

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Tuesday, 31 May 2011

commencing at **2.30 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor Addis Councillor Barnby Councillor Hill

Councillor Kingscote Councillor McPhail

Plus 2 Liberal Democrat vacancies, 1 Non-Coalition Group vacancy and
1 Conservative Group vacancy

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or
language please contact:

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Email: democratic.services@torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Appointment of Chairman**

To appoint a Chairman for the 2011/12 Municipal Year.

2. **Apologies for absence**

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

3. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2011/12 Municipal Year.

4. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

5. **Urgent Items**

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

6. **2011/0018/MPA - Torbay Holiday Chalets, Fishcombe Road, Brixham**

(Pages 1 - 8)

Formation of 40 self catering units with associated leisure facilities. (Berryhead with Furzeham Ward)

7. **2011/0330/HA - 31 Wall Park Close, Brixham** (Pages 9 - 12)
 Raised ridge line/roof, alterations and extension at rear to form additional living, kitchen and bedrooms.
 (Berry Head with Furzeham Ward)
8. **2011/0158/HA - House Number 1, accessed off St Marys Road, adjacent to Nurton House, Castor Road, Brixham** (Pages 13 - 16)
 Retention of as built decking with proposed screen hedging to boundary.
 (St Marys with Summercombe Ward)
9. **2011/0070/MPA - 9 Central Avenue, Paignton** (Pages 17 - 24)
 Demolition of building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011).
 (Clifton with Maidenway Ward)
10. **2011/0324/MPA - Site of Paignton Police Station, Southfield Road, Paignton** (Pages 25 - 28)
 Residential development to form 14 dwellings with associated parking and access road.
 (Clifton with Maidenway Ward)
11. **2011/0395/MPA - Totnes Road Service Station, site adj 141 Totnes Road, Paignton** (Pages 29 - 34)
 Extend time limit – redevelopment to form 14 flats with parking and vehicular/pedestrian access – application 2007/1370/PA.
 (Goodrington with Roselands Ward)
12. **2011/0109/HA - 4 Erica Drive, Torquay** (Pages 35 - 38)
 Proposed annexe incorporating existing garage, new detached double garage.
 (Shiphay with the Willows Ward)
13. **2011/0249/MPA - South Sands Apartments, Torbay Road, Torquay** (Pages 39 - 44)
 Demolition of 19 flats and formation of 11 town houses with vehicular and pedestrian access.
 (Cockington with Chelston Ward)
14. **2011/0266/PA - Cockington Court, New Build Studios, Cockington Lane, Torquay** (Pages 45 - 46)
 Change of use of studios 7 and 8 from B1 craft use to A1 retail and Unit 6 from B1 craft use to A3 café/restaurant.
 (Cockington with Chelston Ward)
15. **2011/0289/MPA - 16 Market Street, Torquay** (Pages 47 - 50)
 Extend time limit – formation of 13 additional residential flats (to make 14 in total) application 2008/0124/MPA.
 (Ellacombe Ward)

16. **2011/0351/MR3 - Town Hall Car Park, Lymington Road, Torquay** (Pages 51 - 56)
Demolition of one-storey building in the south-east corner of the site and formation of a 3-4 storey office building to provide a mix of A2 (financial and professional services) and B1 use (business) with vehicular and pedestrian access.
(Tormohun Ward)
17. **2011/0356/MPA - Suite Dreams, Steep Hill, Torquay** (Pages 57 - 62)
Extend time limit – redevelopment to form 10 flats – application 2008/0832/MPA.
(St Marychurch Ward)
18. **2011/0387/PA - Coombe Pafford School, Steps Lane, Torquay** (Pages 63 - 64)
Extension to form office/interview room to side of existing classroom block.
(Watcombe Ward)
19. **2011/0388/PA - Land at Dairy Hill and 13 Stanbury Road, Torquay** (Pages 65 - 68)
Detached garage with adjacent hard standing with vehicular and pedestrian access.
(Shiphay with the Willows Ward)

Public speaking

If you wish to speak on any applications shown on this agenda, please contact Democratic Services on 207087 or email democratic.services@torbay.gov.uk before 11 am on the day of the meeting.

Site visits

If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 25 May 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

P/2011/0018/MPA

Berry Head With Furzeham Ward

Torbay Holiday Chalets, Fishcombe Road, Brixham

Formation of 40 self-catering units with associated leisure facilities

Site Details

The plot contains a long established holiday complex that sits in a relatively small and secluded site off Fishcombe Road, Brixham, which is sandwiched between the wooded areas of Battery Gardens and The Grove. The existing complex contains 30 holiday chalets arranged within curved terraces along with some ancillary buildings, which have northerly coastal outlooks over Fishcombe Cove.

The existing development is not only in general poor repair due to non-use over the past few years, but also more fundamentally displays quite poor architectural form, with an ad-hoc mix of pitched and flat roofed buildings. Towards the coast the buildings overlook an area of hardstanding and managed grassland, which in-turn gives way to a steeply sloping cliff face that continues to the northern site boundary where it meets the cove. The site itself has a direct corner access and the area as a whole is accessed via a winding road (Fishcombe Road) that leads from Northfields Lane and serves the small number of sites in the locality, including the beach access lane, the Brixham Holiday Park and the public footpath leading towards The Grove woodland.

In regard to planning designation the site sits immediately adjacent to the South Hams Area of Outstanding Natural Beauty (AONB) and is within the 5km buffer zone of the Berry Head SAC (Special Area of Conservation). In addition approximately half of the site (on the coastal side) sits under the local designations of Countryside Zone (CZ) and County Wildlife Site (CWS). It is also pertinent to acknowledge that the site sits adjacent to the Battery Gardens SAM (Scheduled Ancient Monument) and the Candidate Marine SAC.

Relevant Planning History

P/2006/0838 - Six New Holiday Flats, New Clubhouse with managers flat above and guest facilities (In Outline) (Renewal Of Application P/2003/1221/OA) – Approved (previously considered and approved under 1993/0169, 1997/0975, 2000/0889 and 2003/1221).

Relevant Policies

Saved Torbay Local Plan 1995–2011:

| | |
|-----|---|
| LS | Landscape Strategy |
| L1 | Areas of Outstanding Natural beauty |
| L4 | Countryside Zone |
| L10 | Major development and landscaping |
| NCS | Nature conservation strategy |
| NC1 | Protected sites – internationally important sites |
| NC3 | Protected sites – locally important sites |
| NC5 | Protected species |
| EPS | Environmental protection strategy |
| EP6 | Derelict or under-used land |
| BES | Built environment strategy |
| BE1 | Design of new development |
| BE2 | Landscaping and design |
| TUS | Tourism strategy |
| TU3 | New Tourist facilities elsewhere |
| TU5 | New holiday accommodation |
| TU7 | Change of use or redevelopment of holiday accommodation outside Principal Holiday Accommodation Areas |
| TU9 | Refurbishment and development of new holiday centres or parks |

TU10 Change of use or redevelopment of holiday centres and parks
TS Land use transportation strategy
T25 Car parking in new development; and
T26 Access from development on to the highway
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
HS Housing strategy
H2 New housing on unidentified sites
H6 Affordable housing on unidentified sites
H9 Layout, design and community aspects
W7 Development and waste facilities

Proposals

The proposal is a redevelopment scheme to clear the site of the current buildings in order to supply 40 self-catering units with associated leisure facilities. These facilities are to include a spa, restaurant, indoor and outdoor pools, and a 'natural' play area. The proposed units are a mix of one and two storey buildings that incorporate outdoor terraces and light glass-box detailing within the upper floor (in order to respond to the orientation and viewpoints).

The units are laid out in curved terraces with 'green' roofs, which layer down the site with the natural topography. The associated leisure facilities are set towards the east of the site close to the proposed entrance. The proposed access has been twice revised in order to respond to local concerns over highway safety and pedestrian movement to and from the beach access lane, and now sits in the same position as the current site access on the corner of the site.

On site parking is split between a small number of greeting spaces and groupings of spaces dotted amongst the upper areas of the development, which in total provides for 1:1 parking. In regard to landscaping the proposal shows the retention of a green fringe towards the coast, albeit reduced due to the extent of built footprint proposed. This is supplemented by green roofing and landscaping works within the built area, which is stated as providing an overall net gain of greenspace across the site over the existing arrangement.

The application includes aspirations to provide off-site enhancements by improving the access to The Grove woodland via America Lane. In addition, the coastal footpath is proposed to re-routed to provide a route seaward of the development that links more directly with Fishcombe Cove Beach.

It should be noted that the initial submission sought approval for 40 self-catering units of residential occupation without holiday restriction clauses. However the proposal returns to committee with instruction of acceptance towards conditioned planning approval that directly formalises the maintenance of holiday occupancy through appropriate conditions and legal clauses.

Consultations

Environment Agency: No objection to the proposal subject to best practice being used for the disposal of surface water run-off.

Natural England: Considers that the proposal has the potential to adversely impact the natural beauty of the AONB and therefore request that due consideration is given to the comments submitted by the AONB Unit/Partnership.

It is also noted that the proposals put forward by EAD Ltd and Section 4 of the Ecological Impact Assessment (JAN 2011) should be conditioned as part of any potential permission by the Authority, in order to maintain the favourable conservation status of the South Hams SAC.

The Authority's Conservation & Design Team: No objections, the scheme has responded positively to the Design Review Panel comments.

The Authority's Arboriculture Team: No arboricultural constraints will exist to the proposed development given the recently approved tree work application, and therefore there are no objections to the application on arboricultural merit.

The Authority's Highways Department: Highways would raise no objection to the proposals shown in Drawing Number 3173-d-40, although it should be noted that the access to the site isn't directly onto the public highway and therefore permission to use the Beach access lane should be sought.

Strategically a Transport Statement has been submitted to the satisfaction of the Authority's Senior Transport Planner and the application also includes an outline staff and visitor Travel Plan. The sustainable transportation team have requested that a s106 contribution inline with current guidance is sought to improve walking and cycling in the area.

South Hams AONB Unit: The principle of redeveloping the site from its present derelict state is supported, as is the retention of a leisure / tourism use, and the Unit Manager welcomes the improved visual impact of the development. However, the level of development and the movement towards the coast runs contrary to basic principles. The concluding comment outlines that the scheme is not supported by the AONB office. It should be noted that should the Local Planning Authority be minded to approve the application conditions should be secured in respect to details of external works, securing genuine holiday use and the access is suitably explored.

Updated comments clarify that, the AONB office consider that they must object to the proposals due to the proposed development that encroaches closer to the coast than currently exist. However, the office accepts that there are landscape benefits to the scheme (such as the improved experience landward around the Grove and America Lane and the creation of a seaward coastal footpath route that provides improved linkage to Fishcombe Cove) and hence there is a balance that needs to be struck in regards to the positives and negatives of the scheme.

English Heritage: Advice received outlining that English Heritage do not wish to comment on the scheme.

The Authority's Drainage Department: The proposal decreases the amount of impermeable surface within the site and drains surface water to the surrounding fields, which currently happens. There is no objection to the development.

Brixham Town Council: Support the scheme.

Representations

A number of representations both in support and opposing the scheme have been received. These have been re-produced and placed in the Members Room.

Broadly the letters in support raise the positive benefits of investment and regeneration, along with the removal of an existing eyesore and improvements to the coastal footpath route.

Objections appear to largely cite concerns in regards to the proposed access point part of the way down the beach access lane and the harm that could result from this upon pedestrians using the beach and the Brixham Battery Museum. Also raised is the more limited concern in regard to the positioning of the refuse/storage area near the museum and the impact of this in terms of odour and noise.

It should be noted that revised drawings have been submitted that show the access at its present location on the corner, which is a direct response to the number of highway concerns raised within public representation. It is hence important to note that none of the numerous highway related objections were a response to the present access scheme put forward.

Key Issues/Material Considerations

With the removal of the aspiration for open residential use the key issues are the principle of the development, along with the implications on the local landscape and ecology, the impact upon the highway network, and the possible implications upon the amenity afforded to neighbouring sites/occupiers.

The Principal of Development

Following the retraction of the desire for an unrestricted residential approval the scheme is a redevelopment proposal that provides a modern holiday development that would replace a defunct and derelict collection of chalets and service buildings. As the scheme looks to maintain a holiday provision within this established coastal site the general principle of the development is considered acceptable.

Visual Implications

The proposal removes the unsightly semi-derelict buildings that currently scar the site and the wider area and AONB. The removal of the existing development is therefore clearly supported and this is reiterated by the South Hams AONB Team.

The proposal provides a radial pattern of development, which harks back to the historical development pattern on the site from the 1950s timber holiday chalets (as referred to and visually illustrated in the submitted Design and Access Statement). The terraced form seeks to utilise the natural drop in topography, minimising the apparent scale of the development when viewed from outside of the site (both from the sea and the land).

The architectural form seeks to provide clearly modern development which includes intelligent use of the internal/external space to make best use of the views and limited sun-path. The rhythm of buildings refers to the historical chalet use and the street enclosure and the provision of viewing steps down through the site takes its reference from the historic core of Brixham. The layout seeks to integrate parking within the development but restricted to the upper half, through a pedestrian-friendly Home Zone. All these components fuse to provide an interesting and positive scheme for the site which is considered to respond to the constraints and opportunities.

It should be noted that the proposal has been though the Torbay Design Review Panel and the current submission has positively responded to the comments that were outlined by the panel. A copy of the panel's comments to the previous scheme has been supplied within the Design & Access Statement with the application and a copy will be provided within the representations bundle for members.

The comments of the South Hams AONB Unit are mixed, outlining both perceived benefit and potential harm. On the one hand there is acceptance that the current development is harmful to the character and appearance of the adjacent AONB and that boundary improvement works and off site works to America Lane, along with the revised coastal footpath route, would improve the experience of the AONB. However, on the other hand it is iterated that development encroaching towards the coast in terms of the extended footprint is clearly not a philosophy that can be supported in principle.

Officers consider it important to have regard to the comments of the South Hams AONB Unit Manager, however, it this is one of a multitude of issues to consider. Officer consider, on balance, that given the positive enhancement set out in the overall design philosophy and given the investment opportunity and the intended leisure and tourist uses, the wider benefits of the scheme outweigh concerns related to the extension of the built footprint in this instance. This is provided that an appropriate agreement can be reached in relation to the control of the use of the site for holiday and leisure purposes.

The likely impact upon the adjacent Battery Gardens Scheduled Ancient Monument is negligible, due to the scale and form of development and the distance between the two sites. English Heritage has confirmed they do not wish to provide detailed comment on the proposal.

The key issues for members to consider in relation to design and visual impact are therefore:

1. The extent of built footprint on the site, which goes beyond the existing built footprint towards the coast,
2. the visual impact of the development from public vantage points, including Battery Gardens, the coast and coastal path and the land behind at Brixham Holiday Park and comparison between the impact of the existing built form, and;
3. the design approach in relation to the site itself and how this provides for the intended holiday / leisure use and responds to the unique setting.

Ecological Implications

As the site is largely covered by existing development, through buildings and hardstandings, there is limited flora and fauna of any value. However, a phase 1 Habitat Survey has however recorded evidence of slow worms and the Lesser Horseshoe Bat.

Natural England has not identified specific concern in regard to any particular issue, however, they have indicated that the mitigating measures identified within the submitted Ecological Impact Assessment should be conditioned as part of any planning approval. Deferring to this advice the proposal is considered acceptable in respect of the ecological implications and provided that these measures are controlled by condition it is considered that the development will not have a likely significant impact on the South Hams SAC so as to warrant a Habitats Regulations Assessment.

Highway Issues

The proposal provides a 1:1 parking ratio with the access amended to the corner adjacent to Beach lane. The Authority's Highways Department considers the proposals acceptable on highways grounds as the established use largely mitigates the implications of the redevelopment scheme of 40 units. There is therefore no stated objection on highways grounds, and officers consider that the revised site access has appropriately responded to the concerns raised by local neighbouring occupiers and interest groups.

Amenity Issues

The scale and form of the proposal, in conjunction with the orientation and distances to surrounding sites and buildings, provides a scheme that is likely to have little impact upon the amenity afforded to neighbouring occupiers and businesses. The proposal is therefore considered acceptable on amenity grounds.

Planning Contributions

With the proposal returning to committee as a scheme for holiday units (rather than the unrestricted residential scheme previously mooted) the level of planning contributions are outlined below. Please note that the sums are mitigated to take into account the existing use and number of units, along with the extant approval for six further units.

Sustainable Transport Contributions: £3440 (expected towards improvements to America Lane and the Grove), which is based on a net of four additional units (55-74m² floor area).

It is also considered appropriate to consider that a monitoring contribution should be sought, inline with adopted guidance, which amounts to £2600.

In addition to the above it is expected that the accompanying legal agreement will also include clauses to suitably manage and maintain the site for holiday use. These are likely to cover restricted leasehold arrangements for the holiday units, the maintenance of a visitors log for inspection, service charge arrangements and arrangements for the overarching management company. It is also expected that the desire to formalise a re-routed coastal path seaward of the development will be addressed via the legal agreement, in order to ensure it is brought forward and formalised as a public footpath.

Sustainability -

The scheme will bring back to life a brownfield semi-derelict tourism site that sits within a sustainable location near to supporting holiday facilities and transport infrastructure. This is a sustainable location for the espoused leisure and tourism use, however it is considered pertinent to restrict the potential for the site to become permanent residential occupancy, which would not be a sustainable form of development without the provision of appropriate affordable housing and community infrastructure under s106 of the planning act.

Crime and Disorder -

It is likely that an operational and managed site would increase activity and natural surveillance in and around the area and therefore reduce the likelihood of trespass or antisocial or unlawful behaviour which is more likely to take place on a semi-derelict site.

Disability Issues -

The land is steeply sloping and it is not clear how the applicant intends to provide the necessary level platforms in order to meet with Part M of the Building Regulations. However, it is considered appropriate in any event to resolve this at the detailed design stage.

Conclusions

The scheme provides an innovative redevelopment proposal of a brownfield site that is currently detrimental to the visual qualities of the area and does not contribute to the wider holiday package offered by Brixham. There is concern in relation to the footprint of the scheme, which extends beyond the existing built footprint, however the overall design approach is considered to be a significant enhancement over the existing built form. In addition there are wider net benefits from the scheme in addition to the improvement to the appearance of the site, these include the provision of leisure facilities, units designed for holiday occupancy and new employment opportunities.

The revised packaging of the scheme for restricted holiday occupancy overcomes previous concerns over the potential loss of a holiday park in the area. As the proposal is now to include restricted holiday occupancy this issue has effectively been overcome. Officers now consider that, on balance, given the positive benefits of the scheme in design terms, the regeneration benefits, the net uplift in the quality of the local holiday provision the scheme is acceptable in planning terms. It is considered that the one remaining negative aspect, the extension of the built footprint within the AONB, is negated by these wider benefits and general enhancements to the scheme within the AONB. The proposal is therefore considered acceptable.

Recommendations

Committee site visit; Conditional approval; subject to the signing of a s106 legal agreement with clauses to ensure the appropriate holiday occupancy of the site, the s106 to be signed within 6 months of the date of this committee meeting. Conditions to include the schedule attached and any other conditions deemed necessary by the Executive Head of Spatial Planning.

Condition(s):

01. The holiday units hereby approved shall at all times be used for holiday purposes only and not for permanent residential occupation or occupied as a person's sole or main residence.

Reason: In order to ensure the continuance of the holiday provision and to guard against the introduction of potentially conflicting permanent occupancy use, within what is a restricted high-density site, in order to accord with policies TUS, TU3, TU7, TU9, TU10, HS, H6 and H9 of the saved adopted Torbay Local Plan 1995-2011.

02. A register of visitors and their main residential addresses shall be maintained at all times by the site manager, or other party as previously agreed by the Local Authority, which shall be maintained and made available for inspection by the Local Planning Authority at all reasonable times.

Reason: To ensure that the holiday units are used for holiday purposes, in order to accord with policies TUS, TU3, TU7, TU9, TU10, HS, H6 and H9 of the saved adopted Torbay Local Plan 1995-2011.

03. The leisure facilities detailed within the plans hereby approved shall be completed and made available for use, in full, prior to the first occupancy of the first unit, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate mix of uses on the site and form of development, in accordance with Policies BES, BE1, LS, L1, TUS, TU3, H9 and W7 of the Saved Torbay Local Plan 1995-2011.

04. Prior to the commencement of the development hereby approved samples of all external materials shall be submitted to or made available on site for the Local Planning Authority and agreed in writing. The development shall be completed in the approved materials.

Reason: In the interests of the visual amenities of the locality, in accordance with Policies H2, H9, BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The development shall not be used/occupied until the vehicle parking areas and access thereto shown on the approved detailed plans have been provided and made available for use. These areas shall be kept permanently available at all times thereafter for parking and access purposes to serve the development.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Torbay Local Plan, 1995 - 2011 (as adopted in April 2004), in the interests of highway safety, and in order to protect the amenities of the neighbourhood.

06. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials, planting plans, schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate, along with an implementation programme. The works shall be carried out within the first available planting season following the first occupation of the development. If within a period of 2 years from the completion of the development any tree or shrub planted as part of the approved landscaping scheme is cut down, felled, uprooted, removed, destroyed or dies or becomes seriously defective, it shall be replaced by another of a similar size and species in the next planting season following its removal/death or deflection, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the landscape character of the area and the impact on the Conservation Area, in accordance with Policies LS, L9 and BES of the Saved Adopted Torbay Local Plan 1995-2011.

07. All mitigation and enhancement proposals put forward within the submitted Ecological Impact Assessment (EAD, Jan 2011) shall be implemented as detailed, in full, unless otherwise submitted to and approved by the Local Planning Authority.

Reason: To suitably manage and protect identified species and habitats, in accordance with Policies NCS, NC1 and NC3 of the Saved Torbay Local Plan 1995-2011.

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P/2011/0330/HA

Berry Head With Furzeham Ward

31 Wall Park Close, Brixham

Raised ridge line/roof, alterations and extension at rear to form additional living, kitchen and bedrooms

Site Details

The existing property is a detached 3-bed bungalow with detached bungalows to both sides. There is a variety of designs of properties in the vicinity with varying roof heights.

The bungalow to the east side (No.33) is of a similar design but has a significantly higher ridgeline as the land slopes up in that direction. An enlarged balcony has been erected to the side of this property in close proximity to the side boundary with steps down to the rear garden; no planning history has been found (may have constituted "permitted development" if constructed prior to October 2008 when the legislation changed and it is claimed to have been erected in September 2008).

The bungalow to the west side (No.29) is of a different design with a gable end facing and set closer to the road with its rear building line extending out beyond the rear building line of the application site by approximately 3 metres. The ridgeline of No. 29 appears to be of similar height to that of the application site.

There are bungalows to the rear, which are at a lower level fronting Ranscombe Close and the bungalows on the opposite side of Wall Park Close are slightly elevated above the road with under-build garages, as the land slopes up to the south.

Relevant Planning History

None found

Relevant Policies

Saved adopted Torbay Local Plan 1995-2011

- H15 House extensions; seeks to ensure that extensions would not dominate or have any other adverse effect on the character and appearance of the original property or the streetscene in general nor cause harm to the amenity of nearby properties e.g. through overlooking, overbearing impact, loss of light or privacy
- BES Built environment strategy; seeks to conserve or enhance the built environment
- BE1 Design of new development; promotes good design

Proposals

Permission is sought to extend the property to the rear by approximately 3.7 – 4.2 metres (where a central gable is proposed) including raising the ridgeline by approximately a metre. The extension would enlarge the ground floor accommodation (no first floor accommodation is proposed) to provide a new bedroom 1, (total 3 bedrooms proposed as existing) with the existing bedroom converted to provide an en-suite and dressing room and a larger open plan kitchen/living/dining room. The design includes full height windows/doors in the proposed rear gable to the living room area and a roof light over the proposed dining area. The proposal includes a replacement window and a gabled porch canopy to the front elevation. The materials are all to match existing.

Consultations

None

Representations

Brixham Town Council; recommend approval (meeting held on 11.04.11.)

Large number of objections received and some letters of support received referring to an anonymous “scaremongering” circular inviting objections to the proposal which appears to have been widely distributed.

Summary of reasons for objection;

- 1) Raising ridge line would obstruct views, outlook, set an undesirable precedent and be detrimental to area
- 2) Increased height and mass would be out of character, detrimental to streetscene and surrounding area
- 3) Overlooking/loss of privacy
- 4) Overshadowing/loss of light/air/visual intrusion
- 5) Raising ridge and projecting gable extension not necessary to provide additional accommodation
- 6) First floor accommodation could be added at a later date
- 7) Size of extension (about 50 % enlargement)
- 8) Would lead to significant loss of garden area at No.31 which would impact on the privacy and enjoyment of the neighbouring garden

These representations are re-produced at Page B.201.

Key Issues/Material Considerations

Impact on visual amenity

Whilst the proposal includes raising the ridgeline, the existing roof pitch is to be retained and there are varying designs of property and ridge heights in the vicinity. The roof of the bungalow to the eastern side for example is significantly higher due to the slope of the land. It is considered that the raising of the ridge by approximately a metre would not be discordant or result in a significant detrimental impact on the character and appearance of the property or the streetscene in this particular location for the above reasons and it is not considered that an undesirable precedent would be set as each application is treated on its own merits. Gaps are also to be retained to the sides of the property.

The scale and design of the proposed development is considered to be acceptable in terms of impact on the character and appearance of the property and the streetscene.

Impact on residential amenity

The proposed extension is to the rear and set off the side boundaries by approximately 3 metres to the west side and 1.5 metres to the east side and well set off the rear boundary. It would project approximately 3.7 metres from the existing rear elevation, apart from the proposed central gable which is well set off the side boundaries and which projects approximately 4.2 metres. There have been objections from both the neighbouring properties on the grounds of overshadowing, loss of light and visual intrusion (as well as the increase in height being out of character).

Impact on the neighbouring property to the west side (No.33 Wall Park Close)

It should be noted that the footprint of the bungalow to the west side (No 33) projects further to the rear than the existing footprint of No.31 and as such the extension would only project marginally by approximately 0.7 metres from the rear elevation of this property. No.33 has a rear half-glazed door (in obscure glazing) in the kitchen / dining room facing the proposed extension with the main kitchen window to the rear elevation. There is also a bedroom window to the side elevation but this would be set back (closer to the road) from the proposed extension. As such the loss of light/outlook to this property is considered to be insufficient to warrant a refusal.

Impact on the neighbouring property to the east side (No.29 Wall Park Close);

No.29 Wall Park Close is at a significantly higher level to the application site and its main side elevation is set off the boundary by approximately 4.8-5 metres. An enlarged balcony with steps down to the rear garden has been erected abutting the boundary with No.29 in close proximity to the existing

side gable end of No.31. The balcony and steps down to the rear garden have clear glazed balustrades only and overlook the rear garden of the application site (No.31). The enlarged balcony appears to have been constructed as “permitted development”. There is patio door access to it from the lounge/side elevation of No.29 and the patio doors face the upper part of the gable end of No.31 only, as does the side kitchen window, due to the slope of the land.

Whilst the gable end is to be increased in size, approximately a metre higher and extended to the rear, it is not considered that this would result in an unreasonable impact on the living conditions of the occupiers of No.29 or sufficiently detrimental impact in terms visual intrusion, loss of light or outlook to warrant a refusal. In coming to this conclusion, it is of importance to consider the difference in levels between the properties and that there are two other large lounge windows to the main rear elevation which would not be affected and which give light and an open outlook/panoramic sea view to the main living room/lounge.

The location of the balcony between the houses to the north west side of the property also means that it is currently overshadowed from the existing development and it is not considered that the enlarged gable would be of sufficient height or bulk to result in a detrimental impact on the enjoyment or use of the balcony in terms of loss of light/sunlight such as to warrant a refusal. The main outlook to the rear/sea view would still be retained. There is also no right to a private view over the neighbouring property towards the north-west, which in any case is an inland view and not towards the sea.

The extension would also result in more privacy for the private rear garden area of the application site, which is currently overlooked by the neighbour’s balcony.

The proposal would not result in a cramped or over-developed site as an adequate rear garden area would be retained i.e. approximately 14 metres deep, which is more than in other nearby properties.

There should also not be any significant direct overlooking or loss of privacy; the proposed windows are lighting ground floor accommodation only and are well set off (approximately 23 metres) and at a higher level to the windows of the properties to the rear. Whilst it may be possible to add a first floor at a later date any overlooking/inter-visibility between windows to the rear would still not be significant for the above reason. A condition could be added to any forthcoming planning permission to partially restrict “permitted development rights” such that a rear dormer(s) could not be added without permission in the interests of amenity.

Impact on properties on the opposite side of the road, to the south

The properties on the opposite side of the road are at a higher level and well set off and would still retain an open outlook. The restriction of far reaching private views is not a planning consideration and the proposal is not considered to be significantly detrimental to amenity in terms of any significant loss of a public view.

Sustainability – A suitable SUDS/soakaways condition would be appropriate as it is not clarified where surface water is to be discharged.

Crime and Disorder – No special issues

Disability Issues – No special issues

Conclusions

The proposal is on balance considered to be an acceptable form of extending the property. Having regard to applicable national and local planning policies and having taken all relevant material considerations into account it is considered that planning permission should be granted subject to suitable conditions.

Recommendation Committee Site visit; Conditional approval

Condition(s):

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order with or without modification, no further roof extensions, windows or other form of opening shall be introduced into the rear or side walls or roof slopes of the extension without the prior permission in writing of the Local Planning Authority.

Reason: To protect visual and residential amenity in accordance with the objectives of Policy H15 of the saved adopted Torbay Local Plan 1995-2011.

02. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage.

P/2011/0158/HA

St Marys With Summercombe Ward

**House Number 1, Accessed Off St Marys Road, Adjacent To Nurton House, Castor Road
Brixham**

Retention of as built decking with proposed screen hedging to boundary

Site Details

The site at plot 1, St Marys Road, Brixham (one of two plots; P/2007/0193/PA) is a recently completed detached dwelling adjacent to Nurton House, which is itself a detached property set within a substantial curtilage at the junction of Castor Road with St. Mary's Road, Brixham. There is an Area Tree Preservation Order (1999.15 G1) on the site and the site is within the Horseshoe Bat 5 km foraging zone. There was a previous application to retain the decking which was refused. (See History)

Relevant Planning History

P/2009/0564 – Erection of timber deck (Retrospective). Refused 20.07.09.

Reason for refusal; The proposal, by reason of its design, size and siting is of an overbearing nature which will have an adverse effect on the character and amenity of the streetscene and will have an adverse impact on the privacy of the neighbouring residential properties. As such the proposal is contrary to the objectives of Policies BES, BE1 and H15 of the Torbay Local Plan 1995-2011 and guidance in The Urban Design Guide May 2007 an adopted Supplementary Planning Document to the Local Development Framework 2006-2026.

P/2007/0193 – 2 detached dwellings with vehicular/pedestrian access (off St Marys Road). Permitted 31.05.07.

P/2006/1300 - Erection of 2 houses with garages, formation of access onto St Marys Road. Permitted 09.10.06.

Enforcement history;

2009/0166/EN Erection of timber decking. Closed 21.10.10.

The enforcement officer has accepted that the time scale for enforcement action following the refusal of P/2009/0564 was in excess of what is acceptable and normal practice. He recalls that there was some intimation that an appeal was going to be lodged and this would have meant that it would be held in abeyance although no appeal subsequently came in. The enforcement officer subsequently met with the agent who was to submit a revised scheme which would address the objections of the LPA. This application was submitted on 14th February 2011.

Relevant Policies

Saved adopted Torbay Local Plan 1995-2011

H9 Layout, design and community aspects; all new residential schemes should demonstrate a high standard of design, taking account of the defining characteristics of the existing environment and where possible enhancing it

H15 House extensions; seeks to ensure that extensions would not dominate or have any other adverse effect on the character and appearance of the original property or the streetscene in general nor cause harm to the amenity of nearby properties e.g. through overlooking, overbearing impact, loss of light or privacy

BES Built environment strategy; seeks to conserve or enhance the built environment

BE1 Design of new development; promotes good design

BE2 Landscaping and design; proposals for new buildings should incorporate landscaping of the site at an appropriate scale and relating to the character of the surrounding area

Proposals

This is a retrospective application to regularise an existing timber deck to the rear of Plot 1 St Marys

Road. The deck is 9 metres wide and extends from the rear of the dwelling by 5 metres with the floor of the deck being approximately 2 metres high from the rear garden level at the highest point to the western side and the top of the hand rails a further metre higher.

This differs from the previously refused application to retain the deck (P/2009/0564) in that as part of the application a beech hedge (*Fagus sylvatica* to be planted as whips 600-900mm high, bare root planted in double staggered rows @ 0.3 m centres) is proposed to be planted along the western side of the property and deck at the lower garden level, between the house and the bank which has some deciduous tree screening.

The originally approved plans (P/2007/0193) showed the rear garden to be raised and levelled with a patio at the current level of the deck extending approximately 2.8 metres deep from the rear elevation.

Representations

Brixham Town Council – Representative attended Site Review Meeting

Objections received.

Summary of reasons for objection;

- 1) Overlooking and loss of privacy
- 2) Trees and hedges only screen decking at certain times of year
- 3) Size and height of decking

The application was previously considered at a Site Review Meeting held on 31st March 2011. Following a discussion with Councillor Baldrey (Torbay council) and Councillor Lomas (Brixham Town Council) the application was referred to the Development Management Committee for determination.

The representations are re-produced at Page B.200.

Key Issues/Material Considerations

The main issues relating to this application are the impact of the decking on neighbouring amenity and the streetscene in the area.

Impact on streetscene

It should be noted that the original application for the construction of the property (Plot 1 in P/2007/0193) shows the rear garden to be raised/levelled out to a similar level as the proposed deck to form an approximately 2.8 metre deep patio to the rear of the house. This would have required retaining walls to hold the additional earth. No screening was indicated to the side of the rear garden/patio area facing St Marys Road, although it is likely that a balustrade would have been required along the side(s) and rear of the raised patio in the interests of health and safety. An approximately 1.8 metre high fence on top of a retaining wall was indicated to the eastern boundary with the adjoining new house (Plot 2) and at the entrance to the access drive off St Marys Road to the front of Plot 1.

The timber deck with open balustrade is visible in the streetscene, as it is in an elevated position above the road, but it should be noted that it is partially screened/obscured in the summer months by the leaf cover from the deciduous trees on the boundary. It is more prominent in the winter months, but a raised patio with retaining walls (as originally indicated on the approved plans) would also have been visible/prominent in the streetscene.

The proposed beech hedge at the lower garden level would initially help screen the underbuild below the decking which is clad with decking planks. This would be of benefit to the appearance of the streetscene but would not necessarily

(depending on eventual height) screen occupiers/users of the deck from neighbouring properties. However, in the summer months as previously noted, when the deck would be most used, there would be additional tree screening from the existing deciduous trees along the boundary.

Impact on neighbouring occupiers

Whilst a larger elevated area has resulted, than previously approved, any overlooking or loss of privacy is considered to be insignificant or insufficient to warrant refusal due to the relationship with neighbouring properties and the distances involved. Objections have been received from owner/occupiers of a property to the west of the site on the opposite side of St Marys Road and from Nurton House to the north east of the site. However, the front windows at 1 St Marys Road are some 21 metres off the decking which is facing the front garden areas of the properties on the opposite side of St Marys Road rather than the private rear garden areas. Nurton House is also well set off (some 22.5 metres at the closest point) and at an oblique angle to the decking and any overlooking is mainly towards the access drive and front curtilage of this property, which has a substantial garden area.

An appropriate planning condition requiring solid screens or balustrades to be erected to the side(s) of the deck could be added if members considered it to be necessary.

If it is considered that the deck should be removed a patio area, raised to the same level as the decking but shallower by approximately 2.2 metres could be erected, as approved in the original planning permission, subject to details of the proposed retaining walls and any fencing being submitted to and approved in writing by the Local Planning Authority (Condition 6 of P/2007/0193/PA).

Sustainability - The decking replaces an approved raised patio which would have involved infill and the use of retaining walls

Crime and Disorder - No special issues

Disability Issues - No special issues

Conclusions

It is considered that there is insufficient direct overlooking or loss of privacy towards any windows or private rear garden areas from the enlarged decking area to warrant a refusal/enforcement action to remove or reduce the deck on the grounds of detrimental impact on neighbouring residential amenity. The proposed beech hedge at lower garden level, together with the existing trees on the boundary, would help screen the underbuild/deck to the benefit of the appearance of the streetscene.

Recommendation

Committee Site Visit; Conditional Approval

Condition(s):

01. The planting of the proposed beech hedge shall be carried out in accordance with the specification on the approved Drawing No 30a in the first planting season following the date of this approval or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with the objectives of Policy H9 and BE2 of the saved adopted Torbay Local Plan 1995-2011.

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P/2011/0070/MPA

Clifton With Maidenway Ward

9 Central Avenue, Paignton

Demolition of building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011)

Site Details

Victorian Villa and detached double garage on the northern side of Central Avenue in an area of mixed ages and designs of dwellings, accessed of a private unadopted road (Central Avenue in part).

Relevant Planning History

P/2007/1658 Alterations To Form 2 Flats To Lower Ground Floor And Formation Of Parking Area, approved 06.12.2007

P/2002/1690 Formation Of Flat At Basement Level, approved 17.12.2002

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

- H2 New housing on unidentified sites
- H9 layout, design and community aspects
- H10 Housing densities
- H11 Open space
- CF6 Community Infrastructure contributions
- CF7 Educational contributions
- L9 Planting and retention of trees
- EP11 Flood control
- BES Built Environment Strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T25 Car parking in new development

Proposals

Permission is sought to demolish the existing buildings on the site and replace it with a purpose built block of flats, designed to blend in with the original Victorian nature of the current building on the site. The current building has two storeys and a basement each with very high floor to ceiling heights. As such the proposed scheme is able to achieve four levels of development without unduly increasing the overall height of the structure. The scheme was originally submitted as 10 flats, but reduced to 9 following advice from the Torbay Design Review Panel.

The plans now show one flat at ground floor level, two effectively in the roof space and three units in each of the second and third levels. Car parking is provided on a 1:1 basis, mainly under cover at ground floor level, but with one space at the front of the property. Entrance into the flats is proposed via a central stairwell with front door onto the western side of the property in a similar position to the existing.

Consultations

Arboricultural officer: A mature beech tree at the front of the property covered by a T.P.O. has recently had to be removed as its central core was rotten. A replacement specimen will therefore be required.

Highways officer: The parking spaces, number and layout, are acceptable to highways. Highways do have concerns about additional dwellings on this private road, however, as the road currently serves many more than 5 dwellings the precedent has already been set and therefore highways would have no grounds for objection. Highways recommend improvements to the surfacing

of the carriageway but as it is a private road owned jointly by those accessing off of it, this would be a matter for negotiation with many difference parties which would make it difficult to secure through this planning application.

Design Review Panel: Generally welcomed the scheme, suggested some alterations which have now been incorporated into revised drawings which were advertised on 6th May. Notes of the DRP are reproduced at Page P.200.

Representations

Received and reproduced at Page P.200. The main concerns raised are as follows (in no particular order):

1. Extra traffic using private road
2. Drainage/sewage impact
3. Design not in keeping with other houses in the road
4. Potential for noise generation
5. Overdevelopment
6. Loss of light
7. More windows increasing overlooking
8. Soakaways are not an effective solution to surface water drainage in this area
9. Insufficient parking provision / small size of parking bays
10. Height of replacement building is out of character with others in road
11. Vehicular access arrangements will be detrimental to existing residential properties
12. Objections to the loss of the existing boundary wall
13. Access for emergency vehicles would be compromised
14. Would set a precedent for other re-building proposals
15. Front building line moving closer to road boundary
16. Lack of a footway for pedestrians
17. Proposed location of bin store affecting access to neighbouring property
18. Lack of street lighting
19. Potential for loss of existing boundary trees
20. Difficulties during construction phase

It should be noted that most of the objection letters above were submitted before the changes brought about following comments and amendments suggested by the Torbay Design Review Panel. Some of these comments have therefore already been addressed. The revised plans, which show a reduction in the number of units and less bulk of building, have been re-advertised with the consultation period running until Friday 27th May.

Key Issues/Material Considerations

The material considerations are considered under the following key headings:

Principle

The current building on the site is a good example of a Victorian villa, in a part of Paignton originally developed at low density with similar properties. Although the building is showing some signs of decay and neglect, the basic design ethos remains relatively unspoilt. However, the area has suffered in more recent times from modern infill that has diluted the original character and grain of the area. There is therefore now a fairly eclectic mix of types, sizes and styles of residential dwellings in the area. The property is not a Listed Building and is not situated within a Conservation Area. It would therefore be difficult to justify retention of the building, despite its character. Therefore, the crucial issue becomes the quality of the replacement structure (design).

Design

As originally submitted the building was seen by officers as being too big, with poor detailing on some elevations. However, as the principle was considered to be acceptable, the proposal was referred to the Torbay Design Review Panel (DRP) for their input and views. A summary of their discussion and

opinions is reproduced at page S???. It will be noted that the DRP was basically pleased with the approach to the architectural expression of the new building, but suggested the quality of the development would be improved with the following changes:-

- Reducing the number of units,
- Reducing the encroachment into the rear garden,
- Improving the relationship between the external surface parking spaces and the building,
- Further work on the environmental performance of the building.

The applicant has addressed these issues and revised the plans accordingly. It is officer's opinion that the new design successfully overcomes the issues raised by the DRP and on this basis there is no apparent justifiable reason for raising further concerns on design issues. The letters of objection do raise concerns in respect of design, but these were substantially submitted before the proposal was revised.

In general terms the new building is considered to be a contemporary reflection of the original Victorian design, successfully blending the remaining Victorian dwellings in the vicinity with the more modern approach taken with the surrounding infill development. The building is shown with a slightly higher roof ridge, but this is only approximately 0.3 metres higher and so would not have any noticeable undue impact on the visual amenities of the environment.

Density

There are currently 5 units on the site and the proposal is for 4 more, giving 9 in total. This is a reduction of 1 from that originally submitted. With a total site area of approximately 0.1 hectare, 9 units is at the upper end of acceptability. However, Government policy is trying to get Local Planning Authorities to consider regeneration positively and to ensure better use of 'brownfield' sites, particularly where situated within the framework of the existing built environment. Visually from the principal public viewing positions along Central Avenue, the bulk of building would not appear to be much different from that which exists on the site, furthermore the block will retain a relatively generous plot, as such it is considered that it would be difficult to argue that the site would be overdeveloped. Therefore, so long as the other issues of acknowledged importance covered below are all acceptable, then it is not considered that the proposal could justifiably be considered to overdevelop the site.

Inter-visibility, overlooking and residential impact

The proposed block would have 4 principle elevations. At the front, facing Central Avenue (southern elevation) the current building has 4 sets of windows. The proposed elevation would have 6. Whilst this is more, the extra windows are at the top level, and so would look over the bungalow opposite. In any event, the distance to the properties opposite is a normal 'across-the-road' relationship and would not cause any undue intrusion through loss of privacy.

At the rear, (garden or northern elevation), the footprint of the building is shown as extending between 3.7 and 4.2 metres further out into the garden area across its full width at Lower Ground Floor Level. The two storeys above only extend out this distance in the middle part of the building. At second floor (top) level, the accommodation is set within the slope of the roof and so is further back. The buildings on either side (numbers 5 and 11 Central Avenue) would be a distance of 10.5 and 11 metres away at their nearest points. The equivalent current distance to both number 5 and number 11 is 15 metres (at its closest point). Although the distance is therefore less than currently exists, the two neighbouring properties are at an angle, thus reducing the potential for overlooking.

Currently there are trees and heavy vegetation on the eastern boundary obscuring any inter-visibility. It is recommended that this remains or is replaced in order to maintain privacy in this direction. The two semi detached properties at the rear are separated from view by a garage block and again the facing elevation is at an acute angle. Changes made to the size of the block have also reduced the extent to which the building moves closer to those properties.

On the eastern side elevation, the boundary vegetation previously referred to would provide sufficient

screening to prevent undue overlooking. The new windows proposed are mainly to kitchens and bedrooms. There would be 2 living room windows, but these are small and ancillary.

The proposed western elevation would be very little different from that currently existing. The adjacent property at no. 7 does have a glass conservatory on its side and this would need protection from additional inter-visibility. However, the proposed situation would be very little different from that which currently exists. The nearest windows currently are to kitchens and as proposed they would be kitchens and bedrooms some with obscure glazing, and the footprint of the proposed building is no nearer to the neighbouring property at this point than currently is the case. The biggest difference is that currently the upper level flat has entry via an external staircase with level platform at the point of its front door. All entries to the proposed flats would be internal, and so this would eliminate and improve this current element of overlooking.

The proposal gives rise to some improvements in respect of overlooking and privacy whilst some elements are not as good as currently exists. There is thus a judgement to be made about the overall impact in this regard. On balance it is considered that the Architect has attempted to address privacy issues by ensuring main rooms and main windows are at the front and rear of the proposed building, the use of rooflights at the upper levels, some obscure glazing and the maintenance of existing boundary screening. The proposal could have further obscure glazing if required to, for example, kitchens. Any approval will need to include a landscaping scheme that should primarily bolster existing boundary treatment so that privacy from overlooking is increased. This can be achieved. On balance therefore it is felt that with the imposition of suitable conditions relating to obscure glazing and landscaping, this element of the proposal is acceptable.

The proposal is considered to be acceptable within the street scene because the front elevation would be of similar size and dimension to the existing. The bin store has been shown to minimise impact upon neighbours (relocated following concerns) and is finished with locked gates to minimise impact. The Council's Waste Collection Services do empty the bins down this private lane.

Highways, access and parking

The Highway Authority is not raising an objection and therefore it would be difficult to justify any such reason for refusal. Primarily access is off a private road and this is not an issue for the Highway Authority. Central Avenue is an adopted Council maintained road as far as the nos. 5 and 8 after which it is private. Rights of access and details of maintenance would therefore be a private matter for those sharing its use to resolve.

The owner of no. 9 clearly does have rights of use and access at the moment. In respect of the parking proposed, this is provided at a ratio of 1 space per unit. This is the same as the current ratio and so there would be no extra detriment in this regard. Policy T25 of the Saved Adopted Torbay Local Plan does state that for residential flats the ratio should be 1.5 spaces per flat. However, it is quite clear that this is a maximum and it does allow for a lower provision where proposals are in close proximity to town centres, necessary facilities for residential living and bus routes. These factors apply here. Adequate manoeuvring space is shown to standard for the internal and external parking spaces. The proposal is therefore considered to meet the requirements of Adopted policy in these regards and it would not be appropriate or justifiable to refuse the proposal on highways or parking grounds.

Trees and landscaping

The large old beech tree in the front curtilage which is the subject of a T.P.O. has had to be removed because its internal core was rotten. The Council's arboricultural officer has supervised its removal. This tree would not have affected the proposal anyway. However, under the terms of the T.P.O. it will need to be replaced. The Council's arboricultural officer is currently considering an appropriate place for its replacement, and this will be reported to Committee.

The boundaries to the site are currently well catered for with trees and shrubs and these should

remain where appropriate as a starting point for screening. Extra specimens may be required. This needs to be the subject of a landscaping scheme. Officers are confident that the required result can be achieved and so this could be handled by way of a condition to any approval.

Planning obligation under s106 of the Town and Country Planning Act

This is required to off-set the true cost of the development and ensure that this is realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. The contributions due for the current proposal work out as follows:

| | | |
|-------------------------------|---------------|-----------------------------------|
| Category 2 (55 – 74 Sq. M.) | | |
| Municipal waste and recycling | £ 50 | |
| Sustainable transportation | £1720 | |
| Stronger communities | £ 130 | |
| Education (primary only) | £ 410 | |
| Lifelong learning | £ 220 | |
| Green space and recreation | £1120 | |
| TOTAL | £ 3650 | 9 units proposed = £32,850 |

This gives a total contribution due of £32,850.

Sustainability - The proposal makes better use of the land and could therefore be argued to be more sustainable than the existing use on the site. This is a brownfield site within the existing built urban environment and is therefore more sustainable than a green field site. The proposal maximises use of the site.

Crime and Disorder - Not expected to be an issue, but either the developer or any future occupier will have to ensure proper security for each flat and the site in general. .

Disability Issues - The site is on the level and there is not considered to be an overriding objection under Part M of the Building Regulations. The upper floors as flats will not be covered by the Bldg. Regs.

Conclusions

The proposal meets all of the tests of policy, both national and as adopted in the saved Local Plan. The principle of redevelopment is acceptable as it amounts to a good use of a brownfield site which currently contains an old building in need of some repair. The building is not considered worthy of listing and the site is not within a designated conservation area. The design is a modern take on an historic building and is appropriate given the mixture of styles, ages and designs in the immediate vicinity. There are some improvements and some negative impacts in respect of the potential for overlooking, but on balance, the impact is considered acceptable without undue harm to any neighbouring property. Access, parking and manoeuvrability are all considered acceptable, the Highways Authority have not objected, and issues about the use of the road are private matters as Central Avenue is not adopted at this point.

There is a T.P.O. covering the site, and the Council's arboricultural officer has negotiated an acceptable solution in this regard. Further landscaping will be required particularly to bolster the boundary screening, but this will be capable of resolution by condition. For all of these reasons, the proposal is considered acceptable subject to conditions and the agreement and signing of a Planning Obligation in respect of financial contributions.

Recommendations

Committee Site Visit; subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 3 months of the date of this meeting; conditional approval.

Condition(s):

01. Before the development hereby approved is commenced full details of the design, appearance, materials and screening of the bin store shall have been submitted to and approved by the Local Planning Authority. It is expected that these details will show the bin store in the position indicated on the plan received 8th March 2011, lockable gates (details of which also need to be approved) on the Central Avenue elevation, and the means of access from within the site.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure the design and impact upon neighbours and the area in general is acceptable in accordance with policies W7, BES and BE1 of the Saved Adopted Torbay Local Plan.

02. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The existing boundary wall fronting Central Avenue shall be kept as part of the boundary treatment and repaired and re-built as appropriate with stone reclaimed from the existing wall as far as possible, in accordance with a scheme to include the method of pointing, that shall be agreed in writing with the Local Planning Authority first.

The residential units shall not be occupied until the boundary details have been provided in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess this element of the proposal, in the interests of the visual amenities of the area, to ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property, and to preserve the historic nature of the existing boundary treatment, all in accordance with policies BES and BE1 of the Saved Adopted Torbay Local plan.

03. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development and full details of the replacement for the beech tree the subject of a TPO for which removal was recently authorised.

Reason: In the interest of the amenities of the area and to ensure compliance with policies H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

04. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

05. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(i) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800

mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(ii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iii) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(iv) No trenches for service runs, or any other excavations shall take place within the fenced area.

(v) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Saved Adopted Torbay Local Plan.

06. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general in accordance with policies H9, H10, BES and BE1 of the Saved Adopted Torbay Local Plan.

07. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) slating/tiling;
- (v) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason

To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

08. All bathroom windows and any other windows indicated on the plans hereby approved as being obscure glazed shall be finished with a level of obscurity equivalent to Pilkington level 5, and shall be retained as such at all times.

Reason: In the interests of privacy and to ensure accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

09. The development hereby approved shall not be used or occupied until all of the car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

10. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

P/2011/0324/MPA

Clifton With Maidenway Ward

Site Of Paignton Police Station, Southfield Road, Paignton

Residential development to form 14 dwellings with associated parking and access road

Site Details

The application site comprises the existing police station located on the junction of Southfield Road and Blatchcombe Road. Southfield Rise bounds the site to the north at a higher level adjacent to a large retaining wall at the rear of the site. Access to the site is presently through the Southfield Road frontage with the southern boundary of the site being defined by a strong boundary with trees beyond. The site is not covered by any specific designations or policy constraints although there are a number of listed buildings in the vicinity.

Relevant Planning History

P/1996/0726 Alterations and extensions to existing front car park, minor alterations to existing front car park, minor alterations to existing building and widening of access – PER – 9/1/97

P/2006/1704 Installation of ramp, formation of parking area – PER – 4/12/06

P/2010/1204 Formation of 16 dwellings with associated parking and access road – WDN – 24/1/11

Relevant Policies

H2 New Housing on unidentified sites

H9 Layout, design and community aspects

E6 Retention of employment land

CF6 Community infrastructure contributions

LS Landscape Strategy

L9 Planting and retention of trees.

BES Built Environment Strategy

BE1 Design of new development

BE9 Archaeological assessment of development proposals

T25 Car Parking in new Development

T26 Access from development on to the highway

Proposals

This application proposes the demolition of the existing building and its replacement with 14 dwellings. This would take the form of four pairs of semi-detached, 2 storey dwellings towards the south of the site, a semi-detached pair of dwellings towards the north east of the site and a corner building containing 4 dwellings.

Consultations

Archaeological Officer: The site lies in part over the footprint of the former Southcombe House, deposits may remain. A desk based archaeological assessment should be undertaken prior to determination in order to assess the potential for the presence or absence of deposits and their significance.

Tree Officer: Has concerns about the impact on the trees but as a compromise would accept the proposed layout, provided houses 1 & 2 could be changed to allow the lime tree to remain.

Highways: Highways would not want to adopt this layout as it is an access to parking areas only, as such this would remain a private road. No highways objection subject to detailed junction design.

Representations

None

Key Issues/Material Considerations

The key issues in determining this application are considered to be (1) the principle, (2) visual

amenities, (3) neighbour amenities, (4) impact on trees, (5) parking and access, and (6) S.106.

Principle

The police have supplied a letter which explains the reasoning behind the application. In summary they wish to sell the site and reinvest the capital in Police infrastructure within Torbay. They hope to acquire a new facility within the Paignton area. It is understood that there is a base within the new library where residents can access police services. The current Paignton police station on the application site itself is understood to be under used and not fit for purpose.

As such the disposal of the site is part of a wider strategy by the police and would not directly result in the loss of jobs or service provision for the community. The use of the site is not allocated within the local plan and therefore the principle of the loss of the police station is considered to be acceptable. The area is primarily residential and therefore the proposed use is compatible with the character of the area.

Visual Amenities

The proposal has been put forward following concerns expressed in relation to an earlier scheme which was not considered to have been well thought through or to have picked up on basic urban design principles. The scheme which has now been submitted fronts the road and picks up on the building form which continues up Blatchcombe Road and provides a strong street frontage. The access drive has been pushed back towards the rear of the site.

The previously submitted scheme was effectively a cul-de-sac with a wide road coming through the centre of the site with dwellings fronting on to it, which turned their back on to the existing streets. The application which has been submitted addresses the earlier design concerns, providing good access to the dwellings for residents, either through pedestrian accesses via the front or through the rear from the parking court.

The corner of the site has been appropriately dealt with through the use of a taller building which turns the corner on Blatchcombe Road/Southfield Road and provides a focus to the development. The taller buildings continue onto the Southfield Road frontage where, due the large retaining wall beyond, they do not appear as an alien feature in the street scene. Overall the design approach is considered to be appropriate for the location.

The drawings indicate fibre slates and wood effect cladding. There is the potential for this to result in a poor quality finish to the development and as such samples of the proposed materials will be required by condition.

Neighbour amenity

The site has few immediate neighbours with the properties of Southfield Rise being at a much higher level. The properties which face the site from over the road on both Blatchcombe Road and Southfield Road will have a normal residential relationship with the proposed dwellings. 50 Blatchcombe Road adjoins to the west. The elevation of the proposed new property facing 50 Blatchcombe Road would have only one window facing it, which would be obscure glazed. As such the impact upon neighbour amenity is considered to be acceptable.

Impact on trees

At present the building is central in the site with parking around it. There are a number of trees around the periphery of the site. The approach which has been encouraged in ensuring that the proposed buildings fit in to the urban grain of the area and contribute positively to the visual amenities of the area, has resulted in a number of trees having to be removed.

The tree officer is generally happy to compromise his ideal position in terms of tree retention in order to achieve a positive outcome. However there are remaining concerns about the impact of dwellings 1 & 2 on the trees in the south west corner of the site. It is proposed to create a landscaped area in the

north west area of the site which is elevated from the remainder of the scheme. This would assist in compensating for the loss of some of the existing landscaping on the site.

Parking and Access

The majority of the dwellings have two parking spaces each and there are a number of visitor spaces. Therefore there is sufficient parking. The access point is in the same location as the existing building. No objections have been received from the highways officer although they have confirmed that they would not wish to adopt the access drive. It is recommended that a condition is attached requiring details of the access.

S.106

The requirement for a sustainable transport contribution has been fully mitigated by the vehicular movements associated with the existing use of the site. 14 households would be living in the development and utilising local services. The costs associated with fulfilling the social and physical infrastructure requirements have been calculated in accordance with the guidance in the Affordable Housing and Planning Contributions Supplementary Planning Document.

They are as follows:

| | |
|----------------------|---------|
| Waste Management | £ 700 |
| Stronger Communities | £ 2,800 |
| Education | £19,460 |
| Lifelong Learning | £ 6,040 |
| Greenspace | £33,180 |

TOTAL **£62,180**

Sustainability – The site results in the effective re-use of a brown field site. There is no suggestion within the application information that the buildings would contain specific sustainability features, however, they would be in compliance with increasingly robust building regulations.

Crime and Disorder – The proposal has been carefully designed to ensure that there is good natural surveillance of the parking area.

Disability Issues – Building Regs only.

Conclusions

The proposal has largely overcome the concerns which have been previously expressed in relation to earlier schemes on the site. Therefore the proposal is recommended for approval subject to the resolution of the concerns in relation to the trees, and subject to the signing of a s.106 agreement in terms acceptable to the Executive Head of Spatial Planning within 3 months of the date of this committee.

Recommendation:

Conditional Approval

Condition(s):

01. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, implementation programme.

Reason: In the interests of visual amenity and to comply with the objectives of policies H9, L9 and BE2 of the saved adopted saved Torbay Local Plan 1995-2011.

02. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: In the interests of the amenities of the area in accordance with policy BE1 of the Saved Torbay Local Plan 1995 - 2011.

03. Prior to the first occupation of the development hereby approved the parking areas shall be laid out in accordance with drawing no. 4298.100 unless previously approved in writing by the Local Planning Authority. All parking spaces, including integral garages shall remain permanently available for parking purposes thereafter.

Reason: To ensure that adequate off street parking is provided for the development in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995 – 2011.

04. Prior to the commencement of the development hereby approved, and notwithstanding what is shown on the approved drawings details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Samples of the materials to be used externally in the development
- Details of hard surfacing materials
- Details of windows and doors
- Details of meter boxes
- Details of bin storage facilities
- Details of bicycle storage areas

The development shall be completed in strict accordance with the approved details.

Reason: In the interests of the visual amenities of the locality in accordance with policies BES and BE1 of the Saved Torbay Local Plan 1995 – 2011.

P/2011/0395/MPA

Goodrington With Roselands Ward

Totnes Road Service Station, Site Adj 141 Totnes Road, Paignton

Extend time limit - redevelopment to form 14 flats with parking and vehicular/pedestrian access -application P/2007/1370/PA

Site Details

Level site previously occupied by a garage, and now occupied by an American Diner (restaurant and take away). Situated on the south side of Totnes Road, east of Primley Cross. The site is adjoined by Hayes Road Primary School to the east and a block of flats known as Hayes Court to the rear. To the west are residential properties fronting Totnes Road and to the north (other side of road) is Primley Woods.

Relevant Planning History

P/2005/1398/PA Redevelopment to form 14 flats with parking. Conditionally approved by notice dated 4/11/2005, subject to Section 106 Agreement regarding education, public transport and public open space contributions.

P/2007/1370/PA Redevelopment to form 14 flats with parking (resubmission of earlier application). Conditionally approved by notice dated 15/4/2008, subject to Section 106 Agreement regarding education, public transport and public open space contributions.

Relevant Policies

Torbay Local Plan 1995-2011 –

- H2 New housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- CF6 Community infrastructure contributions
- CF7 Education contributions
- BES Built environment strategy
- BE1 Design of new development
- T25 Car parking in new development

Proposals

The current proposal seeks to extend the time limit for implementation of the previous application approved 15th April 2004 for redevelopment of the site with 14 flats and vehicular parking. There is a presumption that such applications can be approved, effectively renewing planning consent, unless circumstances and/or acknowledged material considerations have altered in the intervening period and now indicate differently.

Consultations

None

Representations

3 letters of representation have been received, and are reproduced at page P.201 The issues raised relate to highways, proximity, loss of light, overlooking, drainage, property values and loss of view issues, all of which were considered and dealt with when the application was first approved. As this current application only seeks an extension of time for implementation, the issues raised by the representations would only be relevant if they related to issues for which there had been a significant change in circumstance. Officers do not believe that this is the case.

Key Issues/Material Considerations

There is an assumption with applications to extend time limits that permissions will be likely to be renewed unless there has been a change in the intervening period to either planning policy or some other interest of acknowledged importance that would indicate otherwise. The main issue in consideration of this application is therefore whether or not any such material circumstance has changed since the last approval that would indicate that this proposal should not be allowed a further period of time for implementation.

The principle and details of this development have already been established by the previous 2 permissions and there is no change in these regards. It is true that the Torbay housing market currently has an over supply of flats and a desperate shortage of family sized homes, however, given that the proposal includes a mixture of flat sizes, it is not considered that this is an issue with this proposal.

The only other change in circumstance that would impact upon consideration of such an application relates to the Planning Obligations under s106 of the Town and Country Planning Act. The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ("Planning Contributions and Affordable housing: Priorities and Delivery"). The 'Planning contributions and affordable housing supplementary document, update 2: Economic Recovery Measures', was adopted by the Council in June of last year (2010). The amount of the required 'developer contribution' for the current application should therefore be evaluated in line with this adopted revision to the policy.

The previous application, approved on 15th April 2008 was accompanied by a Legal Agreement confirming payment of a Planning Obligation as follows:

| | |
|---|---------------|
| Education contribution | £22400 |
| Public open space contribution | £3680 |
| Sustainable transportation contribution | £3200 |
| Highways (zebra crossing on Totnes Rd) | £6785 |
| Highways (cycle lanes in Totnes Rd) | £7000 |
| <i>Highways subtotal</i> | <i>£13785</i> |
| TOTAL | £43065 |

According to the 'Planning contributions and affordable housing supplementary document, update 2', adopted by the Council in June 2010, contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size. On this basis, the contributions due for the current proposal would work out as follows:

| | |
|-------------------------------|-------------------------------|
| Category 1 (45 – 54 Sq. M.) | |
| Municipal waste and recycling | £50 |
| Sustainable transportation | £1260 |
| Stronger communities | £90 |
| Education (primary only) | £0 |
| Lifelong learning | £160 |
| Green space and recreation | £550 |
| TOTAL | £2110 x 1 unit = £2110 |

| | |
|-------------------------------|-------|
| Category 2 (55 – 74 Sq. M.) | |
| Municipal waste and recycling | £50 |
| Sustainable transportation | £1720 |
| Stronger communities | £130 |

| | |
|----------------------------|---------------------------------|
| Education (primary only) | £410 |
| Lifelong learning | £220 |
| Green space and recreation | £1120 |
| TOTAL | £3650 x 8 units = £29200 |

| | |
|-------------------------------|---------------------------------|
| Category 3 (75 – 94 Sq. M.) | |
| Municipal waste and recycling | £50 |
| Sustainable transportation | £2350 |
| Stronger communities | £170 |
| Education (primary only) | £830 |
| Lifelong learning | £300 |
| Green space and recreation | £2050 |
| TOTAL | £5750 x 3 units = £17250 |

| | |
|-------------------------------|----------------------------------|
| Category 4 (95 – 119 Sq. M.) | |
| Municipal waste and recycling | £50 |
| Sustainable transportation | £3610 |
| Stronger communities | £200 |
| Education (primary only) | £1660 |
| Lifelong learning | £470 |
| Green space and recreation | £2370 |
| TOTAL | £ 8360 x 2 units = £16720 |

This gives a total contribution due of (**£ 2110 + £29200 + £17250 + £16720**) = **£65,280**.

The applicant has been asked to confirm that they will be prepared to enter into an agreement to make and sign this Planning Obligation. Their response will be reported to Members at the meeting. Members should be aware that failure to agree the Planning Obligation should be considered as being contrary to policies CF6 and CF7 (Community Infrastructure and Educational Contributions) of the Saved Adopted Torbay Local Plan.

A change of use has taken place on the site since the last approval in 2008 and is currently occupied by the 'Ritchies Diner', also previously known as 'Caseys American Diner'. This is an American themed restaurant. It is understood that the owner only leases the land, and as such this would not prevent the current application being considered. However, the tenant has a right to be notified by the applicant of the intention to make the application. The agent has been contacted to ensure that this has occurred as specified by Regulation 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Sustainability - The proposal makes better use of the land and could therefore be argued to be more sustainable than the existing use on the site.

Crime and Disorder - Not expected to be an issue, but either the developer or any future occupier will have to ensure proper security for each flat and the site in general. .

Disability Issues - The site is on the level and there is not considered to be an overriding objection.

Conclusions -

The principle of this development has already been established through the previous approvals.

There will be a requirement for a Section 106 Agreement and Committee will be updated on negotiations in this regard.

Recommendation

Subject to the signing of the s106 agreement in terms acceptable to the Executive Head of Spatial Planning by 11 July 2011; Conditional Approval, with conditions as set out with the previous approval.

Condition(s):

01. The development hereby approved shall not be commenced until details of all proposed boundary walls have been submitted to and approved by the Local Planning Authority. The rear boundary wall shall be 2 metres high to the adjoining car park of Hayes Court. The flats shall not be occupied until all boundary walls have been provided in accordance with the approved details and the approved details in this regard shall be maintained at all times thereafter.

Reason: In the interests of the amenities of the area and to comply with Policy H9 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Development shall not begin until a remediation statement to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above statement shall include a report of the investigation and assessment, identifying the extent of contamination and the measures to be taken to comply Part IIA of the Environmental Protection Act 1990. The development shall not be used or occupied until the measures approved in the statement have been implemented and the validation process has been completed.

Reason: To ensure that there is no risk from land contamination and to comply with Policy EP7 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a Sustainable Urban Drainage System, in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal, (Clean surface and roof water should be kept separate from the foul drainage system), should be installed and the system should be maintained effective at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPG25 "Development and Flood Risk" and policy EP11 of the Saved Adopted Torbay Local Plan, both in respect of sustainable drainage. For more information, please see Environment Agency "E8 General Surface Water Drainage Information" enclosed.

04. The windows indicated on the plans hereby approved as being finished with obscure glazing shall be finished to a level of obscurity equivalent to Pilkington level 5 before any of the units hereby approved are first used or occupied. This form of glazing shall then be retained as such at all times thereafter.

Reason: In the interests of privacy and to comply with Policy H9 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The development hereby approved shall not be commenced until details of colour, type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to comply with Policy BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

06. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with Policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

07. The development hereby approved shall not be occupied until all the obscure glazed screens indicated on drawing no. 3303-07 hereby approved have been provided in accordance with the details hereby approved. Once provided, these screens shall be permanently retained as approved.

Reason: In the interests of maintaining privacy and to comply with Policy H9 of the Saved Adopted Torbay Local Plan 1995-2011.

08. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) reveals to window/door openings;
- (iii) glazing bars.
- (iv) slating/tiling;

The building shall not be occupied until it has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard and to comply with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

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P/2011/0109/HA

Shiphay With The Willows Ward

3 Erica Drive, Torquay

Proposed annexe incorporating existing garage; new detached double garage

Site Details

The site is a residential plot that holds a bungalow, which sits off a short private drive that serves three properties. The plot, which is rectangular and relatively shallow and linear, also features a detached garage to one side of the property and outdoor amenity space wrapping around the rear and the other side of the dwelling. There are no built or landscape designations over the land.

Relevant Planning History

Planning Applications

P/2010/0143/PA - Demolish garage; formation of bungalow with 2 dormers; new garage – Application Refused

Pre-Application Advice

ZP/2010/0551 Demolish garage; formation of bungalow; new garage (revised scheme to previously refused planning application P/2010/0143/PA): Not supported

ZP/2009/0311 New Garage & Dormer Bungalow: Not Supported

Relevant Policies

Saved Torbay Local Plan 1995-2011:

BES Built environment strategy
BE1 Design of new development
HS Housing strategy
H9 Layout, design and community aspects
H15 House extensions
TS Land use transportation strategy
T25 Car parking in new developments
T26 Access from development on to the highway
The Urban Design Guide SPD

Proposals

The proposal details the extension and conversion of the existing detached garage in order to provide additional living accommodation, linked to the existing dwelling through the creation of an internal doorway on the existing westerly outer wall. The accommodation created is detailed to function as a linked annexe that would be ancillary to the existing household, which would provide a living room, two bedrooms, a kitchen and a bathroom, along with its separate entry porch to the front. A secondary aspect of the proposal is to replace the parking facility through the provision of a new garage and driveway to the easterly side of the plot, creating a single-storey pitched structure that covers a floor area that is approximately 5metres by 5.4metres.

Consultations

None.

Representations

Two letters of objection have been received, which raised the following points;

- Overdevelopment and the closure of the gap creating a terracing effect.
- Traffic implications
- May lead to the provision of two units on the plot
- Manoeuvring at the end of the drive would be difficult
- Loss of value in property

These are re-produced at page T.200.

Key Issues/Material Considerations

The key issues are considered to be;

- i) the visual implications of the proposal
- ii) the likely impact upon neighbour amenity,
- iii) highway safety, and
- iv) the quality of the resultant residential environment

Visual Implications

The scale, form and material finish of the proposed extension is considered to be suitably reflective of the host building and, through the provision of a lower ridge height, it would also appear to be visually subordinate. The extension is therefore not considered to be detrimental to the character or appearance of the dwelling.

In respect of the wider setting it is accepted the addition would increase the level of frontage development within this private drive. However it is noted that the adjacent bungalow has a similar level of frontage and that the overriding impact on this secluded streetscene would appear to be somewhat minimal. The replacement detached garage is also considered suitably formed and scaled. On reflection the proposal is therefore considered to be acceptable on visual grounds.

Neighbour amenity

The key amenity issues relate to whether the proposal would harm the amenity afforded to the neighbouring occupiers, through either loss of light, outlook or privacy. Considering the scale and form of the proposal and the existing boundary relationships with neighbouring occupiers, this low-lying proposal would sit comfortably within the host plot without overtly affecting the adjacent occupiers. This judgment is formed from the appreciation that the massing of the extension would not result in any significant loss of light or outlook and there would be no significant loss of privacy. These conclusions are reiterated for the garage structure, which also follows the single storey form and lack of any sensitive windows.

Highway implications

The highway implications are considered limited as parking is to be provided on site to serve the host property and the resulting annexe. It is noted that the Authority's Highway Department do not object to the proposal.

Implications upon the residential environment

As an extension the proposal sits comfortably within the plot, as it appears to provide a scale of dwelling not dissimilar to that of the adjacent bungalow. It is accepted that the outdoor amenity space is compromised as a result of the proposal, however the level retained is considered suitable by modern plots standards. The maintenance of parking at a level similar to that which already exists is acceptable on policy grounds as annexes, by their very nature, are often occupied by young or old relatives, which can often result in there being no net gain in car ownership or vehicular movements to and from the plot. All matters considered the increased footprint and revised parking provide a suitable arrangement for a single dwelling within the plot.

For the purposes of clarity it is however stressed that this restricted plot does not possess the attributes to facilitate any form of second separate unit of accommodation on the site. This is founded on the fact that an annexe, by its very nature, can be more easily supported within fairly restricted plots due to the inherent shared occupancy and use of the associated areas, i.e. through the mutual use of both the internal and outdoor space, and other facilities such as parking. It is also judged that the implications upon the character of the area differ between the two, noting that in this context the character of Erica Drive is that of mid-sized dwellings set within grounds (and hence the formal subdivision would be at odds with this defining character).

Considering the points detailed above it is paramount that an extension to form an annexe is used and maintained as such in order to protect against the potential for the unsuitable subdivision of the plot.

Sustainability – Neutral issues

Crime and Disorder – Neutral issues

Disability Issues – Neutral issues

Conclusions

The proposal is considered to provide a satisfactory arrangement of buildings on a secluded site with little harm to the local built form, neighbour amenity or highway safety. The proposal for an ancillary linked annexe is therefore inline with general policy on the matter.

Recommendation:

Committee Site Visit; Conditional Approval

Condition(s):

01. The use of the extension hereby approved shall at all times be ancillary to the use of the existing dwelling. Prior to the first use of the approved accommodation, the proposed interconnecting doorway between the existing dwelling and the proposed annex shall be provided and made available for use to facilitate internal movement between the annex and the host dwelling. Thereafter the access shall be retained in place at all times and at no time shall the property be sub-divided into separate units of residential accommodation.

Reason: This restricted plot does not possess the inherent attributes of space and ancillary facilities to suitably accommodate more than one residential unit without undue harm to the residential environment and the character of the street, in accordance with Policies HS, H4, H8, H9, T25 and T26 of the Saved Adopted Torbay Local Plan 1995-2011 and PPS3.

02. Prior to the first occupation or use of the extension hereby approved the replacement parking and driveway facility shall be completed in full and made available for use, and maintained as such at all times.

Reason: To ensure the provision of suitable on-site parking facilities to serve the dwelling, in accordance with Policies TS, T25 and T26 of the Saved Torbay Local Plan 1995-2011.

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P/2011/0249/MPA

Cockington With Chelston Ward

South Sands Apartments, Torbay Road, Torquay

Demolition of 19 flats and formation of 11 town houses with vehicular and pedestrian access

Site Details

South Sands is an existing 2 storey building located on the north west side of Torbay Road, south of the junction with Cliff Road. The site is bound to the rear by the railway tracks and Woodleys Meadow beyond, to the north by The Corbyn and to the south by the Lee Hotel. Residential properties characterise the east side of the road with the Livermead Cliff Hotel north east of the site. There are no site specific constraints covering the site.

In policy terms the site is within the Torbay Road Seafront PHAA. The site backs on to a local wildlife area, alongside the railway tracks. Torbay Road is a District Distributor Road.

Relevant Planning History

P/1987/1221 – Alterations and formation of additional flat – PER – 24/8/87

P/1990/1039 – Variation of conditions to allow holiday flats to be occupied for 12 months instead of 10 months in each year – PER – 24/7/90

P/2003/0868 – Replacement UPVC windows – PER – 9/7/03

P/2004/1334 – Installation of 56 windows and 6 doors in white UPVC double glazing – PER – 1/10/04

P/2008/1250 – Demolition of 19 flats, formation of 24 flat (10 holiday and 14 residential) – WDN – 20/10/08

P/2009/0917 – Demolition of 19 flats formation of 24 flats (10 holiday and 14 residential) – WDN – 14/3/11

P/2011/0043 – Removal of condition 1 on application 90/1039 to allow residential use – WDN – 4/3/11

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

| | |
|-----|--|
| HS | Housing Strategy |
| H2 | New Housing on unidentified sites |
| H9 | Layout, design and community aspects |
| TUS | Tourism Strategy |
| TU6 | Principle Holiday Accommodation Areas |
| CF6 | Community infrastructure contributions |
| W7 | Development and waste recycling facilities |
| NC3 | Protected Sites – locally important sites |
| BES | Built environment Strategy |
| BE1 | Design of new development |
| T19 | District Distributor Road Network |
| T25 | Car Parking in new development |
| T26 | Access from development on to the highway |

Proposals

This application proposes the demolition of the existing building and its replacement with 11 town houses. The buildings would be primarily 3 storeys although the two end sections, entailing the two properties on either end of the terrace would also have penthouse style level of accommodation, these houses would have garaging on the ground floor. The remainder of the properties would have parking spaces (total of 14) at the front of the site. Each dwelling has a small garden area at the rear.

Consultations

Highways – The development provides sufficient levels of parking, the existing access is suitable and

the new access offers good visibility and therefore would be acceptable. Therefore Highways raise no objections. A request has been received from highways for a contribution towards footway improvements.

South West Water – No objections. A public rising main sewer is located within the site, however, SWW has been in discussions with the applicant and a detailed agreement has been recorded for building close to the sewer. Alternatively, should the developer request for the sewer to be diverted, SWW will also be able to support this.

Representations

7 comments in support and 3 objections have been received, the comments raised have been summarised as below:

Support:

- Good Design
- Improvement to the site
- Happy if building is no higher than neighbours
- Easy access to main road
- More appropriate than previous scheme

Object:

- Out of place
- Should be three storeys/too tall
- Not enough parking spaces
- Un-neighbourly
- Impact on privacy
- Impact on congestion on Torbay Road
- Does not provide much needed family housing
- Design is not in keeping/too modern

In response to the initial objections which were received Linden Homes have engaged in some additional consultation including an event at the Grand Hotel and have submitted a statement of community involvement.

Key Issues/Material Considerations

The key issues in determining the application are considered to be (1) Principle, (2) Visual impact, (3) Neighbour amenity, (4) Highways, (5) S.106.

Principle

The site is within a Principle Holiday Accommodation Area (PHAA) the policy which relates to these areas states that applications for changes of use away from holiday accommodation purposes will generally be resisted unless it can be shown that certain criteria apply. The first of these is that the facility lacks a basic range of facilities and does not offer scope for improvement. The flats are relatively small and the premises do not have any additional ancillary facilities. There is limited scope for the upgrading of these facilities given that the building has been previously extended. The second criterion is where the premises have a limited number of bedspaces. The existing facility has 19 holiday flats, however, as mentioned above there are limited ancillary facilities. The third criterion is where the loss of the facility would not have a significant impact on the holiday character of the area. The facility does not make a significant contribution to the holiday character of the area and it is considered that the visual improvements which would arise from this proposal will make a more attractive approach to Torquay sea front when approaching from Paignton. The fourth criterion is that the proposed use would be compatible with the area. The area does comprise a mix of holiday accommodation and residential and as such the proposed use is considered to be compatible.

It should also be noted that the business has been struggling for some time and financial information on this point has been submitted with the application.

Furthermore in March 2010 a document detailing a revised interpretation of this policy was issued and approved by the Council for planning purposes. This paper subdivides the PHAAs into colour coded sub-sections. South Sands is in an amber area. The guidance explains that holiday apartments within amber areas are likely to be allowed to have their restrictions removed. The guidance seeks to ensure that the type of use or development which replaces holiday apartments secures visual improvements where necessary and provides a good standard of accommodation. The merits of the design will be discussed below.

The proposal provides family sized units of accommodation, which have either 3 or 4 bedrooms and all have access to private amenity space. The site is bound by the railway line sidings and as such there is scope for disturbance to residents through train noise, however there are numerous properties in the area at equal distance to the train line and this tends to be the sort of noise which occupants acclimatise to. As such it is considered that the proposal provides a good standard of accommodation and that the principle is acceptable.

Visual Impact

This proposal follows a number of applications which were withdrawn due to concerns about the size and design of the replacement building which extended to 7 storeys high and had been criticised by the Design Review Panel. The approach which has now come forward; to provide fewer, larger properties is considered to be appropriate. The height of the proposal is now much more in keeping with the prevailing heights of buildings in the area, with the taller 'bookends' of the building defining the site and breaking up the mass of the building, as well as providing some visual interest. Amendments have been made to the scheme following its submission through the articulation of the end elevations and the amendment to the treatment of the penthouse to soften the change in heights, primarily between the southern-most dwelling and the Lee Hotel. Therefore the height is considered to be appropriate and in line with the guidance within the Building Heights Strategy.

The Building Heights Strategy characterises this area as a coastal zone where development is predominantly 3 storeys to eaves. And there is a presumption that development will be constructed to the prevailing height of the area. It also goes on to say that marginal deviations from this can add to the richness and variety in the townscape. This proposal is predominately 3 storeys and therefore in line with guidance. The fourth storey could be considered as the equivalent of a roof space on a traditionally designed building, these taller 'book end' elements are also considered to add interest to the building. The building is therefore not considered to constitute a 'tall building' against the criteria of the strategy.

In terms of comparative sizes the building is 11.5m wider than the existing building and between 1.8m and 3.3m higher than the existing building. The proposed building is over 5m narrower in plot depth than the existing building.

The building is linear and does come relatively close to the side boundaries of the site. To the north this is ameliorated by the presence of the access lane between the application site and The Corbyn. The gap between the building and The Lee hotel is narrower, however the treatment of the penthouse assists in creating the illusion of space between the properties on the approach to the site.

The possibility of reducing the amount of development on the site, or narrowing the width of the buildings has been discussed with the architect and has been shown to be unviable and unfeasible. Therefore on balance the visual impact is considered to be acceptable, given the overall improvement to the visual amenities of the area when compared to the over extended building which currently exists.

The design approach is relatively modern and nautical, which is considered to be appropriate for one of the main approaches to Torquay. The site is not in a conservation area and there is no prevailing style of architecture in the immediate area from which to take substantive reference.

Neighbour Amenity

Neighbour amenity was a concern in the consideration of the earlier schemes put forward for the site, mainly in terms of the outlook of the buildings of Woodleys Meadow to the rear. This was of particular concern given the size and scale of the buildings that were previously proposed and the amount of glazing which was proposed on the rear elevation. The current proposal is a much more neighbourly form of development. The dwellings proposed are over 25m away from the nearest property in Woodleys Meadow which is sufficient to avoid overlooking. The glazing on the rear elevation is not excessive and the scale of the development is akin to that around it. These properties are also separated from the site by the railway line and as such there is a degree of separation between them in any event. Therefore the impact on properties in Woodleys Meadow is acceptable.

The dwellings which face the site, on the south east side of Torbay Road have a normal residential relationship. They are over 20m from the boundary of the site.

Highways

The application proposes a new vehicular access to the south of the site, a shared access drive running between the two accesses and shared parking spaces. This arrangement is considered to be acceptable by the highways officers. Sufficient parking spaces have been provided with a total of 14 communal spaces with the four 4 storey dwellings having garaging which provides at least 2 spaces for each of these dwellings. Therefore there is sufficient parking for the development.

S.106

The proposal attracts the following S.106 requirements, following mitigation:

| | |
|-------------------------|---------|
| - Waste Management | £ 500 |
| - Sustainable Transport | £15,760 |
| - Stronger Communities | £ 2,000 |
| - Lifelong Learning | £ 4,100 |
| - Green Space | £18,750 |

TOTAL **£41,110**

These sums have been agreed with the developer. The recommendation of approval is therefore subject to a s.106 agreement, securing these sums, being signed.

Sustainability – The information submitted with the application explains that the buildings will be insulated to a high standard in excess of current building regulations requirements. Surface water will be discharged via soakaways and low energy lighting will be used.

Crime and Disorder – No issues. The development results in natural surveillance of the areas surrounding the buildings.

Disability Issues - Building Regs only.

Conclusions

The proposal is considered to be an appropriate form of development in this location. It has an acceptable impact on both visual and neighbour amenity and provides an appropriate highways arrangement. Therefore, subject to the signing of a s.106 agreement within 3 months of the date of this committee, the application is recommended for conditional approval.

Recommendation:

Conditional Approval

Condition(s):

01. Prior to the first occupation of any of the dwellings hereby approved the parking areas shown

on drawing no. 3329-01 rev. A, including the integral garages shall be provided and laid out in accordance with that drawing. The parking spaces, including the integral garages shall be kept permanently available for parking purposes thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking is available for future residents, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the first use or occupation of the development hereby approved details of a management company which will maintain communal landscaped areas, access road and parking areas shall be submitted to and approved in writing along with details of their proposed duties and frequency of maintenance. The arrangements therein shall remain in force unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the future maintenance of these areas in the interests of visual amenity and in accordance with policy BES and L9 of the Saved Torbay Local Plan 1995 – 2011.

03. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, implementation programme.

Reason: In the interests of visual amenity and to comply with the objectives of policies H9, L9 and BE2 of the saved adopted saved Torbay Local Plan 1995-2011.

04. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: In the interests of the amenities of the area in accordance with policy BE1 of the Saved Torbay Local Plan 1995 - 2011.

05. Prior to the commencement of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Materials to be used externally in the development
- Hard surfacing materials
- Meter Boxes
- Windows and doors
- Rainwater goods

The proposal shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with policies BES and BE1 of the Saved Torbay Local Plan 1995 – 2011.

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P/2011/0266/PA

Cockington With Chelston Ward

Cockington Court, New Build Studios, Cockington Lane, Cockington, Torquay

Change of use of studios 7 and 8 from B1 craft use to A1 retail and Unit 6 from B1 craft use to A3 cafe/restaurant

Site Details

The site comprises the former car park to Cockington Court which is being redeveloped to provide 13 craft workshops. It is envisaged that these units, coupled with improvements to the existing craft units and use of the first floor of the Court for creative industries will provide a cultural hub, enhanced employment opportunities and revitalise Cockington Court. The scheme was funded under the Sea Change programme and is nearing completion.

This application is to be considered by DM Committee as the TDA own and manage the site.

Relevant Planning History

P/2009/0675: Change of use of first floor of Cockington Court to provide creative hub and associated works to building and existing workshops: Approved 14.12.09.

P/2009/0676: Listed building consent for above: Approved 7.07.09.

P/2010/0803: Floor repair and strengthening works to first floor structures, lateral ties to stable block and restraint to roof: Approved 18.08.10

P/2010/0022: Construction B1 Craft workshops: Approved

P/2011/0059: Provision of 4 temporary car parking spaces: Approved 10.03.11

Relevant Policies

PPS5 Planning for the Historic Environment.

PPS4 Planning for Sustainable Economic Growth

Torbay local Plan 1995-2011

S6 Retail Development outside identified centres.

Proposals

Change of use of units 7 and 8 from craft use [B1] to A1 retail. Change of use of unit 6 from craft use [B1] to A3 café/restaurant.

Consultations

None

Representations

None received at the time of writing this report, any responses received as a result of consultation will be reported verbally.

Key Issues/Material Considerations

The key issue is how these proposed changes of use fit with the overall concept of promoting the regeneration of Cockington Court as a creative hub for creative industries and a key cultural destination.

The craft workshops were approved for class B1 purposes, this allows a range of craft related businesses to be developed and would allow ancillary retailing of goods produced on the site. Units 6,7 and 8 are attached to the resource building and as such form a discrete area of building separate from the main areas of craft workshops.

In terms of the retail use it is intended to let 2 of the units to the Devon Guild of Craftsmen who currently operate a successful retail outlet in Bovey Tracey and who sell only Devon Guild members artworks and small quality goods from UK/European non mass market and fair trade sourced

suppliers. It is considered that this will add to the attractiveness of the Court for visitors and traders as it will complement the range of goods that will be available from the operation of the businesses on site. In terms of the café use it is intended to use the unit immediately adjacent to the Education/Resource room for the sale of snacks/soft drinks/smoothies and milk shakes on a takeaway and sit down basis and it is considered that this will provide a complementary service for the hub.

The SW Innovation Centres who are managing the craft workshops are anxious to let these units to the identified user for this summer period. However, the public consultation period in relation to this application does not expire until the 3rd June. Any comments received up until the date of this committee will be reported verbally and it is recommended that permission should be granted for this change of use subject to there being no further planning related objections which raise matters not already considered by the committee.

Sustainability – N/A

Crime and Disorder – N/A

Disability Issues – All units are equally accessible

Conclusions

It is considered that the use of the units in the way proposed will act in a way to reinforce the hub as a centre for creative activities and as a key tourist destination.

Recommendation

Approval; subject to there being no planning related objections received prior to the expiry of the consultation period (03 June).

P/2011/0289/MPA

Ellacombe Ward

16 Market Street, Torquay

**Extend time limit - Formation of 13 additional residential flats (to make 14 in total)
application P/2008/0124/MPA**

Site Details

16 Market Street is an existing 3 storey building with a retail unit on the ground floor and additional sales and storage on the first floor. There is an existing 2 bedroom flat at second floor level. The building is located on the eastern side of Market Street, north of the junction with Pimlico. The site is not within a conservation area, however the market buildings on the opposite side of Market Street are listed. The property is within a secondary shopping frontage and it is adjoined to the rear by Stentiford Hill which is a Local Wildlife Site and an Urban Landscape Protection Area.

Relevant Planning History

1986 2 applications approved for alterations to the shop front and to form a fire escape.
P/1987/1583 Alterations to shopfront and second floor rear elevation. Approved 28/10/87.
P/1994/0657 Erection of non-illuminated ultravision sign. Approved 1/8/94.
P/2008/0124 Formation of additional residential flat (to make 14 in total). Approved 31/7/08

Relevant Policies

Torbay Local Plan 1995-2011

HS Housing strategy
H2 New housing on unidentified sites
H3 Residential accommodation in town centres
H9 Layout, design and community aspects
H10 Housing densities
SS Shopping strategy
S1 Town centres
S2 Town centre mixed use developments
S4 Secondary shopping frontages
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
LS Landscape strategy
L5 Urban landscape protection area
NCS Nature conservation strategy
NC3 Protected sites - locally important sites
EP1 Energy efficient design
EP8 Land Stability
BES Built environment strategy
BE1 Design of new development
BE6 Development affecting listed buildings
TS Land use transportation strategy
T1 Development accessibility
T2 Transport Hierarchy

Urban Design Guide

PPS1 "Delivering Sustainable Development"

PPS3 "Housing"

PPS6 "Planning for Town Centres"

Proposals

This application seeks to replace the permission granted under P/2008/0124 therefore effectively extending the time limit to implement the permission.

The application involves the retention of the ground floor retail premises and the demolition of the remainder of the building. 4 Further floors would be constructed containing a total of 14 flats. 4 Per floor at first, second and third floor levels with a further 2 flats on the fourth floor. Each flat would contain 1 bedroom, bathroom and open plan kitchen/living room. A stairwell, lift shaft and open court would be provided in the centre of the building. The proposed materials are off white render, lead cladding, white UPVC windows with a lead roof.

Consultations

None

Representations

None

Key Issues/Material Considerations

When the proposal was considered previously it had been recommended for refusal by officers on the grounds that it was considered to be a poor quality design and was considered to be an overdevelopment which resulted in a poor standard of accommodation. Members, however, approved the application against officer recommendation. Officers concerns still remain in relation to the above mentioned issues. However, in accordance with planning regulations it is only acceptable to come to a different view on an application for an extension of time when there has been a change in physical circumstances or a change in policy. Therefore any such changes are the key issues in determining this application.

The physical circumstances at the site have not materially changed since the scheme was previously approved. There have also not been fundamental changes in local planning policy. However, the coalition government has issued a revised version of PPS3 "Housing", in June 2010. One key change in this revised version was a removal of the density targets. This signalled a move towards allowing LPAs more flexibility in setting density ranges across the plan area, consistent with the aim of creating sustainable, inclusive and mixed communities in all areas, both urban and rural.

The significance of this change and its relevance to this application needs to be considered in the light of evidence of deprivation in the area. The 2008 and 2011 versions of the Joint Strategic Needs Assessment for Torbay both show Ellacombe to be a deprived Ward. For example over 70 of dwellings in Ellacombe are council tax band A or B, compared to about 41% in England and 51% in Torbay as a whole. 61.5% of the private rented housing stock in Ellacombe fails to meet the decent homes standard (compared to 37% in England). 22% of households in Ellacombe receive out of work benefits. Indices of Deprivation from 2010 show that Torbay is becoming more not less deprived, whereas Devon as a whole is becoming less deprived. Torbay is the 49th most deprived district in England and the highest in the South West. In the 2007 indices Torbay ranked 71, with a ranking of 94 in 2004. Whilst Ellacombe is within the top 20% most deprived wards in England, Market Street itself is close to a cluster of town centre wards that are within the top 10% most deprived.

The application is for 14 flats of 40 sqm in size (English Partnerships advise that 1 bedroom flats should be over 51 sqm). The units are closely packed together with the bedrooms that front the internal courtyard, being under 4m from window to window. This is considered to be an unacceptable living environment which would detract from the amenities of future occupiers. Housing of this standard and size will exacerbate the issues highlighted above and do nothing to contribute towards the Government's objective of achieving mixed and balanced communities. They also do nothing to stem the tide in terms, which could be achieved by a step change in the provision of quality sizeable accommodation for people living and moving into the area.

Therefore it is considered that this change in central government policy, allied with the worsening socioeconomic conditions in the area provides sufficient weight to recommend the refusal of the application in order that a better arrangement of dwellings can be sought on this site.

The design is still considered to be unacceptable by officers, however, there are no significant changes in policy which would lead officers to recommend that members refuse the application on design grounds, given the previous decision of the Authority to approve this scheme.

The S.106 requirements, were the application to be approved, would be slightly lower than when the earlier application was considered due to the updates which have been issued in the mean time. Now the requirements would be:

| | |
|-----------------------|----------------|
| Waste Management | £ 650 |
| Sustainable Transport | £16,380 |
| Stronger Communities | £ 1,170 |
| Lifelong Learning | £ 2,080 |
| Greenspace | £ 7,150 |
| TOTAL | £27,430 |

Sustainability – Although high density, the proposal is not considered to be sustainable as it does not contribute to the needs of a mixed and balanced community. No commitment has been made to using green technologies.

Crime and Disorder – No issues.

Disability Issues – Building Regulations only for the flats. Level, street access provided to the shop.

Conclusions

There has been a change in the direction of central government policy since the application was approved in 2008. It is considered that this change in policy, is of sufficient weight to recommend that members refuse the application on the basis that it results in a poor standard of accommodation which would worsen deprivation in the area.

Recommendation:

Refusal

Condition(s):

01. The proposal results in a poor standard of accommodation, as a result of the high density form of development proposed. The size of the units and their relationship with one another would result in a poor residential environment to the detriment of future occupiers. Therefore the proposal is contrary to the advice contained in PPS3 "Housing", updated in June 2010.

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P/2011/0351/MR3

Tormohun Ward

Town Hall Car Park, Lymington Road, Torquay

Demolition of one-storey building in the south-east corner of the site and formation of a 3-4 storey office building to provide a mix of A2 (financial and professional services) and B1 use (business) with vehicular and pedestrian access

Site Details

The site is the council-owned Town Hall Car Park, which sits adjacent to the grouping of municipal buildings that include the Town Hall and Library. The site is framed by the adjacent public highways of Lymington Road and Trematon Avenue, along with the Court House and the Grade Two Listed St Mary Magdalene's Church to the southwest. Although the site is dominated by the expanse of open car parking it also contains a small single-storey building in the southeastern corner, which currently accommodates a shopmobility operation.

Contextually in addition to it being a town centre site the land sits within the Upton Conservation Area and has been long identified as a site for employment use within the Local Plan. It is also pertinent to note that there are prohibitive services infrastructure and a substantial culverted watercourse which cut across the site, the later of which results in the land also sitting under flood risk zoning.

Relevant Planning History

No relevant planning history, however the proposal has been subject to extensive pre-application discussion that has included English Heritage and the Torbay Design Review Panel.

Relevant Policies

Saved Torbay Local Plan 1995-2011:

- BES Built Environment Strategy
(Proposals should conserve or enhance the built environment)
- BE1 Design of new development
(Design should take into account the wider context in terms of scale, massing, detail etc, and positive enhancement sought in Conservation Areas)
- BE5 Policy in Conservation Areas
(Proposals should conserve or enhance the built environment)
- BE6 Development affecting Listed Buildings (Development proposals should have regard to preserving any listed building or its setting)
- ES Employment and local economy strategy
(Development of a sustainable and competitive business sector providing economic regeneration and new jobs, and protecting environmental quality)
- E1.7 New employment on identified sites (Lymington Road Car Park)
(The development of land for employment purposes, noting that the Lymington Road site would be suitable for mixed use and offices, and due to high profile there should be a requirement for high quality, well-landscaped development)
- E2 Town centre office sites
(New office development will be permitted, provided it does not conflict with other local plan policies)
- E9 Layout, design and sustainability
(Development should feature suitable traffic and environmental implications and provide suitable layouts and servicing)
- TS Land use transportation strategy
(Promotion of a sustainable transport model that reduces the need for car travel and encourages alternatives)
- T1 Development accessibility
(Development should have the potential to be accessed via a variety of travel modes that should, in the main, allow access via foot, cycle, or public transport)

- T3 Cycling
(The needs of cyclists should be taken in to account)
- T19 District Distributor Road Network
(Road safety should not be reduced through development)
- T25 Car parking in new development
(Maximum parking provision standards should be adhered to)
- T26 Access from development on to the highway
(Safe access that does not conflict with the function of the route and provides acceptable parameters in regards to highway safety implications)
- T27 Servicing
(New development should account for appropriate access for service vehicles, loading/unloading etc)

National Guidance

- PPS1 Delivering Sustainable Development
- PPS4 Planning for Sustainable Economic Growth
- PPS5 Planning for the Historic Environment
- PPS25 Development and Flood Risk

Proposals

Proposal from the Torbay Development Agency for the demolition of the existing single-storey building in the Southeastern corner of the site in order to redevelop the site to provide a 3-4 storey office building fronting Lymington Road, which will provide a mix of A2 (Financial & Professional Services) and B1 (Business) uses, along with a reconfigured car parking area to the rear of the site and a revised vehicular access adjacent to the bordering library.

As a guide to scale the proposal will provide approximately 2500m² of B1 office space and 900m² of A2 professional services space within a flexible internal footprint. The building is clearly modern in design and is to be externally finished in a mix of reconstituted stone, glass and colour-coated metal panels. The car parking available will drop as a result of the development from 199 spaces to 87 spaces, however the scheme also provides for 45 cycle parking spaces where none currently exist.

There is separate conservation area consent for the demolition of the single-storey building on the site that has been held in abeyance until this planning application for the redevelopment is determined.

Consultations

Conservation Officer: Pending comments.

English Heritage:

Advice confirms that English Heritage has been involved in extensive pre-application negotiations and reasserts that the contextual analysis supports a distinctly contemporary design approach to the development. The concept that has evolved is, in its design, scale and form, a good response to the varying heritage considerations and represents a valuable opportunity to boost the viability of the commercial sector and enhance conservation at the same time.

The advice concludes that the proposal should be assessed at a local authority level against the statutory requirements of PPS5 and the determination of whether further finessing and amendments are required.

Highways Officer:

The Highways group raise no objections in principle, however, the location of the new access to the car park will be very close to the informal crossing point on Lymington Road, which may compromise safety. Therefore consideration should be given to relocation or re-engineering the crossing point.

Strategic Transport Officer:

The creation of business jobs negates the need for any sustainable transport contributions, inline with the SPD guidance. However green travel commitments should be managed via S106 or planning conditions.

South West Water:

No objections, however it is advised that a major public sewer, as acknowledged in the flood risk assessment, lies within the site and no building will be permitted within five metres of it.

Arboricultural Officer: Pending comments.

Environment Agency Pending comments.

Drainage Department Pending comments.

Representations

One letter of representation has been received that states broad support for development in this area but cites concern that the scheme appears to make use of land leased by St Mary Magdalene Church to SWEB. The letter goes on to state that a reduction in parking spaces and an increase in workers in the area will have implications upon parking and that consideration should be given to the environmental effect on the area (light, trees, night-time danger and historic buildings) and how the buildings connect and work as a community space. This representation is re-produced at Page T.201.

Key Issues/Material Considerations

The site has long been an identified site allocated for employment purposes within the Local Plan through Policy E1(7) *New employment on identified sites*. It is therefore considered that the principle of redevelopment for employment is clearly inline with general land use policy. It is noted that the land use allocation also highlights the following for the site;

- High profile location where high quality, well-landscaped development will be required. Class B1 (Business) uses (in particular offices and high tech) are appropriate.
- Office site.
- Subject to the review of parking requirements in the context of Torquay Central Area Transportation Strategy.
- Town centre site suitable for mixed use development, inline with Policy S2 *Town centre mixed use developments*.
- Site requiring strategic landscaping inline with Policy L10 *Major development and landscaping*.

In view of the above and other matters pertinent to this specific scheme, the key issues in this case are considered to be the following;

Principle of proposed uses

As outlined above, the site has long been an identified site allocated for employment purposes within the Local Plan (Policy E1(7)). It is therefore clear that the principle of redevelopment for employment is inline with established planning policy.

The proposed use, as a mix of B1 (Business) and A2 (Financial & Professional Services), accords with the policy objectives of securing an office or high tech use for the site. Although the two classes of use proposed are considered acceptable in policy terms, in order to secure the intended uses it will be necessary to restrict usual permitted changes of use in the following ways:

1. The permitted change from A2 to A1 (retail) be removed.
2. The permitted change from B1 to B8 (Storage & Distribution) be removed.
3. That B1 Use be restricted to exclude part (c) light industry.
4. That A2 Use be restricted to exclude Betting Shops.

Scale, Design & Layout

In respect to scale, the proposal is for a three/four storey building that sits comfortably within the local context. The plot can support this scale as the predominant building height locally is three storeys, and there is potential to step up on key parts of the building to accentuate corners, create a sense of enclosure and articulation. Considering the largely municipal context the general bulk of the building is befitting of the surroundings.

The layout, which principally provides for frontage development with car parking to the rear of the plot, provides a positive resolution to the constraints of the site whilst being sensitive to the parameters of some key principles of urban design. Not only does the position of the building frame the street and provide a natural extension to the building line, it also provides a substantial building away from the constrained areas of the site, notably the central area of the site, where the culvert runs through and the northern and eastern boundaries, where development is somewhat prohibited due to substantial underground utility cabling. Considering the opportunities that the site presents the position of the building fronting Lymington Road is considered to provide the best practicable option in both design terms and development feasibility.

In regard to design, the scheme has undergone an evolutionary path to respond to comments that have been passed from officers, English Heritage and the Torbay Design Review Panel over a protracted period of time. A modernist approach is considered to be the most suitable design solution within this key, high-profile, corner plot and the principle shown is therefore supported. It is also noted that the detail design, which for example includes the use of reconstituted stone and a strong fenestration pattern, suitably reflects the civic feel of the area and visually grounds the building within its context.

All matters considered the proposal provides a strong building, which is appropriately formed and detailed, which will sit comfortably beside the existing public buildings.

Trees & Landscape

The scheme details the removal of tree specimens that sit on highway land adjacent to the site on Lymington Road, although these are proposed to be replaced by Pin Oak specimens within the supporting landscape strategy. The proposals also detail landscaping within the site, where currently none exists, through the inclusion of a 'pocket park' set centrally within the revised parking area. There is broad agreement that the proposals provide a suitable landscape strategy that provides an acceptable setting for the building, the plot and the wider area. Final comment on the scheme is however still pending and will be reported at the committee meeting.

Highways & Parking

The proposal details two key issues, the revision of the site entrance and the reduction in car parking.

The revised entrance, which remains on Lymington Avenue but is set closer to the library, affords the most efficient use of the developable space along the frontage. The Authority's highways team support the revisions, however they do highlight that the new entrance will be closer to an unofficial crossing point near a neighbouring retail outlet, opposite the site. It is their advice that this off site arrangement may wish to be addressed should the scheme come to fruition.

The reduced level of public car parking that will result from the development of the site sits comfortably within the Council's assessment of parking needs. There are a number of under-used multi-storey car parks within a sustainable walking distance of the site and the proposal also sits within a sustainable central town centre location that is well-served by public transport. It is also noted that the scheme will provide covered cycle parking, which will improve the local facilities supplied for cyclists.

Impact on the amenity of neighbouring occupiers

The building is not considered to overtly affect the occupiers of any businesses or residences in the vicinity, due to the level of physical detachment.

Flood risk issues

The proposal has come forward in conjunction with ongoing discussions with the Environment Agency. Formal comment on the final scheme is still pending at this point in time. It is expected that it will be possible to outline the views of the Environment Agency at the committee.

Sustainability - The scheme will provide for the redevelopment of a sizeable, but somewhat under-utilised, town centre site that would provide the potential for many new jobs to be created and would support the wider vitality and viability of the area.

Crime and Disorder - No issues.

Disability Issues - Level access and the provision for movement within the building have been provided.

Conclusions

The scheme provides modern office/business premises on a designated employment site set within a sustainable town centre location. The development will create the opportunity for businesses wishing to relocate or expand and it therefore has the potential to enhance and strengthen Torquay Town Centre and the general wider economy of the area.

The proposal is considered to be a suitable solution when considering the constraints of the site and also provides a building of a suitable scale and detailed design within this prominent location.

Recommendation

Committee Site Visit; Approval, subject to conditions covering the issues listed below and additional conditions as deemed necessary by the Executive Head of Spatial Planning

- Provision and retention of car and cycle parking facilities
- Landscaping provision and management
- Contaminated land assessment
- Sustainable travel commitments
- Flooding risk issues and management
- Restriction of Use Classes

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P/2011/0356/MPA

St Marychurch Ward

Suite Dreams, Steep Hill, Torquay

Extend time limit - redevelopment to form 10 flats - application P/2008/0832/MPA

Site Details

The site lies close to the heart of the rural hamlet of Maidencombe and currently holds a mid-sized former hotel building that dates from the 1930s, which was further extended quite significantly in the 1960s. The building is set towards the rear of the plot backing onto open fields, with parking to the front between the building and the access point off Steep Hill. Due to sloping local topography the hotel sits above and below the adjacent properties, with an open aspect towards the coast. The wider urban form of the area is somewhat mixed, as although historically there has been development within the area dating back as early as the 8th Century, development has been largely piecemeal throughout the 18th and 19th Centuries, before more sizeable development occurred right the way through the 20th Century. In regard to specific local designation the plot lies within the Maidencombe Conservation Area, an Area of Great Landscape Value, the Coastal Preservation Area and the Countryside Zone.

Relevant Planning History

The most pertinent piece of planning history is that of the most recent approval for the redevelopment to provide 10 flats (P/2008/0832/MPA), which was passed with planning conditions and a legal agreement that formalised associated planning obligations.

More widely there is broad history to this site, which most notably includes:-

- P/2006/1183 Alterations, Extensions And Change Of Use To 10 Residential Apartments. Refused (Appeal allowed).
- P/2007/0130 Alterations, Extensions And Change Of Use To 9 Residential Apartments (Resubmission Of P/2006/1183). Refused.
- P/1980/3130 Extension to 2 bedrooms, lounges and dining room. Approved.
- P/1989/0675 Erection of double garage. Approved.
- P/1989/1876 Alterations and extensions to form additional accommodation. Approved.
- P/1990/0120 Alterations and extensions to hotel. Refused.
- P/1990/1902 Patio, ornamental garden works and landscaping. Approval.

Relevant Policies

Saved Torbay Local Plan 1995-2011 -

- BES Built Environment Strategy
- BE1 Design of New Development
- BE2 Landscaping and Design
- BE5 Policy in Conservation Areas
- HS Housing Strategy
- H2 New Housing on Unidentified Sites
- H4 Conversion and Sub-Division into Flats
- H9 Layout, Design and Community Aspects
- H10 Housing Densities
- TU7 Change Of Use or Redevelopment of Holiday Accommodation Outside Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- CF7 Educational Contributions
- W7 Development and Waste Recycling Facilities
- LS Landscape Strategy
- L2 Areas of Great Landscape Value
- L3 Coastal Preservation Areas

- L4 Countryside Zone
- EP1 Energy Efficient Design
- TS Land Use Transportation Strategy
- T1 Development Accessibility
- T2 Transport Hierarchy
- T3 Cycling
- T25 Car Parking in New Development
- T26 Access From Development onto the Highway
- T27 Servicing

The Urban Design Guide SPD

Planning Contributions and Affordable Housing: Priorities and Delivery SPD and the associated update guidance.

PPS3 Housing

PPS5 Planning for the Historic Environment

Proposals

The current proposal is to extend the time limit for the implementation of the previous application for the redevelopment of the site in order to provide a new residential building, which will deliver ten 2-bed flat units with associated vehicular parking.

For the purpose of clarity, the scheme that seeks an extension of time is to provide a three-storey structure that is modern in form, which possesses staggered elevations and a mixed palette of materials including render, stone and timber. The parking for the scheme is retained between the building and the access, which leaves largely hardscaped gardens to the southern section of the site. The building is shown to loosely cover a similar development footprint to that of the current structure. Eleven parking spaces, ten of which function individually, are proposed and there are designated areas for bin storage and cycle parking.

In regard to the detailed design the building is shown to supply four flats at ground level, with three further flats on each of the first and second floors. Balconies are present within the scheme to exploit the sea views that are on offer. The southern elevation features a large amount glass, which is arranged with a vertical emphasis, however the openings within the sides and rear elevations of the building are in the main far more classically scaled.

Consultations

None received, however previous comments were as follows;

Highways Engineer: There is likely to be a reduction in traffic brought about by the proposal and therefore no highways objection were raised.

Conservation Officer/Design Team: The existing property is not considered to contribute significantly to the conservation area, however any replacement should accord with the established urban design principles set out by CABI, which are detailed within the Adopted Urban Design Guide SPD. Through discussion within the platform of the Design Team Meeting the proposal is considered acceptable in terms of its built form and impact upon the character and appearance of the area. This judgement of acceptability was with the caveats on two further issues, which were firstly the importance of the front boundary of the site, as there is a fear that a wide entrance may amplify the impact of the car parking area. It was detailed that this could easily be overcome by retaining a tight entrance in order to maintain a village 'feel'. Secondly it was raised that attention must be made to the relationship with the adjacent cottage due to the topography and distances involved.

Transport Planner: A commuted sum should be sought inline with guidance and the development should also require installation of secure and covered cycle parking.

Senior Historic Environment Officer: Suite Dreams occupies the former location of the farmhouse of Card's Maidencombe, present on the Stokeinteignhead title map of 1843, the OS County Series of 1889, and 1904, but removed by 1933. Card's may be directly related to the Cade family who were farming here in the 1520s. As Maidencombe is a Domesday manor continuity on the site may be pushed back further. The application proposes the demolition of the present building and redevelopment on a similar footprint; it is not known to what extent the archaeological deposits, if any, survive beneath the footprint of the current building, or in the area between the building and the road. As assessment will not inform us of the extent of survival, only evaluation after demolition. In this instance I request the following Condition be applied to any approval: *No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation submitted by the applicant and approved by the Local Planning Authority.*

English Heritage: No comments, the application should be decided in accordance with national and local policy guidance, and on the basis of our local specialist conservation advice.

Waste Officer: Concerns raised in regard to the accessibility of the site due to the width of the entrance, in regard to refuse vehicles manoeuvring and reversing in from Steep Hill, along with the accessibility of the bin storage area, particularly if a communal system is requested.

Representations

None received.

Key Issues/Material Considerations

There is an assumption with applications to extend time limits that permissions will be likely to be renewed unless there has been a change in the intervening period to either planning policy or other acknowledged material consideration. The main issue in consideration of the proposal is therefore whether or not any material circumstance has changed since the last approval that would indicate that this proposal should not be allowed a further period of time for implementation, as the principle and detail of the development has already been established.

Previously the key issues in determining this application were considered to be 1) whether the principle of the development is acceptable, 2) whether the visual impact of the proposal is acceptable, 3) whether the impact on neighbours is acceptable, 4) whether the parking and access arrangements are acceptable.

The following is a brief outline of these key issues;

- 1) The principal of residential accommodation on the site was considered valid following the Planning Inspectorate's previous decision that allowed on appeal a scheme to convert and extend the current hotel in to ten apartments.
- 2) The general scale and mass of the building was considered similar to the already approved conversion and the modernity of the building was considered contextually acceptable as Maidecombe shows a mixed form that expresses the evolving nature to the area.
- 3) Amenity issues were considered acceptable when assessed against the relationships that would have been present within an approved conversion scheme.
- 4) The general arrangement within the plot was considered to provide a development that functioned appropriately, with certain aspects dealt with under planning conditions.

The key material considerations, in respect to the issues cited above, are deemed to have remained largely unaltered and hence the general principle of the development is considered to remain

established. Notwithstanding this it is pertinent to identify that there has been a material change in respect to the matter of planning obligations, whereby updated direction alters two aspects of the guidance, firstly that the floor area of units should take precedence over the number of bedrooms when defining the actual size category of each unit, and secondly that education contributions are not currently sought for Torquay applications due to the existence of capacity within the current school provision. The proposal to extend the time limit should therefore reflect these material changes in policy.

Previous level of obligations sought;

| | |
|---|-------------------------|
| Education Contributions: | £5,490.07 (10x£1549.07) |
| Green Space and Recreation Contributions: | £11,210.00 (10x£1121) |
| Lifelong Learning Contributions: | £2964.00 (10x£296.40) |
| Waste and Recycling Contribution: | £510.00 (10x£51) |
| Street Wardens Contributions: | £1258.00 (10x125.80) |
| TOTAL | £31,432.07 |

Revised level of contributions under current policy;

| | |
|---|------------------|
| Education Contributions: | Zero |
| Green Space and Recreation Contributions: | £6,490.00 |
| Lifelong Learning Contributions: | £2820.00 |
| Waste and Recycling Contribution: | £500.00 |
| Street Wardens Contributions: | £560.00 |
| REVISED TOTAL: | £21370.00 |

As there would appear to be a change in the level of contributions triggered by the development it is considered essential that a revised Section 106 Legal Agreement should accompany any forthcoming extension of time.

Sustainability - No new issues.

Crime and Disorder - No new issues.

Disability Issues - No new issues, an internal lift is to be provided, giving access to all levels of the building.

Conclusions

The principle of the development has been established through the previous approval and the relevant material considerations that determined this remain in place. There has been amended guidance on the provision of planning obligations and hence a revised Section 106 Legal Agreement should be agreed in order to maintain the proposal being acceptable on merit. Should one not be forthcoming the proposal should be refused over the lack of such.

Recommendation:

Conditional Approval; subject to a Section 106 Legal Agreement relating to the appropriate planning obligations being signed by 01/07/2010, with conditions as laid out within the previous approval.

Condition(s):

01. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in

the course of development.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development., whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

03. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the Saved Torbay Local Plan 1995-2011

04. No development shall be commenced until a sample of the proposed sloping roofing material, along with a palette of all external finishes, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with policies BES, BE1 and BE5 of the Saved Torbay Local Plan 1995 - 2011.

05. Prior to the commencement of works the bin storage arrangements and site access width shall be means tested in regard to the practicality of use, and once accepted be completed and made available for use prior to the first occupation of any of the residential units hereby permitted, and shall be so retained for the duration of any residential occupation of the building.

Reason: To secure appropriate service facilities for the development, in accordance with the terms and objectives of policy W7 of the Saved Torbay Local Plan 1995-2011.

06. Prior to the commencement of any works of demolition associated with the development hereby permitted, details of measures to minimise and mitigate the effects of waste material production from the development on the site shall be submitted to and approved in writing by the Local Planning Authority, and the development hereby permitted shall be effected in strict accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the implementation of an appropriate regime of sustainable waste management for the site, in accordance with the terms and objectives of policies W6 and W7 of the Saved Torbay Local Plan 1995- 2011.

07. Prior to the occupation of any of the residential units hereby approved, the allocated cycle parking provision shown on the approved plans shall be completed and made available for use, and shall be so retained for the duration of the residential occupation of the flats for which the provision is made.

Reason: To secure the appropriate provision of cycle parking facilities to serve the development, to promote and enable the use of sustainable methods of transportation, in accordance with the terms

and objectives of policy TS, T1, T2 and T25 of the Saved Torbay Local Plan 1995-2011.

08. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.

Reason: In order to ensure that any archaeological remains that are unearthed through the redevelopment of this site are suitably recorded and/or preserved, in accordance with Policies BE9 and BE10 of the Saved Torbay Local Plan 1995-2011.

P/2011/0387/PA

Watcombe Ward

Combe Pafford School, Steps Lane, Torquay

Extension to form office/interview room to side of existing classroom block

Site Details

The site contains a school development towards the outskirts of Torquay. There are two other nearby schools and residential accommodation to the South West and North. The site occupies a corner plot between Moor Lane to the North and Steps Lane to the East. There are a variety of building designs on the site as the school has expanded gradually.

Relevant Planning History

P/2009/1195 - Construction of vocational training centre – PER 28.01.2010

Many other small extension and mobile classroom developments approved.

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

BES Built Environment Strategy

BE1 Design of New Development

CF10 New Schools and Improved School Facilities

Proposals

The proposal is for the construction of an extension to the existing classroom block to form an office / interview room.

Consultations

No Comments

Representations

None Received

Key Issues/Material Considerations

The key considerations are the provision of additional resource for the school to operate and the design impacts of such development.

The provision of additional internal space within the school is identified as a need in the applicant's design and access statement and is supported by policy CF10.

The specific site is located to the South side of the main building attached to an existing flat roof link in the corner of the 'L-Shaped' building. In terms of scale the extension is relatively small compared with the other buildings on site. It will not project out as far as the existing building and will also maintain access around the play area to the side.

Whilst the extension will have a flat roof, given the design of the parent building, the affect of the design on the overall area is acceptable.

Sustainability – No relevant considerations

Crime and Disorder – No relevant considerations

Disability Issues – The school building as a whole and including this proposed development is designed to allow for good circulation by all staff and pupils.

Conclusions

The extension will have very little effect on the area or the site itself, given the relatively small scale of the building proposed and its siting. The provision of additional resource space for the school is important for the continued provision of suitable educational facilities. For these reasons the application accords with the relevant Local Plan policies and is recommended for approval.

The application is referred to the Development Management Committee due to the land ownership and given that the Council is the applicant.

Recommendation

Approval

P/2011/0388/PA

Shiphay With The Willows Ward

Land At Dairy Hill, And 13 Stanbury Road, Torquay

Detached garage with adjacent hard standing with vehicular and pedestrian access

Site Details

The application site lies partly on highway verge and partly within the curtilage of the semi-detached house 13 Stanbury Road. The land is a steep bank, covered in mature vegetation, which includes a hazel tree on the outside of a pronounced bend in the road. A public footpath linking Dairy Hill with Stanbury Road adjoins the north boundary, beyond which is a recently built house, with a parking area fronting the public highway. This is a predominantly residential area, with other houses on both sides of the road, along Dairy Hill in both directions, with residential accesses. Dairy Hill is narrow with one way traffic, with banking and vegetation on both sides, as the site is approached from the south.

The application is for consideration by Committee because part of the site is Council owned land.

Relevant Planning History

ZP/2010/0693 Pre-application enquiry similar to the current proposal, but differing in the size of garage proposed. Informal officer response confirmed that a garage would not be supported in the proposed location. No further informal enquiry was made, so no informal comment has been provided on the current application.

Adj 106 Shiphay Lane

P/2008/0108 Proposed Detached Dormer Bungalow. Approved.

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

H15 House extensions

T25 Car parking in new development

T26 Access from development onto the highway

L8 Protection of hedgerows, woodlands and other natural landscape features

Proposals

It is proposed that the bank be excavated and a retaining wall be constructed to provide a levelled area. A single garage and formation of a car parking hardstanding area is proposed within the levelled area, with steps up towards the house, and associated handrails. The dimensions of the garage would be width 3.3m, length 6m, height to eaves 2m, height to ridge 3.2m. Pitched roof with half-hipped ends.

Materials: Garage - walls rendered; roof – slate tiles. Retaining wall rendered. Concrete steps; timber railings.

The application is supported by a Design and Access Statement. It is explained that the row of houses 7-13 Stanbury Road are set away from the road with no parking and residents have to park on Stanbury Road, which is congested.

Consultations

Highways and Engineering Officer: "Highways would object to the proposed application on the grounds of the proximity of the garage to the public highway. The Adopted Torbay Local Plan states that 'where the visitor's parking space is sited alongside the garage, the latter should be sited not less than 2.4 metres (8 feet) from the highway to satisfy pedestrian's visibility'.

"Due to the proposed works affecting the retention of the public footway, highways suggest that Gordon Ross, the Highways Structural Engineer, be consulted."

Arboricultural Officer: Comments to be reported at the meeting.

Archaeological Officer: The site lies within the boundaries of the late medieval hamlet of Shiphay but there is no evidence from 19th century mapping of any archaeological features within the footprint of the proposal.

Torbay Development Agency – Estates: Confirm that the land adjacent to 13 Stanbury Road is in Council ownership.

Representations

Any comments will be reported at the meeting.

Key Issues/Material Considerations

The main issue in this case is highway safety. Other issues are the resulting appearance of the property in the street scene and the related loss of vegetation.

The proposal raises concerns over highway safety and on the advice of the Highways and Engineering Officer is recommended for refusal.

Street Scene: The existing roadside verge, comprising both bank and mature vegetation, contributes to a pleasant pocket of country character amidst the extensive suburban area of present-day Shiphay. Its removal, and the construction of the garage and retaining wall in close proximity to the carriageway edge, would represent a partial loss of this character and increasing suburbanisation in this location. As submitted, the application does not contain any mitigation in respect of the loss of vegetation, other than the proposed use of trailing ivy on the retaining wall. This factor is considered to contribute to the reasons why the application cannot be supported.

If an application for parking area only, as invited by the Highways and Engineering Officer, were to be submitted, this would be considered on its own merits. It is to be expected that opportunities for mitigation for loss of vegetation would form part of the consideration of such a proposal.

Privacy / Amenity: The proposal would not raise loss-of-privacy issues. The amenities of nearby occupiers would be affected only in the same way as those of other members of the public.

Sustainability:

Environment Agency Flood risk map status: Flood Zone 1. Standard advice applies.

Surface Water Drainage: Application form states surface water drainage to soakaway - no detriment.

Crime and Disorder: No special issues

Disability Issues: No special issues

Conclusions

For the reasons discussed in this report, the proposal would be contrary to Local Plan policy and is recommended for refusal.

Recommendation:

Refusal

Condition(s):

01. The proposed development, by reason of the size, siting and design of the combined garage and parking space proposal, in particular its proximity to the highway and lack of appropriate visibility

for vehicles emerging from the garage, would have a detrimental impact on the safety of all users of the highway. The proposal would not provide safe access and egress in terms of traffic and road safety due to this inadequate visibility. In addition, the loss of boundary bank and mature vegetation, and the construction of the proposed garage and retaining wall, in close proximity to the carriageway, would have a detrimental impact on the character of the area. The proposal would therefore be contrary to Policies H15, T25, T26 and L8 of the Saved Adopted Torbay Local Plan 1995-2011 and Urban Design Guide - Supplementary Planning Document Section 3.3 Aspects of Development Form I, II & VIII (pages 63, 64, 67).

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