

Friday, 7 May 2021

PLANNING COMMITTEE

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

Monday, 17 May 2021

commencing at **5.30 pm**

The meeting will be held in the Town Hall for decision makers and all other interested parties are invited to attend via Zoom (meeting joining details can be found on the agenda frontsheet).

Join Zoom Meeting

<https://us02web.zoom.us/j/81272324831?pwd=dUxpcVhVd24wb1ErZTZNM2J1eHhsQT09>

Meeting ID: 812 7232 4831

Passcode: 120745

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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 Mills

Councillor Jacqueline Thomas

Together Torbay will thrive

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, 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. **Minutes**

(Pages 5 - 34)

To confirm as a correct record the Minutes of the meetings of the Planning Committee held on 18 May, 8 June, 13 July, 10 August, 14 September, 12 October, 9 November, 14 December 2020, 11 January, 8 February, 8 March and 12 April 2021.

(Note the Minutes had not previously been signed due to Covid19 and holding the meetings remotely. A copy of all the Minutes have been posted to the Chairman to sign at this meeting.)

3. **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.)

4. **Urgent Items**

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

5. **Dawn, Brim Hill, Torquay, TQ1 4TR P/2020/1044**

(Pages 35 - 54)

Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration (part retrospective).

6. **Pier Point Café, Torbay Road, Torquay, TQ2 5HA P/2020/1288** (Pages 55 - 65)
Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.
7. **Land At Dartmouth Rd, Dartmouth Rd, Paignton, TQ4 6LL P/2021/0385** (Pages 66 - 75)
Installation of 20m telecommunications mast with associated street cabinets.
8. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
9. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 12 May 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

To meet Covid-19 secure arrangements this meeting will be held via a hybrid system with the actual decision makers e.g. members of the Committee and key officers meeting in person, at the Town Hall, Torquay and all other people (this includes people who have registered to speak) attending remotely via Zoom.

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

Joining a Meeting

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

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

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

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

Speaking at a Meeting

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

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

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

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

Minutes of the Planning Committee

18 May 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Barnby

(Also in attendance: Councillors Barrand, Brooks, Carter, Mandy Darling, Foster, Loxton and David Thomas)

78. South Devon Police Station, Southfield Road, Paignton (P/2019/1181)

The Committee considered a reserved matters application for appearance, Landscaping, Layout & Scale (for 36 apartments), relating to major outline application P/2017/1117 (up to 46 apartments).

Prior to the meeting written representations were circulated to members.

Resolved:

Approved with the conditions outlined within the submitted report, with the final drafting of conditions delegated to the Assistant Director responsible for Planning and the resolution of any new material considerations that may come to light being delegated to the Assistant Director responsible for Planning, including the addition of any necessary further planning conditions or obligations.

79. 3 Keysfield Road, Paignton (P/2020/0222)

The Committee considered an application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (access, layout, scale and appearance detailed, and landscaping reserved).

Prior to the meeting written representations were circulated to members. In accordance with Standing Order B4.1 Councillor Carter addressed the meeting.

Resolved:

Approved subject to:

The final drafting of conditions delegated to the Assistant Director responsible for Planning, to include those listed within the submitted report and the resolution of

any new material considerations that may come to light being delegated to the Assistant Director responsible for Planning.

80. Cary Park Tennis Club, Cary Avenue, St Marychurch, Torquay (P/2019/1230/PA)

The Committee considered an application for the erection of three 6.7m high lighting stanchions, each with one LED luminaire, to provide lighting to Court 3. Replacement of the twelve existing luminaires for Courts 1 and 2 with eleven new LED luminaires. Provision of one courtesy luminaire to Court 4. (Proposal/description amended on 03.04.2020.).

Prior to the meeting written representations were circulated to members.

Resolved:

Approved, subject to the condition set out in the report and that the final drafting of conditions addressing of any further material considerations that may come to light be delegated to the Assistant Director with responsibility for Planning.

81. 14-16 Midvale Road, Paignton (P/2020/0128)

The Committee considered an application for Change of use from clinic (D1) to 10 x residential flats (C3).

Prior to the meeting written representations were circulated to members. At the meeting Simon Blake addressed the Committee in support of the application.

Resolved:

Approved subject to the final drafting of conditions and the resolution of any new material conditions that may come to light being delegated to the Assistant Director responsible for Planning.

Chairman

Minutes of the Planning Committee

8 June 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Barnby

(Also in attendance: Councillors Morey, Bye, Foster, Kavanagh, Kennedy, David Thomas and John Thomas)

82. Land North Of Totnes Road, Collaton St Mary, Paignton (P/2019/0281)

The Committee considered an outline application for the development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations except in respect of drainage. An amended drainage plan had been submitted in response to the drainage comments raised. At the meeting the Chairman exercised his discretion and agreed to increase the time for oral representations. Roger Bristow and Catherine Fritz addressed the Committee against the application and Elliot Jones addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillors John Thomas and Kavanagh addressed the meeting.

Resolved:

That the application be deferred in order for Members to undertake a site visit to view the location of the proposed new access and pedestrian crossing and to enable officers to provide additional information and clarification with respect to the Road Safety Audit.

83. 1 Seaton Close, Torquay, TQ1 3UH (P/2020/0228)

The Committee considered an application for a single storey extension to the north east (side) elevation and the extension of the existing balcony along the south east (front) elevation together with changes to fenestration.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. The Case officer also reminded Members that the consultation period for the revised plans had not yet ended. At the meeting Alex D'Aprano addressed the Committee in support of the application.

Resolved:

Approved subject to the conditions detailed in the submitted report and subject also to no new material planning considerations being raised within the remaining consultation period. 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 and Climate Emergency.

84. Bishops Court Hotel, Lower Warberry Road, Torquay (P/2019/1274)

The Committee considered an application for the conversion and refurbishment of mansion to form 5 apartments. Removal of redundant leisure complex and construction of 11 new houses within grounds. Conversion and refurbishment of 14 existing curtilage apartments to form 4 houses, and construction of 8 radial garages and 2 detached garages to replace surface parking.

Prior to the meeting, written representations were available on the Council's website. In accordance with Standing Order B4.1 Councillor Bye addressed the meeting.

Resolved:

Approved subject to;

- i) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport;
- ii) a Section 106 Legal Agreement to ensure that the viability of the scheme is reviewed and a contribution towards affordable housing is paid if the scheme turns out to be more profitable than originally anticipated and to rescind application P/2012/1001; and
- iii) 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 and Climate Emergency including the addition of any necessary further planning conditions or obligations.

85. Bishops Court Hotel, Lower Warberry Road, (P/2019/1262)

The Committee considered an application for listed building consent for conversion and refurbishment of mansion to form 5 apartments. Removal of redundant

leisure complex and construction of 11 new houses within grounds. Conversion and refurbishment of 14 existing curtilage apartments to form 4 houses, and construction of 8 radial garages and 2 detached garages to replace surface parking.

Prior to the meeting, written representations were available on the Council's website. In accordance with B4.1 Councillor Bye addressed the meeting.

Resolved:

Approved subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) 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 and Climate Change, including the addition of any necessary further planning conditions or obligations.

Chairman/woman

Minutes of the Planning Committee

13 July 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Manning, Jacqueline Thomas, Barnby and Bye

(Also in attendance: Councillors Morey, Amil, Brooks, Foster, Kennedy, Chris Lewis, David Thomas, Mills and Stockman)

86. El Patio, 11 Alta Vista Road, Paignton (P/2019/0893)

The Committee considered an application for outline consent for the demolition of existing building and construction of 10 residential flats with access, appearance, layout and scale matters given in detail and landscaping matters reserved.

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to the conditions set out in the submitted report and subject to an additional condition requiring obscure glazing to the first floor windows on the eastern flank. 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 of Planning, Housing and Climate Change.

87. Land Adjacent To Unit 36, Torbay Business Park, Woodview Road, Paignton (P/2019/1307)

The Committee considered an application for the construction of two commercial Units (reference 'F' and 'G') to provide 2044m² floor space. Unit F to be sub-divided into 5 smaller units. Unit G to be sub-divided into 3 smaller units. Buildings are surrounded by circulation space, car parking and hard standing to facilitate lorry deliveries and dispatches.

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to:

- i) details of the specimen and size of the trees to be submitted and to the satisfaction of the Planning Authority prior to the commencement of construction;
- ii) the conditions set out in the submitted report with the 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 of Planning, Housing and Climate Change.

88. Corbyn Head Hotel, Torbay Road, Torquay (P/2020/0420)

The Committee considered an application for variation of conditions relating to application P/2019/0699. Condition P1. Variation sought: Revisions to elevations and internal layout. Addition of one bedroom and car parking space. Reduction of building height and reduction in north-south building length.

Prior to the meeting, written representations were available on the Council's website. At the meeting June Pierce addressed the Committee against the application.

In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

Approved, subject to:

- i) the completion of a deed of variation to the legal agreement signed as part of application P/2019/0699, compliance with the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change; and
- ii) 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 and Climate Change, including the addition of any necessary further planning conditions or obligations.

89. Orchard Way, Edginswell Business Park, Torquay (P/2020/0024)

The Committee considered an application for reconfiguration of car park – retrospective.

Prior to the meeting, written representations were available on the Council's website. At the meeting Barry Dunnage addressed the Committee against the application and James Clark addressed the Committee in support of the application.

Resolved:

Approved.

90. Adjournment

At this juncture the Planning Committee adjourned until 5.30 pm.

91. Land North Of Totnes Road, Collaton St Mary, Paignton (P/2019/0281)

The Committee considered an application for outline application: development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available on the Council's website. At the meeting Graham White and Catherine Fritz addressed the Committee against the application and Clare Hambleton Jon Lloyd addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Kennedy addressed the meeting.

Resolved:

Approved, subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change;
- ii) The completion of a S106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
- iii) The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director for Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

92. Land At Waterside Quarry, Waterside Road, Paignton (P/2019/0520)

The Committee considered an application for outline consent with all matters reserved for three dwellings.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. At the meeting James Mitchell addressed the Committee against the application and Adam Billings addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Mills addressed the meeting.

Resolved:

Approved subject to the conditions set out in the submitted report. 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 for Planning, Housing and Climate Emergency.

93. Stoodley Knowle School, Ansteys Cove Road, Torquay (P/2019/1330)

The Committee considered an application for the demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.

Prior to the meeting, written representations were available on the Council's website. At the meeting John Lestyn addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) Planning conditions as set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) The completion of a S106 Legal Agreement to secure a review of Affordable Housing provision and other identified obligations, to include the provisions outlined within the report on terms acceptable to Officers.
- iii) With the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

94. Stoodley Knowle School, Ansteys Cove Road, Torquay (P/2019/1334)

The Committee considered an application for Listed Building Consent for works to the listed buildings (related to P/2019/1334 - Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure).

Prior to the meeting, written representations were available on the Council's website. At the meeting John Lestyn addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) Planning conditions as set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and;
- ii) the resolution of any new material considerations that may come to light following Planning Committee being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

95. 58 Southfield Avenue, Paignton (P/2019/0923)

The Committee considered an application for a proposed new dwelling in curtilage of property.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. At the meeting Rob Tyler addressed the Committee against the application and Mike Hughes addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Sykes addressed the meeting.

Resolved:

That the application be refused for the following reason:

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.

Chairman/woman

Minutes of the Planning Committee

10 August 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Barnby, Brown, Bye, Dart, Dudley, Hill, Manning and Jacqueline Thomas

(Also in attendance: Councillors Morey, Barrand, Chris Lewis, Loxton, Mills,
David Thomas, John Thomas and Brooks)

96. Land To The North Of Totnes Road, Collaton St Mary, Paignton P/2020/0405

The Committee considered an outline application for up to 73 dwellings with all matters reserved except access, new access onto the Totnes Road.

Prior to the meeting, written representations were circulated to members. At the meeting Catherine Fritz and Malcolm Dicken addressed the Committee against the application and Colin Danks addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors Kennedy, John Thomas and David Thomas addressed the meeting.

At the meeting the Planning Officer updated the Committee on further representations received and a Policy update on securing contributions in respect of health funding.

Resolved:

Approved, subject to;

- (i) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change;
- (ii) the completion of a S106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
- (iii) the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

97. Clennon Valley Goodrington, Paignton P/2020/0368

The Committee considered an application for the provision of a pedestrian/cycle path linking Haytor Avenue (north of Roselands Primary School) to Dartmouth Road (north of Torbay Velopark) with associated landscape and ecological enhancement.

Prior to the meeting written representations were available on the Council's website. At the meeting Catherine Fritz and Mike Langman addressed the Committee against the application and Paul Osborne addressed the Committee in support of the application.

Resolved:

Approved subject to the planning conditions as outlined within the submitted report and an additional condition in respect of details of safe access and egress of bicycles onto the adopted highway network at the eastern entrance to the shared path near Torbay Leisure Centre being submitted and provided to the lifetime of the development.

98. Beacon Hill Car Park, Beacon Quay, Torquay P/2020/0020/AD

The Committee considered an application for the installation of seven new signs around the car park and foot path (as amended by plans received on 29 June 2020).

Prior to the meeting, Members of the Planning written representations were available on the Council's website.

Resolved:

Approved subject to the planning conditions as outlined within the submitted report and an additional condition in respect of details of safe access and egress of bicycles onto the adopted highway network at the eastern entrance to the shared path near Torbay Leisure Centre being submitted to and approved in writing by the Local Planning Authority and provided for the lifetime of the development.

Chairman

Minutes of the Planning Committee

14 September 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Barnby, Brown, Dart, Dudley, Hill, Barbara Lewis, Manning and
Jacqueline Thomas

(Also in attendance: Councillors Morey, Brooks, Mandy Darling, Kennedy, Chris Lewis
and Loxton)

1. **Land off Luscombe Road, Paignton P/2020/0360**

The Committee considered an application for reserved matters pertaining to outline permission P/2014/0938. Matters reserved: appearance, landscaping, layout and scale.

Prior to the meeting, written representations were available on the Council's website. At the meeting Mr Rudge addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) the submission of a scheme to install vehicle electrical charging points;
- ii) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) 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 and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

2. **39 Wall Park Road, Brixham P/2019/0594**

The Committee considered an outline application for 3 dwelling houses and associated improvements to the private access lane, with all matters reserved.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Jackson addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) The completion of a S106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted 'Planning Contributions and Affordable Housing' Supplementary Planning Document and the adopted 'Recreational Pressure on Berry Head' Supplementary Planning Document, on terms acceptable to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) 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 and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

3. Land Adjacent To County Court, Nicholson Road, Torquay P/2020/0484

The Committee considered an application for the construction of a car park.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Butler of the Torquay Neighbourhood Forum addressed the Committee against the application and Ms Waller and Mr Stacey addressed the Committee in support of the application.

In accordance with Standing Order B4.1, Councillor Chris Lewis addressed the meeting.

Resolved:

Refused, for the reasons set out below. The final drafting of these reasons, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

Reasons for refusal:

1. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the character and function of the Local Green Space and it has not been demonstrated that there are exceptional circumstances to justify the development of this space. As such the proposed

development is contrary to Policy TE2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 146 (c).

2. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the Urban Landscape Protection Area, contrary to Policies DE1 and C5 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.
3. The application has failed to provide sufficient detail to allow the Local Authority to assess the impact of the proposed development on the operation of the local highway network; whether the proposed development would achieve appropriate on-site manoeuvrability; and whether the proposed development would achieve adequate forward visibility to provide a safe and suitable access from the site onto Nicholson Road. It is considered that the proposed development would result in an inappropriate, inconvenient development given the proposed gradient and inadequate pedestrian crossings, therefore exacerbating existing parking issues in the area resulting in a poor and inadequate form of development, with a resulting harmful effect on highway safety. The proposed development is contrary to Policies TA1 and TA2 of the Local Plan, and the NPPF, in particular paragraph 170.
4. It has not been demonstrated that it is possible to develop the site for the type of development as set out in the proposal, due to the supporting ecological evidence indicating that there is a potential presence of protected species bat and great crested newts. Insufficient survey work has been undertaken to clearly identify the presence of such species and as such it is not possible to assess the impact and/or appropriate mitigation. No exceptional circumstances have been justified to provide an understanding as to why these further surveys have not been undertaken. The proposed development is contrary to Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.

4. Pier Point Cafe, Torbay Road, Torquay P/2020/0383

The Committee considered an application for alterations and extensions to existing restaurant including change of use of part of site from retail (A1) to restaurant (A3). (Revised plans received 27/08/2020).

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to:

- i) the conditions as set out in the submitted report (excluding the two planning conditions regarding the extract/ventilation system and Construction Method Statement, which have been amended following the receipt of additional information), with the final drafting of conditions delegated to the Assistant Director for Planning, Housing and Climate Emergency;
- ii) the resolution of any new material planning considerations that may come to light following Planning Committee to be delegated to the Assistant Director for Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman/woman

Minutes of the Planning Committee

12 October 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Loxton

(Also in attendance: Councillors Morey, Atiya-Alla, Brooks, Chris Lewis and David Thomas)

5. Apologies for absence

It was noted that since publication of the Agenda there had been a change to political balance of this Committee which was approved at Council on 8 October 2020 - there were 3 Independents (Councillors Brown, Kennedy and Manning), 3 Liberal Democrats (Councillors Dart, Dudley and Pentney) and 3 Conservatives (Councillors Hill, Barbara Lewis and Jacqueline Thomas).

It was reported that in accordance with the wishes of the Independent Group Councillor Loxton would be substituting for Councillor Kennedy for this meeting.

6. Highstead, Bronshill Road, Torquay TQ1 3HD P/2020/0307

The Committee considered an application for the construction of dwelling house.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Ian Skelton addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Atiya-Alla addressed the Committee.

Resolved:

Approved subject to the conditions (excluding the planning conditions relating to finished floor levels) set out in the submitted Report plus the inclusion of an additional condition in respect of a hedge protection plan and the final drafting of conditions being delegated to the Assistant Director for Planning, Housing and Climate Emergency which address any further material considerations which may come to light.

Chairman

Minutes of the Planning Committee

9 November 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning,
Jacqueline Thomas and Kennedy

(Also in attendance: Councillors Morey, Brooks, Chris Lewis, Loxton, Mills and
David Thomas)

7. Former Torbay Holiday Motel, Totnes Road, Paignton. TQ4 7PP P/2019/0615

The Committee considered an outline application for the demolition of Torbay Holiday Motel and redevelopment of site for up to new 39 residential dwellings together with the retention of Beechdown Court, with detailed access (Matters of Appearance, Landscaping, Layout and Scale reserved)(as revised by plans received 20.03.2020 and description amended 24.03.2020 and plans received 09.10.2020).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Andrew Lavey addressed the Committee against the application and Catherine Fritz addressed the meeting on behalf of the Paignton Neighbourhood Forum. Michael Drake addressed the meeting in support of the application.

Resolved:

Approved: Subject to:

- (i) the Planning conditions set out in the supported report, with the final drafting of conditions being delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- (ii) the completion of a Section 106 Legal Agreement to secure heads of terms in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, and that secures future access to the wider masterplan area to the east of the site is not inhibited, delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- (iii) a further condition requiring detail of low loaders accessing Beechdown Park being resolved at Reserved Matters; and

- (iv) the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

8. Windmill Hill Sports Field, Higher Audley Avenue, Torquay TQ2 7PG P/2020/0541

The Committee considered an application for the installation of dug-outs on football pitch.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved, subject to the conditions set out in the submitted Report and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

9. Watcombe Hall, Watcombe Beach Road, Torquay P/2020/0627

The Committee considered an application for conversion of existing care home into 8 flats & 4 houses with extensions, alterations & landscaping. Demolition of single storey link building & boiler house.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved subject to the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change. And the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

10. Land Rear Of 107 Teignmouth Road, Torquay, TQ1 4HA P/2020/0974

The Committee considered an application for construction of twelve flats with associated parking (retrospective).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved subject to the conditions as set out in the submitted Report with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman

Minutes of the Planning Committee

14 December 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Mills and
Jacqueline Thomas

(Also in attendance: Councillors Amil, Barrand, Brooks, Carter, Mandy Darling, Foster,
Law, Chris Lewis, Morey, Long, Stockman and David Thomas)

11. Apologies for absence

It was reported that, in accordance with the wishes of the Independent Group, the membership of the Committee had been amended for this meeting by including Councillor Mills instead of Councillor Manning.

12. Land At Sladnor Park, Sladnor Park Road, Torquay, TQ1 4TF P/2018/1053

The Committee considered an application for the demolition of existing pairs of chalets (with the exception of one pair) and the development of a Continuing Care Retirement Community comprising the erection of buildings to accommodate 43 assisted living units and 116 close care units, associated health and wellness facilities, staff facilities, internal roads, surface and underground car parking (including associated engineering operations), footpaths, ancillary buildings, landscaping, drainage works and associated infrastructure.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder, Christine Davies, Nigel Goodman and Dr Vivienne Thorn addressed the Committee against the application and Leon Butler addressed the meeting on behalf of the Torquay Neighbourhood Forum. Jonathan Rainey and Keith Cockell addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors Foster and Brooks addressed the meeting.

Resolved:

Refused for the reasons set out in the submitted report.

13. Duration of Meeting

At this junction, the Chairman reported that the meeting had exceeded four hours in duration and indicated that the remainder of the business left on the agenda should be transacted at the meeting. In accordance with Standing Order A11 the Committee agreed to continue the meeting.

14. Crossways Shopping Centre, Hyde Road, Paignton P/2020/0731

The Committee considered an application for the redevelopment of redundant shopping centre comprising: demolition of shopping centre and associated multi-storey car park and erection of five storey sheltered (use class C3) scheme block of 13 flats, commercial and associated ancillary space. Erection of seven storey extra care (use class C2) scheme of 76 flats, commercial, communal and associated ancillary space.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. In accordance with Standing Order B4.1 Councillor Carter addressed the meeting.

Resolved:

That planning permission be granted subject to:

- (i) confirmation from the Highway Authority that the additional highway information is acceptable and that they raise no objection to the proposal;
- (ii) Natural England having the appropriate time to respond to consultations on matters of ecology and raise no objection to the proposed development and subject to confirmation that all necessary pre-determination ecological assessments have been undertaken and properly assessed;
- (iii) the conditions detailed at the end of the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change; and
- (iv) the resolution of any new material considerations that may come to light following the Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations (unanimous).

15. Site Adjacent To Brixham Cricket Club, 83 North Boundary Road, Brixham TQ5 8LH P/2020/0480

The Committee considered an application for an outdoor football pitch for sports and recreational use (part retrospective).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Jonathan Ling-Cotty addressed the Committee in support of the

application. In accordance with Standing Order B4.1 Councillor Stockman addressed the meeting.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement to secure community use of the site;
- (ii) the conditions set out in the submitted report; and
- (iii) the 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 of Planning, Housing and Climate Change (unanimous).

16. Cary Cottage Barn, Cockington Lane, Torquay, TQ2 6XA P/2018/0380/PA

The Committee considered an application for the conversion of existing barn into habitable accommodation.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Leon Butler addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

Approved subject to:

- (i) the receipt of satisfactory revised plans;
- (ii) the conditions set out in the submitted report, plus an additional condition to ensure that Pilkington Grade 1 obscure glass is installed in the windows on the first floor south west elevation of the building; and
- (iii) the 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 of Planning, Housing and Climate Change.

17. Cary Cottage Barn, Cockington Lane, Torquay TQ2 6XA P/2020/0677/LB

The Committee considered a listed building application for the conversion of existing barn into habitable accommodation.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Leon Butler addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

That delegated authority be given to the Assistant Director of Planning, Housing and Climate Emergency, to grant listed building consent, subject to:

- (i) the conditions set out in the submitted report; and
- (ii) the 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 of Planning, Housing and Climate Change.

18. The Riviera Hotel, Belgrave Road, Torquay TQ2 5HJ

The Committee considered an application for demolition of 18 hotel rooms; replacement with 47 en-suite hotel rooms and with associated landscaping.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Brett Powis addressed the Committee in support of the application and Leon Butler addressed the meeting on behalf of the Torquay Neighbourhood Forum.

Resolved:

Approved subject to:

- (i) the conditions set out in the submitted report;
- (ii) the final drafting of conditions to be delegated to the Assistant Director of Planning, Housing and Climate Change; and
- (iii) the resolution of any new material considerations that may come to light following Planning Committee and re-advertising of the application, to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary planning conditions or obligations (unanimous)

(Note: Councillor Barrant joined the meeting during discussion of this item.)

Chairman/woman

Minutes of the Planning Committee

11 January 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis,
Manning, Jacqueline Thomas

(Also in attendance: Councillors Brooks and Foster)

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

The Committee considered an application for the conversion and part demolition of Kingdom Hall to form three dwellings. (As revised by plans received 09.10.2020.).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Mr Chris Reynard addressed the Committee against the application and Mr Tony Drake addressed the Committee in support of the application.

Resolved:

That the application be refused on the grounds of overdevelopment on a restricted site and the lack of amenity space.

Chairman

Minutes of the Planning Committee

8 February 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Dart, Dudley, Barbara Lewis, Manning and Jacqueline Thomas

20. Apologies for absence

Apologies for absence was received from Councillors Brown and Hill.

21. Beacon Cove, Parkhill Road, Torquay TQ1 2EP P/2019/1023

The application was deferred for further information.

Chairman

Minutes of the Planning Committee

8 March 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Manning and
Jacqueline Thomas

(Also in attendance: Councillors Brooks, Chris Lewis and Sykes)

22. 58 Southfield Avenue, Paignton TQ3 1LH P/2020/1130

The Committee considered an application for the formation of a dwelling in the curtilage of the property. This was resubmission of P/2019/0923 with revised plans received 27.01.21.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Mr Rob Tyler addressed the Committee against the application and Anna Suszczynska and Mr Munroe addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors C Lewis and Sykes also addressed the Committee.

Resolved:

Approved subject to approval subject to the conditions and informatives set out in the submitted report with the final drafting of conditions, and addressing any further material considerations that may come to light being delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.

23. 30-34 The Terrace, Torquay P/2020/0999

The Committee considered an application for the conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Dr Rodney Horder and Mr Ian Roach addressed the meeting.

Resolved:

Approved subject to the conditions and informatives set out in the submitted report with the final drafting of conditions addressing any further material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency.

24. 30-34 The Terrace, Torquay P/2020/1000

The Committee considered an application for listed building consent for conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's Website. At the meeting Dr Rodney Horder and Mr Ian Roach addressed the meeting.

Resolved:

That Listed Building Consent be granted, subject to the conditions and informatives set out in the submitted report with the final drafting of conditions addressing any further material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency.

Chairman

Minutes of the Planning Committee

12 April 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Manning and Jacqueline Thomas

(Also in attendance: Councillors Morey and Brooks)

25. Minutes' Silence

As a mark of respect, the Committee commenced with a minutes' silence to honour the life and passing of His Royal Highness, The Duke of Edinburgh, Prince Phillip.

26. Site Of Former Conway Court Hotel, Warren Road, Torquay. TQ2 5TS P/2020/0925

The Committee considered an application for the formation of 14 apartments with car parking and vehicular/pedestrian access (as revised by plans received 15.03.2021).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

At the meeting Mr Paul Wyman addressed the Committee against the application, Dr Rodney Horder on behalf of Torquay Neighbourhood Forum addressed the meeting and Mr Chris Kenny addressed the Committee in support of the application.

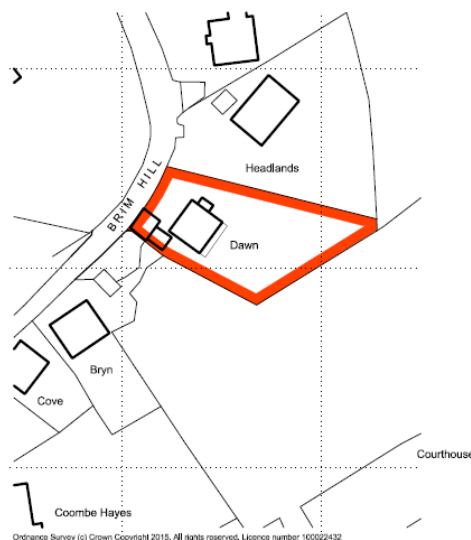
Resolved:

Approved, with the conditions as set out in the submitted report with the final drafting of conditions being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including an extra conditions to ensure the stability of the land and that designing out crime standards are met, together with the resolution of any new material considerations that may come to light.



Application Site Address	Dawn, Brim Hill, Torquay, TQ1 4TR
Proposal	Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration (part retrospective).
Application Number	P/2020/1044
Applicant	Mr Tony Payne
Agent	DJMA Architects Ltd
Date Application Valid	27/11/20
Decision Due date	22/01/21
Extension of Time Date	N/a
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency.
Reason for Referral to Planning Committee	Councillors have referred the case to Planning Committee.
Planning Case Officer	Sean Davies

Location Plan



Site Details

The site at Dawn Brim, Torquay, TQ1 4TR is a detached dwelling and its curtilage. The site is within the Countryside Area and Undeveloped Coast as mapped in the Local Plan and

falls within the Maidencombe Village Envelope. The site is just outside the Maidencombe conservation area. The boundary of the conservation area runs along the south and west boundary of the site and along the middle of Brim Hill outside the front of the site to the north. The site is within a Landscape Connectivity Zone within the South Hams Special Area of Conservation for Greater Horseshoe bats.

Description of Development

Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration (part retrospective).

The proposals are substantially similar to those granted approval in 2016 (P/2016/0471) subsequently successfully varied in 2018 (P/2018/0131).

Single storey lower ground floor extension to rear (SE) with terrace over

This element involves providing a new lower ground floor single storey rear extension running across the full width of the building plus the width of a new side extension. This extension would be approximately 1.4m deep. There would be a terrace over this extension to be accessed directly from new glazed doors at upper ground floor level in both the existing building and afore mentioned side extension (note: there is already a terrace in this approximate position across the full width of the existing building). The side of the terrace facing south west (towards Bryn) would be capped with a stone wall and opaque glazed privacy screen.

At lower ground floor level an existing decking area would be replaced, with vertical timber cladding from the level of the decking to the ground approximately 2m in height.

This element of the proposals is substantially the same as the previously approved scheme except that details of fenestration have changed and a new rear facing window is now proposed from a new en-suite bathroom to be formed in the north east elevation.

Two storey side extension (SW)

This element involves a sedum flat roof side extension running from the back of the existing garage to the rear of the existing building. The sloping nature of the site means that this extension would have two storeys at the rear and one at the front. The front part of the extension would house a utility room and W/C. At the rear there would be a new bedroom at lower ground floor level and a cinema room at upper ground floor level. The former would have glazed doors leading onto the terrace described above. The latter would have glazed doors onto the existing decking. The side of the extension would be faced with natural stone. The main differences between this element of the proposals and the previously approved scheme are that (i) previously approved curved glazing at upper ground floor level in the rear of the extension is now replaced with flat glazing parallel to the front of the terrace mentioned above, increasing its footprint slightly; (ii) the stone faced side of the extension (facing Bryn) would extend further to the rear elevation of the existing dwelling at upper ground floor level (replacing the previously approved curved glazing); (iii) there would be a new second small window in the side of the extension at lower ground floor level to the proposed bedroom.

The extension would be approximately 4.7m wide, 12.8m long and set back approximately 1m from the boundary with Bryn. It would fit under the eaves of the main dwelling and would be approximately 5.2m high above the level of the existing decking at the rear.

Single storey upper ground floor extension to side (NE) and changes in fenestration

This element of the proposals involves enlarging an existing single storey extension in the side of the dwelling facing Headlands. The extension currently forms the porch providing entrance to the dwelling. The proposals would bring this extension forwards by approximately 2m so that it was flush with the front of the main dwelling and re-purpose it as an en-suite/wardrobe to bedroom 3. The existing pitched roof would be raised to accommodate the greater width of the extension.

There would also be a new floor to ceiling height window at the rear of the building.

These elements of the proposals remains the same as in the previously consented scheme.

Changes to fenestration at front (NW)

At the front of the building a new front door would be sited between the existing bay windows. The left hand of these bay windows (when viewed from the front) would be moved to the edge of the building and the existing pitched roofs over both bay windows would be made higher. This element of the proposals remains the same as in the previously consented scheme.

Raise roof ridge line and change roof profile to form attic room

The roof of the existing dwelling would be raised approximately 1m to accommodate a new bedroom. This would have roof lights in the north west, north east and south east elevations and a small recessed balcony at the rear.

There would also be a new chimney in the south west side of the roof.

These elements of the proposals remains the same as in the previously consented scheme.

Pre-Application Enquiry

None.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 (the "Local Plan")
- The Torquay Neighbourhood Plan

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.

Relevant Planning History

CN/2018/0068: Discharge of conditions 1,3 & 8 (of approval P/2016/0471/HA - Varied by P/2018/0311 - Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height. Re-Submission of P/2015/1025) - Cond 1: Stone sample. Cond 3: Lighting. Cond 8: Bat licence. APPROVED

P/2018/0311: Variation of condition P1 (approved documents) of application P/2016/0471 (Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height) Alterations sought: Raise in ridge height, alterations to fenestration including glazing on south east and north east elevation and relocation of roof window in sedum roof. APPROVED

P/2017/1290: Non Material amendment re P/2016/0471 (Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height) - Change of roof material WITHDRAWN

P/2017/1292: Non Material Amendment on application P/2016/0471: Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (Re-Submission of P/2015/1025) (Revised description). Amendment sought: Alterations to glazing on south east and north east elevation. Roof window in sedum roof moved. WITHDRAWN

P/2016/0471: Extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (Re-Submission of P/2015/1025) (Revised description) APPROVED

P/2015/1025: Extensions and alterations including side & roof extensions & extended terrace & balcony REFUSED

DE/2015/0017: Joining of utility room to main dwelling house to include small extension. SPLIT DECISION

P/2014/0913: Proposed extension to Southwest facing elevation and alteration to existing roof REFUSED

P/2007/0574: Conversion of Outbuildings to Ancillary Accommodation APPROVED

Summary of Representations

Approximately 13 representations have been made; 12 objections and 1 in support:

Maidencombe Community Group

- Application form contains error as states work has not started without consent even though previous permission (P/2016/0471) has lapsed.
- Proposals are contrary to policy TH12 of the Torquay Neighborhood Plan as scale, height, footprint, location and massing not in keeping with built surroundings and does not respect local character/conserves or enhance heritage or landscape assets where impacted.
- Scale of proposal contrary to policy DE1 subsection 14 of the Local Plan as does not relate to surrounding built environment in terms of scale, height and massing.

- Proposals are contrary to policy TH8 of the Torquay Neighbourhood Plan as does not reflect local character (height, scale, bulk and identity of surroundings).
- Proposals contrary to Policy TH11 as do not protect or enhance character or setting of conservation area.
- Proposals contrary to policy DE3, subsections 1, 3 and 4 of the Local Plan due to visual intrusion, overbearing scale, overlooking, privacy and light pollution.
- Proposals contrary to policy SS8 of the Local Plan due to lighting impacts on local environment.
- Concern that proposals would double the original footprint and substantially increase massing.
- Concern that the LPA should be consistent with other planning decisions at nearby sites and that approval would set a precedent for further inappropriate development.
- The proposal would build up to the south west boundary of the conservation area with no possibility of screening – difficult to see how proposed two storey extension can be built without encroaching on conservation area.
- Concern that previous applications to develop the plot adjacent to the south west boundary have been refused – concern that if approval granted for current application and for development on the adjacent site then this could lead to an unacceptable bulk of buildings in a confined space.
- Concern that submitted plans deficient and that application cannot be determined: very few measurements, plans contain “do not scale from this drawing” notation, proposed layout misleading as proposed extensions are faint, dotted line indicating current roof line inaccurate. No information provided as to current and existing roof heights. There are also inconsistencies in the plans (garage roof in NE/SE vs NW elevations, terrace/decking at lower ground level in SW and NE elevations).
- Southwest elevation: Proposed roof height unclear; not clear what proposed roof attic internal layout is; concerns about footprint of proposed decking; concern about effect of boundary wall on character of area.
- Southeast elevation: concerns about increase in footprint, height and use of glazing – out of character with local area. Plans misleading.
- Northwest elevation: garage has different roof to other elevations. Plans unclear.
- Northeast elevation: replacement decking not shown. Proposed ground floor window and veranda has potential to overlook Headlands.
- Proposed layout and footprint: plans misleading.
- Permitted development rights: “fall back position” as described in Design and Access Statement is unrealistic.
- Surface flooding and rise in water table: concerns about drainage arrangements. Local properties rely on private sewage systems as there is no mains drainage and that proposals would increase impermeable area of development, leading to private drainage systems becoming inoperable.

Maidencombe Community Group

Comments made in response to letter from applicant's agent dated 15/01/21:

- 2016 permission (P/2016/0471) has lapsed and so should not be taken account of in determining current application.
- Concern that application is assessed against policies in Torquay Neighbourhood Plan.
- Claim that proposed development could be progressed under permitted development rights incorrect for reasons set out in objection submitted by Clarke Willmott solicitors.
- Trees have been removed at the site without planning permission.

Maidencombe Residents' Association

- The proposals are contrary to the Local Plan Policies: SS1, SS3, SS8, SS9, SS10, C1, C2, C4, NC1, HE1, DE1, DE3, DE4, DE5, ER1, ER2, ER4. And also Torquay Neighbourhood Plan Policies: TS1, TH8, TH10, TH11, TH12, TE5.
- Permitted development rights, as described in the Design and Access statement, do not

apply since the property pre-dates 1948.

- The application form states that work has started without consent but significant works have taken place.

The Bryn

- Application form contains errors which invalidate the proposals: work has started without consent, pre-planning advice received in 20115 is not relevant since relevant policies have come into force since this date.
- Proposals should be determined as a new application and assessed against current planning legislation.
- Proposals contrary to policy TH12 of the Torquay Neighbourhood Plan. Scale, height, footprint (30-40% increase), location and massing out of keeping with built surroundings and overall physical characteristics of Village Envelope.
- Concerns about visual appearance of proposed two storey extension, lower ground floor extension, increase in ridge height, additional decking with store room below creating appearance of four storey dwelling.
- Building up to the boundary of the conservation area (south west) will prevent any tree planting to shield views.
- Proposals contrary to policy DE1 subsection 14 of the Local Plan requiring proposals to relate to surrounding built environment in terms of scale, height and massing.
- Proposals contrary to policy DE3 subsection 1 of the Local Plan by virtue of visual intrusion, overlooking and privacy. Workmen working on lower ground floor extension have been able to look directly into The Bryn. Height and depth of proposals mean they would completely overlook house and garden. As extension is to be built to edge of boundary it will not be possible to shield with trees etc.
- Proposals contrary to policies TH2, TH8 and TH11 of the Torquay neighbourhood Plan.
- Proposals could jar with setting of grade II listed buildings and character of conservation area, affecting how conservation area is viewed and what can be seen from within it. Style, scale and materials are inappropriate.
- Increase in width along south east and extensive glazing does not respect character of neighbouring properties or setting of heritage assets in the Combe.
- Submitted plans contain very few measurements. A caveat "do not scale" means that development could not be controlled if approved. Concern that increase in ridge height shown on plans is inaccurate and that roof will need to be raised by 1.5-1.8m.
- Proposed layout is misleading. A judge found against Torbay Council in a recent case that it is unlawful to approve plans which cannot be controlled.
- No other property in Maidencombe has been allowed to increase ridge heights, footprint or massing like this before.
- Claim that development could be progressed under permitted development rights incorrect due to restrictions placed on Classes A, AA and B and so the fall-back position does not carry weight in determining the application.

Clarke Wilmott Solicitors acting for The Bryn

- The planning application is deficient. Objection from Maidencombe Community Group sets out examples of ways submitted plans are wrong or inconsistent with result that development could not be constructed in line with submitted plans.
- Existing and proposed floor levels have not been provided – significant given sloping site.
- Ecological assessment deficient: out of date, does not acknowledge Landscape Connectivity Zone for South Hams Greater Horseshoe Bats SAC. Concern that light spill from additional glazing and proposed external lights should be assessed in relation to potential to disturb bats. Concern that development has not been designed with regard to the conclusions of the Ecological Assessment and that the Ecological Assessment has been carried out without having regard to the proposed plans (i.e. viability of proposed roosting opportunities for bats in brightly lit environment). Concern that a lighting assessment should be carried out to inform the updated Ecological Assessment.

- Concern that permission P/2016/047 has lapsed since works did not start on site until 2020 and that Torbay Council has not addressed a formal complaint made by the Maidencombe Community Group about unauthorised development.
- Concern that the application should be assessed against the Torquay Neighbourhood Plan, adopted in 2019 and that the LPA cannot lawfully seek to rely on the decision making process undertaken in respect of the 2016 application.
- Concern that the fall-back position as described in the Design and Access Statement (DAS) should not be treated as a material consideration since the General permitted Development Order does not permit the type of development shown in the DAS. Examples include: the principle elevation of the original dwelling house is actually the rear of the house as currently laid out (A1(e)). The side extension would have a width greater than half the width of the original (i.e. as originally built) dwelling house (A1(j)).
- The application should be determined as fresh application without regard to the previous 206 permission as the development plan has changed. The objection made by the Maidencombe Community Group assesses the application against relevant policies – the objection made by Clarke Wilmott solicitors agrees with this assessment.

Court House

- Out of keeping with local area.
- Negative effect on appearance of conservation area.
- Visual impact on Grade ii listed buildings in Maidencombe.
- Increased run off and rising water table could impact on the Court House's foundations and septic tank.
- Construction work could destabilise ground leading to land slips.
- Previous approvals at site inconsistent with other refusal decisions at nearby sites.
- Previous consent P/2016/0471 has now lapsed.
- Torquay Neighbourhood Plan has now been adopted so policies now carry full weight.
- Approval would set precedent for overdevelopment of other properties.
- Submitted plans not easy to understand and there is note that they are not to scale.
- Concern that proposals would involve significant increase in height, footprint (extending to boundary (south west)).
- Hedgerows and trees will be removed speculation that this work has already taken place.
- Extensive glazing to south east will cause significant light pollution in a dark area.
- Proposals are contrary to Torquay Neighbourhood Plan Policies TH11 and TH12.

Wekiva

- Proposals area contrary to Torquay Neighbourhood Plan Policies TH8, TH10, TH11 and TH12.
- Scale, height, bulk and character of proposals are out of keeping with historic/rural character of Maidencombe and coastal setting.
- Site's boundary abuts conservation area on two sides – proposals would negatively impact on area and its heritage assets.
- Concern that the applicant's agent has close relationships with Torbay Council and the TDA which could influence the planning decision.

Oakdene

- Submitted application should be considered on its own merits and assessed against Torquay Neighbourhood Plan as previously consented application P/2016/0471 has lapsed.
- Proposals are contrary to Torquay Neighbourhood Plan Policies TH8, TH10, TH11 and TH12.
- Submitted plans are deficient as no structural dimensions or topographical information supplied and as plans are references as being not to scale.
- Concern that deficiencies in the plans mean that the LPA could not control construction if approval granted.
- Size, height bulk and mass contrary to numerous policies in Torbay Local Plan and out

- of character with local area.
- No meaningful environmental assessment on proposals' impact on conservation area, wildlife or Grade II listed buildings has been provided.
- Concern about impact of proposals on drainage in an area mapped by Environment Agency as Flood Risk 3.
- Claim that proposed development could be progressed under permitted development rights incorrect as property pre-dates 1948.

Wendy

- The proposals do not take account of policies TH8, TH11 or TH12 of the Torquay Neighbourhood Plan.
- The removal of natural shielding (trees etc.) to facilitate views has made development stick out from all over the Combe.
- Approval would set precedent for further inappropriate development.

Torquay Neighbourhood Forum:

An objection has been received alleging that the proposals are contrary to the Local Plan Policies: SS1, SS3, SS8, SS9, SS10, C1, C2, C4, NC1, HE1, DE1, DE3, DE4, DE5, ER1, ER2, ER4. And also Torquay Neighbourhood Plan Policies: TS1, TH8, TH10, TH11, TH12, TE5.

Key Issues/Material Considerations

1. Principle of Residential Development
2. Sustainable growth
3. Environment
4. Transport
5. Countryside, coast and greenspace
6. Nature conservation
7. Historic environment
8. Design
9. Conservation and the historic environment
10. Environmental resources
11. Special protection for rural village environments

1. Principle of Residential Development

The proposal seeks permission for Extensions and renovations to existing house and garage: Single storey lower ground floor extension to rear (SE) with terrace over. Two storey side extension (SW). Single storey upper ground floor extension to side (NE). Raise roof ridge line and change roof profile to form attic room. Changes to fenestration. There are no Local Plan policies indicating that the proposal is not acceptable in principle.

2. Planning permission P/2016/0472

Objections have been made that planning permission P/2016/0471 has lapsed and so that statement made in the application form that works have not started without consent is incorrect. Also that the application is invalid because of this and that works already carried out are therefore unauthorised.

The Council believes that planning permission P/2016/0471 has lapsed and has advised the applicant of this, understood to have prompted the current application. Officers are content that the current application is valid. Works have commenced at the site. It is understood that works have been stopped whilst the application is determined.

Spatial Strategy and Policies for strategic direction

3. Sustainable growth

Policy SS1 (Growth Strategy for a prosperous Torbay) of the Local Plan states that the Local Plan promotes a step change in Torbay's economic performance and identifies Strategic Delivery Areas. Policy TS1 (Sustainable development) of the Torquay Neighbourhood Plan states that states that development proposals should accord with policies in the Torquay Neighbourhood Plan unless material considerations indicate otherwise. Policy SS3 (Presumption in favour of sustainable development) of the Local Plan states that the Council will take a positive approach when considering development proposals and that planning applications that accord with policies in the Local Plan (and where relevant Neighbourhood Plans) will be approved unless material considerations indicate otherwise.

Objections have been made that the proposals are contrary to the Policies above. Reasons include that they do not safeguard the natural/built environment, are contrary to policies in the Torquay neighbourhood Plan and adversely affect the setting of Grade II listed buildings.

Officers have considered these points but do not believe that the proposals are contrary to any of these policies (further details are provided in the discussion below).

The proposals are therefore considered to be in accordance with Policies SS1, SS3 and TS1.

4. Environment

Policy SS8 (Natural Environment) of the Local Plan sets out that all development should have regard to its environmental setting. Policy SS9 (Green infrastructure) of the Local Plan states that the Local Plan seeks to integrate new development with strategic green infrastructure, and to protect and provide high quality green space at a local level. Policy SS10 (Conservation and the historic environment) of the Local Plan states that development proposals will be assessed against the need to conserve and enhance conservation areas while allowing sympathetic development within them. Also that proposal that may affect heritage assets will be assessed in view of their impact on listed and historic buildings and their settings.

Objections have been made that the proposals are contrary to the Policies above. Reasons include that excessive glazing will affect dark skies, "removal of trees bordering conservation area" and the impact that the proposals will have on the setting of listed buildings and the Maidencombe Conservation Area, the boundary of which skirts the site.

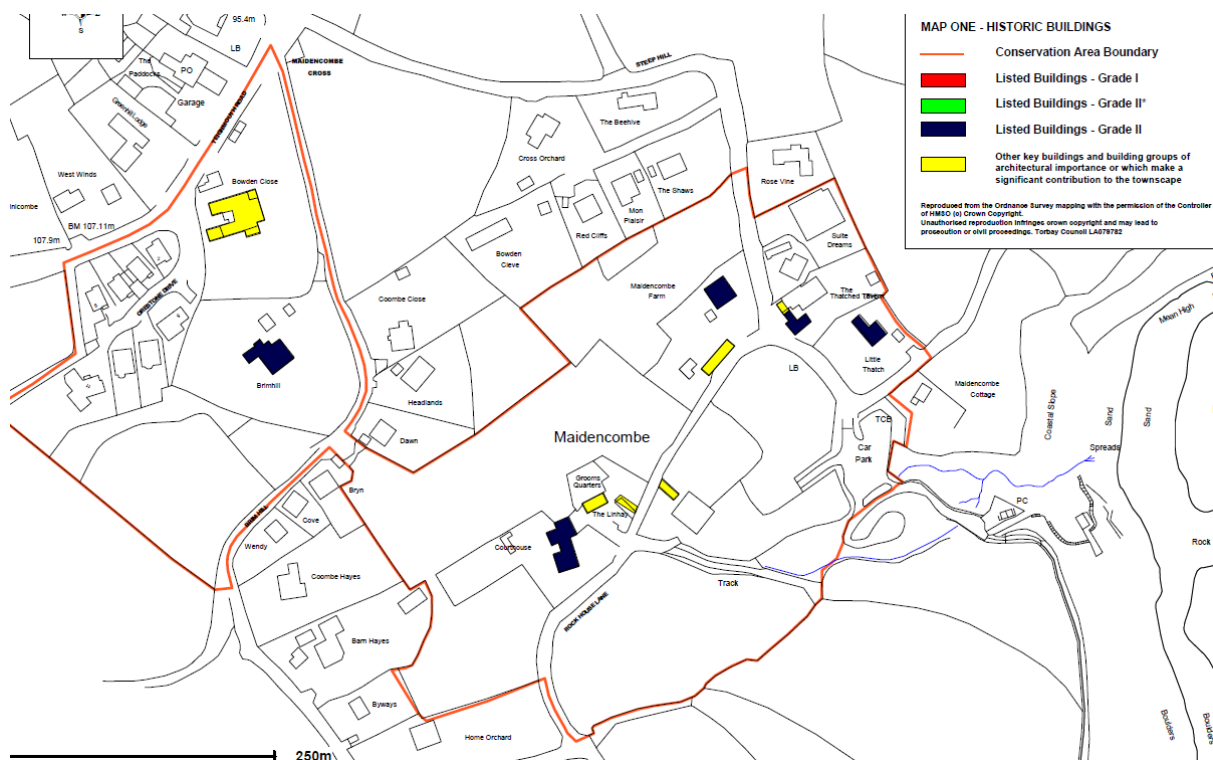
As noted above the proposals are substantially the same as proposals approved in 2016 and 2018. Officers consider that the amount of glazing proposed in the current proposals is substantially the same as in these previously approved schemes and do not consider that any increase is significant to affect dark skies to the extent that a refusal is warranted.

The proposals do not propose the removal of any trees/hedgerows. The Council has previously investigated complaints that trees/hedgerows have been removed at the site without authorisation. Torbay Council's arboriculture officer visited the site in response to complaints made about unlawful felling in October 2020 and confirmed that Two Cypress trees and a single Ash tree had been removed from an area between the south of the property and the site boundary. The Council's arboriculture officer was able to verify (by

counting rings in the stumps) that these trees had been planted around 2000 and were not protected by the area wide Tree Preservation Order introduced to cover the site on 11/09/1986 (only trees planted before this date are protected). As such Council is satisfied that no unauthorised felling has taken place.

Officers do not believe that the proposals materially affect the setting of any listed building. Grade II listed buildings are site to the north west (Brimhill) and south east (the Courthouse). There are three other listed buildings towards the centre of Maidencombe village. However these are all significant distances from the site. Brimhill is some 45m distant and is not visible from the site. The Court house sits at the bottom of the hill below the site but is some 90m distant. Officers therefore consider that the proposals do not affect the setting of listed buildings.

The Maidencombe Conservation Area boundary skirts the site on three sides so as to exclude not only Dawn, but also Headlands and Combe Close to the north east. To the south west Bryn, Cove and Wendy are also fall outside of the conservation area boundary



Officers have considered whether the proposals would detract from the character of the conservation area but consider that they would not lead to unacceptable harm.

The proposals are therefore considered to be in accordance with Policies SS8, SS9 and SS10.

5. Climate change

Policy SS14 of the Local Plan states that development should be resilient to the local climate commensurate to the use of the proposal and should avoid responses to climate impacts which lead to increases in energy use and greenhouse gas emissions.

The applicant has stated that the proposals will reduce the carbon footprint of the house through the use of triple glazed sliding doors to reduce heat loss and carbon emissions, rather than the bifold doors as approved under P/2016/0471.

It is considered that this approach demonstrates a proportionate response to the minimisation of carbon emissions at the site.

The proposal is therefore considered to be in accordance with Policy SS14.

Policies for managing change and development in Torbay

6. Parking

Policy TA3 (Parking requirements) and Appendix F of the Local Plan states that residential dwellings should be served by two parking spaces and an additional space is required for each two additional bedrooms added by proposals. Policy TH9 of the Torquay neighbourhood Plan states that all housing developments must meet the guideline parking requirements contained in the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future.

The proposals would add a fourth bedroom to the three existing bedrooms. No additional parking provision is therefore required. There is space for at least two parked cars at the site (including the garaged space)

The proposals are therefore considered to be in accordance with Policies TA3 and TH9.

7. Countryside, coast and greenspace

Policy C1 (Countryside and the rural economy) of the Local Plan states that development in the open countryside away from existing settlements will be resisted where this would lead to the loss of open countryside or creation of urban sprawl and that development within villages will only be permitted where they are of an appropriate modest scale. Policy C2 (The coastal landscape) states that the Council will preserve the character of the undeveloped coast and that development in this area will only be permitted where it maintains the unspoilt character of the coastline and coastal landscape. Policy C4 (Trees, hedgerows and natural landscape features) of the Local Plan states that development will not be permitted where it would harm veteran or protected trees.

Objections have been made that the proposals are contrary to the Policies above. Reasons include that the proposals would not be of a modest scale, would not preserve the special character of Maidencombe and would create more light pollution. Also that they would have an adverse visual impact as well as “removal of trees and hedgerows”.

Officers have considered the proposals in relation to these policies and consider that they are of an appropriate modest scale relative to the Maidencombe village boundary. The site is within the mapped area of undeveloped coast in the Local Plan and is approximately 385m from the coastline and 340m from the South West coast path. Officers consider that given the distance of the site from the coastline and their relatively modest scale the proposals are unlikely to detract from the character of the coastline or coastal landscape such that a refusal is warranted. As mentioned above, the proposals do not propose the removal of any trees/hedgerows. The Council has previously investigated complaints that trees/hedgerows

have been removed at the site without authorisation and has opted not to take enforcement action having concluded that no unauthorised felling has taken place.

The proposals are therefore considered to be in accordance with Policies C1, C2 and C4.

8. Nature conservation

Policy NC1 (Biodiversity and geodiversity) of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 (Protected species habitats and biodiversity) of the Torquay Neighbourhood Plan state that the development of new homes, or a new commercial property or business premises of any class on an unallocated site that could have an impact on a protected species or habitat must provide an assessment of impacts upon any protected species or habitats.

Objections have been made that the preliminary ecological survey submitted with the application was deficient and out of date and that the proposals involve “hedgerow removal”.

The applicant has since provided an updated preliminary ecological survey report dated 2021 together with previous reports carried out in 2016 and 2018 and 2020.

Report findings identify that there was evidence (bat droppings) of the occasional use of the roof void as a non breeding day roost by one common Pipistrelle Bat and also identified that the site is within a Landscape connectivity Zone within the South Hams Special Area of Conservation for Greater Horseshoe bats. (No evidence of nesting birds was found).

The report makes a number of recommendations including mitigation measures for bats.

Officers consider that the submitted information is adequate and that the recommendations and measures set out within it represents a proportionate response to the issues identified.

As mentioned above, the proposals do not proposes the removal of any trees/hedgerows. The Council has previously investigated complaints that trees/hedgerows have been removed at the site without authorisation and has opted not to take enforcement action having concluded that no unauthorised felling has taken place.

The proposals are therefore considered to be in accordance with Policies NC1 and TE5.

9. Historic environment

Policy HE1 (Listed buildings) states that development proposals should have special regard to the desirability of preserving any listed building and its setting. Policy TH10 (Protection of the historic built environment) of the Torquay Neighbourhood Plan states that alterations to listed buildings will be supported where they safeguard and enhance their historic qualities.

Objections have been made that the proposals are contrary to these policies as they would have adverse effect on the setting of Grade II listed buildings.

As noted above, officers do not believe that the proposals affect the setting of any listed building such that refusal is warranted. Grade II listed buildings are sited to the north west (Brimhill) and south east (the Courthouse). There are three other listed buildings towards the centre of Maidencombe village. However these are all significant distances from the site. Brimhill is some 45m distant and is not visible from the site. The Court house sits at the

bottom of the hill below the site but is some 90m distant. Officers therefore consider that the proposals do not materially affect the setting of listed buildings.

The site itself is not a listed building.

The proposals are therefore considered to be in accordance with Policies HE1 and TH10.

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.

10. Design and development

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 DE3 (Development amenity) of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity. Policy DE4 (Building heights) of the Local Plan states that the height of new buildings should be appropriate to the location, historic character and the setting of development. Policy DE5 (Domestic extensions) of the Local Plan states that extensions to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general. Policy TH8 (established architecture) of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Objections have been made that the proposals are contrary to these policies – see summary above and objections on file for reasons. Reasons include that the proposals would create a very large building across four levels, with terraces at three levels (roof, upper ground floor and lower ground floor) out of character with the local area and neighbouring properties. Also that it would be over-dominant. Objections have also been made that the proposals would overlook neighbouring properties, be overbearing, and lead to light pollution. Also that a decision to grant planning permission would be inconsistent with the treatment of other proposed developments in the vicinity of the site and would create a precedent for further inappropriate development.

Objections have also been made about the veracity of the submitted plans and about the legitimacy of a proposed “fall back” scheme that the applicant has asserted could be built without planning permission under the provisions of the General Permitted Development Order 2015 (as amended).

Submitted plans

Objections have been made about perceived inaccuracies between submitted plans, lack of detail of floor levels and a notation present on all plans which previously read “Do not scale from this drawing”. The applicant has confirmed that the submitted plans are to scale and has removed the notation above. Floor level details have been added. Officers are satisfied that plans are accurate. Proposed section drawings supplied by the applicant also confirm

that the proposed loft conversion and raised roof ridge would provide adequate internal floor to ceiling height.

Fall back position

The applicant has provided details of a “fall back” scheme, incorporating side extensions, a rear extension a front porch and a rear outbuilding that he argues could be implemented as permitted development. Officers have not assessed whether or not this scheme would constitute permitted development, although it is clear that fairly significant works could be carried out under permitted development rights.

The property benefits from permitted development rights.

Visual appearance

Officers consider that the proposals are acceptable in relation to their visual appearance.

The proposals do not include four stories as referred to in some objections. At the front the proposals would maintain the appearance of a single storey bungalow. At the rear the proposals would remain two stories in height. The roof would be converted into a bedroom with a small inset balcony but, besides from the addition of the proposed two storey side extension, the appearance of the rear elevation would otherwise remain largely unchanged. As noted above (Description of proposals) there is already a terrace across the full width of the main dwelling at upper ground floor level. The proposals would involve extending this across the proposed side extension and filling in the gap under the existing terrace with a 1.4m deep extension to the existing lower ground floor. As the ground slopes down steeply from the rear of the main dwelling the existing decking to be replaced is approximately 2m above ground level at the rear. In an earlier iteration of the plans the applicant intended to use the space under the decking as a store. However the plans have since been amended to remove this store and show the gap between the decking and the ground boarded up with vertical timber boards approximately 2m high.

As noted above the proposals are substantially the same as those granted planning permission in 2016 and 2018.

Officers consider that the proposals would be subservient to the main dwelling without detracting from the existing street scene. It should be noted in this respect that ground levels mean that the proposed single storey extension at the rear is unlikely to be visible from outside the front of the property and that the proposed two storey side extension is unlikely to feature prominently due to differences in levels. Officers consider that the proposed rise in the roof ridgeline is acceptable and that the size of the plot means that the proposals would not represent overdevelopment.

Amenity

Officers have considered the issue of neighbour amenity and consider that the proposals would not lead to significant overlooking, overshadowing, loss of light or light pollution such that planning permission should be refused. Openings in the side of the proposed side extension facing Bryn would be obscure glazed at first floor level. Officers consider that the distance from the site to Bryn, in the region of 24m, means that the proposals would not be unacceptably overbearing. The distance from the site to Headlands, in the region of 20m, is considered to be sufficiently distant such that no significant overlooking would occur in this direction either. Properties to the south east at the bottom of the hill are considered to be sufficiently distant such that no amenity issues are likely to arise. Officers have considered

the issue of light pollution. The property is already heavily glazed to the rear at upper and lower ground floor levels and officers consider that the proposed increase in glazing is unlikely to lead to any significant increase in light spillage from the property.

Precedent and other applications

Each application is considered on its merits and officers do not consider that an approval would set a precedent for any future development proposals. Officers do not consider that it is appropriate to compare previous decisions to refuse planning permission for proposals at nearby sites with the proposals under consideration.

Given the siting, scale, and design of the proposal it is considered that the proposal would not result in unacceptable harm to the character or visual amenities of the locality or neighbour amenity.

The proposal is therefore considered to be in accordance with Policies DE1, DE3, DE4, DE5 and TH8.

10. Environmental resources

Policy ER1 (Flood risk) 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 ER2 (Water management) of the Local Plan states that all development should seek to minimise the generation of increased run-off having regard to the drainage hierarchy. Policy ER4 (Ground stability) of the Local Plan states that appropriate investigations will need to be agreed with the Council where identified or suspected ground instability presents a risk to public health and safety, buildings, structures or the natural environment.

Objections have been made that the proposals would lead to increased surface water run off with the potential to affect foundations of properties further down the hill and the operation of their septic tanks. Also that there is potential for ground instability due to the steep sloping nature of the site.

The site is not within the critical drainage area for Torbay. However the applicant has submitted a flood risk assessment identifying that sustainable drainage systems will be used and a condition to this effect will be added.

There is no evidence of ground instability presenting a risk to public health.

The proposal is therefore considered to be in accordance with Policies ER1, ER2 and ER4.

11. Special protection for rural village environments

Policy TH11 (Rural village conservation areas) of the Torquay Neighbourhood Plan states that:

“Within the Maidencombe and Cockington Village designated Conservation Areas, subject to other policies in this Plan, development proposals consisting of sensitive conversions, extensions and alterations will be supported where this would protect or enhance the character and setting of the designated Conservation Area and also have regard to the significance of existing open spaces in terms of their contribution to the Conservation Area”.

Policy TH12 (Maidencombe area) of the Torquay Neighbourhood Plan states that:

“Any proposal for development within Maidencombe Village Envelope must demonstrate that it respects local character and it conserves or enhances heritage and landscape assets where it might impact on those assets.

To achieve this, any development must be of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes.

Designs and construction materials must draw from and be in keeping with local features and design characteristics and be appropriate in relation to its landscape sensitivity.

Development must take into account the value of the rural landscape and comply with the Local Plan policies in the designated Countryside Area (C1) and Undeveloped Coast (C2). Major developments in C1 countryside, outside the Village Envelope, will not be supported and any green-field development will be resisted unless it is compatible with the rural character and setting and it fits within the constraints of the existing landscape and visual character of the area”.

Objections have been made that the proposals are contrary to these policies. Reasons include that the proposals would have an adverse impact on the Maidencombe Conservation Area, would be out of keeping with the local area (scale, height, footprint location, massing) and would not conserve or enhance heritage and landscape assets.

Policy TH11 applies to development “within the .. Conservation Area”. The site is outside the boundary to the Conservation Area. Officers nevertheless consider that the proposals represent sensitive extensions.

Policy TH12 refers to the need for proposals to conserve or enhance heritage and landscape assets where they might impact on those assets. However in this case officers do not consider that the proposals impact on heritage/landscape assets and nevertheless consider that the proposals are *“of a scale, height, footprint, location and massing in keeping with its built surroundings and the overall physical characteristics within the Village Envelope; and to protect the amenity of existing homes”.*

It should be noted in this respect that whilst the Maidencombe village includes 5 Grade II listed buildings the vast majority of buildings carry no heritage designation and are comparatively modern in character. As set out above under “Design and development”, officers do not consider that the proposals would detract significantly from neighbour amenity. The proposal would make use of local limestone from Stoneycombe quarry. Officers consider that the proposals accord with policies C1 and C2.

The proposal is therefore considered to be in accordance with Policies TH11 and TH12.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

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

HRA:
Not applicable.

Planning Balance

This report gives consideration to the key planning issues, the merits of the proposal, development plan policies and matters raised in the objections received. It is concluded that no significant adverse impacts will arise from this development and it is in accordance with the Development Plan, including the Torquay Neighbourhood Plan.

It is noted that many of the objections refer to the proposal being contrary to a number of Development Plan policies. Many of these policy assessments require subjective interpretation however. Following a detailed assessment of the scheme Officer opinion is that the proposal does not conflict with the development plan

As such it is concluded that the planning balance is in favour of supporting this proposal.

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; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to access and parking, flood risk, and ecology. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below and subject also to no new material planning considerations being raised within the remaining consultation period. 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 and Climate Emergency.

Conditions

1. The extensions hereby approved shall be constructed in accordance with the Materials Schedule drawing 586-M1 dated 20/04/16 and the Stone facing wall specification drawing 586-M2 dated 23/07/18. The natural stone walls shall be constructed from stone laid on its natural bed in a sand/lime mortar. Development shall be carried out in accordance with the approved details.

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

2. The two upper ground floor windows (utility and W/C) on the south west facing side elevation facing Bryn, Brim Hill, and the south west facing lower ground floor en-suite window also facing Bryn, Brim Hill shall be fitted with obscure glazing to a level at least equivalent to

Pilkington Level 3 and fixed shut or fitted with a 100 mm opening restrictor. The windows shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; in accordance with the requirements of policies DE1, DE3 and DE5 of the Torbay Local Plan 2012 - 2030.

3. The upper ground floor windows (bathroom) in the side extension on the south east side of the building facing south east towards Headlands, Brim Hill and north east shall be fitted with obscure glazing to a level at least equivalent to Pilkington Level 3 and fixed shut or fitted with a 100 mm opening restrictor. The windows shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; in accordance with the requirements of policies DE1, DE3 and DE5 of the Torbay Local Plan 2012 - 2030.

4. Before the first use of the upper ground floor terrace hereby permitted the obscure glazed privacy screen shown on the approved plans in the south west elevation facing Bryn, Brim Hill shall be installed to a height of 1.7m to at least the equivalent of Pilkington Level 3. The privacy screen shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; and in accordance with the requirements of policies DE1, DE3 and DE5 of the Torbay Local Plan 2012-2030.

5. In accordance with the submitted flood risk assessment received 20/10/20, 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 and the guidance contained in the NPPF.

6. No destructive works are to be carried out to the roof between 1st June and 31st August of any year.

Reason: For the protection of legally protected bats and in accordance with Policy NC1 of the Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan and the advice contained within the NPPF.

7. The development hereby approved shall be carried out in strict accordance with the recommendations set out in the approved ecology reports: Bat Survey Mitigation & Compensation Report # 9620/GLE dated October 2020 and Preliminary Ecological Appraisal Update of Report 08715/GLE dated February 2021. Which shall include:

- On the day which work will commence on the roof; all site operatives will be informed about the legislation which protects bats, how the property is being used by bats, how the work shall proceed with regards to bats and what to do in the event that bats are discovered during the work.
- Prior to work commencing a thorough inspection of the roof void and other external features will be carried out by a licenced and suitably qualified ecologist; if any bats are discovered they will be safely removed by gloved hand and put into the bat box previously installed.
- A licensed bat worker will be in attendance during the stripping of the roof, which will be soft stripped by hand.

Reason: For the protection of legally protected bats and in accordance with Policy NC1 of the Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan and the advice contained within the NPPF.

8. Prior to the first occupation of the development hereby approved, in-line with the recommendations of the approved Bat Activity/Emergence Survey Mitigation & Compensation report dated July 2016, the bat roosting opportunities shown on the ecology mitigation plan reference: 589-EC1(B) will be provided. These enhancements shall include:

- 15-20mm gaps will be created between the fascia board and the external wall with a south westerly aspect. An internal wall will prevent bats from entering the roof void whilst allowing them access to the top of the wall. It is imperative that bats are prevented from coming in to contact with modern breathable roof membrane which becomes lethal to them over time as they become entangled in its fibres.
- Two voids with access gaps into wall cavities will be incorporated into a south facing and north easterly facing wall.
- Two Schwegler 1FR bat tubes will be incorporated into the walls in two locations, one to face south and west.
- Two gaps in the stone work to allow crevice dwelling bats to inhabit the stone wall.

The approved enhancements shall thereafter be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure enhancements for legally protected bats in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and the advice contained within the NPPF.

9. External lighting shall be installed in strict accordance with the approved lighting plan (plan reference: 589-05B dated 16/10/20) and lighting specification (drawing 589/M3, dated 23/07/18). No additional external lighting shall be installed on, or in association with, the building except for low-intensity, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any lights should be mounted at a height no greater than 1.9m from ground level, directed/cowled downward and away from the site hedges and trees. The lights should produce only narrow spectrum, low intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

Reason: For the protection of legally protected bats and in accordance with Policy NC1 of the Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan and the advice contained within the NPPF.

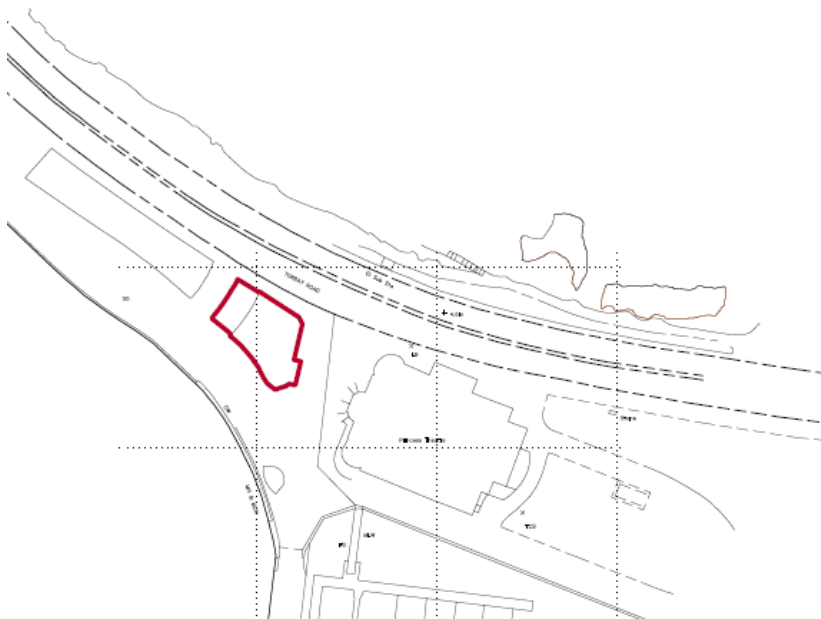
Development Plan Relevant Policies

SS1 Growth Strategy for a prosperous Torbay
SS3 Presumption in favour of sustainable development
SS8 Natural Environment
SS9 Green infrastructure
SS10 Conservation and the historic environment
TA3 Parking requirements
C1 Countryside and the rural economy
C2 The coastal landscape
C4 Trees, hedgerows and natural landscape features
NC1 Biodiversity and geodiversity
HE1 Listed buildings
DE1 Design
DE3 Development amenity
DE4 Building heights
DE5 Domestic extensions
ER1 Flood risk
ER2 Water management
ER4 Ground stability
TS1 Sustainable development
TH8 Established architecture
TH9 Parking facilities
TH10 Protection of the historic built environment
TH11 Rural village conservation area
TH12 Maidencombe area
TE5 protected species and habitats



Application Site Address	Pier Point Café, Torbay Road, Torquay, TQ2 5HA
Proposal	Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.
Application Number	P/2020/1288
Applicant	Arnold & Moreton
Agent	Narracotts Architects
Date Application Valid	14/01/21
Decision Due date	11/03/21
Extension of Time Date	10/05/21
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee as the site is owned by Torbay Council.
Planning Case Officer	Sean Davies

Location Plan



Site Details

The site at Pier Point Café, Torbay Road, Torquay, TQ2 5HA is a detached café/restaurant and its curtilage. The site is in the Belgravia conservation area, on the boundary of the Torquay harbour Conservation area, within the Torquay Core Tourism Investment Area and is adjacent to and partially includes the Princess Gardens and Royal Terrace Gardens, which has been designated as a Registered Park and Garden.

Description of Development

Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.

The proposals would replace the existing outdoor seating area with a fully glazed retractable roof. The height of the roof of the existing café would not be altered. Internally the location of the existing restaurant/dining area, bar, WCs, staff and prep areas would remain largely unchanged. An existing takeaway counter and kiosk at the southern corner of the site would also be retained. Existing glazing in all elevations would be replaced and improved, with extensive use of full height glazing, including around all three sides of the existing outdoor seating area. The side of the building facing the sea (south west) would be remodelled with the existing curved and angular side replaced with a straight and vertical side with sliding doors. The angled profile of the windows facing Torbay Road would be retained. Adjustments to the arrangement of roof plant (i.e. extraction and odour control equipment) would also be made.

Pre-Application Enquiry

None.

Relevant Planning Policy Context

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

Development Plan

- The Adopted Torbay Local Plan 2012-2030 (the "Local Plan")
- The Torquay Neighbourhood Plan

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.

Relevant Planning History

CN/2020/0047: Discharge of Condition relating to application P/2019/1341. Condition: 03 - Waste Management. APPROVED.

P/2020/0383: Alterations and extensions to existing restaurant including change of use of part of site from retail (A1) to restaurant (A3) - Revised Plans Received APPROVED.

P/2019/1341: Alteration to existing opening to form counter for hot food takeaway. Addition of A5 Class to existing A3 Class. APPROVED.

P/2017/0638: First floor extension, terrace and alterations to restaurant & bar, solar PV and associated works.(Revised Plans received) APPROVED

DE/2014/00666: Proposed roof terrace with external stair access and fire exit PRE-APPLICATION ADVICE

P/2013/1121: New door opening formed within existing glazed panel and sill to provide additional fire exit and means of escape APPROVED

P/20017/0913: Change Of Use To Provide Tables And Chairs To Front Of Venue.

Summary of Representations

Approximately three responses received.

Approximately one representation from a member of the public has been received. Concerns raised included:

- Disappointment with design: "Gone is the second floor. Gone, what could have been an iconic building in favour of a simple refurbishment".
- Work has already started.

Approximately one objection has been received from Torbay Coastal Heritage Trust.

Concerns raised include:

- The submitted Heritage Statement is inadequate.
- the Design and Access Statement is inaccurate; concerns about design; in particular the outdoor terrace.
- The proposals would impact negatively on the Belgravia and Torquay Harbour conservation areas.
- Inadequate car/cycle parking.
- Noise impacts.
- Impacts on trees.
- An existing lead to shed next to the main building doesn't have planning permission.
- Concern that works have started in advance of planning permission.
- Concern about lack of waste storage facilities

Approximately one representation in support has been received from Torbay Friends of the Earth in relation to the design of the proposals and commenting that take away materials should be bio-degradable.

Torquay Neighbourhood Forum:

No response received.

Historic England:

No objections. Request that the LPA consider the following recommendations:

- the Local Planning Authority (LPA) pays careful attention to (i) the cladding panels and sign fascias that will be used; (ii) the potential for air conditioning units, solar panels etc. to be installed on the roof in future and considers removing permitted development rights.
- the LPA considers securing a financial contribution towards the aspirations set out in the adopted masterplan for the Princess Gardens and Royal Terrace Gardens and the the adopted Conservation Area Appraisal and Management Plan for Torquay Harbour.

Torquay Drainage Department:

No objection Provided the resilience measures included within the site specific flood risk assessment are included within the final construction.

Torquay Arboriculture Department:

No objection.

Torquay Community Safety Department:

No objection. Comments:

- Ensure there is an adequate number of wash hand basins throughout the different locations of the kitchen, including to the takeaway servery, ice cream kiosk and staff toilet
- Toilet provision to comply with recommended standards. All toilets will need a lobby (e.g. 2 doors) between the toilets and any food preparation/storage areas and they must have sufficient mechanical or natural ventilation.
- If new kitchen ventilation is to be installed to treat and disperse emissions from cooking operations on the premises then the developer would be best advised to have reference to the following document: Control of Odour and Noise from Commercial Kitchens Exhaust Systems – 2004 (Update prepared by NETCEN for the Department for environment, Food, and Rural Affairs). Following installation, the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.
- The premises must comply with the Health Act 2006 to ensure all enclosed areas are smoke-free. Any designated smoking areas must comply with the legislation and be non-substantially enclosed. The external dining space would be classed as enclosed under this legislation when the roof is in place and therefore this area would be required to be non-smoking.

Police:

No objection. Request that the LPA consider the following recommendations:

- Installation of CCTV and lighting to external areas.
- Appropriate storage for outdoor furniture.
- Bin store to be secure, covered by CCTV and ideally sited away from main building elevation.
- All new doors and accessible windows to be sourced as tested/certified products to provide adequate security.
- Doors to be flush with building line to avoid creating hidden recessed areas.
- Elevations to be treated with anti-graffiti finish.
- A management plan should be agreed prior to approval to ensure that the use of the external areas are well managed and regularly supervised by staff

Key Issues/Material Considerations

1. Principle of Residential Development
2. Visual impact
3. Amenity
4. Transport and accessibility
5. Parking and access requirements
6. Ecology
- 7 .Flood risk and drainage

1. Principle of Residential Development

The proposal seeks permission for Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only. There are no Local Plan policies indicating that the proposal is not acceptable in principle.

2. Torquay Town Centre and Harbour

Policy SDT2 of the Local Plan states that Torquay Town Centre will develop as the largest retail and leisure centre of the Bay and become the key sub-regional retail and leisure destination, helping to provide an improved vibrant and more enjoyable shopping and leisure environment with better eating and leisure facilities.

Officers consider that the proposals would assist towards the aim of providing a more vibrant and enjoyable leisure experience within the town centre.

The proposal is therefore considered to be in accordance with policy SDT2.

3. Evening and night time economy

Policy TC5 of the Local Plan states that the Council supports development that helps create a vibrant, diverse evening and night time economy within town centres, seafront and harbour areas of the Bay.

Officers consider that the proposals would contribute to this aim by providing an attractive venue likely to draw local people and visitors to the harbour area.

The proposal is therefore considered to be in accordance with Policies TC5.

4. Tourism

Policy TO1 of the Local Plan states that tourist facilities will be improved and modernised in order to attract new visitors, particularly overnight visitors, and increase overall spend. Further, that the Council will support the retention and improvement of high quality tourism and leisure attractions and facilities in sustainable accessible locations, with a particular focus on Core Tourism Investment Areas (CTIAs).

The site is within the Torquay CTIA. Officers consider that the proposals would improve the tourism offer of the CTIA and would contribute to attracting new visitors, including overnight visitors, and overall spend.

The proposal is therefore considered to be in accordance with Policy TO1.

5. Visual impact

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, including designing out crime. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

An objection has been made by Torbay Coastal Heritage Trust about the design of the proposals. In particular about the visual appearance of the proposed enclosure of the existing outdoor seating area and about an existing bin store to the side of the building, which is said to be unauthorised development.

A member of the public has objected about the omission of the second floor included in previous proposals. One representation (Torbay Friends of the Earth) has also been made in support of the design, principally as the second floor included in previous proposals has been omitted.

Historic England has commented that:

“Historic England finds that the proposed alterations will improve the appearance of the existing building, the setting of the RPG and the experience of users of the theatre and pedestrians, and will encourage users to move westwards into the sunken gardens and better appreciate the further reaches of the RPG. The facade facing the theatre is

more utilitarian with a possible bin enclosure added to the side, but nonetheless is also an improvement on the existing arrangement.”

The existing site is a 1950s/1960s café building with an outdoor seating area. It is understood that it currently operates as a café/restaurant (use class A3) and a shop (use class A1) - now both Use Class E. Also as a hot food takeaway (sui generis use). So the proposal would be a mixed use - Class E and sui generis take away.

The proposals would replace the existing outdoor seating area with a fully glazed retractable roof. The height of the roof of the existing café would not be altered. Internally the location of the existing restaurant/dining area, bar, WCs, staff and prep areas would remain largely unchanged. An existing takeaway counter and kiosk at the southern corner of the site would also be retained. Existing glazing in all elevations would be replaced and improved, with extensive use of full height glazing, including around all three sides of the existing outdoor seating area.

Officers consider that the proposals will significantly improve the visual appearance of the site and that the proposed enclosure of the existing outdoor seating area will blend in well with the existing structure.

At roof level a number of existing roof lights and four air handling units would be removed. Nine new air handling units would be provided towards the middle of the roof, together with two deoderiser extractors which would be covered by an enclosure to match the existing roof and three serve duct/air intakes. It is understood that all proposed roof plant has now been installed. The aforementioned cover for the deoderiser units has not yet been provided. The existing rooflights and some of the air handling units to be removed are still in place.

The applicant has responded to points made by the Police by supplying a full CCTV plan and confirming that no furniture will be left out over-night.

The existing bin store is understood to have been in place for a number of years. Officers have discussed the prospect of improving the visual appearance of the bin store with the applicants through the provision of a small rendered block work store attached to the main building in the current location of the bin store in order that it may blend in more with the main building. However the applicants have declined to do this and, as the bin store is existing and has been in place for some time officers do not feel that the retention of the bin store in its current condition amounts to a reason for refusal.

The proposal is therefore considered to be in accordance with Policies DE1 and TH8.

6. Amenity

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

An objection has been made about noise impacts associated with the proposals. However, officers do not consider that the development would result in any significant increase in noise as compared with the existing development. Noise has not been raised as an issue by Torbay Community Safety Department.

The applicant has confirmed that the points made by Torbay Community Safety Department will be addressed during final construction and that odour control extraction systems have

already been installed. Planning conditions will be used to ensure that the points made by Torbay Community Safety Department are actioned.

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

7. Conservation and the Historic Environment

Policy SS10 of the Local Plan states that development proposals will be assessed against the need to conserve and enhance conservation areas while allowing sympathetic development within them. Also that proposal that may affect heritage assets will be assessed in view of their impact on listed and historic buildings and their settings.

The site is in the Belgravia conservation area, on the boundary of the Torquay Harbour Conservation area, and is adjacent to and partially includes the Princess Gardens and Royal Terrace Gardens, which has been designated as a Registered Park and Garden.

An objection has been made that the submitted Heritage Statement is inadequate and that the proposals would harm the character of the Belgravia and Torquay Harbour conservation areas.

Balanced against this, Historic England has commented that:

“Historic England finds that the proposed alterations will improve the appearance of the existing building, the setting of the Registered Park and Garden”

Officers concur with this view and consider that the proposals would conserve and enhance the appearance of the conservation areas as well as nearby heritage assets.

As mentioned above, while there is clearly scope to improve the appearance of the existing bin store and in so doing to enhance the character of the conservation area officers do not feel that the retention of the existing bin store amounts to a reason for refusal in this case.

Historic England has recommended that the Local Planning Authority seek contributions from the applicant towards the adopted Masterplan for the Registered Park and Garden and the adopted Conservation Area Appraisal and Management Plan for Torquay Harbour. Officers have considered this but do not believe that a contribution is warranted.

The proposals are therefore considered to be in accordance with Policy SS10.

8. Parking and access requirements

Policy TA3 of the Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking in all new development.

An objection has been made that the proposals do not include any car or cycle parking.

The applicant has confirmed that the proposals do not include any material increase in staffing levels (12 full time and six part time staff rising to 15 full time 15 part time staff) and or seating capacity.

Given that there is no car or cycle parking associated with the existing site officers consider that the proposals do not require any new parking provision in this case. The local area is well served by public parking, both along Torbay Road and at nearby car parks.

The proposal is therefore considered acceptable with regards to Policy TA3.

9. Flood risk and drainage

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

The site is within Flood Zone 3. Torbay Drainage Department has confirmed that it has no objection to the proposals provided the resilience measures included within the site specific flood risk assessment are included within the final construction.

The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

10. Waste

Policy W1 of the Local Plan states that all development proposals should provide a scheme of sustainable waste management proportionate to the scale of the proposal. Policy W2 requires that Development proposals which are likely to generate significant volumes of waste must include a Waste Audit and Five Year Waste Management Plan setting out how waste generation will be reduced during the construction and operation of the development. This will include provision of appropriate on-site facilities for reuse, recycling (composting where appropriate) and collection of waste. Schemes should include measures to:

1. Prevent and minimise, re-use and recycle waste (including composting where appropriate);
2. Minimise the use of raw materials;
3. Minimise the pollution potential of unavoidable waste;
4. Seek alternative modes of transport (to the use of roads) to move waste;
5. Make provision for the storage and collection of waste. Planning contributions for off-site waste management facilities may also be required; and
6. Dispose of unavoidable waste in an environmentally acceptable manner;

An objection has been made that the proposals don't include details of waste storage.

The proposal includes an existing bin storage area. The proposal includes a takeaway counter. Therefore a planning condition will be used to require the submission of a Waste Management Plan to ensure that the use of plastic containers are minimized, local litter bins are not subject to undue pressure and seagulls are managed.

Following the use of this condition, the proposal is considered to comply with Local Plan Policies W1 and W2.

11. Trees

Policy C4 of the Local Plan states that development will not be permitted where it would harm veteran or protected trees.

An objection has been made about the proposals' possible impact on trees.

There is a London Plane tree along Torbay Road north east of the site. However Torbay Arboriculture department has been consulted on the proposals and has not raised any concerns.

The proposal is therefore considered to be in accordance with Policy C4.

12. Climate Change

Policy SS14 of the Local Plan states that development should be resilient to the local climate commensurate to the use of the proposal and should avoid responses to climate impacts which lead to increases in energy use and greenhouse gas emissions.

The applicant has confirmed that “energy efficient light fittings are installed throughout, whilst similar energy efficiency has been achieved by means of upgrading all the Kitchen and associated equipment. All new doors and windows will be double glazed and rated for severe exposure, thus ensuring the heat loss from the building and therefore the associated running costs will be reduced”.

It is considered that this approach demonstrates a proportionate response to the minimisation of carbon emissions at the site.

The proposal is therefore considered to be in accordance with Policy SS14.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

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

HRA:

Not applicable.

Planning Balance

This report gives consideration to the issues raised in the objections received and concludes that these are not of sufficient weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal. The presumption in favour of sustainable development together with the benefits that the proposals would bring to the local economy and to safeguarding the long future of the Torquay town centre and Harbour area, the environment and social benefits associated with an improved leisure offer all weigh in favour of the development and mean that approval should be granted in this case.

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; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to access and parking, flood risk, and ecology. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material

considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below and subject also to no new material planning considerations being raised within the remaining consultation period. 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 and Climate Emergency.

Conditions

1. Prior to the installation of any external building materials, including cladding, render, windows and doors, the proposed materials (including samples) shall be 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: To ensure an acceptable form of development in the interests of the character and appearance of the Belgravia Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030.

2. The development shall be carried out in accordance with the recommendations set out in the Memorandum from Torbay Community Safety Department dated 15/02/21 (document reference SRU No. 261319).

Reason: In the interest of visual amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

3. Within 8 weeks of the commencement of the development hereby approved, or prior to its installation, details of any external ventilation, extraction or odor control equipment or other plant shall be 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 DE3 of the Adopted Torbay Local Plan 2012-2030.

4. The development hereby approved shall be undertaken in full accordance with the mitigation measures contained in the flood risk assessment dated May 2020, received 03/02/21 (document reference 2386 FRA Rev A) and shall be retained as such thereafter.

Reason: In the interests of flood safety and in accordance with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

5. The development hereby permitted shall not be brought into use until a detailed Waste Audit and Waste Management Plan, has been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed scheme shall be adhered to for the lifetime of the development.

The scheme shall include full details of the following:

- 1) How waste will be minimized as far as possible.
- 2) The storage of refuse and recycling awaiting collection.
- 3) Where customer bins will be provided on site.
- 4) How the development will prevent and minimise, re-use and recycle waste and promote the use of recyclable containers.

5) How the development will dispose of unavoidable waste in an environmentally acceptable manner.

6) How the development will address additional pressure on nearby public litter bins.
Reason: In interests of managing waste in an appropriate manner and in accordance with Policies W1 and W2 of the Torbay Local Plan 2012-2030.

6. The development hereby approved shall not be open to customers outside of the following times: 0800 to 00:30 Monday to Sunday.

Reason: In the interests of the amenity of the area, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the building hereby approved shall not be used for anything other than the sale of food and drink for consumption on or off the premises and ancillary retail sales, 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 the Core Tourism Investment Area and maintaining the vitality of Torquay seafront and in accordance with Policies TO1 and TE5 of the Torbay Local Plan 2012-2030.

8. The development hereby permitted shall not be brought into use until the CCTV plan received 23/03/21, document reference P2020-1288-4 has been installed. Once installed the CCTV system shall be maintained in operation for the lifetime of the development.

Reason: Reason: To ensure an acceptable form of development in the interests of designing out crime in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

Development Plan Relevant Policies

TA1 - Transport and accessibility

TA3 - Parking requirements

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

NC1 – Biodiversity and geodiversity

TH9 – Parking facilities

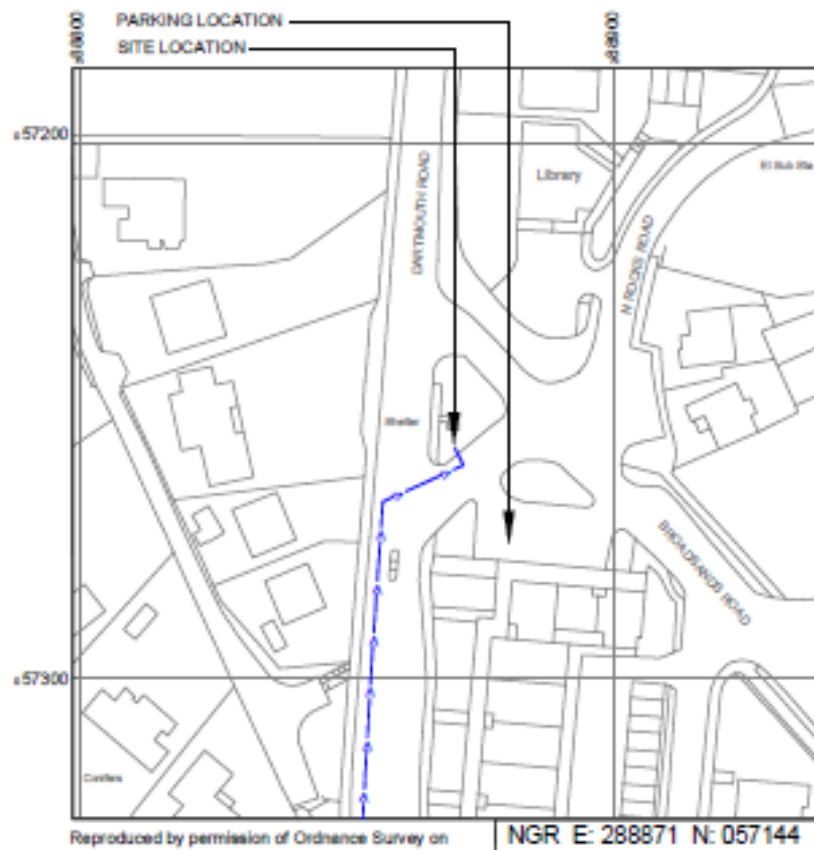
TH8 – Established architecture

TE5 – Protected species habitats and biodiversity

TORBAY COUNCIL

Application Site Address	Land At Dartmouth Rd Dartmouth Rd Paignton TQ4 6LL
Proposal	Installation of 20m telecommunications mast with associated street cabinets.
Application Number	P/2021/0385
Applicant	Hutchison 3G UK Ltd
Agent	Mr C Dalby - Sinclair Dalby Ltd
Date Application Valid	31/03/2021
Decision Due date	26/05/2021
Extension of Time Date	Not applicable
Recommendation	Prior approval is required and granted.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the level of representations received.
Planning Case Officer	Emily Elliott

Location Plan:



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Site Details

The site is on Dartmouth Road close to the junction with Broadsands Road, on a grassed island adjacent to a commercial area. There is an existing tree on the grass island and in the wider background. There is also a streetlight, road signs, a bus shelter, a bin and a public bench. The site forms part of the built up area and is not within Article 2(3) land (Conservation Area).

Description of Development

The proposal seeks to determine if prior approval is required for a proposed, development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 16, Class A.

The proposal seeks the installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.

The proposed development is required to provide new infill coverage for the H3G network (known as '3'). The site is primarily required to provide new 5G coverage and capacity to the area surrounding the site. It would also improve 4G coverage and capacity.

The monopole needs to be higher than the existing paraphernalia in the area for the required level of coverage to be achieved. The development therefore involves the installation of a 20 metre high monopole. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas. These are required to link the site into the wider network. Ancillary equipment cabinets are proposed at ground level adjacent to the pole.

Pre-Application Enquiry

DE/2021/0044: Installation of 20m monopole supporting 6 x antennas, with 4 x equipment cabinets.

- Pre-application enquiry was sought to invite the Local Planning Authority, in accordance with planning policy guidance and Best Practice Commitments, to enter into discussions with regards to this proposal. The applicant undertook several steps in the site identification process having examined the Radio Communications Agency Mast Register, record of other operators' sites and the council's own mast register. In addition, the policies in the council's development plan have been examined and any relevant planning history of the site, which has led to identifying the following potential site.

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 Brixham Peninsula Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 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

No previous relevant planning history relating to the site.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Approximately 70 letters of objection have been received, it should be noted that this number reflects 68 objectors as some have made more than one objection.

Concerns raised include:

- Overdevelopment
- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets precedent
- Impact on local area
- Traffic and access
- Trees and wildlife
- Health concerns

An update will be provided to Members of the Planning Committee following the end of the public consultation period.

Representations from the prior approval application (planning reference P/2021/0305) which was created and advertised in error and subsequently closed and the pre-

application enquiry have been considered, but raise no further concerns than those stated above.

Summary of Consultation Responses

Torbay Council's Highways Engineer:

With respect to the above application, it appears that there is existing street furniture in the vicinity of the proposed telecommunications mast. It is noted that nearby trees may be affected by the proposals and therefore Highways would recommend that Natural Environment be consulted. Visibility to vehicles accessing and egressing the junction is unaffected as a result of the proposals and therefore Highways would support the principle of the proposal. However, should the application be permitted, a protective restraint system should be installed to protect vehicular users in the case of a RTC.

Torbay Council's Senior Tree and Landscape Officer:

The attachments provide an overview of the work proposals and are generally acceptable. Please can we have a pre-commencement condition for a full Arboricultural Method Statement and Tree Protection Plan.

South West Water:

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below. Please find attached a plan showing the approximate location of a public 300mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Police Designing-Out Crime Officer:

Thank you for the opportunity to comment on the above application. Anecdotal nationwide research, in conjunction with data held by Devon and Cornwall Police, show that in some cases such equipment as described, particularly when relating to 5G, can be vulnerable to criminal offences and incidents, such as damage, graffiti, arson and theft.

It is recognised that installers/suppliers of such communication equipment generally hold the security of their equipment in high regard but in the absence of any reference to the security measures being proposed for the installation please note the following security and crime prevention advice and recommendations for consideration and implementation where possible:-

1. It is recommended that any proposed security measures are supported by a monitored CCTV system. This will assist greatly in corroborating an attack or

unauthorised access to the equipment to ensure emergency services are only being called when necessary. The Government's advice document, Passport to Compliance, should be followed as it will guide the planning, implementation and operation of a CCTV system.

2. It is recommended that as a minimum requirement the ground based cabinets should be secured to LPS 1175 SR2 or 3 standard of security.
3. The cabinets should also be fitted with the following;
 - A tamper alarm
 - Heat sensors and fire breaks (to protect against arson)
 - Anti-graffiti features and finishes

Planning Officer Assessment

Key Issues/Material Considerations

Does the proposal meet the criteria of permitted development?

It is relevant to consider the proposed development against:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 16, Class A:

Class A – electronic communications code operators

Permitted development

- A. *Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—*
- (a) the installation, alteration or replacement of any electronic communications apparatus,*
 - (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
 - (c) development ancillary to radio equipment housing.*

Development not permitted

Development not permitted: ground-based apparatus

A.1— (1) *Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—*

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 25 metres above ground level on unprotected land; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced—

(i) exceed the greater of the height of the existing mast or a height of—

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

The proposed 20 metre high monopole would be subject to A.1 (1)(c) as it would involve the installation of a mast.

Development not permitted: apparatus on masts

(3) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.

The proposed 2 transmission dishes would be subject to A.1 (3), to which the proposed transmission dishes would be considered to be permitted development as the height of the mast complies with the relevant height limit specified.

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground; or

(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

The proposed 4 equipment cabinets would be subject to A.1(7), to which the proposed equipment cabinets would be considered to be permitted development as the area of the structures would not exceed the stipulations.

It is concluded that the proposed development does meet the criteria to be permitted development.

A.3 (4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) of Schedule 2, Part 16, Class A states 'the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the **siting and appearance** of the development'. The prior approval application has been supported by a proposed site layout and an elevational drawing. In terms of the siting and appearance of the proposed development, it will be discussed under the 'Other Considerations' section of this report.

Other Considerations:

Policy IF1 of the Local Plan supports, the introduction/installation of the most up to date, fastest telecom and other Information and Communications Technology (ICT).

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 113 of the NPPF states that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 115 of the NPPF states:

Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

Paragraph 116 of the NPPF states:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Given the letters of representation received, objectors have raised concerns regarding health, to which the NPPF as per paragraph 116 states that the Local Planning Authority should not set health safeguards different from the International Commission guidelines for public exposure. The prior approval application is supported by a document to confirm that the proposal complies with said guidelines.

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 BH5 of the Brixham Peninsula Neighbourhood Plan states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.

Objectors have raised concerns that the proposal is not in keeping with the local area; it would have a negative impact on the local area; it would set an unwanted precedent and would constitute overdevelopment. The adjacent tree measures approximately 10 metres. In terms of the height of the proposed structure, it is acknowledged it would

be taller than the existing street furniture and trees. The applicant has stated that this is necessary as the site is proposed to provide 5G services and 5G uses higher frequencies which do not propagate through material and potential obstructions as well as lower frequencies, thus there is a need to ensure that the antennas clear local clutter, in particular the trees in the area. There are mature trees close to the site and in the wider surrounding area, which would provide a significant degree of screening and/or backdrop to the proposed development. The level of screening of the equipment will depend on the specific viewpoint, however, overall, the screening would assist in minimising visual impact, and preserving residential amenity, as much as possible.

It should be noted that the recently approved Torbay Local Cycling and Walking Infrastructure Plan (LCWIP) (March 2021) notes a beach trail providing a direct route along Dartmouth Road, connecting to the existing cycle route on Hookhills Road and a proposed scheme to link Goodrington and Broadsands beaches. The document states that consideration should be given to the widening and segregation of existing shared use paths and the potential creation of new segregated cycle provision by using the existing grass verge. Given the proposed siting of the telecommunications, it appears that it would leave sufficient land to create a segregated cycle route adjacent to the existing pedestrian path should a shared path not be appropriate. Therefore, it is considered the proposed equipment is appropriately located and is unlikely to frustrate the proposed route.

The design of the monopole results in a less intrusive facility than other designs. It is noted that the site forms part of the built-up area and therefore the proposal would be an addition to the urban environment. It is further considered the proposal strikes an appropriate balance between operational and environmental considerations. The visual impact of the development would be outweighed by the significant public benefit of the proposal.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) of Schedule 2, Part 16, Class A only permits the Local Planning Authority to consider only the 'siting' and 'appearance' of the proposal. Objectors have raised other concerns regarding impact on the public highway, impact on the existing tree and impact on residential amenity including privacy/overlooking. The Local Highway Authority were consulted on the prior approval application and have stated that it appears that there is existing street furniture in the vicinity of the proposed telecommunications mast and therefore visibility to vehicles accessing and egressing the junction is unaffected as a result of the proposals and therefore Highways would support the principle of the proposal. The Council's Senior Tree and Landscape Officer has also been consulted on this application, which had supporting information regarding the installation of the proposal in relation to the existing tree, to which the Officer considers the proposal generally acceptable, subject to a pre-commencement condition for a full Arboricultural Method Statement and Tree Protection Plan. In terms

of residential amenity, given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, access to light, or in terms of disturbance.

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.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme constitutes permitted development and that the siting and appearance of the proposal is considered to be acceptable.

Conclusions and Reasons for Decision

The proposed development constitutes permitted development and it is considered that prior approval should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Officer Recommendation

Prior approval is required and granted.

Relevant Policies

BH5 – Good Design and The Town and Village Design Statements

DE1 – Design

IF1 – Information and Communications Technology