

Friday, 26 February 2021

PLANNING COMMITTEE

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

Monday, 8 March 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 Kennedy

Councillor Barbara Lewis

Councillor Manning

Councillor Jacqueline Thomas

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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. 58 Southfield Avenue, Paignton TQ3 1LH P/2020/1130

(Pages 5 - 25)

Formation of dwelling in curtilage of property. (Resubmission of P/2019/0923) (Revised plans received 27.01.21)

5. 30-34 The Terrace, Torquay P/2020/0999

(Pages 26 - 51)

Conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

6. 30-34 The Terrace, Torquay P/2020/1000

(Pages 52 - 70)

Listed building consent for conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

7. 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.

8. **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, 3 March 2021. Site visits will then take place 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.

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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.

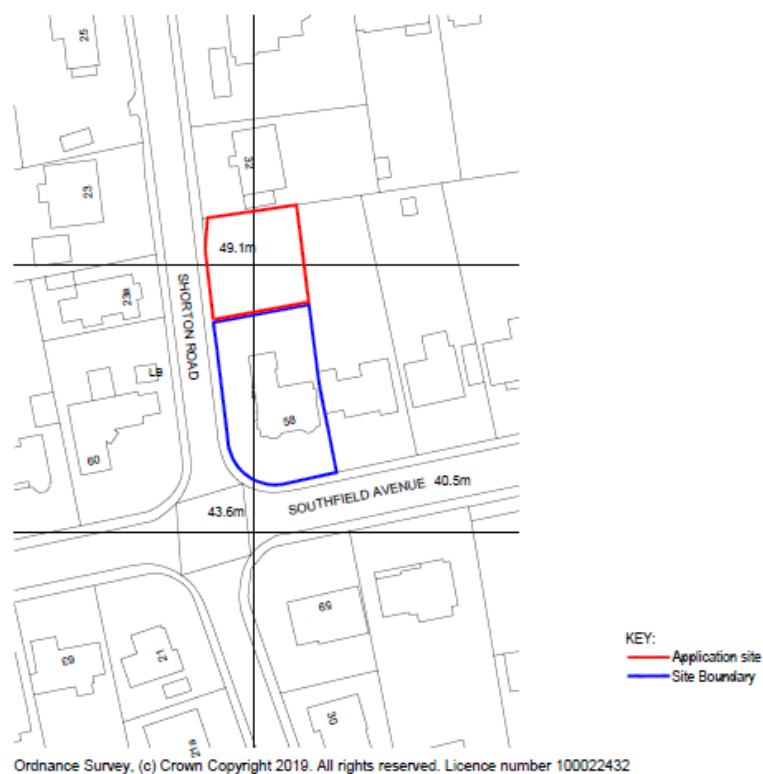
Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- 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	58 Southfield Avenue Paignton TQ3 1LH
Proposal	Formation of dwelling in curtilage of property. (Resubmission of P/2019/0923) (Revised plans received 27.01.21)
Application Number	P/2020/1130
Applicant	Mr and Mrs Munro
Agent	Mrs Anna Suszcynska – Narracotts Architects
Date Application Valid	16/11/2020
Decision Due date	11/01/2021
Extension of Time Date	12/03/2021
Recommendation	Conditional approval subject to the conditions detailed below. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it seeks to address reasons the Committee refused planning permission for a similar development at the site.
Planning Case Officer	Emily Elliott

Location Plan:



Site Details

The site is part of the curtilage of No.58 Southfield Avenue, Paignton, which is a detached residential property located on the corner of Southfield Avenue and Shorton Road. The site will have access from Shorton Road and will be sited to the northern, higher section of the rear garden of No.58 Southfield Avenue. The site slopes down towards the southern edge of the site. The outdoor amenity space for No.58 Southfield Avenue is on two levels that are relatively level. The site forms part of the built up area, but is not otherwise subject to any designations within the Torbay Local Plan.

To the north of No.58 Southfield Avenue is No.32 Shorton Road, which is separated by dense vegetation and a stone boundary wall. The ridge line of No.32 Shorton Road is 58.370 (AOD), whilst the host dwelling No.58 Southfield Avenue has a ridge line of 56.30 (AOD). To the east of No.58 Southfield Avenue is No.56 Southfield Avenue, which is separated by a close-boarded fence. The application site adjoins the end of the rear garden of No 56. Southfield Avenue.

Description of Development

The proposal seeks to form a four bedroom dwelling with an integral garage in the curtilage of 58 Southfield Avenue, Paignton. The proposed dwelling includes a second off-street parking space and outdoor amenity space. The appearance of the proposed dwelling is contemporary and includes a main pitched gable roof with a projecting gable feature. The proposal is for a split-level storey dwelling, that includes lower, ground, first and second floors.

The split-level design incorporates the following:

- Lower ground floor – Hallway, store, utility and integral garage.
- Ground floor – Open lounge/kitchen/dining area.
- First floor – Two bedrooms and a bathroom.
- Second floor – Two bedrooms both with en-suites.

Full-height windows are proposed in the following locations:

- On the eastern elevation to serve bedroom 3 (ground floor) and the lounge/dining area (bottom panes obscurely glazed – first floor);
- On the southern elevation to serve the lounge/dining area (obscurely glazed – first floor); and
- On the western elevation to serve the open lounge/kitchen/dining area (first floor).

Planning permission was recently refused by this Committee for a similar proposal under planning reference P/2019/0923. The proposed plans for this planning application have been revised to address the reasons for refusal on the previous planning application. The key changes are:

- Redesigning the overall appearance of the proposed dwelling from a pitched design with mono-pitch features to a gable pitched roof that incorporates a

projecting gable feature, whilst maintaining the split-level design so that it is more in keeping with the street scene and will have a more traditional appearance, whilst addressing the topography of the area.

- Reduction in the size of the rear terrace.
- Alterations to the design of the roofscape enables the proposal to reduce in bulk and massing when viewing both the northern and southern elevations, to alleviate concerns of the proposal being overbearing.

Pre-Application Enquiry

None sought.

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 Adopted Paignton Neighbourhood Plan 2012-2030

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/2019/0923: Proposed new dwelling in curtilage of property (revised plans received 24/06/2020). Refused 17/07/2020. Appeal in progress.

1. Given the siting, scale and design, the proposed development would constitute an overdevelopment of the site, having an overbearing impact on neighbours and the street scene and would be out of character with the street scene. As such, the proposed development does not represent sustainable development and is contrary to Policies DE1 and DE3 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan and the National Planning Policy Framework in particular paragraphs 127 and 130.

P/1990/0708/OA: Erection Of One Dwelling House With Access Onto Shorton Road (In Outline). Refused 25/05/1990.

1. The proposal constitutes over-development of a restricted site, detrimental to the character, appearance and residential amenity of adjacent property and the

area, and would establish a serious precedent for other similar proposals in this and other areas, which cumulatively would destroy the character of such areas.

P/1982/1421/OA: One Dwelling. Refused 09/08/1982.

1. After due allowance has been made for the provision of an adequate building line, the site is of insufficient size to allow for the erection of a dwelling which would be in keeping with the character of the area, and at the same time allow for adequate space about both the proposed building and the existing house.
2. The proposal would result in an unsatisfactory arrangement of buildings which would adversely affect the residential amenities and privacy of the existing house and adjoining dwellings.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Approximately 20 letters of objection have been received, it should be noted that this number reflects 15 objectors as some have made more than one objection.

This application has been amended since it was originally submitted and was re-advertised when amended, some of the letters respond to the original as submitted proposal

Concerns raised include:

- Loss of light
- Overdevelopment
- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets precedent
- Drainage
- Impact on local area
- Noise
- Traffic and access
- Trees and wildlife
- Land stability
- Planning history

An update will be provided to Members of the Planning Committee following the end of a further public consultation period due to receiving revised plans.

Summary of Consultation Responses

Paignton Neighbourhood Forum:

No comments received.

Torbay Council's Highways Engineer:

Highways standing advice would apply to the above application.

Torbay Council's Drainage Engineer:

As the development is located in Flood Zone 1 and the developer is proposing to discharge his surface water drainage using soakaways, please use the recently agreed standing advice for this planning application.

South West Water:

I refer to the above application and would advised that South West Water has no objection subject to roof/surface water being managed by means of a soakaway as proposed in the Flood Risk Assessment.

Torbay Council's Senior Tree and Landscape Officer:

No arboricultural input is required however the landscape proposals will need to be more detailed to include species, size, planting arrangements and aftercare to ensure establishment.

Torbay Council's Senior Environmental Health Officer:

Further to your recent consultation regarding the above application I would confirm that that I have no objections subject to the inclusion of the following condition:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust. The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- 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.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

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

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 site is located within an established residential area and is considered to be a sustainable location for such development being in relatively close proximity to services and public transport routes. Objectors have raised concerns regarding the planning history of the site. It should be noted that previously in 1990 and 1982 outline consent was refused for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. The reasons for refusal include overdevelopment, impact on visual and residential amenity, potential precedent. These concerns will be addressed in the body of this report.

Objectors have also raised concerns regarding land stability. It should be noted that full structural considerations would be a matter for Building Regulations instead of the planning process.

Policy H1 of the Local Plan states that proposals for new homes within Strategic Delivery Areas, and elsewhere within the built-up area, will be supported subject to consistency with other policies in the Local Plan. It is noted that the Council is currently falling short of its 5-year housing land supply and that the proposal would make a contribution to this shortfall being addressed. As the Council cannot demonstrate a 5 year housing land supply the tilted balance in favour of sustainable development is applicable as required by the National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF states:

Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

This broad position is subject to wider policy considerations that are relevant to the development proposal.

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 PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

There is a somewhat mixed local character and pattern of development within the locality, although it is generally characterised by detached houses within spacious plots. Objectors have raised concerns that the proposal is a form of overdevelopment, it is not in keeping with the local area and it will have a negative impact on the local area. Concerns have also been raised that permitting the proposal will set a precedent. Outline consent has previously been refused on site for a new dwelling in the curtilage of No.58 Southfield Avenue, Paignton. Previous refusals have stated that the proposed dwelling constituted a form of overdevelopment, set a precedent and would have a negative impact in terms of visual impact.

The most recent previous planning application (planning reference P/2019/0923) was refused at Planning Committee, with concerns over the siting, scale and design of the proposed dwelling constituting an overdevelopment of the site and being out of character with the street scene. The current proposal has reflected upon the Council's concerns raised and has redesigned the proposed dwelling to have a more traditional appearance that is of a main pitched gable roof with a projecting gable feature, compared to the previous pitched and mono-pitched element appearance. It should be noted the adjacent properties, Nos. 23A and 32 Shorton Road have gable roofs, to which the proposed dwelling would provide a similar roof form. The proposal is for a split-level storey dwelling, that includes lower, ground, first and second floors. It is considered that the proposal would not have a detrimental impact on the existing street scene as over the decades the adjacent infill plots have been filled (Nos.23, 23A and 32 Shorton Road). It is considered that the existing street scene does not offer any particular characteristic or ambience that would be adversely impacted by the proposed development

The proposed dwelling provides an active frontage along the section of Shorton Road and when considering the existing dwelling, it is considered to be far enough away so as not have an overbearing or over dominant effect on nearby houses or the street scene. The relationship of the proposed siting of the new dwelling within the street scene is therefore considered to be acceptable.

In terms of the footprint of the dwelling within the plot the proposal will result in additional built form within the plot, however other corner plots within the locality have been infilled. Furthermore, an adequate area of outside space is retained for both the proposal and No.58 Southfield Avenue. The overall footprint is therefore considered to be consistent with the urban grain of the area and without detriment to the character and appearance of the locality.

The general scale of development is considered commensurate with the locality when considering the mix of dwellings in the area. It is considered that there is scope for a dwelling within the plot, considering previous planning decisions made in the area. It is also relevant to consider that having regard to the lack of a five year housing land supply in Torbay a tilted balance should be applied in favour of sustainable development. It is considered that the proposal will provide a reasonably sized house which will assist in the supply of housing. It should be noted that the site slopes to the south and that the natural ground levels therefore fluctuate on site, however it is considered that the proposal positively addresses the topography and provides a dwelling of a reasonable size, scale and massing. The footprint of the existing plot of No.58 Southfield Avenue will be subdivided to accommodate the new dwelling however it is considered acceptable due to the plot size, and as an adequate level of space will be provided around both the proposed and existing dwelling.

In terms of design and massing the proposed dwelling will appear predominately as two and a half storeys, due to the topography of the land and the split level internal configuration. In considering the design regard must be given to the surrounding street scene there is a mixture of house types and designs and therefore given the context of the area, the proposal is considered to be acceptable in terms of design and impact on the street scene. There is a mixture of gable and hipped roofscapes with the vicinity, there is also a mixture of finishes from render to cladding. It is considered that as there is no distinct house type or character that the proposal is in keeping with the local area. The proposal is considered to provide a dwelling with a contemporary visual appearance, a planning condition is recommended to secure details of external materials for the proposed dwelling.

Members previously raised concerns that when walking within the locality, the massing of the proposed dwelling would appear out of character and dominant. The design of the proposed dwelling has been revised considerably to provide a more traditional appearance, therefore it is considered that it has overcome Members concerns It should be noted that the No.23A Shorton Road is some 12.1 metres in width and at the tallest part approximately 7.9 metres high, whereas the proposed dwelling is some 12.8 metres in width and ranges between approximately 8-8.5 metres in height. The ridge height of No.23A Shorton Road is +58.37AOD, the proposed dwelling is +55.85AOD and the original build of No.58 Southfield Avenue is +52.12AOD, therefore the proposal suitably fits into the topography of the street. When considering No.23A Shorton Road is an infill dwelling, it is considered that a dwelling of such a proportion would be considered acceptable.

As a result the size, scale, massing and visual appearance of the dwelling is considered to be acceptable and without detriment to the character and appearance of the locality or street scene, and is considered to comply Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

3. Impact on Residential Amenity

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

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. Provision of useable amenity space, including gardens and outdoor amenity area should be provided with a guidance of 55 square metres for new dwellings. Internal floor standards are set out from the DCLG technical housing standards document. This states the minimum internal floor space which should be provided and gives guidance on the minimum floor area. The minimum internal floor spaces set out by this guidance and reflected in Policy DE3 shows that a minimum

floor space of 121 square metres is required for a four bedroom, seven bed-space, three storey dwelling.

The internal floor space area for the proposed dwelling is approximately 175 square metres and the outside amenity space is in excess of 120 square metres, which is above the standards required. No.58 Southfield Avenue retains and maintains its off-street parking spaces and over 200 square metres of outdoor amenity space. It is therefore considered that an adequate standard of accommodation for the proposed dwelling is provided and adequate parking and outdoor amenity space is maintained for No.58 Southfield Avenue.

In terms of impact on the neighbouring properties, the proposal is considered to have an acceptable impact. Objectors have raised concerns regarding loss of light, invasion of privacy, overlooking, noise, negative impact on residential amenity and overbearing. Concerns have also been raised by adjacent dwellings on the opposite site of the road on Shorton Road, it should be noted that Shorton Road separates the proposal and the dwellings adequately, it is considered that the proposal will not have a detrimental impact upon those occupiers.

The proposed dwelling has been significantly revised to overcome the Council's concerns regarding the impact the proposal would have on adjacent neighbours in terms of overbearing. The scheme has been amended in the following ways:

- Alterations to the proposed fenestration, including the insertion of a number of rooflights instead of normal windows in the elevations
- Alterations to the roof form, gable features to provide a more traditional appearance whilst altering the mass of the proposed dwelling.

Impact on privacy

The southern and eastern elevations of the proposed dwelling will sit adjacent to Nos.56 and 58 Southfield Avenue's outdoor amenity space. A planning condition is recommended to ensure that certain windows within the proposed dwelling are obscurely glazed as per the plans, as some particular openings could be detrimental to the privacy of adjacent occupiers, however by obscurely glazing the openings it enables the proposed dwelling to gain natural light.

The site benefits from dense vegetation between itself and No.32 Shorton Road which is shown to be retained on the proposed plans. It should be noted that there is only one opening on the side elevation of No.32 Shorton Road that faces the site, which is an obscurely glazed door leading out onto a roof terrace sited on top of the garage from where it is possible to overlook the existing outdoor amenity space of No.58 Southfield Avenue.

The proposed plans also show a lower patio and a high terraced area, it is considered that with adequate boundary treatments, the privacy between the site and No.56 Southfield Avenue will be maintained. It should be noted that No.56 Southfield Avenue has a large amenity space and the site will only impact upon the end section of this with the most sensitive area of No.56 Southfield Avenue's outdoor amenity space being protected. A further planning condition is recommended to secure the landscaping of the scheme which will provide natural screening between the site and the adjacent dwellings.

The building design has been amended so that the east facing full height glazing to the living area of the new dwelling is set back behind a solid wall to prevent oblique views back towards Nos.58 and 56 Southfield Avenue. It should be noted that the previous refused planning application, did not include invasion of privacy/overlooking as a reason for refusal. Therefore, this element of residential amenity is considered to be acceptable.

Impact of scale and massing on adjacent neighbours

The most recent refused planning application, cited that the siting, scale and design of the proposed dwelling would have an overbearing impact on neighbours.

The resubmission proposes similar separation distances, with the proposed dwelling being located approximately 16 metres from openings on No.58 Southfield Avenue that face the proposed development, whilst No.58's garage is some 9.5 metres away, but has no openings that face the proposal. The proposed dwelling would be approximately 18 metres from openings on No.56 Southfield Avenue and approximately 7.5 metres from the side elevation of No.32 Shorton Road.

The relationship between the proposed dwelling and No.32 Shorton Road is considered to be acceptable given the topographic levels and No.32 being significantly higher than the site.

In respect of the impact to Nos.56 and 58 Southfield Avenue to the south of the site, the dwelling is not considered to impact on the amenity of these properties due to the separation distances and due to the siting, scale and design of the proposal and therefore it is considered that the proposal will not have an overbearing impact on adjacent dwellings. It is considered that the change in roofscape has reduced the massing of the building and therefore alleviates Members concerns on the previous scheme of the proposal being overbearing.

Access to natural light

Due to the siting of the proposed dwelling and it being to the north of No.58 Southfield Avenue, it is considered that due to the topography and orientation that the proposal will not have an impact on the access to natural light to any adjacent neighbour, including No.32 Shorton Road which is sited on higher land.

Residential amenity overview

The site is large enough to accommodate a new dwelling without resulting in any harmful overlooking, overbearing or overshadowing impacts to neighbouring properties. In addition, a planning condition is recommended to remove permitted development rights to ensure that amenity of adjacent dwellings is not impacted due to the site being constrained. A further planning condition is recommended to secure a Construction Method Statement. As such with the addition of the recommended planning conditions, the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policy DE3 in the Local Plan.

4. Impact on Highways

Policy DE3 of the Local Plan specifies that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Policy PNP1(d) of the Paignton Neighbourhood Plan states that new residential development should aim to achieve where appropriate and subject to viability space for solid waste storage within the curtilage and purpose designed cycle parking space that is covered, safe and convenient.

The proposal proposes one off-street parking space to be accessed from Shorton Road and the other off-street parking space is contained within the integral garage. Objectors have raised concerns regarding traffic and access. Appendix F states that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from overhanging and causing an obstruction to the public footway and potentially the public highway. The off-street parking space will be sited directly in front of the garage and therefore 6 metres depth is required to enable the garage door to open. The Council's Highways Engineer has been consulted on the application and has stated that the Highways Standing Advice would apply. The proposed parking provision accords with Appendix F and a planning condition is recommended to retain the parking provision for the new dwelling. Furthermore, two covered and secure bicycle spaces should be provided, these are not indicated on the proposed site layout, however a planning condition is recommended to secure such details prior to occupation.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should

provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. The submitted proposed plans indicate bin storage, therefore a planning condition is recommended to secure the bin storage for the new dwelling.

Subject to the aforementioned planning conditions, the proposal is considered to comply with Policies TA2, TA3 and W1 of the Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan. An informative can be employed to bring to the applicant's attention the requirement that a licence be sought for works within the highway.

5. Impact on Ecology

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

Objectors have raised concerns regarding trees and ecology. It should be noted that the site does not have any tree preservation orders on site, and the site can be cleared without requiring permission from the Local Planning Authority however no tree removal is proposed as part of this development. A planning condition and an informative has been recommended to remind the developer of their responsibility for bats and breeding birds.

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. Policy PNP1(i) of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and the application has been accompanied by a flood risk assessment. Objectors have raised concerns regarding drainage. South West Water have raised no objections to the proposed development. The Council's Drainage Engineer was consulted on the proposal, the adopted Standing Advice applies to the proposal as it is within Flood Zone 1. A planning condition is recommended to ensure that a sustainable surface water drainage method is secured.

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 a good 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

A planning condition shall be employed to provide an electrical charging point and suitable bicycle storage, to encourage the future occupiers to use a sustainable method of transportation.

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

Sustainability

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

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwelling is occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing the additional dwelling to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that it would be possible to develop this site as proposed without significant harm to residential amenity.

On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on

ecology and biodiversity and surface and foul water drainage. These matters are considered in detail above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of a brownfield site within the existing urban area.

It is concluded that the environmental impacts of the development weigh neutrally within the planning balance.

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

ERA: 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 significantly positive impact overall and help with the supply of much needed housing.

Conclusions and Reasons for Decision

In the absence of a 5 year housing land supply applications for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal on balance is considered acceptable in principle; would not result in unacceptable harm to the character of the area, heritage assets, or local amenity; would provide an adequate standard of living accommodation and provide acceptable arrangements in relation to access, ecology and flood risk. The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions 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

Permitted Development Rights

Notwithstanding the provisions of Classes A to E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargements, improvements or other alteration shall take place to the approved dwelling, and no outbuildings or other means of enclosure shall be erected within the garden area of this dwelling house, with the exception of one ancillary structure up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood 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) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) 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.
- 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 Torbay Local Plan 2012-2030.

Materials

Prior to their installation details of the proposed exterior materials including wall finishes, roofing materials, windows, doors, eaves, fascias and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Flood Risk Assessment

In accordance with the submitted flood risk assessment received 5th November 2020, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 40% for climate change unless an alternative means of surface water

drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030, Policy PNP1(i) of the Paignton Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF.

Obscure Glazing

Prior to the occupation of the dwelling hereby approved, the first floor window in the southern flank elevation which serves the dining/lounge area, the first floor lower pane windows in the eastern flank elevation which serves the dining/lounge area, and the second floor window in the northern flank elevation which serves an en-suite 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 100mm opening restrictors. The windows shall thereafter be permanently 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 Torbay Local Plan 2012-2030.

Parking Provision

The dwelling hereby approved shall not be occupied or brought into use until the parking space and garage detailed on the plan reference "2364-02 A" received on 27th January 2021 have been provided. These elements shall thereafter be retained for such purposes for the associated dwelling for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Electric Charging Point

Prior to the occupation of the development hereby approved, a scheme for the insertion of one electrical charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The agreed electrical charging point shall be thereafter maintained and retained for the lifetime of the development.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

Bicycle Storage

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of bicycles according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with Policy DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Refuse Storage

Prior to the first occupation of the development hereby permitted, the provision for storage of refuse and recycling awaiting collection as detailed on the approved plans (plan reference '2364-01 B' received 27th January 2021) shall be in place and available for use. Once provided, the approved storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1(d) of the Paignton Neighbourhood Plan 2012-2030.

Removal of Vegetation

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the 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 birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Landscaping

Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall have been 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 8 weeks of 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 Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Boundary Treatment

Prior to the first occupation of the development hereby approved, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed boundary treatment shall be retained for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Paignton Neighbourhood Plan 2012-2030.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.
2. 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.
3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are

also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

Relevant Policies

DE1 – Design

DE3 – Development Amenity

ER1 – Flood Risk

ER2 – Water Management

H1 – Applications for New Homes

NC1 – Biodiversity and Geodiversity

PNP1(c) – Design Principles

PNP1(d) – Residential Development

PNP1(i) – Surface Water

SS3 – Presumption In Favour Of Sustainable Development

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Management

TORBAY COUNCIL

Application Site Address	30-34 The Terrace, Torquay
Proposal	Conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.
Application Number	P/2020/0999
Applicant	A&A@The Terrace Properties Ltd
Agent	Roach Planning and Environment Ltd
Date Application Valid	11.11.2020
Decision Due date	10.02.2021
Extension of Time Date	08.03.2021
Recommendation	That Planning Permission is granted, subject to the conditions 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 of Planning, Housing & Climate Emergency
Reason for Referral to Planning Committee	Major Application
Planning Case Officer	Jim Blackwell

Location Plan



Site Details

The site comprises three separate, internally interconnected buildings including numbers 30, 32 and 34 The Terrace. It also includes three narrow parking spaces on the opposite side of The Terrace currently used for both parking and bin storage.

Together the properties have been used as offices by Wollens Solicitors who are relocating their premises to new purpose-built offices adjacent to Torquay Clocktower. This is due to the current office accommodation not meeting that business' requirements due to its outdated layout.

The three properties date from between 1820 and 1830 and each is separately Grade II listed. The application site falls within the 'Torquay Harbour' Conservation Area. St John the Apostle Church on Montpelier Road to the north, is Grade I Listed. The entire terrace leading towards Montpellier Road is grade II listed and 30 – 34 contribute to this group value. The Conservation Area Appraisal identify the row as important buildings with an unspoilt frontage.

The front elevations are to the south west fronting The Terrace. Each property has its own front door in its original position, although at present only the entrance to number 30 is used as the main entrance to the offices. The front elevations present an impressive Georgian façade. They lie directly on the street frontage and retain much of their original features. The entire terrace forms one of a number of tiered streets leading up from Fleet Street below. The site can be accessed from the town centre via steps leading down opposite the site and adjacent to the existing parking and bin storage area.

The rear elevation is to the north-east adjacent to Montpellier Road and is at a higher elevation than The Terrace. This creates an enclosed space with a range of original and recent relatively unsympathetic rear extensions at varying heights. The rear elevation is largely hidden from view with only parts of the second floor and roof level visible when walking along Montpellier Road and standing outside St John The Apostle Church, largely due to the level difference, but also due to a boundary wall. The rear becomes more visible when standing adjacent to the row of private parking spaces on the southern edge of Montpellier Road, opposite St John the Apostle Church.

The site is also located within the designated 'Town Centre' under the Torbay Local Plan 2012-2030. It also lies within Flood Zone 1.

Description of Development

The development proposes the change of use from offices to residential with the provision of 12 residential apartments; 1 one bedroom, 10 two bedroom and 1 three bedroom properties. The properties will be separated along their original flank walls and access to all apartments provided through the principal entrances on The Terrace. New internal sub-divisions would be kept to the minimum necessary to ensure ease of flow and movement around the apartments and new structures are confined to the rear courtyards, removing or remodelling the unattractive modern elements and providing small external areas for some of the apartments where possible and appropriate.

Where new elements are proposed to be introduced, they would be finished in render with powder coated aluminium windows and doors to ensure visual clarity between them and the original structures. Rooflights are proposed to the front and rear to provide more light into the building. These would be conservation style to ensure they fit the significance of the buildings. The proposed internal alterations to create the new apartments have been carefully considered during the design process to ensure the retention and restoration of the historic floor plans, features and detailing.

The rear of the site includes a number of flat roof extensions with the creation of three small roof terraces. Again, these works balance the removal of previous poor quality extensions with simplifying the internal layouts.

The scheme also includes:

- The preservation and restoration of the historically significant front elevation.
- The preservation and restoration of historic features including windows, internal openings, covings, and significant features within the Grade II listings.
- Reinstatement of the metal balcony to no.34.
- Any necessary window or roof replacement materials would be like-for-like basis.
- The reinstatement of the three front doors (one to each property) as the main points of access.
- The preservation and restoration of the three internal staircases.
- The enhancement of the rear elevation, including removal of unsympathetic features and extensions.
- A new bin and cycle store opposite the site.

Amendments to the original applications include:

- the elevational treatment of the proposed bin and cycle store has been amended from vertical timber cladding to render.
- the store layout has also been amended in response to Highway comments. The parking space has been omitted to enable a larger store.
- the horizontal timber cladding elements to the rear have been amended to render.
- the front elevation indicated that the windows will be replaced with double glazed, but the original timber windows will now be retained and refurbished where necessary.
- internally, it was proposed that some units would be extensively remodelled. However, the scheme has been carefully redesigned to retain the original fabric where possible.

A range of additional information has been provided:

- a travel plan.
- a viability statement.

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 Adopted Torquay Neighbourhood Plan 2012-2030 (TNP)

Material Considerations:

- 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:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to Conservation areas the Act requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Planning History

- P/2011/0891: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – application P/2008/1261 – approved.
- P/2011/0890: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) - application P/2008/1257– approved.
- P/2008/1261: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – approved.
- P/2008/1257: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) – approved.
- P/2007/1763: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/1762: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/0026: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Other internal works subject to LB consent – approved.
- P/2007/0025: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Removal of a staircase and alterations to the circulation and format of rooms including installation of partitioning - refused.
- P/2006/1061: New signs – approved.
- P/1994/0400: Alterations to offices – approved.

- P/1994/0399: Alterations to offices – approved.

Summary of Representations

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No comments received.

County Archaeologist and Historic Environment Manager:

No comments received.

Torbay Council's Senior Environmental Health Officer:

I am concerned that the space provided in the waste and recycling store is inadequate for twelve households to manage their waste and recycling effectively.

The plans also show that the 10 x 240 litre bins would not be accessible to the residents with access to some of the bins being blocked by other bins.

Natural England:

Natural England has no comments to make on this application.

Torbay Council's Engineering Service Manager:

As the development is located in Flood Zone 1, is not in an area susceptible to surface water flooding and relates only to a change of use, I have no objections on drainage grounds to planning permission being granted.

South West Water:

South West Water has no objection.

Environment Agency:

No comment received, however Flood Zone 1.

Police Designing Out Crime Officer:

From a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective please find the following information, advice and recommendations for consideration and implementation where possible:

The close proximity of the proposed development to local amenities and links to public transport etc. is fully appreciated but it would be remiss not to express some concern over the 'car free' proposal, particularly given the number of bedrooms proposed. Parking provision and its design are key issues for the police when reviewing new residential development as it can be an area that has real potential in creating parking related complaints and issues which the police can spend a considerable amount of time dealing with. It is appreciated that future residents will be fully aware of the parking situation at the location but it cannot be assumed that the owning of private vehicles will be a secondary option to walking or using public transport and thus a concern as to where vehicles will be safely and securely parked.

It is respectfully requested that the 'car free' proposal is carefully considered, particularly when balanced against the number of bedrooms proposed and when assessed against the requirements of local planning policies for parking requirements and provision.

Security requirements for dwellings

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority please find the following which is to inform the applicant:

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use. It also applies to conservation areas.

All doors that provide entry into a building, apartment doors, ground floor, basement and any other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.

As such it is recommended that all external doors, apartment doors and easily accessible windows are sourced from a Secured by Design (SBD) [Member Companies](#). The requirements of SBD are that doors [Accredited Product Search for Doors](#) and windows [Accredited Product Search for Windows](#) are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

[Secured By Design](#) is a free from charge police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places

Crime, fear of crime, ASB and conflict are less likely to occur in new development if the following attributes of Crime Prevention through Environmental Design (CPTED) are considered and implemented in conjunction with the above:-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict.

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked.

Recessed and concealed areas should be avoided where possible as these can reduce surveillance opportunities and provide cover for criminal and unwanted activities or loitering. Where unavoidable the spaces should be securely enclosed without undermining fire regulations or covered by CCTV with compatible lighting.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical protection - Places that include necessary, well-designed security features as required by ADQ, SBD Homes 2019 and SBD Flat Entrance Door sets (attached for ease of reference).

Reference to security at 9.03 of the Design and Access Statement (DAS) is noted.

With regard to the external bike store please note the following security guidance from SBD: and bicycle security

56.1 External containers specifically designed for the secure storage of bicycles and other property must be certificated to one of the following minimum security standards:

- LPS 1175 Issue 7.2:2014 Security Rating 1 (or above); or
- LPS 1175 Issue 8:2018 Security Rating 1/A1 (or above); or
- STS 202 Issue 7:2016 Burglary Rating 1 (or above); or
- LPS 2081 Issue 1.1:2016 Security Rating A; or
- Sold Secure (Bronze, Silver or Gold).

56.3 External, open communal bicycle stores with individual stands or multiple storage racks for securing bicycles will be as close to the building as possible, but in any event within 50 metres of the primary entrance to a block of flats and located in view of active rooms, such as lounges and kitchens. The store must be lit at night using vandal resistant, light fittings and energy efficient LED lights. NB Vertical cycle racks can be difficult for some sections of the community to use.

56.4 Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment:

- Galvanised steel bar construction (minimum thickness 3mm), filled with concrete;
- Minimum foundation depth of 300mm with welded 'anchor bar'. Compliance can be demonstrated by products certificated to one of the following minimum security standards:
- LPS 1175 Issue 7.2:2014 Security Rating 1; or
- LPS 1175 Issue 8:2018 Security Rating 1 (A1); or
- Sold Secure (Bronze, Silver or Gold); or
- STS 502

Please be advised that tradesperson or timed release mechanisms are generally discouraged due to an increase of ASB and unlawful access to multi-occupancy buildings.

With regard to mail delivery within the 3 front entrances it is recommended that the mail boxes are sourced as approved SBD products. Communal mail delivery facilities within building entrances of apartments should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building within view of those using the building:-
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;
- Installed in accordance with the manufacturers specification.

It is recommended that each apartment has a visitor door entry system with both visual and audible facility.

Activity- Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

The above is submitted in accordance with the following national and local policies and guidance:-

National Policy Planning Framework (NPPF)

8. Promoting healthy and safe communities - 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Torquay Neighbourhood Plan Policies BW8 and HLB 9 which state 'Ensure future development of the area promotes community safety, and particularly reduces the fear of crime in the area'

Torbay Local Plan Policies DE1 & SS11 which states 'reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict'

Section 17 Crime and Disorder Act

Secured by Design Homes & Flat Entrance Door set Guidance

Torbay Council's Highways Engineer:

It is understood that the development proposals relate to the re-development of 939m² of office to 12 residential apartments at 30 to 34 The Terrace, Torquay TQ1 1BN. The schedule of accommodation is shown in Table 1 as per the application form:

Quantum of development

Unit Type	1 Bed	2 Bed	3 Bed
Flats	1	10	1

The applicant has submitted a Design & Access Statement to support the application.
Accessibility.

The site is located within the town centre which features a range of amenities such as a post office, a convenience shop, pubs and hair salons. The site fronts onto a shared surface route prohibited to vehicles except for access.

The nearest pair of bus stops is located approximately 150m to the south on A379 Strand. A bus interchange is available, from which a wide range of services are available providing access to Brixham, Paignton, Torquay, Wellswood, Plymouth and Totnes.

The site is not considered to conflict with national and local policy with regards to accessibility.

Highway Safety

The applicant has not collected Personal Injury Collision data from Torbay Council for the latest 5-year period. A crash map investigation identifies that no PICs have occurred in the vicinity of the site on The Terrace. Whilst a large number of accidents have occurred on the A379, this is a highly trafficked link by all modes of travel and the proposed development (especially noting its brownfield nature) is unlikely to exacerbate any accident trends in this location.

Proposed Development

The development comprises 12 apartments, with a bin store and single visitor parking bay located opposite the site on The Terrace. The proposal is considered to be “car free”.

Access

The site fronts directly onto The Terrace and as such pedestrian and cycle access is achieved directly onto the highway (on which vehicles are restricted to access only). No vehicular access is provided to the site itself from the highway.

Servicing

The site is currently serviced via a 1100L bin located opposite the site on The Terrace on land controlled by the applicant, and it is noted there is a no loading restriction between 10am and 6pm. The proposals retain this servicing arrangement. This is considered to be in keeping with the surrounding properties and the constrained nature of the site prohibits alternative arrangements. This servicing arrangement is considered to be suitable.

The applicant has proposed a bin store in a new structure located opposite the main building, with space for 10no 240L eurobins. Whilst the Waste Authority will provide definitive

comments on this aspect of the site, including whether this provision is sufficient, having 10no eurobins may result in increased dwell time for the refuse vehicle on a pedestrianised area when servicing the site. However, regardless of the use that comes forward for the site, it would have to be serviced from The Terrace and The Terrace is managed to mitigate the impact of this in so far as possible.

Parking

The development does not propose any resident parking. In accordance with Appendix F of the Adopted Torbay Local Plan 2012-2030, “Car-free development, may be permitted within town centres, where there is good access to public transport and the potential to use existing car parks”.

The proposed development is located in an area featuring controlled parking, with double yellow lines and “no stopping” restrictions. Some parking is marked on-street to the east of the site. A public car park is available at Montpellier Road, which is a long stay car park for which car park permits are valid.

A single disabled visitor space is provided. This space features constrained visibility onto the pedestrianised zone in the primary direction due to the new cycle/bin structure. It is currently unclear how the use of the bay will be enforced so that only visitors, and not general residents or people who are not associated with the development, use the parking space.

Cycle parking is provided with space for 8 cycles in a secure and covered structure opposite the main building on The Terrace. Local parking standards require a minimum of two cycles pre dwelling, suggesting that space for 24 cycles should be provided. With the development being car-free, a suitable cycle parking provision is of increased importance.

Given the car-free and town centre location of the proposed development, it is preferable to replace the disabled visitor parking bay with a larger bin / cycle store that is able to accommodate 24 cycles and an increased number of / larger 1100L bins (if required).

Trip Generation

The applicant has not provided details of the net change in trips generated by the site. Given the scale of the development, its car free nature, existing use and town centre location, the net change in trip generation is unlikely to have a significant negative impact on the operation of the highway network.

Travel Plan

Given the site’s town centre location and car free nature, a Travel Plan that is proportionate to the scale of the development is required to maximise travel by sustainable modes and demonstrate to residents that car ownership is not necessary.

Conclusion

Whilst the principle of the proposed development is supported, the Local Highway Authority required additional information in order to provide a positive recommendation:

- Demonstrate that there is sufficient space for 24 cycles in accordance with Appendix F of the Adopted Torbay Local Plan 2012 – 2030

- Demonstrate that the disabled visitor parking bay would be safe to access and egress, and how its proper use would be enforced.
- Provide a Travel Plan that is proportionate to the scale of the development.

The following response has been provided following submission of the Travel Plan:

The applicant has submitted additional information to address comments raised by the highway authority in response to the application. The LHA have no objection to the proposals, subject to the following conditions:

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to implement inward opening doors on the bike sheds on The Terrace.

Reason: In the interests of Highway Safety

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to provide a Travel Plan noticeboard in a communal area of the proposed development, detailing the following travel information (based on the contents of the Travel Plan) to be updated twice a year as necessary:

- Key destinations and routes within 800m walking distance of the site;
- Key destinations and routes within 5km cycle distance of the site;
- Bus services and timetables for services available at nearby bus stops; and
- Details of taxi, car hire and car sharing services available to residents.

Torbay Council Community Safety Team

I would confirm that I have no objections subject to the inclusion of a condition regarding a construction management plan as follows:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- 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.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

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

Historic England:

On the basis of the information available to date, we do not wish to offer any comments.

Planning Officer Assessment

Key Issues/Material Considerations:

1. Principle of Development
2. Design and Visual Impact
3. Impact on Heritage Assets
4. Impact on Residential Amenity
5. Impact on Highway Safety
6. Ecology and Biodiversity
7. Drainage and Flood Risk
8. Low Carbon Development
9. Other Considerations

1. Principle of Development

There are a range of commercial, retail and residential uses around the site and the proposed use is therefore considered acceptable. The site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This accords with the objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan.

The applicant has provided evidence that there will not be any job losses associated with the proposed development as the properties will be vacant in the near future. The planned business relocation led the properties to be placed on the market for sale. Furthermore the outdated layout and relatively large size of the combined properties does not make for an attractive proposition for new business occupants and the agents marketing the properties. Evidence has been provided to show that it did not receive interest from potential business occupiers. The original intended use of the property was residential and given the range of heritage gains the proposed new use is considered acceptable. The application is CIL liable and as such no employment contributions are required.

Local Plan Policy SS1 sets out a growth strategy for a prosperous Torbay, supports regeneration that creates sustainable living, working and leisure environments, and seeks delivery of homes. Policy SS12 emphasises the importance of regeneration of brownfield sites and town centre sites in contributing to housing supply.

Local Plan Policy H1 states that proposals for new homes in the built-up areas of Torbay will be supported (subject to other Plan policies); promotes re-use of brownfield land and urban regeneration; and seeks to reduce the need to travel by car. The Torquay Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported in principle.

Local Plan Policy TC1 focuses on the three town centres of Torquay, Paignton and Brixham and refers to the Torquay town centre Masterplan SPD. Neighbourhood Plan Policy TS2 states that major development proposals within the town centre will be supported where they conform to the Masterplans adopted by the Council. The Masterplan identifies a zone surrounding Fleet Walk, within which the application site is located, to “maximise residential uses to increase footfall in the Town Centre”.

Policy TC1 supports housing provision within and near to town centres, particularly within peripheral parts of the designated town centre not covered by Primary or Secondary Shopping Frontage. Policy TC1 also supports the re-use of outdated floorspace as a source of housing. The application site is located within the town centre, but not within the Primary Shopping Area or Primary or Secondary Shopping Frontage. The Town Centre Community Partnership state in the Torquay Neighbourhood Plan that a key community aim is to encourage more people to live and work within the town centre.

Therefore, given its highly sustainable, town centre location, the proposed redevelopment is supported in principle by Local Plan Policies H1, SDT1, SDT2 and TC1, by Neighbourhood Plan Policies TS2 and TS4.

2. Design and visual impact

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, it 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 TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings.

Given the contained nature of the three buildings, the design and visual impact from the proposal is limited to the front and rear elevations.

The front elevation remains largely unaltered other than the insertion of rooflights. The application has been amended to retain and restore the existing windows where possible, rather than wholesale replacement with double glazing. The metal balcony to no.34 will be reinstated to match the existing on no.32. Three conservation rooflights will be inserted into each property.

As described previously the buildings are set into the steeply sided bank towards Montpellier Road. Any alterations will have limited visibility, however the impact on the significance of the building is the key consideration. The most visible changes will be the rooflights which will be inserted to match the design used on the front elevation in design. The changes reflect the sensitivities of the original building whilst removing features which are considered unsympathetic. In order to reflect the original materials and provide a more robust finish, the proposed timber clad elevations on the new build elements have been amended to render.

There are also access gates and an external staircase proposed to the rear of no. 30 in order to gain access to Montpellier Road. The top of the stairs would take you to a route running towards no.34 and out on to street level. Although utilitarian in design, the stainless steel is considered a robust material, and given the enclosed nature of the space, would not be visible.

The proposal also includes the creation of a new cycle and bin store opposite the site. This element of the scheme has been amended to ensure the materials reflect the existing context within the conservation area and opposite the grade II listed buildings. The current site is occupied by bin storage and a small parking area. As The Terrace rises up towards the east the lots facing the highway are occupied by a variety of parking spaces, bin storage areas, the rear of retail units and access to flats lower down the tier towards Fleet Street. The proposed store is considered appropriate in terms of scale, massing and materials. Its simple design approach will have a minimal impact on the streetscene.

Given the overall proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene. The proposal is therefore 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 Heritage Assets

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 193). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

In terms of the Development Plan it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The application is supported by a Heritage Statement which also recognises Policy TH10 of the Torquay Neighbourhood Plan support alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance.

The proposals make the best of the buildings original features, particularly the Georgian façade and three internal staircases. It consolidates the various rear extensions and alterations into a more coherent form.

The key elements of 30 - 34 The Terrace's special architectural or historic interest have been identified as its aesthetic interest, particularly from The Terrace, the remaining internal and external architectural detailing, the street scene and the positive contribution to the conservation area. The proposed change of use has been found to be beneficial to the special architectural and aesthetic interest of the buildings through ensuring a sustainable and viable future for the properties that will be in accordance with its stature and original purpose.

The minor internal alterations will not harm the character of the building, which will be enhanced overall through the restoration of lost internal features and the preservation and continuing maintenance of the exterior. The range of unsympathetic rear extensions would be removed or re-purposed to provide contemporary additions that will better reveal the original form of the buildings. The proposals have been properly assessed in terms of the significance of the buildings and the potential impact on this significance and it is concluded that the proposals will ensure the long term maintenance and enhancement of the group and will provide appropriate residential accommodation in this sustainable town centre location.

The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

This conclusion has been reached in relation to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

4. Impact on Residential Amenity

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards. Given the enclosed nature of the site and urban location, the proposal is only able to include a number of small, external terraces. However, the site has access to open space and a number of beaches within walking distance.

The external terraces are relatively small and are not considered to cause any harm to neighbouring amenity. There would be not be any issues of overlooking or intervisibility between proposed units.

No letters of representation have been made towards this planning application concerned with residential amenity.

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and Policy DE3 of the Local Plan.

5. Impact on Highway Safety

Policies TA2 and TA3 of the Local Plan establish criteria for the assessment of development proposals in relation to access arrangements and vehicle parking. Policy TH9 of the Torquay Neighbourhood Plan states that all new housing development must meet the guideline parking requirements contained within 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 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. Policy THW5 of the Torquay Neighbourhood Plan supports new development proposals where they are located on or near to public transport routes wherever possible and appropriate. In this case the site is considered to be in a commercial area which is already well served by public car parks and therefore would not create significant additional demand. Furthermore, the constraints of the site and listed building status means that it would be unsuitable to accommodate off street car parking.

Local Plan Policy TA1 promotes development in locations that are easily accessible and safely reached on foot, cycle, public transport, other sustainable transport or car. It states that development should be designed so that use of cars is reduced wherever possible and residents have adequate access to employment, retail and community facilities within safe walking and cycling distance and via close proximity to bus stops. Neighbourhood Plan Policies THW5 and TTR2 have similar themes.

The application site is in an extremely accessible location. Fleet Street and the Harbourside are within walking distance, as well as offering significant variety of amenities and employment opportunities, have a range of bus stops for sustainable travel to numerous destinations. The proposed development therefore complies with Policies TA1, THW5 and TTR2. Local Plan Policy TA3 and Neighbourhood Plan Policy TH9 concern parking, with Local Plan Appendix F setting guideline parking standards. Although noting that these are flexible for town centre locations with good travel infrastructure. It is considered that the provision of no vehicle parking, but 24 cycles, is appropriate for this very accessible, centrally located site. As such, there is no conflict with Policies TA3 and TH9.

Appendix F of the Adopted Torbay Local Plan 2012-2030, states that “Car-free development, may be permitted within town centres, where there is good access to public transport and the potential to use existing car parks”.

The proposed development is located in an area featuring controlled parking, with double yellow lines and “no stopping” restrictions. Some parking is marked on-street to the east of the site. A public car park is available at Montpellier Road, which is a long stay car park for which car park permits are valid.

Cycle parking has been increased from 8 to 24 cycles in order to accord with local parking standards which require a minimum of two cycles pre dwelling. With the development being car-free, a suitable cycle parking provision is of increased importance.

This amendment has enabled a larger bin and cycle store that is able to accommodate the larger number of cycles and an increased number of bins.

A Travel Plan has been provided and the Strategic Transport Officer has no objection.

The Council's Strategic Transport Officer has advised that the proposal is considered acceptable and meets the requirements of Policy TA1, TA2 and TA3 and TH9 of the Torquay Neighbourhood Plan.

6. Ecology and Biodiversity

An Ecological Impact Assessment report comprising two main elements (Stage 1 and Stage 2) have been carried out to assess impacts from the proposed development.

The Stage 1 PEA provided information on the potential for and, if apparent, evidence of use of the site by protected species (specifically bats and birds). The second element of the EclA included further Stage 2 protected species surveys comprising a bat roost presence/likely absence subsequently upgraded to a bat roost characterisation survey due to an emerging bat being recorded.

The further Stage 2 protected species surveys with up to one common pipistrelle observed roosting. Due to the number of bats, the amount of evidence recorded during the initial Stage 1 and subsequent Stage 2 surveys, distribution of access point and use, the site was considered to be a day, non-breeding roost for low numbers of common pipistrelle bats.

The development works will result in the loss/blocking access of the identified roosts, the potential to kill/injure bats during some of the works as well as disturbance, and therefore, an EPSL was considered necessary.

Mitigation and compensation measures for the loss of the bat roost have been suggested, which if followed would ensure that the favourable conservation status is maintained for the bat species identified and the continued ecological functionality of the roost.

Therefore, mitigation and compensation were proposed with the following details:

- A total of two external Schwegler 1 FQ bat boxes to be fitted at height at the northern wall to Montpellier Road. Bats were seen commuting along the wall throughout the Stage 2 surveys. Therefore, boxes shall be fitted facing a suitable aspect (south facing wall), along existing flight line, close to current roost access points/roosting locations and away from windows and lights;
- The soft demolition/stripping of all key bat features of the catslide roof slates, bargeboards or the blocking of any access points will require supervision by a licenced bat ecologist and need to be carried out in a slow and careful removal process under a granted EPSL. Once all bat features or areas of high risk to bats have been cleared, works can continue uninterrupted;
- Contractors will be made aware of the new bat roosting locations during soft demolition/stripping and how these need to be fitted (with the aid of photography and mapping) before and during the toolbox talk required as part of the EPSL for the Site. Installation of the bat box must be overseen by an ecologist, to comply with the licence requirements;
- If external lighting was required, this will be kept to a minimum and should consist of LED luminaries, ideally of a warm white spectrum (< 2,700 Kelvin), upward light ratio

of 0 % and with good optical control, with any external security lighting to be set on motion-sensors and short (1 minute) timers (Institution of Lighting Professionals and Bat Conservation Trust, 2018). No additional lighting to be fitted in close proximity to the bat boxes. New internal lighting to be recessed to avoid glare and light spill, particularly to the northern courtyard. Refer to Guidance Note 08/18 on Bats and Artificial Lighting in the UK for further details (Institution of Lighting Professionals and Bat Conservation Trust, 2018).

Subject to the addition of suitable conditions the proposal is therefore deemed to comply with Policies NC1 and C4 of the Local Plan.

7. Drainage and Flood Risk

National guidance contained within the NPPF cites that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Para 163).

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, which is aligned with guidance contained within the NPPF. In regard to foul waters Policy ER2 of the Local Plan includes reference that development proposals should provide appropriate sewage disposal systems with separate foul and surface water, which seek to use sustainable measures and reduce water being discharged into shared sewers.

The site sits in an area with a low risk (Flood Zone 1) of flooding and the site is also within a Critical Drainage Area as designated by the Environment Agency.

The Council's Engineering Service Manager and South West Water has been consulted on the application and have no objection.

Given the nature of the proposal, 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 Policies ER1 and ER2 of the Local Plan.

8. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 - Energy seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The effects on the environment and sustainability have been considered as an integral element to the proposal. The construction aims to meet the highest design and performance qualities, with Building Regulation required u-values being met or exceeded.

The existing window openings are to be largely retained although at the rear of the building, new window openings are proposed in addition to preserving the existing openings. New elements of construction aim to reduce artificial lighting costs by achieving a good daylight factor of 2-5%.

A highly efficient low emissivity glazing system will be used in the proposed windows. In addition, good u-values will be offered with the efficient insulation used to line the internal face of the envelope of the building. The heating system will be designed to incorporate localised control which will respond to the occupancy patterns of the building users. Low energy LED or similar lights will be used throughout.

This design approach to the site is therefore in accordance with Local Plan Policies SS3 and ES1.

9. Other Considerations

The Council is unable to demonstrate a five year supply of deliverable housing land. The five year supply position represents a significant shortfall and must be treated as an important material consideration weighing in favour of the proposal.

Considering the current housing supply position it is advised that in determining the application, the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to be in conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Sustainability

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

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

On balance, the social impacts of the development weigh strongly in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape, ecology and bio-diversity and surface and foul water drainage. These matters have been considered above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. It has to be appreciated that the site is identified for housing within the Development Plan and is a brownfield site.

The proposed development is in a sustainable, town centre with a range of public transportation links. It is considered a high quality redevelopment of a brownfield site, enhancing the setting of the conservation area, street scene and introducing more sustainable building methods. In respect of the environmental element of sustainable development, the balance is considered to be in favour of the development.

Sustainability Conclusion

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

Local Finance Considerations

Community Infrastructure Levy

The residential aspect of the site is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm. An informative can be imposed, should consent be granted, to explain the applicant's, developer's, landowner's obligations under the CIL Regulations.

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:

In view of the nature of the application there is not likely to be a Significant Effect on the Annex I habitats - alone or in-combination with other proposals or projects.

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 significantly positive impact overall and help with the supply of much needed housing.

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.

Proactive Working

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.

Conclusions and Reasons for Decision

The proposal is acceptable in principle as it would not result in unacceptable harm to the character of the area, the setting of the Conservation Area or local amenity; would provide acceptable arrangement in relation to residential amenity, highways and flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

The development is also considered to have a positive impact on the the listed buildings with the added public benefit through the re-use of the heritage asset and the provision of much needed additional housing.

The proposals are considered to be in accordance with the provisions of the Development Plan. The Officer recommendation is therefore one of conditional approval.

Officer Recommendation

Approval - subject to:

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency;
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Materials:

The development hereby approved shall be constructed in full accordance with the materials specified on the approved plans unless otherwise agreed in writing. Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policy DE1 of the Torbay Local Plan 2012-2030.

Schedule of works:

The conservation repair works to the Grade II Listed Building shall be completed in accordance with the approved schedule of works and shall be retained as such at all times thereafter.

Reason: in order to preserve the heritage asset in a manner appropriate to its significance and in order to comply with Policies SS10 & HE1 of the Torbay Local Plan 2012-2030.

Detailed design 1:

Prior to installation details of all external materials shall be submitted to and approved in writing by the Local Planning Authority including, but not limited to:

1. A sample of the proposed slate and brickwork,
2. Window and door materials, colours and profiles,
3. A sample of the proposed metal cladding,
4. Details of the reinstated metal balcony to no.34,
5. Details of all fencing and other mains of enclosures including balconies,
6. Rainwater goods,
7. Full details of the proposed roof terraces,

The development shall proceed in full accordance with the approved detail and shall be retained as such for the lifetime of the development.

Reason: In order to protect visual character and heritage assets in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan and advice contained within the NPPF.

Ecology Mitigation Measures:

The development shall proceed in full accordance with the submitted and approved Ecological Impact Assessment Report (Colmer Ecology Ltd October 2020).

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Ecological Mitigation Measures:

Prior to the first use of the development hereby approved, the following shall be incorporated into the development (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter:

- A total of two external Schwegler 1 FQ bat boxes to be fitted at height at the northern wall to Montpellier Road. Boxes shall be fitted facing a suitable aspect (south facing wall), along existing flight line, close to current roost access points/roosting locations and away from windows and lights;
- The soft demolition/stripping of all key bat features of the catslide roof slates, bargeboards or the blocking of any access points will be supervised by a licenced bat ecologist and need to be carried out in a slow and careful removal process under a granted EPSL. Once all bat features or areas of high risk to bats have been cleared, works can continue uninterrupted;
- Contractors will be made aware of the new bat roosting locations during soft demolition/stripping and how these need to be fitted (with the aid of photography and mapping) before and during the toolbox talk required as part of the EPSL for the site. Installation of the bat box must be overseen by an ecologist, to comply with the licence requirements;
- External lighting will be kept to a minimum and should consist of LED luminaries, ideally of a warm white spectrum (< 2,700 Kelvin), upward light ratio of 0% and with good optical control, with any external security lighting to be set on motion-sensors and short (1 minute) timers (Institution of Lighting Professionals and Bat Conservation Trust, 2018). No additional lighting to be fitted in close proximity to the bat boxes. New internal lighting to be recessed to avoid glare and light spill, particularly to the northern courtyard. Refer to Guidance Note 08/18 on Bats and Artificial Lighting in the UK for further details (Institution of Lighting Professionals and Bat Conservation Trust, 2018).

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Window and door details:

Prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors;
- Reveal sections, drawn to a scale of 1:1-1:10;
- Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Listed Building in accordance with Policy HE1 of the Torbay Local Plan and TH10 of the Torquay Neighbourhood Plan.

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- 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.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

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

Cycle storage doors

Unless agreed in writing with the Local Planning Authority the doors on the cycle storage hereby approved shall open inwards.

Reason: In the interests of Highway Safety

Travel Plan notice board

Unless otherwise agreed in writing with the Local Planning Authority a Travel Plan noticeboard shall be provided in a communal area(s) of the proposed development, detailing the following travel information (based on the contents of the Travel Plan) to be updated twice a year as necessary:

- Key destinations and routes within 800m walking distance of the site;
- Key destinations and routes within 5km cycle distance of the site;
- Bus services and timetables for services available at nearby bus stops; and
- Details of taxi, car hire and car sharing services available to residents.

Reason: In the interests of sustainability and reducing the need for people to travel using a private car.

Implementation of bicycle and refuse storage:

Prior to the first occupation of any dwellings unit(s) hereby approved, the bicycle and refuse storage facilities shown on the approved plans that relate to that dwelling(s) shall be provided and made available for use for those dwellings. Once provided, storage arrangements shall be retained and maintained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan 2012-2030.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

2. 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.

3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

4. Healthcare Contribution

For the purposes of the Council document 'Planning Contributions and Affordable Housing SPD February 2017' a Healthcare Contribution is payable prior to first occupation of the development. The Healthcare Contribution shall be £1,300 for each dwelling (either C2 or C3) on the site which is not an affordable dwelling. Any developer who is not Torbay

Council, or an agent of Torbay Council, must enter into a Planning Obligation to secure payment of the Healthcare Contribution prior to commencement of development.

Relevant Policies

Local Plan

DE1 – Design.

DE3 – Development Amenity.

ES1 - Energy

TA2 – Development Access.

TA3 – Parking Requirements.

ER1 – Flood Risk.

ER2 – Water Management.

NC1 – Biodiversity and Geodiversity.

HE1 – Listed Buildings

SS3 – Presumption in favour of Sustainable Development.

SS4 – The Economy and Employment.

SS10 – Conservation and the Historic Environment.

SS11 – Sustainable Communities.

SS14 - Low carbon development and adaptation to climate change

C4 – Trees, hedgerows and natural landscape features.

Torquay Neighbourhood Plan

TH8 – Established Architecture.

TH9 – Parking Facilities.

THW5 – Access to sustainable Transport.

TE5 – Protected species habitats and biodiversity.

TH10 – Protection of the Historic Built Environment.

TS1 – Sustainable Development.

TS4 – Support for Brownfield and Greenfield development.

TT2 – Change of use in Conservation Areas and Listed Buildings.

TORBAY COUNCIL

Application Site Address	30-34 The Terrace, Torquay
Proposal	Listed building consent for conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.
Application Number	P/2020/1000
Applicant	A&A@The Terrace Properties Ltd
Agent	Roach Planning and Environment Ltd
Date Application Valid	11.11.2020
Decision Due date	10.02.2021
Extension of Time Date	08.03.2021
Recommendation	That Listed Building Consent is granted, subject to the conditions 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 of Planning, Housing & Climate Emergency
Reason for Referral to Planning Committee	Major Application
Planning Case Officer	Jim Blackwell

Location Plan



Site Details

The site comprises three separate, internally interconnected buildings including numbers 30, 32 and 34 The Terrace. It also includes three narrow parking spaces on the opposite side of

The Terrace currently used for both parking and bin storage.

Together the properties have been used as offices by Wollens Solicitors who are relocating their premises to new purpose-built offices adjacent to Torquay Clocktower. This is due to the current office accommodation not meeting that business' requirements by virtue of its outdated layout.

The three properties date from between 1820 and 1830 and each is separately Grade II listed. The application site falls within the 'Torquay Harbour' Conservation Area. St John the Apostle Church on Montpelier Road to the north, is Grade I Listed. The entire terrace leading towards Montpellier Road is grade II listed and 30 – 34 contribute to this group value. The Conservation Area Appraisal identify the row as important buildings with an unspoilt frontage.

The front elevations are to the south west fronting The Terrace. Each property has its own front door in its original position, although at present only the entrance to number 30 is used as the main entrance to the offices. The front elevations present an impressive Georgian façade. They lie directly on the street frontage and retain much of their original features. The entire terrace forms one of a number of tiered streets leading up from Fleet Street below. The site can be accessed from the town centre via steps leading down opposite the site and adjacent to the existing parking and bin storage area.

The rear elevation is to the north-east adjacent to Montpellier Road and is at a higher elevation than The Terrace. This creates an enclosed space with a range of original and recent relatively unsympathetic rear extensions at varying heights. The rear elevation is largely hidden from view with only parts of the second floor and roof level visible when walking along Montpellier Road and standing outside St John The Apostle Church, largely due to the level difference, but also due to a boundary wall. The rear becomes more visible when standing adjacent to the row of private parking spaces on the southern edge of Montpellier Road, opposite St John the Apostle Church.

The site is also located within the designated 'Town Centre' under the Torbay Local Plan 2012-2030. It also lies within Flood Zone 1.

Description of Development

The development proposes the change of use from offices to residential with the provision of 12 residential apartments; 1 one bedroom, 10 two bedroom and 1 three bedroom properties. The properties will be separated along their original flank walls and access to all apartments provided through the principal entrances on The Terrace. New internal sub-divisions would be kept to the minimum necessary to ensure ease of flow and movement around the apartments and new structures are confined to the rear courtyards, removing or remodelling the unattractive modern elements and providing small external areas for some of the apartments where possible and appropriate.

Where new elements are being introduced, they would be finished in render with powder coated aluminium windows and doors to ensure visual clarity between them and the original structures. Roof lights are proposed to the front and rear to provide more light into the building. These will be conservation style to ensure they fit the significance of the buildings.

The proposed internal alterations to create the new apartments have been carefully considered during the design process to ensure the retention and restoration of the historic floor plans, features and detailing.

The rear of the site includes a number of flat roof extensions with the creation of three small roof terraces. Again, these works balance the removal of previous poor quality extensions with simplifying the internal layouts.

The scheme also includes:

- The preservation and restoration of the historically significant front elevation.
- The preservation and restoration of historic features including windows, internal openings, covings, and significant features within the Grade II listings.
- Reinstatement of the metal balcony to no.34.
- Any necessary window or roof replacement materials would be like-for-like basis.
- The reinstatement of the three front doors (one to each property) as the main points of access.
- The preservation and restoration of the three internal staircases.
- The enhancement of the rear elevation, including removal of unsympathetic features and extensions.
- A new bin and cycle store opposite the site.

Amendments to the original applications include:

- the elevational treatment of the proposed bin and cycle store has been amended from vertical timber cladding to render.
- the store layout has also been amended in response to Highway comments. The parking space has been omitted to enable a larger store.
- the horizontal timber cladding elements to the rear have been amended to render.
- the front elevation indicated that the windows will be replaced with double glazed, but the original timber windows will now be retained and refurbished where necessary.
- internally, it was proposed that some units would be extensively remodelled. However, the scheme has been carefully redesigned to retain the original fabric where possible.

A range of additional information has been provided:

- a travel plan.
- a viability statement.

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 Adopted Torquay Neighbourhood Plan 2012-2030 (TNP)

Material Considerations:

- 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:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to Conservation areas the Act requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Planning History

- P/2011/0891: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – application P/2008/1261 – approved.
- P/2011/0890: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) - application P/2008/1257– approved.
- P/2008/1261: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – approved.
- P/2008/1257: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) – approved.
- P/2007/1763: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/1762: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/0026: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Other internal works subject to LB consent – approved.
- P/2007/0025: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Removal of a staircase and alterations to the circulation and format of rooms including installation of partitioning - refused.
- P/2006/1061: New signs – approved.
- P/1994/0400: Alterations to offices – approved.
- P/1994/0399: Alterations to offices – approved.

Summary of Representations

Summary of Consultation Responses

Torquay Neighbourhood Forum:

No comments received.

County Archaeologist and Historic Environment Manager:

No comments received.

Torbay Council's Senior Environmental Health Officer:

I am concerned that the space provided in the waste and recycling store is inadequate for twelve households to manage their waste and recycling effectively.

The plans also show that the 10 x 240 litre bins would not be accessible to the residents with access to some of the bins being blocked by other bins.

Natural England:

Natural England has no comments to make on this application.

Torbay Council's Engineering Service Manager:

As the development is located in Flood Zone 1, is not in an area susceptible to surface water flooding and relates only to a change of use, I have no objections on drainage grounds to planning permission being granted.

South West Water:

South West Water has no objection.

Environment Agency:

No comments received, however in Flood Zone 1.

Police Designing Out Crime Officer:

From a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective please find the following information, advice and recommendations for consideration and implementation where possible:

The close proximity of the proposed development to local amenities and links to public transport etc. is fully appreciated but it would be remiss not to express some concern over the 'car free' proposal, particularly given the number of bedrooms proposed. Parking provision and its design are key issues for the police when reviewing new residential development as it can be an area that has real potential in creating parking related complaints and issues which the police can spend a considerable amount of time dealing with. It is appreciated that future residents will be fully aware of the parking situation at the location but it cannot be assumed that the owning of private vehicles will be a secondary option to walking or using public transport and thus a concern as to where vehicles will be safely and securely parked.

It is respectfully requested that the 'car free' proposal is carefully considered, particularly when balanced against the number of bedrooms proposed and when assessed against the requirements of local planning policies for parking requirements and provision.

Security requirements for dwellings

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority please find the following which is to inform the applicant:

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use. It also applies to conservation areas.

All doors that provide entry into a building, apartment doors, ground floor, basement and any other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.

As such it is recommended that all external doors, apartment doors and easily accessible windows are sourced from a Secured by Design (SBD) [Member Companies](#). The requirements of SBD are that doors [Accredited Product Search for Doors](#) and windows [Accredited Product Search for Windows](#) are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

[Secured By Design](#) is a free from charge police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places

Crime, fear of crime, ASB and conflict are less likely to occur in new development if the following attributes of Crime Prevention through Environmental Design (CPtED) are considered and implemented in conjunction with the above:-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict.

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked.

Recessed and concealed areas should be avoided where possible as these can reduce surveillance opportunities and provide cover for criminal and unwanted activities or loitering. Where unavoidable the spaces should be securely enclosed without undermining fire regulations or covered by CCTV with compatible lighting.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical protection - Places that include necessary, well-designed security features as required by ADQ, SBD Homes 2019 and SBD Flat Entrance Door sets (attached for ease of reference).

Reference to security at 9.03 of the Design and Access Statement (DAS) is noted.

With regard to the external bike store please note the following security guidance from SBD: and bicycle security

56.1 External containers specifically designed for the secure storage of bicycles and other property must be certificated to one of the following minimum security standards:

- LPS 1175 Issue 7.2:2014 Security Rating 1 (or above); or
- LPS 1175 Issue 8:2018 Security Rating 1/A1 (or above); or
- STS 202 Issue 7:2016 Burglary Rating 1 (or above); or
- LPS 2081 Issue 1.1:2016 Security Rating A; or
- Sold Secure (Bronze, Silver or Gold).

56.3 External, open communal bicycle stores with individual stands or multiple storage racks for securing bicycles will be as close to the building as possible, but in any event within 50 metres of the primary entrance to a block of flats and located in view of active rooms, such as lounges and kitchens. The store must be lit at night using vandal resistant, light fittings and energy efficient LED lights. NB Vertical cycle racks can be difficult for some sections of the community to use.

56.4 Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment:

- Galvanised steel bar construction (minimum thickness 3mm), filled with concrete;
- Minimum foundation depth of 300mm with welded 'anchor bar'. Compliance can be demonstrated by products certificated to one of the following minimum security standards:
- LPS 1175 Issue 7.2:2014 Security Rating 1; or
- LPS 1175 Issue 8:2018 Security Rating 1 (A1); or
- Sold Secure (Bronze, Silver or Gold); or
- STS 502

Please be advised that tradesperson or timed release mechanisms are generally discouraged due to an increase of ASB and unlawful access to multi-occupancy buildings.

With regard to mail delivery within the 3 front entrances it is recommended that the mail boxes are sourced as approved SBD products. Communal mail delivery facilities within building entrances of apartments should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building within view of those using the building:-
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;
- Installed in accordance with the manufacturers specification.

It is recommended that each apartment has a visitor door entry system with both visual and audible facility.

Activity- Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

The above is submitted in accordance with the following national and local policies and guidance:-

National Policy Planning Framework (NPPF)

8. Promoting healthy and safe communities - 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Torquay Neighbourhood Plan Policies BW8 and HLB 9 which state 'Ensure future development of the area promotes community safety, and particularly reduces the fear of crime in the area'

Torbay Local Plan Policies DE1 & SS11 which states 'reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict'

Section 17 Crime and Disorder Act

Secured by Design Homes & Flat Entrance Door set Guidance

Torbay Council's Highways Engineer:

It is understood that the development proposals relate to the re-development of 939m² of office to 12 residential apartments at 30 to 34 The Terrace, Torquay TQ1 1BN. The schedule of accommodation is shown in Table 1 as per the application form:

Quantum of development

Unit Type	1 Bed	2 Bed	3 Bed
Flats	1	10	1

The applicant has submitted a Design & Access Statement to support the application.
Accessibility.

The site is located within the town centre which features a range of amenities such as a post office, a convenience shop, pubs and hair salons. The site fronts onto a shared surface route prohibited to vehicles except for access.

The nearest pair of bus stops is located approximately 150m to the south on A379 Strand. A bus interchange is available, from which a wide range of services are available providing access to Brixham, Paignton, Torquay, Wellswood, Plymouth and Totnes.

The site is not considered to conflict with national and local policy with regards to accessibility.

Highway Safety

The applicant has not collected Personal Injury Collision data from Torbay Council for the latest 5-year period. A crash map investigation identifies that no PICs have occurred in the vicinity of the site on The Terrace. Whilst a large number of accidents have occurred on the A379, this is a highly trafficked link by all modes of travel and the proposed development (especially noting its brownfield nature) is unlikely to exacerbate any accident trends in this location.

Proposed Development

The development comprises 12 apartments, with a bin store and single visitor parking bay located opposite the site on The Terrace. The proposal is considered to be “car free”.

Access

The site fronts directly onto The Terrace and as such pedestrian and cycle access is achieved directly onto the highway (on which vehicles are restricted to access only). No vehicular access is provided to the site itself from the highway.

Servicing

The site is currently serviced via a 1100L bin located opposite the site on The Terrace on land controlled by the applicant, and it is noted there is a no loading restriction between 10am and 6pm. The proposals retain this servicing arrangement. This is considered to be in keeping with the surrounding properties and the constrained nature of the site prohibits alternative arrangements. This servicing arrangement is considered to be suitable.

The applicant has proposed a bin store in a new structure located opposite the main building, with space for 10no 240L eurobins. Whilst the Waste Authority will provide definitive

comments on this aspect of the site, including whether this provision is sufficient, having 10no eurobins may result in increased dwell time for the refuse vehicle on a pedestrianised area when servicing the site. However, regardless of the use that comes forward for the site, it would have to be serviced from The Terrace and The Terrace is managed to mitigate the impact of this in so far as possible.

Parking

The development does not propose any resident parking. In accordance with Appendix F of the Adopted Torbay Local Plan 2012-2030, “Car-free development, may be permitted within town centres, where there is good access to public transport and the potential to use existing car parks”.

The proposed development is located in an area featuring controlled parking, with double yellow lines and “no stopping” restrictions. Some parking is marked on-street to the east of the site. A public car park is available at Montpellier Road, which is a long stay car park for which car park permits are valid.

A single disabled visitor space is provided. This space features constrained visibility onto the pedestrianised zone in the primary direction due to the new cycle/bin structure. It is currently unclear how the use of the bay will be enforced so that only visitors, and not general residents or people who are not associated with the development, use the parking space.

Cycle parking is provided with space for 8 cycles in a secure and covered structure opposite the main building on The Terrace. Local parking standards require a minimum of two cycles pre dwelling, suggesting that space for 24 cycles should be provided. With the development being car-free, a suitable cycle parking provision is of increased importance.

Given the car-free and town centre location of the proposed development, it is preferable to replace the disabled visitor parking bay with a larger bin / cycle store that is able to accommodate 24 cycles and an increased number of / larger 1100L bins (if required).

Trip Generation

The applicant has not provided details of the net change in trips generated by the site. Given the scale of the development, its car free nature, existing use and town centre location, the net change in trip generation is unlikely to have a significant negative impact on the operation of the highway network.

Travel Plan

Given the site’s town centre location and car free nature, a Travel Plan that is proportionate to the scale of the development is required to maximise travel by sustainable modes and demonstrate to residents that car ownership is not necessary.

Conclusion

Whilst the principle of the proposed development is supported, the Local Highway Authority required additional information in order to provide a positive recommendation:

- Demonstrate that there is sufficient space for 24 cycles in accordance with Appendix F of the Adopted Torbay Local Plan 2012 – 2030

- Demonstrate that the disabled visitor parking bay would be safe to access and egress, and how its proper use would be enforced.
- Provide a Travel Plan that is proportionate to the scale of the development.

The following response has been provided following submission of the Travel Plan:

The applicant has submitted additional information to address comments raised by the highway authority in response to the application. The LHA have no objection to the proposals, subject to the following conditions:

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to implement inward opening doors on the bike sheds on The Terrace.

Reason: In the interests of Highway Safety

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to provide a Travel Plan noticeboard in a communal area of the proposed development, detailing the following travel information (based on the contents of the Travel Plan) to be updated twice a year as necessary:

- Key destinations and routes within 800m walking distance of the site;
- Key destinations and routes within 5km cycle distance of the site;
- Bus services and timetables for services available at nearby bus stops; and
- Details of taxi, car hire and car sharing services available to residents.

Torbay Council Community Safety Team

I would confirm that I have no objections subject to the inclusion of a condition regarding a construction management plan as follows:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- 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.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

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

Historic England:

On the basis of the information available to date, we do not wish to offer any comments.

Planning Officer Assessment

Key Issues/Material Considerations:

1. Design and Visual Impact
2. Impact on Heritage Assets

1. Design and visual impact

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, it 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 TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings.

Given the contained nature of the three buildings, the design and visual impact from the proposal is limited to the front and rear elevations.

The front elevation remains largely unaltered other than the insertion of roof lights. The application has been amended to retain and restore the existing windows where possible, rather than wholesale replacement with double glazing. The metal balcony to no.34 will be reinstated to match the existing on no.32. Three conservation roof lights will be inserted into each property.

As described previously the buildings are set into the steeply sided bank towards Montpellier Road. Any alterations will have limited visibility, however the impact on the significance of the building is the key consideration. The most visible changes will be the roof lights which will be inserted to match the design used on the front elevation in design. The changes reflect the sensitivities of the original building whilst removing features which are considered unsympathetic. In order to reflect the original materials and provide a more robust finish, the proposed timber clad elevations on the new build elements have been amended to render.

There are also access gates and an external staircase proposed to the rear of no. 30 in order to gain access to Montpellier Road. The top of the stairs would take you to a route running towards no.34 and out on to street level. Although utilitarian in design, the stainless steel is considered a robust material, and given the enclosed nature of the space, would not be visible.

The proposal also includes the creation of a new cycle and bin store opposite the site. This element of the scheme has been amended to ensure the materials reflect the existing

context within the conservation area and opposite the grade II listed buildings. The current site is occupied by bin storage and a small parking area. As The Terrace rises up towards the east the lots facing the highway are occupied by a variety of parking spaces, bin storage areas, the rear of retail units and access to flats lower down the tier towards Fleet Street. The proposed store is considered appropriate in terms of scale, massing and materials. Its simple design approach will have a minimal impact on the streetscene.

Given the overall proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene. The proposal is therefore 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.

2. Impact on Heritage Assets

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 193). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

In terms of the local Development Plan it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The application is supported by a Heritage Statement which also recognises Policy TH10 of the Torquay Neighbourhood Plan support alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance.

The proposals make the best of the buildings' original features, particularly the Georgian façade and internal staircases. It consolidates the various rear extensions and alterations into a more coherent form.

The key elements of 30 - 34 The Terrace's special architectural or historic interest have been identified as its aesthetic interest, particularly from The Terrace, the remaining internal and external architectural detailing, the street scene and the positive contribution to the conservation area. The proposed change of use has been found to be beneficial to the special architectural and aesthetic interest of the buildings through ensuring a sustainable and viable future for the properties that will be in accordance with its stature and original purpose.

The minor internal alterations will not harm the character of the building, which will be enhanced overall through the restoration of lost internal features and the preservation and continuing maintenance of the exterior. The range of unsympathetic rear extensions would be removed or re-purposed to provide contemporary additions that will better reveal the original form of the buildings. The proposals have been properly assessed in terms of the significance of the buildings and the potential impact on this significance and it is concluded that the proposals will ensure the long term maintenance and enhancement of the group and will provide appropriate residential accommodation in this sustainable town centre location.

The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

This conclusion has been reached in relation to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Sustainability

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

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

On balance, the social impacts of the development weigh strongly in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape, ecology and bio-diversity and surface and foul water drainage. These matters have been considered above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. It has to be appreciated that the site is identified for housing within the Development Plan and is a brownfield site.

The proposed development is in a sustainable, town centre with a range of public transportation links. It is considered a high quality redevelopment of a brownfield site, enhancing the setting of the conservation area, street scene and introducing more sustainable building methods. In respect of the environmental element of sustainable development, the balance is considered to be in favour of the development.

Sustainability Conclusion

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

Local Finance Considerations

Community Infrastructure Levy

The residential aspect of the site is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm. An informative can be imposed, should consent be granted, to explain the applicant's, developer's, landowner's obligations under the CIL Regulations.

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:

In view of the nature of the application there is not likely to be a Significant Effect on the Annex I habitats - alone or in-combination with other proposals or projects.

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 significantly positive impact overall and help with the supply of much needed housing.

The development is also considered to result in positive enhancement of the listed buildings with the added public benefit through the re-use of the heritage assets and the provision of much needed additional housing.

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.

Proactive Working

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.

Conclusions and Reasons for Decision

The proposal is acceptable in principle as it would not result in unacceptable harm to the Listed Buildings, the character of the area or the setting of the Conservation Area. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

The proposals are considered to be in accordance with the provisions of the Development Plan. The Officer recommendation is therefore one of conditional approval.

Officer Recommendation

Approval - subject to:

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency;
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Materials:

The development hereby approved shall be constructed in full accordance with the materials specified on the approved plans unless otherwise agreed in writing. Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policy DE1 of the Torbay Local Plan 2012-2030.

Schedule of works:

The conservation repair works to the Grade II listed buildings shall be completed in accordance with the approved schedule of works and shall be retained as such at all times thereafter.

Reason:

In order to preserve the heritage asset in a manner appropriate to its significance and in order to comply with Policies SS10 and HE1 of the Torbay Local Plan 2012-2030.

Detailed design 1:

Prior to installation details of all external materials shall be submitted to and approved in writing by the Local Planning Authority including, but not limited to:

1. A sample of the proposed slate and brickwork,
2. Window and door materials, colours and profiles,
3. A sample of the proposed metal cladding,
4. Details of the reinstated metal balcony to no.34,
5. Details of all fencing and other mains of enclosures including balconies,
6. Rainwater goods,
7. Full details of the proposed roof terraces,

The development shall proceed in full accordance with the approved detail and shall be retained as such for the lifetime of the development.

Reason:

In order to protect visual character and heritage assets in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan and advice contained within the NPPF.

Window and door details:

Prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors;
2. Reveal sections, drawn to a scale of 1:1-1:10;

3. Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason:

To ensure an acceptable form of development in the interests of the character and appearance of the Listed Building in accordance with Policy HE1 of the Torbay Local Plan and TH10 of the Torquay Neighbourhood Plan.

Informative(s)

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

2. 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.

3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

4. Healthcare Contribution

For the purposes of the Council document 'Planning Contributions and Affordable Housing SPD February 2017' a Healthcare Contribution is payable prior to first occupation of the development. The Healthcare Contribution shall be £1,300 for each dwelling (either C2 or C3) on the site which is not an affordable dwelling. Any developer who is not Torbay Council, or an agent of Torbay Council, must enter into a Planning Obligation to secure payment of the Healthcare Contribution prior to commencement of development.

Relevant Policies

Local Plan

DE1 – Design.

DE3 – Development Amenity.

ES1 - Energy

TA2 – Development Access.

TA3 – Parking Requirements.

ER1 – Flood Risk.

ER2 – Water Management.

NC1 – Biodiversity and Geodiversity.

HE1 – Listed Buildings

SS3 – Presumption in favour of Sustainable Development.

SS4 – The Economy and Employment.

SS10 – Conservation and the Historic Environment.

SS11 – Sustainable Communities.

SS14 - Low carbon development and adaptation to climate change

C4 – Trees, hedgerows and natural landscape features.

Torquay Neighbourhood Plan

TH8 – Established Architecture.

TH9 – Parking Facilities.

THW5 – Access to sustainable Transport.

TE5 – Protected species habitats and biodiversity.

TH10 – Protection of the Historic Built Environment.

TS1 – Sustainable Development.

TS4 – Support for Brownfield and Greenfield development.

TT2 – Change of use in Conservation Areas and Listed Buildings.