

Application Number

P/2018/1118

Site Address

Former Torwood Conservative Club
28 Parkhill Road
Torquay
TQ1 2AR

Case Officer

Verity Clark

Ward

Wellswood

Description

Demolition of section of the building, formation of parking space, replacement roof material, installation of balustrading and gates (Revised plans received 18/12/18).

Executive Summary/Key Outcomes

The application proposes to demolish a section of the building to facilitate the formation of an off-road parking space. The proposal will also seek to install balustrading and gates along the front elevation and the replacement of the existing section of corrugated sheet roof with natural slate.

The application has been referred to the Development Management committee as objections have been received and as the applicant is a Ward Member.

The proposal is considered to be in accordance with Policies DE1, DE3, HE1, SS10, TA3, NC1 and ER1 of the adopted Torbay Local Plan 2012-2030 and the application is recommended for approval.

Recommendation

Approval subject to the conditions listed below, with the final drafting of conditions and resolution of any outstanding matters to be delegated to the Assistant Director for Planning and Transport.

Reason for Referral to Development Management Committee

As the proposed development is on land owned by a Ward Member and objections have been raised, the Council's constitution requires that the application be referred to the Development Management Committee for determination.

Statutory Determination Period

The eight week target date for determination of this application was the 3rd January 2019. An extension of time to 15th February 2019 has been agreed to allow the submission of revised plans.

Site Details

The application site is the Former Torwood Conservative Club, 28 Parkhill Road, Torquay. The building is in commercial use and is Grade II listed. The site is also located within the Torquay Harbour Conservation Area.

Detailed Proposals

The application proposes to demolish a section of the existing building to facilitate the formation of an off road parking space. The proposal will also seek to install balustrading and gates along the front elevation and the replacement of the existing section of corrugated sheet roof with natural slate.

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")

Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy 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:

Summary of Consultation Responses

Conservation: This revised iteration of the simple car park scheme is a great improvement on the original: part-demolition of late 20C infill; protection of the north wall of the listed freemasons' lodge; replacing the corrugated roof with natural slate. Additionally the part-demolished façade is to be replaced a 'wrought-iron balustrade and gates'. Let us condition the slate, and the metal railings.

Highways: The new Highways Development Control Standing Advice for Minor Developments applies to this Application. Part of the Existing crossover will need to be reinstated to a full height kerb, under licence to the Highway Authority. There is a requirement for provision of secure and covered cycle storage for at least 2 cycles. To achieve a single garage and not lose any residential on street parking the applicant would need to reinstate half of the dropped kerb to a full height footway and have a Access line painted across the entrance of the single Garage, although the line is not enforceable and vehicles may park there. To

prevent this happening the other option is for the applicant to pay for a traffic order to install double yellow lines which are enforceable and would still retain the same amount of residential parking, but we cannot insist on this, it would be the choice of the Applicant if permission is granted.

Strategic Transport: No response.

Historic England: we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Community Safety: No objection.

Summary of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advert
3 objections have been received. Issues raised:

- Parking
- Description of development and past use of the site
- Highway safety and traffic flow
- Noise and air pollution
- Heritage

Relevant Planning History

P/2018/1119 Demolition of section of the building, formation of parking space, replacement roof material, installation of balustrading and gates (Revised plans received 18/12/18). Concurrent listed building application.

P/1986/1678 Extension Of Existing Lounge Bar Within Building And Relocation Of Exi Sting Beer Cellar And Bottle Store. Approved 16/09/86

P/1979/2441 Re-development to form Club Premises. Approved 31/10/79

P/1978/3358 Re-development to form club premises. Approved 15/01/79

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of development
2. Visual impact and impact on heritage asset
3. Impact upon the amenity of neighbouring properties
4. Transport Issues
5. Drainage
6. Ecology

1. Principle of development

The proposal is for works to an existing commercial property. There are no Local

Plan policies indicating that the proposal is not acceptable in principle.

2. Visual impact and impact on heritage asset

Paragraph 124 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 130 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 Design 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 SS10 states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy HE1 states that development proposals should have special regard to the desirability of preserving any listed building and its setting, or any features of special architectural or historic interest which it possesses.

It should be noted that during the course of the application the proposal has been modified. The proposal originally sought to form a garage with a new opening in the existing building. Following concerns raised by the Conservation Officer the application has been amended. The proposal has been amended to seek permission to demolish a section of the building to facilitate the formation of an off road parking space. The proposal will also seek to install balustrading and gates along the front elevation and replacement of the existing section of corrugated sheet roof with natural slate.

The Council's Conservation Consultant has noted that the site of the club comprises part of the ground floor of the listed No. 1 Meadfoot Lane (NHLE No. 1292372), intervening 'key buildings', recognised in the Torquay Harbour Conservation Area Character Appraisal, and an area of infill. On the south side the infill butts up to, in a most unattractive manner, the listed Freemasons lodge (NHLE No. 1206823), whose north gable end was designed to be open and visible in the townscape. The area of the so-called former garage was always an open space pull in, accessible to vehicles and allowing access to the rear of the buildings; it was never a garage. The render front and corrugated roof, inimical to the listed building date the infill to the mid-20C. The pull-in area enclosed as it is now while not attractive is at least part-masked by the existence of a length of parking bay. Following the submission of revised plans the officer has noted that this revised iteration of the simple car park scheme is a great improvement on the original: part-demolition of late 20C infill; protection of the north wall of the listed freemasons' lodge; replacing the corrugated roof with natural slate. Additionally the part-demolished façade is to be replaced a 'wrought-iron balustrade and gates'. A condition requiring the submission of details of the slate, and the metal railings should be added.

In terms of visual appearance, the demolition of the section of building and replacement with a parking area with associated balustrading and gates and replacement of an existing section of roof with natural slate is considered to result in an improved visual appearance and an enhancement to the Grade II listed building within the streetscene of the Torquay Harbour Conservation Area. The historic fabric and character of the Grade II listed building will therefore be preserved. The proposal is therefore considered to accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan. A Condition requiring the submission of a slate sample and details of the railings and permeable paving is recommended to ensure the visual appearance is acceptable.

3. Impact upon the amenity of neighbouring properties

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

The proposed parking space will be situated adjacent to the Masonic Lodge and is not considered to result in harm to the amenities of the adjacent occupiers by way of noise and disturbance due to existing vehicle parking in the area and the surrounding uses.

In terms of its impact on neighbouring amenity, the proposal is therefore considered to be in accordance with Policy DE3 of the Torbay Local Plan.

4. Transport Issues

Policy TA3 and Appendix F of the Torbay Local Plan provides guidance on the minimum size standards for a parking space. When accessed directly from the highway a space shall be a minimum of 3.2m x 5.5m to ensure the highway is not obstructed. The parking space meets this minimum required standard and would therefore provide an adequate parking space.

The Council's Highways Engineer has noted that to achieve a single parking space and not lose any residential on street parking the applicant would need to reinstate half of the dropped kerb to a full height footway and have a access line painted across the entrance of the parking space, although the line is not enforceable and vehicles may park there. To prevent this happening the other option is for the applicant to pay for a traffic order to install double yellow lines which are enforceable and would still retain the same amount of residential parking, but we cannot insist on this, it would be the choice of the applicant if permission is granted.

As such, a condition is recommended which will require the works to the highway, including the reinstatement of part of the dropped kerb, to occur prior to the use of the proposed parking space. This will ensure that only one on-road parking space is removed and this will be replaced with one off-road parking space. As the Council's Highways Engineer raises no objection to the scheme

the proposal is considered to be in accordance with Policy TA3 of the Torbay Local Plan. An informative is recommended to suggest that the applicant may wish to consider applying for double yellow lines from the highways department in line with the suggestion of the Highways Engineer.

5. Drainage

The proposal seeks to use permeable brick paving within the development. This is considered to be a sustainable form of drainage in accordance with Policy ER1 of the Torbay Local Plan.

6. Ecology

The application includes the demolition of a section of the existing building. A preliminary ecological assessment has been submitted in support of the application. The report confirms there is no evidence of bat use and no further surveys are required. There was no evidence of bird nesting activity in association with the structures however the ivy clad stone wall face behind the buildings offers good suitability for nesting activity by a variety of common bird species. The demolition of roof structures adjacent to this rock face therefore presents a risk of disturbance and potential harm to nesting activity. It is therefore recommended that a condition is added to ensure destructive works are avoided during bird nesting season.

With the addition of a condition the proposal is considered to be in accordance with Policy NC1 of the Torbay Local Plan.

Other Considerations

The Torquay Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The relevant policy for this application are Policy TH8 (Established Architecture). This policy requires development to be of good quality design and to respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings. The proposal is considered to comply with this policy as the proposal will enhance the established characteristic of the streetscene. Policy TH10 (protection of the historic built environment) notes that alterations to Listed Buildings will be supported where they safeguard and enhance their historic qualities and elements according to their significance. The proposal is considered to comply with this Policy as the proposal will enhance the existing listed building. The proposal is therefore considered to accord with the Torquay Neighbourhood Plan Policy.

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Conclusions

The proposed development is considered acceptable, having regard to the adopted Torbay Local Plan 2012-2030, and all other material considerations.

Condition(s)/Reason(s)

1. Prior to the replacement of the roof material, a sample or technical detail of the proposed tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.

Reason: In the interests of visual amenity in accordance with Policy DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

2. Prior to the installation of the permeable paving, a sample or technical detail of the proposed paving shall be submitted to and approved in writing

by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of visual amenity in accordance with Policy DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

3. Prior to the installation of the railings hereby approved, a sample or technical detail of the railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.

Reason: In the interest of visual amenity in accordance with Policy DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

4. The parking space hereby approved shall not be brought into use until a S278 agreement or Highway Crossing Licence has been entered into in order to secure the necessary works to the public highway. The works shall include the reinstatement of half of the dropped kerb to a full height footway and an access line painted across the entrance of the parking space. The works shall be implemented prior to the use of the parking space.

Reason: In order to ensure a suitable form of development in accordance with policies TA1 and TA2 of the New Torbay Local Plan 2012-2030.

5. Prior to the use of the parking space hereby approved, details of all proposed 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 trees or plants which within a period of 5 years from completion of the development 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 within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with policies DE1, SS10, HE1 and C4 of the Torbay Local Plan 2012-2030.

6. No site clearance or demolition works shall take place between 1st February and 31st August inclusive, unless a competent ecologist has

undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to avoid damage to any breeding bird or its nest in accordance with Policy NC1 of the Torbay Local Plan policy 2012-2030.

Informative(s)

01. 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

DE1 - Design
DE3 - Development Amenity
SS10 - Conservation and Historic Environment
HE1 - Listed Buildings
TA2 - Development access
TA3 - Parking requirements
NC1LFS - Biodiversity and Geodiversity_
C4 - Trees, hedgerows and natural landscape
ER1 - Flood Risk