

Thursday, 31 December 2020

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on

Monday, 11 January 2021

commencing at **5.30 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

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Members of the Committee

Councillor Pentney (Chairman)

Councillor Brown

Councillor Dart

Councillor Dudley

Councillor Hill

Councillor Barbara Lewis

Councillor Manning

Councillor Jacqueline Thomas

Councillor Kennedy

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Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**

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

2. **Disclosure 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.)

3. **Urgent Items**

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

4. **Kingdom Hall Of Jehovahs Witnesses, St James Place, Torquay TQ1 3LS P/2020/0369**

(Pages 4 - 19)

Conversion and part demolition of Kingdom Hall to form three dwellings. (As revised by plans received 09.10.2020.)

5. **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.

6. **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, 6 January 2021. Site visits will then take place virtually prior to the meeting of the Committee at a time to be notified.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

TORBAY COUNCIL

Application Site Address	Kingdom Hall Of Jehovahs Witnesses St James Place Torquay TQ1 3LS
Proposal	Conversion and part demolition of Kingdom Hall to form three dwellings. (As revised by plans received 09.10.2020.)
Application Number	P/2020/0369
Applicant	Mr T Drake, Larkmead Homes Ltd.
Agent	Mr M Pennance, InkPAD Architecture.
Date Application Valid	27.05.2020
Decision Due date	22.07.2020
Extension of Time Date	10.12.2020
Recommendation	That Planning Permission be granted, subject to the conditions detailed below, and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	In accordance with a request from the ward councillor due to the number of objections received.
Planning Case Officer	Craig Davies



Site Details

The site comprises a pitch-roofed building which is currently vacant but was previously in use for public worship (Kingdom Hall of Jehovah's Witnesses).

The site forms part of the built up area but is not otherwise subject to any designations within the Development Plan. The site is however located in close proximity to the Babbacombe Local Centre (which is to the southwest of the site), the Babbacombe Downs Conservation Area (which is to the east and north of the site), and the Babbacombe Downs Core Tourism Investment Area (which is to the north of the site).

Date of officer site visits: 10.06.2020 and 27.10.2020.

Description of Development

The revised proposal is to convert the building into three dwelling houses, two of which would be 2-bedroom two-storey dwelling houses and one of which would be a 1-bedroom single-storey (with a mezzanine level) dwelling house. The revised proposal includes removing part of the front of the building to create an enclosed front courtyard that would accommodate the bin storage and cycle storage for the proposed dwelling houses.

The proposal would be finished with render and hardwood joinery for the walls, slate for the roof, aluminium and timber for the windows, timber for the doors, aluminium for the rooflights, aluminium for the gutters and downpipes, natural stone and timber for the boundary treatment around the front courtyard, and granite setts for the surfacing to the front courtyard.

It should be noted that the original proposal included two vehicular parking spaces in the front courtyard and a different bin storage and cycle storage configuration, but that, in response to comments provided by this Department after the first advertising period relating to highway safety concerns associated with the proposed parking spaces, the applicant revised the proposal in line with the requests of this Department. The revised proposal was subsequently re-advertised.

Pre-Application Enquiry

DE/2017/0440: Demolish building and build x2 dwellings. The written response supported the principle of residential development but raised concerns with regard to building heights, design, and the potential for a loss of privacy for neighbouring occupiers to the front and rear. The written response noted that the proposed outdoor amenity space was below the amount required in terms of policy, but noted a lower level of outside amenity space could be considered acceptable due to the proximity to Walls Hill and Babbacombe Downs. Regarding parking, the written response noted that the proposed parking was not policy compliant and raised concern with regard to visibility for the proposed parking spaces, but stated that, due to the proximity to a

local centre, a car park, and a bus route, it would be acceptable for the proposal to not include parking provision.

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")

Material Considerations

- National Planning Policy Framework (NPPF)
- 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/2018/0511: Demolish existing building and build a pair of semi-detached dwellings with associated parking spaces. Withdrawn.

Summary of Representations

6 objections and 1 neutral letter of representation were received in which the following matters were raised:

- Privacy/overlooking.
- Drainage and sewer capacity.
- Parking.
- Noise.
- Lack of outside space for the proposed dwellings.
- Overdevelopment.
- Problems associated with accessing the proposed parking spaces due to the narrow width of St James Place. (It is reiterated that the parking spaces that were originally proposed have since been omitted from the revised proposal in response to concerns raised by this Department regarding their size and visibility.)
- Potential impact on telephone lines.
- Potential impact on the private access path adjacent to the rear of the site which serves neighbouring dwellings.
- The siting of the proposed swift boxes and the potential for increased bird droppings.

- The need for controls to ensure that construction works do not impede access to, or to cause damage to, neighbouring properties and/or land, and do not cause excessive noise.
- Impact on the party wall at the rear of the site which is subject to restrictive covenants. (It should be noted that this matter is controlled by the Party Wall Act, and that restrictive covenants are civil matters that are not material planning considerations.)
- Negative impact on property values. (It should be noted that this is not a material planning consideration.)

Summary of Consultation Responses

Community Safety: No objection subject to a condition requiring a Construction/Demolition Management Plan.

Drainage: The consultation response noted that the site is in Flood Zone 1, that the use of infiltration drainage is not feasible due to there being insufficient space, and that the developer is proposing to discharge surface water at a controlled discharge rate to a surface water sewer. The consultation response concluded that the Drainage Standing Advice applies.

South West Water: No objection.

Highways: The initial consultation response indicated that Highways Standing Advice applies. In subsequent correspondence, the Council's Highways engineer indicated that Highways would have objected to the original proposal due to the small size of the proposed parking spaces and the lack of visibility, but that Highways would have no objection to there being no parking due to the site's proximity to the local centre and bus route and with due consideration to the parking demand associated with the previous use of the site as a place of worship.

Strategic Transportation: No response received.

Strategic Policy: No response received.

Waste: No response received.

Torquay Neighbourhood Plan Forum: No response received.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development

2. Impact on Visual Amenity
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Ecology
6. Impact on Flood Risk and Drainage
7. Low Carbon Development

1. Principle of Development

The proposal is for the conversion of an existing, vacant, brownfield site from a place of worship to three residential dwellings.

Policy SS11 of the Local Plan states that development proposals should enable people to have access to local services to meet their day to day needs including open spaces, community halls (or rooms), play areas, leisure and recreational facilities and allotments. Paragraph 92 of the NPPF states that we should guard against the unnecessary loss of valued facilities and services. Given the relatively small scale of the site, and the fact that the site has been vacant for a notable period of time, the principle of the proposed change of use from a place of worship to residential is considered to be acceptable. The proposal is considered to be in accordance with Policy SS11 of the Local Plan and Paragraph 92 of the NPPF.

Policy H1 states that proposals for new homes within the built up area will be supported subject to consistency with other policies in the Development Plan, with proposals being assessed on a range of criteria including (amongst other things) the maintenance of a 5 year supply of land for housing, and the objective to maximise the re-use of urban brownfield land and promote urban regeneration. Policy SS12 of the Local Plan states that housing provision will focus upon a sustainable pattern of distribution throughout the Bay, with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. Policy TS4 of the Neighbourhood Plan states that development proposals for brownfield sites will be supported subject to other policies and provided that there are no significant adverse impacts, and having regard to other policies. These Development Plan policies also accord with Paragraphs 122-123 of the NPPF which states that planning decisions should support development that makes efficient use of land, taking into account matters including (amongst other things) the need for housing and the availability of land to accommodate it, and that, where there is an existing shortage of land for meeting housing needs, that developments should make optimal use of the potential of each site. It is noteworthy that Torbay currently does not have a 5 year supply of land for housing and that the proposal, which involves the conversion of a brownfield site in a sustainable location into three dwelling houses, would help contribute to this shortfall being addressed, while also supporting the sustainable and efficient use of land. The proposal is considered to be in accordance with Policies H1 and SS12 of the Local Plan, Policy TS4 of the Neighbourhood Plan, and Paragraphs 122-123 of the NPPF.

2. Impact on Visual Character

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 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 Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Policy SS10 of the Local Plan states that proposals that may affect the setting of a conservation area will be assessed on the need to conserve and enhance the distinctive character and appearance of the conservation area, whilst allowing sympathetic development. Although the proposal is situated outside of the Babbacombe Downs Conservation Area, it is located in close proximity to the boundary and therefore has the potential to impact on the setting of the conservation area.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the character or visual amenities of the locality or the setting of the Conservation Area. The proposal would reduce the overall scale of the building. The proposal adopts a contemporary and attractive design that makes use of good quality finishing materials (include good quality timber joinery and a natural slate roof), and includes the provision of a new natural stone boundary wall that would accord with the many other historic stone walls in the area (including in the adjacent conservation area). The proposal would be a significant improvement on the visual character of the area, noting that the building on the site has been unoccupied for a period of time and is in a somewhat dilapidated condition. The proposal would have a positive impact on the visual character of the site and the setting of the conservation area.

Subject to conditions to ensure the use of natural slate for the roof and requiring a sample panel of the natural stone boundary wall, the proposal is considered to be in accordance with Policies DE1 and SS10 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. Impact on Neighbouring 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.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours in terms of their privacy, outlook, or access to natural light. The proposal appears to have been carefully designed specifically to respond to the potential for overlooking/intervisibility, and to minimise it to an acceptable level using obscure-glazing for parts of the windows that are at a lower level (with only the upper parts of the windows being clear glazed).

On the rear elevation, the lower parts of the windows would be obscure glazed, with only the higher level parts of the windows being clear glazed. This would exclude overlooking when residents of the proposed units are sitting, and would mean that, at worst, outward views when standing would be horizontal or upwards (with views downwards being screened). In addition, the boundary fencing for the neighbouring properties to the rear would also provide a good level of screening of the ground floor windows on the rear elevation, and the separation distances between the proposed dwellings and the neighbouring properties would be fairly typical of the residential layout in this area. On the western side elevation, the proposal includes two small rooflights which would both be obscure-glazed, and the only first floor window on the side elevation would be at an acute angle relative to windows on nearby properties. On the front elevation, there are two windows proposed. The larger window would be obscure-glazed up to a height of 1.9m above floor level meaning that you would need to be taller than 1.9m/6'3" in order for there to be any intervisibility with the property across the street. The smaller window would be transparent but would be small in size and would be set back by 10.6m from the window on the property opposite, which is also a fairly typical separation distance in this area, noting that the proposal includes boundary treatment that would also provide screening. Subject to a condition to secure the obscure glazing, it is considered that the proposal would not result in any unacceptable loss of privacy for neighbouring occupiers.

With regard to the objectors' concerns with respect to noise, it is considered that the proposal would not result in any unacceptable impact in terms of noise for neighbouring properties, noting that the Council's Senior Environmental Health Officer has assessed the proposal and has indicated no objection.

Given the narrow width of St James Place and the close proximity of some of the neighbouring properties, a condition has been included requiring a Construction Method Statement. With due regard to the concerns of objectors, the condition is worded so as to ensure that the construction work does not impact negatively on telephone lines in the vicinity.

It is considered that, on balance, the proposed dwelling houses would provide an acceptable quality of residential environment for future occupiers. The proposed dwelling houses would be large enough to comply with the internal dwelling space standards set out in Policy DE3 of the Local Plan. Given that the proposal does not include outdoor amenity space (aside from the small front courtyard area which would

primarily function as a means of access and a service area), the proposal is a deviation from the policy requirements for outdoor amenity space as set out in Policy DE3 of the Local Plan and Policy THW4 of the Neighbourhood Plan. However, the proposed dwellings would be located a short walk from the high quality public open space at Babbacombe Downs and Walls Hill, with Cary Park and Tessier Gardens also being nearby, and it is therefore considered that future occupiers of the proposed dwellings would have an acceptable level of access to outdoor amenity space. In terms of outlook and access to natural light, the need for obscure-glazing on the lower parts of some of the windows (to mitigate the potential for overlooking/intervisibility) does reduce the quality of outlook for the proposed dwellings, however it is considered that this would not warrant refusal of the application; the outlook would be acceptable on balance and the size and siting of the proposed windows and large rooflights would ensure that the proposed dwellings would have a good level of access to natural light.

4. Impact on Highways

Policy TA2 of the Local Plan states that all development proposals should make appropriate provisions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan states that dwelling houses should each be provided with at least 2 on-site parking spaces, that flats should be provided with at least 1 on-site parking space, and that dwelling houses and flats should be provided with adequate space for covered cycle storage and bin storage. Policy TH9 of the Neighbourhood Plan states that housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development.

The proposal is a deviation from Development Plan policies and from Highways Standing Advice in that the proposal, which relates to a site that is not within a town centre, does not include on-site parking for motor vehicles. It is important to note, however, that the site is well located with respect to local services, amenities, bus routes, and public parking facilities. The site is a very short (2mins) level walk to the nearest bus stop, is within approximately 3mins walk from the Princes St Car Park and a similar distance from the Walls Hill Car Park, and also has access to on-street parking. Although the initial proposal included 2 proposed on-site car parking spaces, these spaces were undersized and suffered from poor visibility and therefore, in accordance with feedback from Highways, the applicant revised the proposal by removing these parking spaces. The Council's Highways Engineer has indicated that the lack of on-site parking provision is acceptable in this instance. (A car-free approach was also supported in the written response to a previous pre-application enquiry for the site.) It is also noteworthy that the proposal includes a good level of provision of highly functional cycle storage facilities in the front curtilage area which would also help meet the transport needs of future occupiers, as well as suitably designed bin storage facilities.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In light of the site's sustainable location, its proximity to local bus routes and public car parking facilities, and its provision of good quality cycle storage facilities, it is considered that the proposed would not result in any unacceptable impact on highway safety or on the road network and therefore, in accordance with Paragraph 109 of the NPPF, the lack of on-site parking provision would not warrant refusal of the application in this instance. Moreover, the proposal models a low-carbon form of development through provisions for sustainable modes of transport (including walking, cycling, and buses), with existing publically-available car parking facilities meaning that vehicle ownership can nevertheless be accommodated should future residents desire to own a vehicle.

5. Impact on Ecology

Policy NC1 of the Local Plan, which seeks to conserve and enhance Torbay's biodiversity and geodiversity, states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. The National Planning Policy Framework (NPPF) provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on, and providing net gains for, biodiversity (Paragraph 170).

The application is accompanied by a Bat and Protected Species Survey ('the survey report') provided by an ecologist. Based on the information set out in the survey report, and subject to conditions to secure the recommendations set out in the survey report and to secure the biodiversity enhancement features detailed on the submitted plans, it is considered that the proposal would not result in any unacceptable impact on ecology or biodiversity.

The application is considered to be in accordance with Policy NC1 of the Local Plan and the guidance contained in the NPPF.

6. Impact on 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 and is accompanied by a Flood Risk Assessment which states that surface water drainage would be discharged at a controlled rate to the combined sewer due to there being insufficient space on site for a soakaway. The submitted plans also indicate the provision of a drainage channel along the edge of the site adjacent to St James Place which would help reduce surface

water run-off onto the public highway. It is reiterated that South West Water has indicated no objection to the proposal.

Given the nature of the proposal, and the fact that the proposal would not result in any increase to the impermeable built footprint of the site, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

7. Low Carbon Development

Policy SS14 of the Local Plan seeks to promote a low carbon form of development with adaptations to climate change so as to minimise carbon emissions and the use of natural resources.

The proposal is considered to be an excellent example of low carbon development, and this weighs favourably as part of the planning balance. The proposal would make a contribution to much needed housing delivery in Torbay through the conversion of an existing vacant and underutilised building in a well-located and highly sustainable location. Proposals such as this for contextually appropriate residential densification within the existing built up area help meet Torbay's housing need in a manner that reduces the need for greenfield development at the edge of urban settlements in unsustainable locations that increase the need for car ownership. The proposal therefore makes efficient use of existing brownfield land and infrastructure capacity. The site is in close proximity to local shops, amenities, and bus routes with good provisions for sustainable modes of transport including walking, cycling, and local buses, meaning that private car ownership (which is a major source of carbon emissions) would not be a necessity for future residents of the proposed dwellings. Furthermore, the proposed retention and conversion of the existing building ensures that the embodied carbon¹ contained within the building is retained, thereby minimising the carbon emissions associated with the production of new building materials and the carrying out of construction works. Finally, it is noteworthy that the submitted plans indicate that triple-glazed windows would be installed as part of the proposed development, which would increase the energy efficiency of the building, thereby reducing the need for heating, while the proposed installation of rooflights may also contribute to solar heat gain during daylight hours.

The proposal is considered to be in accordance with Policy SS14 of the Local Plan.

Sustainability

¹ In the London Energy Transformation Initiative's 'Climate Emergency Design Guide', 'embodied carbon' is defined as "The carbon emissions emitted producing a building's materials, their transport and installation on site as well as their disposal at end of life".

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Although the change of use from a place of worship to residential could potentially result in some small-scale loss of employment, in this instance the site has not been a source of employment for some time as the site has been vacant. The delivery of residential dwellings in close proximity to local shops, amenities and bus routes would make a small but positive contribution to their economic viability through increasing their customer base. There are no adverse economic impacts that would arise from this development and the proposal would make a small but positive impact with respect to the economy.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing in a location that is well-located with respect to local shops and amenities. Given the NPPF priority to significantly boost the supply of housing, and the fact that Torbay Council is not currently able to demonstrate a 5-year housing land supply, the proposed additional dwellings must carry considerable weight in this balance. Impacts on neighbour amenity have been discussed above where it is concluded that, subject to conditions requiring obscure-glazing and a construction method statement, the proposal would not result in any unacceptable harm to residential amenity. The social impacts of the development therefore weigh in favour of the development.

The Environmental Role

The proposal would see an existing building that is vacant and underutilised being reused and converted for residential development, thereby retaining the embodied carbon² contained within the existing building and minimising the environmental impacts associated with the production of new building materials. The proposed dwellings would be well-located with respect to local services, amenities, and bus routes, thereby reducing the need for vehicle ownership and enabling sustainable modes of transport including walking, cycling, and public transport. The proposal would contribute to housing delivery through the use of brownfield land, thereby reducing the need for residential development on greenfield land in less sustainable locations. In addition, the proposal would not result in any notable ecological impacts and makes provisions for on-site biodiversity enhancement. The proposal is considered to be positive with respect to the environment.

² In the London Energy Transformation Initiative's 'Climate Emergency Design Guide', 'embodied carbon' is defined as "The carbon emissions emitted producing a building's materials, their transport and installation on site as well as their disposal at end of life".

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

S106: Not applicable.

CIL: Not applicable.

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.

HRA: Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a positive impact overall and help with the supply of much needed housing through the use of well-located brownfield land. While the proposal presents some conflict with Policy DE3 of the Local Plan and Policy TH9 of the Neighbourhood Plan in that it proposes car-free development on a site that is outside of a designated town centre, it is considered that this would not result in any unacceptable highways impacts that would warrant refusal of the application for the reasons described in detail above. Subject to the planning conditions detailed below, the proposal is considered to be generally in accordance with the Development Plan.

Conclusions and Reasons for Decision

It is considered that the proposal is acceptable in principle, and would not result in any unacceptable harm to visual amenities, neighbouring amenities, highways, ecology, or flood risk. The proposal is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission be granted, subject to the condition detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

Conditions

External materials

Prior to the first occupation of the development hereby permitted, the development hereby approved shall be clad in external materials that are fully in accordance with the external materials specified on the plans hereby approved, including natural slate for the roof, render and timber for the walls, timber for the doors, aluminium for the windows, rooflights, fascia, and rainwater goods, and natural stone and timber for the boundary treatment. Prior to installation samples of the timber cladding, natural slate and timber to be used in the boundary treatments shall have previously been submitted to and approved in writing by the Local Planning Authority. Once installed, the external materials shall be retained and maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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.

Hard surfacing

Prior to the first occupation of the development hereby permitted, the surfacing of the front curtilage area of the development hereby approved shall be finished with natural granite setts in accordance with the plans hereby approved. Once installed, the surfacing material of the front curtilage area shall be retained and maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

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.

Sample panel

The natural stone boundary wall around part of the front curtilage of the development hereby approved shall not be completed until a sample panel (with a height of at least 1m and a width of at least 1m) of the said natural stone boundary wall has been made available on site for inspection by the local planning authority and has been approved in writing by the local planning authority. The sample panel shall show the stone to be used, its colour, its lie, the mortar to be used and the means of pointing. Thereafter, all stone work shall be carried out wholly in accordance with the approved sample panel, and shall be retained and maintained as such for the life of the development.

Reason: To ensure that the stone work is consistent with the other similar features in the area in terms of its detailed execution and to comply with Policies DE1 and SS10 of the Adopted Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Obscure-glazing

Prior to the first occupation of the development hereby permitted, the entirety of the two small rooflights on the northwestern side elevation of Unit 3, all parts of the first floor window on the front elevation of Unit 1 that are lower than 1.9m above finished floor level, and all parts of the ground and first floor windows on the rear elevation of Unit 2 that are lower than 1.7m above finished floor level, shall be fitted with obscure glazing to Pilkington level 4, or an equivalent standard. These windows shall be retained and maintained in that condition for the life of the development hereby permitted.

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

Planter box

Prior to the first occupation of the development hereby permitted, a planter box shall be provided at the front of the site adjacent to St James Place in accordance with the plans hereby approved. In the first planting season following the completion of the development, the planter box shall be planted with a basic scheme of soft landscaping, 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 species.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030, and to prevent the use of this land (which is too small to safely accommodate vehicles) for vehicular parking and in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030.

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by,

the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Measures to control the emission of dust and dirt during construction.
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- g) Measures to avoid damage or unreasonable disruption to telephone lines in the vicinity.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Ecology

The development shall proceed fully in accordance with the recommendations set out in the ecological assessment with reference 190804 received 17.04.2020.

Reason: in the interests of protecting against any unacceptable ecological impacts and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Biodiversity Enhancement

Prior to the first occupation of the development hereby permitted, the biodiversity enhancement features indicated on the plans hereby approved shall be provided, and shall thereafter be retained and maintained for the life of the development unless otherwise agreed in writing by the local planning authority.

Reason: In interests of biodiversity enhancement and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

Bin storage

Prior to the first occupation of the development hereby permitted, bin storage facilities shall be provided fully in accordance with the details indicated on the plans hereby approved. Once provided, the bin storage facilities shall be retained and maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and residential amenity, and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

Cycle storage

Prior to the first occupation of the development hereby permitted, cycle storage facilities shall be provided fully in accordance with the details indicated on the plans hereby approved. Once provided, the cycle storage facilities shall be retained and maintained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To satisfy the transport needs of the development hereby approved, and in accordance with Policies DE3 and TA3 of the Adopted Torbay Local Plan 2012-2030.

Relevant Policies

Torbay Local Plan:

SS11 - Sustainable Communities Strategy
H1LFS - Applications for new homes
SS12 - Housing
DE1 - Design
SS10 - Conservation and Historic Environment
DE3 - Development Amenity
TA2 - Development access
TA3 - Parking requirements
NC1LFS - Biodiversity and Geodiversity
ER1 - Flood Risk

Torquay Neighbourhood Plan:

TQTS4 - Support for Brownfield and Greenfield development
TQTH8 - Established architecture
TQTHW4 - Outside space provision
TQTH9 - Parking facilities