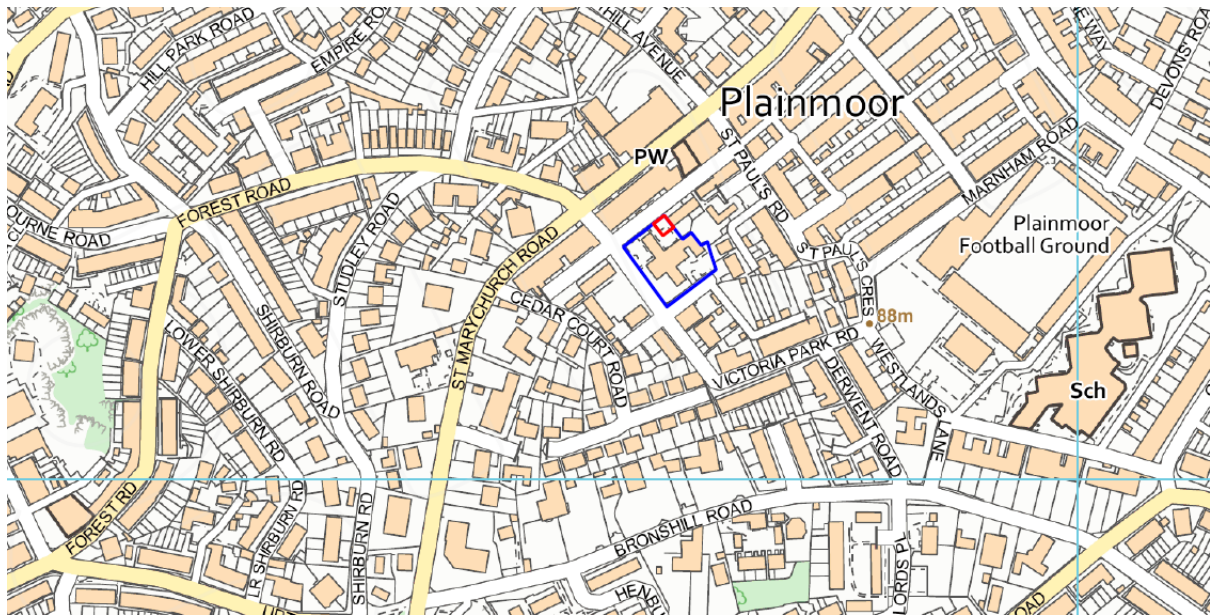


TORBAY COUNCIL

Application Site Address	St Edmunds, Victoria Park Road, St Marychurch, Torbay TQ1 3QH
Proposal	Construction of two single-storey one-bedroom temporary living spaces and associated landscaping including works to existing car park.
Application Number	P/2022/0741
Applicant	T Harris, Torbay Council, Community and Customer Services
Agent	Mr S Turner, Agile Property
Date Application Valid	06.07.2022
Decision Due date	31.08.2022
Extension of Time Date	14.10.2022
Recommendation	Approval subject to: 1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency. 2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is on land owned by Torbay Council, is not a minor variation to an existing planning permission, and the application has received objections from neighbours, the Council's constitution requires that the application be referred to the Planning Committee for determination.
Planning Case Officer	June Pagdin

Location Plan



Site Details

The application site comprises a grassed area, in the grounds of St Edmunds Community Care Centre, on the Victoria Park Road frontage in the St Marychurch area of Torquay. The site is owned by Torbay Council. St Edmunds is a three-storey, flat-roofed building finished in grey brick. There are three small car parks and landscaping to the road frontages. On the south west side is a temporary housing unit permitted under planning application P/2020/0146.

The application site covers an area of approximately 120sqm on the road frontage on the north of the Care Centre site. It is fronted with a low timber fence and currently contains a set of waste bins for the Care Centre in a protective wire enclosure.

The site lies on the northeast side of the vehicle entrance to one of the Care Centre car parks. Part of the road outside the site is marked with yellow zigzag lines relating to the car park entrance. To the east of the site is No 8 Victoria Park Road, a single storey end-of-terrace residential property with gardens enclosed by a low fence to the front and hedge to the rear.

On the opposite side of Victoria Park Road are the rear of houses on St Marychurch Road, which contain a variety of open parking areas, small outbuildings and amenity areas.

The site is in the built-up area of Torquay. It is close to Plainmoor Local Centre and is outside the boundary of the Community Investment Area.

Description of Development

Temporary planning permission is sought for five years for use of the application site for Moving-On accommodation (under the Government's Rough Sleeper Initiative) and temporary construction of two single storey one-bedroom dwellings:

- Two separate modular buildings each with internal GIA of 24sqm (4.6m wide x 7m deep)
- Each contains habitable space, a shower/WC and kitchen counter
- Shared entrance deck, front doors face Victoria Park Road
- External materials - timber larch cladding
- Eaves height 3.4m
- Mono-pitch roofs, ridge height 4m
- Provision within front of site for refuse and recycling bins
- Provision within site for bicycle parking
- landscaped area to rear
- existing care home bins relocated to south side of St Edmunds grounds

The submitted supporting statement sets out that the accommodation would be provided for "eligible people"; that is people already sleeping rough or at risk of doing so. Torbay Council would manage the lettings. Occupants would be given temporary accommodation (from 2 weeks to 2 years) while other support services assist them in moving on.

NB all measurements are approximate.

Pre-Application Enquiry

Informal advice sought prior to submission of application.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")
- Healthy Torbay Supplementary Planning Document (HTSPD)

Material Considerations

- National Planning Policy Framework (NPPF 2021)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

P/2020/0146: Single storey, 1 bed dwelling. (Temporary affordable housing).
Approved 02.04.2020.

P/2020/1317: Non-material amendment relating to application P/2020/0146 -
Replacement of the timber cladding to the roof of the proposed modular home with
slate/anthracite grey roof covering. Approved 22.01.2021.

Summary of Representations

Neighbour letters were sent out on 11th July 2022. A site notice was displayed on
11th July 2022.

Two responses were received. The comments can be summarised as:

- the Care Centre attracts a lot of staff parking that spills over onto surrounding roads
- there is not sufficient parking for residents
- construction vehicles would cause road congestion and take up parking spaces
- where would the refuse bins be relocated to?

Summary of Consultation Responses

Community Safety: No objections subject to a Construction Management Plan (pre-commencement condition).

Drainage: The developments are in Flood Zone 1. As there is insufficient room on the site for infiltration, the developer is proposing to discharge surface water to the public sewer at a controlled rate. Providing the surface water drainage is constructed in accordance with the submitted hydraulic design I have no objections on drainage grounds to planning permission being granted for this development.

Highways: The Standing Advice applies to this proposal. If the Development fails to meet the requirements of the HSA, it should be considered as an objection by the Local Highway Authority.

Key Issues/Material Considerations

1. Principle of development
2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Ecology & Biodiversity
6. Flood Risk and Drainage
7. Low Carbon and Sustainability

Planning Officer Assessment

1. Principle of development

The proposal is for two single-storey, temporary dwellings to provide affordable housing for people with acute housing need. Local Plan Policy SS13 aims to provide additional housing and maintain a five-year supply of

deliverable housing sites. Policy SS11 aims to improve the sustainability of existing communities in Torbay, enhance the quality of life for residents and, especially, to close the gap between the most and least disadvantaged neighbourhoods. Policy H1 seeks to provide a range of homes on allocated and unallocated sites to meet assessed needs and to create mixed, balanced communities with high quality living environments. Policy H6 supports measures to help people live independently and to live active lives within the community.

The NPPF 2021 (paragraph 11) sets out the presumption in favour of sustainable development. For decision-making this means that where the development plan policies are out-of-date permission should be granted unless the impacts of doing so would demonstrably and significantly outweigh the benefits when assessed against the NPPF taken as a whole. "Out-of-date" is defined as not having a five-year supply of deliverable housing sites or where the delivery of housing over the previous three years was below (less than 75% of) the requirement.

The Council cannot demonstrate a 5-year housing land supply or the required 3-year housing delivery. The site is within the built-up area in a sustainable location and would increase the residential use of the site, providing two self-contained units. The proposal would therefore comply with Policy H1 of the Local Plan.

In addition, Policy H6 of the Local Plan seeks to support the provision of housing for people in need of care and support. While the proposed dwellings would not constitute sheltered housing or a residential institution (such as a care home), the proposed dwellings would provide temporary accommodation to people in acute housing need, particularly young people. The Applicants have emphasised that the new Moving-On accommodation will provide accommodation of a high quality together with support services to provide a pathway to settled accommodation and preparing the occupants for independence.

Each self-contained unit will have its own kitchen with cooking facilities, bathroom and living/sleeping area. The proposed accommodation will be on short leases of 2 weeks to 2 years, with renewal depending on needs assessment.

Occupants would be provided with additional support where necessary through local services including Community Care Services at St Edmunds House. The property would be managed by Torbay Council and leases would be flexible in length while the occupants aim towards more permanent housing. These are material considerations in the light of the explanation to Policy H6 of the Local Plan.

The standards for permanent housing are not met by the accommodation (see Amenity and Highway sections of this report) and therefore it is recommended

that a condition be applied restricting the use of the units to Moving-On accommodation for people at risk from rough sleeping.

In principle, and subject to the recommended condition, the proposal is therefore considered to be consistent with Policies H1 and H6 of the Torbay Local Plan.

2. Impact on Visual Amenity

Paragraph 126 of the National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. In addition, paragraph 134 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Given its siting, scale, and design, it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality. The proposed dwelling houses would be small-scale additions that would be relatively low in height, and not exceed the ridge height (4m) of the existing row of single storey terraced houses on Victoria Park Road.

The external surfaces of the walls would be finished with larch timber cladding. The proposed dwellings would have a modern and contemporary design that would, to some extent, differ in appearance from many of the buildings in the surrounding area. However, the area has some diversity in terms of built form, and the southwestern part of St Edmunds House and the previously approved temporary unit include timber cladding and a low timber boundary fence. The proposed single-storey dwelling house would be much smaller in scale than the three-storey St Edmunds House building.

The timber fencing on the site frontage would be partly removed to enable access from the footway. The remainder would be retained. An area of planting would be provided on the front of the site together with an entrance area with a gravel surface. Implementation of the landscaping can be secured by condition and this is recommended.

The proposed dwellings would be sited on shallow, gravel-filled footings, meaning that the site could be restored close to its current condition following the removal of the dwelling house in the future. A condition is proposed that would ensure that the land is reinstated to an appropriate condition following the removal of the temporary building.

The proposal is considered to be in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development should provide a good level of amenity for future residents and should not unduly impact upon the amenity of neighbouring properties and surrounding uses.

Future occupants

Each self-contained unit will have its own living space (bed/lounge/dining), kitchen area with cooking facilities and bathroom. With regards to the floor areas of the self-contained units, each unit is for one person. Under the Nationally Described Space Standards the floor area should be 37sqm. However, the nature of this proposed use is different from fully independent living on a permanent basis. Therefore, although the units have smaller floor areas, the accommodation is designed to provide adequate safety and space for the proposed occupants many of whom have no accommodation or are in emergency accommodation. The bathroom windows would require obscure glazing.

The shared access deck and landscaped areas would provide approximately 26sqm of amenity area, which meets the requirements of Policy TWH4 of the Torbay Neighbourhood Plan for 10sqm per unit. Although these would be visible from the street, they would be semi-private. The temporary nature of the scheme requires that the landscaping be easily maintained and/or removable at the end of the use of the site for the proposed purpose. Details and implementation of the indicated landscaping and gates/boundary treatment can be secured by a condition.

The overall floorspace and amenity provision for the two units is considered acceptable subject to the use of the site being limited by condition to being temporary for five years to enable assessment of the accommodation in meeting the needs of the target population.

Refuse and recycling bins would be in a store on the site frontage. Details of the store can be secured by a condition and this is recommended. It is recommended that a condition is imposed requiring details of the hard landscaping materials be submitted for approval in order to ensure they are appropriate to the setting.

Neighbouring occupants

The property most likely to be affected is No 8 Victoria Park Road. The proposed unit adjacent to No 8 Victoria Park Road would not project forward of the front elevation or behind the rear elevation of that existing house and, consequently, would not result in loss of day/sunlight or outlook to the

windows to habitable rooms. The existing and proposed houses have no side windows so overlooking between them would not arise.

The second unit would be positioned 5.5m away from the existing house and project forward by 2m and would not result in significant loss of light or outlook to No 8.

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

4. Impact on Highway Safety, Access and Parking

Policy TA3 and Appendix F of the Local Plan states that flats should be provided with 1 on-site parking spaces for motor vehicles, cycle storage, and provisions for the storage of refuse bins and recycling boxes. Policy TH9 of the Neighbourhood Plan states that the parking requirements set out in the Local Plan must be complied with, unless it can be shown that there is not likely to be an increase in on street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

The cohort of residents is such that car ownership is not at all likely. The nature of the use is different from a permanent long-term dwelling and occupation will be managed by Torbay Council's Housing Team. The site is well located in respect of local amenities at Plainmoor Local Shopping Centre and public transport. The proposal includes an area for cycle storage of one cycle per unit. The area in front of Unit A could accommodate the required space (2m x 1.5m) below the window sills of Unit A (1.6m above ground level). Details of the design and materials of a secure weatherproof storage can be secured through a planning condition and this is recommended.

Consequently, the proposal is considered acceptable with regards to Policies TA2, TA3 and Appendix F of the Local Plan and Policy TH9 of the Torquay Neighbourhood Plan.

5. Ecology & Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

The application site comprises a small-grassed area containing a bin store within the built-up area. Protected species are not considered likely to be present as the site offers no suitable habitat. The proposed landscaping of the site offers an opportunity to provide native plants. Subject to a condition

to secure the details and implementation of the landscaping of the site, the proposal is considered to be in accordance with Policy NC1 of the Local Plan, Policy TE5 of the Neighbourhood Plan, and the guidance contained within the NPPF.

6. Flood Risk and Drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area in an area that has been identified by the Environment Agency as being at risk from surface water flooding. The application is accompanied by a drainage report which states that the site does not present adequate space for surface water drainage to be achieved via soakaways on site, and that surface water would be discharged via an attenuation system at a controlled rate into the combined sewer.

Given the nature of the proposal, the intended means of surface water drainage would be acceptable having regard to the adopted Standing Advice and subject to an appropriate drainage condition, the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

7. Sustainability and Low Carbon

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. Policy ES1 seeks to ensure that carbon emissions associated with energy use from new buildings are limited. The Design and Access Statement (D&AS). in Section 9, sets out the proposed homes are designed using Passivhaus principles with high u-values, air tightness, ventilation and insulation. The construction materials used are pre-fabricated renewables (timber, straw and clay) with low levels of toxic materials. Construction takes place on site following ground preparation. Initial build can take 1-2 days and fit-out and landscaping takes approximately 6-8 weeks. The D&AS in Section 10 specifies that construction would occur between 8am and 6pm on weekdays. This can be reinforced by an hours of construction condition in place of a Construction Management Plan.

Statement on Human Rights and Equalities Issues

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

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector

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

Local Finance Considerations

Not liable for CIL or for S106 obligations. The proposed scheme is part funded by Central Government grant under the Rough Sleepers Accommodation Programme (RSAP) which is subject to time schedule constraints.

Planning Balance

The proposal would provide a temporary affordable housing solution that would be managed by Torbay Council as a means of short-term residential accommodation for vulnerable people. The proposal would therefore accord with the Development Plan aspirations relating to housing delivery and specifically to the provision of housing for people in need of care. Although the proposed dwelling house would be smaller than the dwelling space standards set out in Policy DE3 of the Local Plan and would not accord with the guidelines for on-site vehicle parking for dwelling houses set out in Policy TA3 and Appendix F of the Local Plan, it is considered that the quality of the proposed residential accommodation would be acceptable given the intended occupancy cohort, temporary use and short-term leases. The proposal would not result in any significant impact on highway safety and amenity, and any potential negative impacts of the proposal would not be significant and would be outweighed by the social benefits of the proposal.

Conclusions and Reasons for Decision

The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval subject to:

1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.

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

Conditions

1. Temporary use
The development hereby approved shall be completely and permanently removed from the application site within 60 months (5 years) of the date of

this permission. Within 9 months of the removal of the dwellings the land shall either be returned to its former condition or landscaped in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority within 8 weeks of the removal of the dwelling from the site. The approved landscaping scheme shall be fully implemented within 9 months of the removal of the dwelling or in accordance with a timetable to be agreed as part of the landscaping details.

Reason: Because this application is for a temporary permission and this is the basis on which the application has been assessed and in the interests of visual amenity and the amenities of the future occupiers and occupiers of neighbouring properties, and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.

2. Use

The properties hereby permitted shall only be used as Moving -On accommodation for people at risk from rough sleeping in accordance with the Government's Rough Sleeper Initiative (and subsequent equivalents) and not as permanent residential dwellings.

Reason: In the interests of residential amenity and to ensure the use of the site accords with Policies H1, H6 and DE3 of the Torbay Local Plan. Any variation from the use applied for must, therefore, have the express approval of the Local Planning Authority.

3. Hours of Construction

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

- 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development

4. FRA

The development shall be implemented in accordance with the drainage strategy hereby approved (Referenced P-202-0741-2 and P-2022-0741-4, received on 21.06.2022) which shall be provided in accordance with the approved details prior the occupation of the dwellings hereby approved and shall be retained and maintained in working order for the lifetime of the development.

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

5. Materials

The larch cladding used for the external walls of the development hereby approved shall be natural timber larch cladding and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

6. Obscure Glazing to bathrooms

Prior to the occupation of the dwelling house hereby approved, the bathroom windows of the development hereby approved shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. These windows shall be fixed shut unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. These windows shall thereafter be retained in that condition for the lifetime of the development.

Reason: In the interests of privacy of the neighbouring properties, in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

7. Bin stores

Prior to the first occupation of the development hereby permitted details of the proposed refuse and recycling bin enclosure and their locations on the site shall be submitted to and agreed in writing by the Local Planning Authority. The bin enclosure shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure a satisfactory completion of development and protect the amenity of future and neighbouring occupants in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

8. Cycle storage

Prior to the first occupation of the development hereby permitted details of the proposed secure and weatherproof bicycle storage facility for two cycles shall be submitted and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

9. Landscape scheme implementation

Notwithstanding the approved landscape and floorplans, prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any plants which within the time period of this permission die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided prior to the development being brought into use and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

Informatives

1. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

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

Torbay Local Plan

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

ES1 - Energy

H1 - Applications for New Homes

H6 – Housing for People in Need of Care

NC1 - Biodiversity and Geodiversity

SS3 - Presumption in favour of Sustainable Development

TA2 - Development Access

TA3 - Parking Requirements

Torquay Neighbourhood Plan

TH8 - Established Architecture

TH9 - Parking Facilities

THW4 - Outside Space Provision