02. Prior to the installation of the privacy screens on the balconies on the rear elevation of the building hereby permitted, details of the specification of the privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be installed as approved and should any become damaged and need replacement shall be replaced with privacy screens of the same specification.

Reason: To protect the privacy of the neighbouring dwellings in accordance with saved Policy H9 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

03. Prior to the occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority setting out measures that will be undertaken to encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings instead of the private car. The development shall be promoted as a low car development in the Travel Plan. The measures shall be implemented as approved.

Reason: To encourage and facilitate the use of sustainable modes of travel by the future occupants of the dwellings in accordance with saved Policies TS and T2 of the Adopted Torbay Local Plan 1995-2011 and Section 4 of the NPPF.

04. Prior to the occupation of any of the dwellings hereby permitted, an external lighting scheme of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the specification of the external lighting to account for the protection of the amenities of neighbouring properties from light pollution. The external lighting scheme shall be implemented as approved prior to the occupation of any the dwellings. Should any of the external lighting become damaged and need replacement it shall be replaced with external lighting of the same specification. No additional external lighting shall be installed on the building or the site.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011 and to ensure the protection of neighbouring properties from light pollution in accordance with saved Policies H9 and EP5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the

NPPF.

05. The development shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard. Evidence that this has been achieved shall be submitted to and approved in writing prior to the occupation of any of the dwellings. This shall account for the advice by the Police Architectural Liaison Officer.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011.

06. Prior to the occupation of any of the dwellings hereby permitted, secure lockable gates of no less than 1.8 metres in height shall be installed at each end of the side access to the west of the building and as near to the building line as possible.

Reason: In the interests of crime prevention in accordance with saved Policy CF2 of the Adopted Torbay Local Plan 1995-2011.

07. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter, and shall be clearly marked as being designated to individual dwellings and/or visitors parking.

Reason: To ensure that adequate off-street parking and access there to is provided and kept permanently available for use, in accordance with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011, and in the interests of highway safety and in order to protect the residential amenities of the neighbourhood.

08. The existing boundary wall along the southern boundary of the site shall be retained permanently and if is damaged during the construction of the development it will be made good by the developer.

Reason: In the interests of design and amenity, and in order to accord with saved Policies H9, BES and BE5 of the Adopted Torbay Local Plan 1995-2011.

09. The heights of the first floor privacy screens on the rear elevation of the building shall be 1.1 metres measured from the finished floor level of the first floor balconies. The heights of the second floor privacy screens on the rear elevation of the building shall be 1.8 metres measured from the finished floor level of the second floor balconies. The heights of the third floor parapet wall and privacy screens atop together shall be 1.5 metres measured from the finished floor level of the third floor balconies.

Reason: For the avoidance of doubt and to ensure that the privacy of the neighbouring dwellings are protected in accordance with saved Policy H9 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

10. The louvred fence panel hereby approved on the wall sited along the southern site boundary shall be installed prior to the occupation of the first flat to be sold and shall be retained permanently. If it is damaged and need replacement it shall be replaced by a panel of the same or similar specification.

Reason: To ensure that the privacy of the neighbouring dwelling is protected in accordance with saved Policy H9 of the Adopted Torbay Local Plan 1995-2011 and paragraph 17 of the NPPF.

Relevant Policies

- H9 Layout, and design and community aspects
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas

Agenda Item 7

Application Number

P/2015/0521

Site Address

5-7 East Street
Torquay
Devon
TQ2 5SD

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Change of use from 2 shops to single B1 office

Executive Summary/Key Outcomes

The proposal is to change the use of two vacant conjoined shop units that were most recently used as an art shop, to an office use.

The loss of the retail unit/s is considered acceptable on planning merit, as is the proposed use, due to the location and character of the area. The use of the units as an office will be a benefit to the area and will generate employment opportunities.

There would be no impact upon local amenity or highway movement when considering the expected movements and operations likely from the current and the proposed use.

There are no public representations. The proposal is included on the agenda as the applicant is an elected member.

Recommendation

Approval.

Site Details

5-7 East Street is a ground floor retail unit located in Torre. It is located to the southeast of the designated shopping area of Torre and to the north of the designated shopping area of Belgrave Road / Lucius Street. It comprises two conjoined shop units.

The frontage is largely glazed and the unit has an internal floor area of approximately 100 square metres.

The local area has a mixed character of small commercial units and residential uses. The police station is located to the west of the application site.

Detailed Proposals

The proposal is to change the use of the shop unit/s, which was most recently used as an Art shop, to an office use. No external alterations to the building are proposed. There is no off street parking provision within the curtilage of the property.

Summary Of Consultation Responses

None.

Summary Of Representations

None.

Relevant Planning History

None.

Key Issues/Material Considerations

With consideration of the proposal and the context the key issues and material considerations are;

1. Is the loss of the retail use acceptable in this location
2. Is the proposed use as an office acceptable in this location
3. Are the highway / movement impacts acceptable
4. Is local amenity adversely affected by the proposed use.

1. Is the loss of the retail use acceptable

The loss of the retail use is considered acceptable in the context.

The site does not sit within a designated shopping area and hence Saved Policy S12 *Cornershops* applies.

Policy S12 outlines that the change of use of isolated shops serving local communities to non-retail uses will not be permitted where it would result in the loss of facilities serving the community which are not available within the local vicinity. The loss of the retail unit would, in this case, have little impact upon the services provided to the local community as the site is near to a two designated Local Centres that offer a wide range of retail opportunities.

The proposal is considered to comply with the aims and objectives of Saved Policy S12 *Cornershops*.

2. Is the proposed use of an office acceptable in the context

The proposed use of the building as an office is considered acceptable in the context.

The site sits outside of the town centre and is not identified as employment land and hence Saved Policy E5 *Employment provision on unidentified sites* provides

relevant policy guidance.

The proposal will provide a use for an existing building that is currently vacant. The site also sits close to the town centre, two local centres, and is easily accessible by public transport.

The proposal is considered to comply with the objectives of Saved Policy E5 *Employment provision on unidentified sites* as it will contribute to the small business needs of Torbay, reuses an existing urban building, provides employment opportunities which will be within easy access of the local workforce and customers, and one that is close to the wider town centre.

3. Highway movement impact

The proposal is considered acceptable on highway and movement grounds.

There is no off-street parking provision to serve the property. There is however on-street parking provision nearby in South Street and the nearest public car park is at Brunswick Square. As the property currently has a retail use, and the anticipated level of activity from the proposed use would be similar to the existing use, it is considered that the proposed use would not increase the demand for parking.

The proposal is considered to comply with the objectives of Saved Local Policies E5 and TS.

4. Impact upon local amenity

The proposal is considered acceptable on amenity grounds.

The proposed change of use is not considered likely to affect neighbour amenity in comparison with the existing retail use as the level of activity to and from the site would not change significantly as a result of the proposed use.

The proposal is considered to comply with the objectives of Saved Local Policy E5.

S106/CIL -

The change of use will not impact local social and physical infrastructure and obligations are not considered appropriate or necessary.

Conclusions

Having considered the aims and objectives of relevant planning policies and other material considerations the proposal is considered acceptable on planning merit.

The application is hence recommended for approval.

Relevant Policies

- ES Employment and local economy strategy
- E5 Employment provision on unidentified site
- SS Shopping strategy
- S12 Corner shops