



Friday, 4 November 2011

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 14 November 2011

commencing at **2.00 pm**

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

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

Our vision is working for a healthy, prosperous and happy Bay

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

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01803 207012

Email: democratic.services@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

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

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 17 October 2011.

(Pages 1 - 6)

3. **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.)

4. **Urgent Items**

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

5. **P/2011/0905/HA - Farnaby, 7 Rydons, Brixham**
Installation of solar panels on flat roof

(Pages 7 - 10)

6. **P/2011/0197/MOA - Land West Of Brixham Road, Paignton** (Pages 11 - 30)
Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings , 36,800m2 gross employment floor space, a local centre including food retail (approx 1652m2 gross) with additional 392m2 A1/A3 use and student accommodation, 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) -THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE TORBAY LOCAL PLAN
7. **P/2011/0721/MPA - 16-20 Smallcombe Road, Paignton** (Pages 31 - 38)
Demolition of 8 dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas on land at Smallcombe Road, Paignton
8. **P/2011/0813/MPA - 2-16 Southview Road, Paignton** (Pages 39 - 46)
Demolition of 8 dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas
9. **P/2011/0910/PA - 9 Beach Road, Paignton** (Pages 47 - 52)
Demolition of conservatory, change of use to form 4 flats and replace existing windows with white UPVC
10. **P/2011/0796/PA - Watcombe Service Station, Teignmouth Road, Torquay** (Pages 53 - 58)
Construction of new pitched slate roof on the existing flat roof of the 1st floor of the property to provide 2 new dwelling units with access by a rear stairway.
11. **P/2011/0849/PA - Aremo, 68 Windsor Road, Torquay** (Pages 59 - 68)
Change of use from residential to House in Multiple Occupation
12. **P/2011/0896/PA - Site Formerly Known As 1-5 Athenaeum Place, Side Of 27 Braddons Street, Torquay** (Pages 69 - 76)
Formation of 3 houses with 2 bedrooms with pedestrian access
13. **P/2011/0991/PA - 27 - 29 Walnut Road, Torquay** (Pages 77 - 82)
Change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults

14. 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.

15. 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, 9 November 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

17 October 2011

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Brooksbank, Hill, Hytche (In place of Barnby), Kingscote and Pentney

(Also in attendance: Councillors Hernandez, Lewis, Richards and Thomas (D), plus Town Councillor Brian Harland)

328. Apologies for absence

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

329. Minutes

The Minutes of the meeting of the Development Management Committee held on 19 September were deferred to the next meeting of the Committee.

330. Urgent Items

The Committee considered the items in Minutes 339, 340, 341 and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

331. P/2011/0470/MPA - Riviera Bay Holiday Park, Mudstone Lane, Brixham

The Committee considered an application for the re-advertisement of demolition of two buildings used for laundrette, maintenance workshop, housekeeping and entertainment office; demolition of wooden shed used for housekeeping; formation of 11 new holiday lodges with new car parking layout to accommodate up to 216 car parking spaces, relocation of bin store and development of 12 residential properties fronting Douglas Avenue.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Keith Fenwick and Matt Purdom addressed the Committee in support of the application. Councillor Harland from Brixham Town Council also addressed the Committee.

Resolved:

Approved with conditions delegated to the Executive Head of Spatial Planning; to include the schedule of suggested conditions listed in the submitted Report and others deemed necessary by the Executive Head, with the exception of the suggested 10 year time restriction for the holiday lodges; subject to:

- (i) the completion of a Section 106 Agreement in respect of sustainable transport; greenspace and recreation; lifelong learning; stronger communities and waste; and recycling in terms acceptable to the Executive Head for Spatial Planning within six months of the date of this Committee or the application be re-considered by the Committee;
- (ii) the inclusion of appropriate conditions and Section 106 clauses to ensure that the outcomes of the Habitats Regulations appropriate assessment are integrated into the consent in order to protect the integrity of the SAC;
- (iii) further negotiations in respect of the potential for visual improvements to the exterior of the existing chalets; and
- (iv) an informative in respect of the use of materials not to include cedar cladding.

332. P/2011/0932/PA - 5A Bay View Steps, King Street, Brixham

The Committee considered an application for formation of new residential unit number 5A over 4 and 5 Bay View Steps, rear of Kings House, King Street.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Claire McComb addressed the Committee against the application and Julian Craddock addressed the Committee in support of the application.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of waste management, sustainable transport, lifelong learning and greenspace in terms acceptable to the Executive Head for Spatial Planning and signed within six months of the date of this Committee, or the application will be re-considered by members, approved with the conditions set out in the submitted Report.

333. P/2011/0881/PA - 160A Torquay Road, Paignton

The Committee considered an application for demolition of structure and formation of new furniture showroom.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mike Hughes addressed the Committee in support of the application.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of improvements to the cycle route in the vicinity of the site, in terms acceptable to the Executive Head for Spatial Planning within three months of the date of this Committee or the application be re-considered by members, approved with the conditions set out in the submitted Report.

334. P/2011/0813/MPA - 2-16 Southview Road, Paignton

The Committee considered an application for demolition of eight dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Kirkup addressed the Committee against the application.

Resolved:

Consideration deferred to allow for further information in respect of highways and parking and more specifically the maneuverability available to vehicles using the proposed echelon parking.

335. P/2011/0856/MPA - Former General Accident Fire and Life Assurance Plc, General Buildings, Greenway Road, St Marychurch, Torquay

The Committee considered an application for demolition of building and erection of 7 retail units (for purposes within use classes A1, A2, A3, A4 and/or A5) and 4 residential dwellings with associated highways works, car parking and landscaping.

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

Resolved:

Consideration deferred to allow for public consultation on the revisions to the scheme.

336. P/2011/0799/PA - Old Toll House, Torbay Road, Torquay

The Committee considered an application for an extension of time in respect of application P/2008/0980 – formation of roof terrace and modifications to the lift.

At the meeting Paul Harvey addressed the Committee in support of the application.

Resolved:

Refused for the reason set out in the submitted Report.

337. P/2011/0802/LB - Old Toll House, Torbay Road, Torquay

The Committee considered an application for an extension of time limit in respect of application P/2008/0981 – formation of roof terrace and modifications to lift.

At the meeting Paul Harvey addressed the Committee in support of the application.

Resolved:

Refused.

338. P/2011/1388/MOA - land at area 4 south, Scotts Meadow, off Riviera Way, Browns Bridge Road and r/o 1-21 Swallowfield Rise, Torquay

The Committee considered an application for residential development to construct up to 155 dwellings with associated vehicular and pedestrian access, landscaping and public open space (in outline) which was a departure from the Local Plan.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

On this occasion, the Chairman decided to vary Standing Orders and allow members of the public to address the Committee for 10 minutes rather than the prescribed 5 minutes. At the meeting Martin Edgall addressed the Committee against the application and Michael Newman and Malcolm Hockaday addressed the Committee in support of the application.

Resolved:

Refused for the following reasons:

- (i) on the grounds that the extent of the development and its consequent landscape impact would not be compliant with the requirements of the Urban Landscape Protection Area Designation due to the impact that the development would have on the value of the area as an open element within the townscape and the contribution it makes to the urban environment; and
- (ii) the lack of a signed Section 106 Agreement to defray the cost of local community infrastructure.

339. 2011/0395/MPA - Totnes Road Service Station, site adj 141 Totnes Road, Paignton

The Senior Planning Officer explained that further to the meetings of the Development Management Committee held on 31 May 2011 where the above application had been considered, and 22 August 2011 where the Committee had agreed to an extension of time for the completion of the Section 106 Agreement, further time was required to allow for the imminent completion of the Section 106 Agreement.

Resolved:

That the Section 106 Agreement be completed by 17 November 2011 or the application will be re-considered by members.

340. 2010/1350/PA - Berry Head Hotel, Berry Head Road, Brixham

The Senior Planning Officer explained that further to the meeting of the Development Management Committee held on 21 February 2011, where the above application was considered, the Section 106 Agreement had not been completed by the required date. The Senior Planning Officer further explained completion of the Agreement was imminent and sought members approval for an extension of time for one month.

Resolved:

That the Section 106 Agreement be completed by 17 November 2011 or the application will be re-considered by members.

341. P/2011/0227/MPA - Shedden Hall Hotel, Shedden Hill Road, Torquay

The Senior Planning Officer explained that further to the meeting of the Development Management Committee held on 18 April 2011, where the above application was approved, and as a result of negotiations with the applicant the Section 106 Agreement needed to be re-configured to remove the need for a joint bank account between the developer and applicant. The Senior Planning Officer further explained that the applicant intended to redevelop the original main villa in-conjunction with the new aspects of the proposal which would therefore make the need for the bank account redundant.

Resolved:

That the Section 106 Agreement in respect of Shedden Hall Hotel be re-configured to remove the need for the joint bank account and that it be completed by 17 November 2011 or the application will be re-considered by members.

Chairman

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Agenda Item 5

Application Number

P/2011/0905/HA

Site Address

Farnaby
7 Rydons
Brixham
Devon
TQ5 8QF

Case Officer

Mrs Alison Read

Ward

Berry Head With Furzeham

Description

Installation of solar panels on flat roof.

Executive Summary/Key Outcomes

The proposal is to add 10 solar or photovoltaic (PV) panels to be mounted in 3 rows above the ridgeline/highest part of the roof of the dwelling, on the front and rear flat roofed box dormers. There was a pre-application enquiry concerning this proposal and it was advised that it would be likely to be refused. Various other suggestions were made which have been rejected, although a note has been added to the submitted drawing in this application to move the front row of panels back by 900mm i.e. towards the centre of the front box dormer.

Recommendation

Committee Site Visit; Refusal.

Site Details

The property is a detached dormer bungalow with large box dormers to the front and rear elevations and a projecting gable to the front, which has resulted in limited space for the siting of PV panels on the front roof slope. There are other properties in the vicinity with box dormer extensions and a flat-roofed property.

The property is on an elevated site off The Rydons a private cul-de-sac on the edge of the built up area of Brixham within the Area of Outstanding Natural Beauty (AONB) with open fields/land within the countryside zone on the opposite side of the road.

Whilst there are some trees to the boundary of the field opposite which provide some screening of the property, they are deciduous and in any case are not necessarily a permanent feature and are outside the control of the applicant.

Detailed Proposals

The Schuco PV panels are to be in three rows, that nearest the front of the

property, to be set back by 900mm from the front of the box dormer (note added to drawing only), consists of 4 panels, the middle row is to be above the ridgeline and also consists of 4 panels and the back row, to the rear of the rear box dormer, consists of 2 panels. The panels are to be mounted at a relatively steep angle on a framework, such that the top of the panels would be 574mm above the top of the roof.

Summary Of Consultation Responses

None.

Summary Of Representations

Brixham Town Council; Recommend approval – Summary sheet from the meeting held on 03.10.11 reproduced at Page B.200.

Relevant Planning History

Pre-application enquiry ZP/2011/0332 Refusal advised 20.07.11.

N.B. Other less damaging suggestions were subsequently made such as mounting some panels on the plane of the roof below the front box dormer or mounting the panels set back on the rear box dormer only and also at a less elevated angle. Ground mounted panels were also suggested.

Key Issues/Material Considerations

Principle and Planning Policy – Impact on the built environment

Whilst the planning department fully support the principle of PV panels in the interests of sustainability, energy efficiency, long term running costs etc (issues associated with climate change) it also has a duty to protect the built environment from damaging development.

The proposal is for three rows of PV panels to be mounted above the highest part of the roof on the flat-roofed box dormers at a relatively steep angle to the roof; two of the rows being close to the front/central ridgeline of the property and would be particularly open to view from a distance (as previously stated there is open countryside to the front and the trees on the opposite side of the road are deciduous and in any case are not necessarily a permanent feature or within the control of the applicant) and when the property is approached from the side, as the framework/panels project well above the roof.

This proposal if approved would set a precedent for the siting of PV panels in very conspicuous locations above the highest part of the roof, for example on flat roofed properties or on properties with flat-roofed box dormer extensions as in

this case, in close proximity to the front of the property and prominent in the streetscene, both within this road, where there are other properties with box dormer extensions as well as a flat-roofed property and throughout Torbay.

No history has been found for any similarly prominently sited panels being approved. The majority of PV panels can be sited relatively inconspicuously on the roof slopes of dwellings and do not require planning permission as they constitute permitted development as long as they do not project above the highest part of the roof (excluding any chimney) and 200mm from the plane of the roof slope.

Suggestions were made for less damaging alternative siting of the panels in a pre-application enquiry (see Relevant Planning History) but these have not been taken up and the only alteration to the scheme has been the marginal setback of the front row of panels.

It is considered that the proposal would be contrary to the objectives of Local Plan policies, in particular H15- House extensions, BES- Built environment strategy and BE1- Design of new development, which seek to conserve or enhance the built environment from inappropriate, out of character or over-dominant alterations or development which would have a negative impact on the character and appearance of the original property or the streetscene. The property is also adjacent to the countryside zone and within an AONB where Policy L1 applies, which seeks to ensure that development proposals will not damage the natural beauty of the area.

Climate change -

The proposal would be of benefit in terms of sustainability, energy efficiency, long term running costs etc. but this benefit is considered to be outweighed by the harm to the built environment.

Environmental Enhancement -

The proposal would be damaging in terms of impact on the built environment and if approved would set a precedent for similar proposals in the vicinity and throughout Torbay.

Conclusions

Committee Site Visit and refusal.

Condition(s)/Reason(s)

01. 1. The proposal, by reason of the number, method of mounting and siting

of the panels in a prominent location above the highest part of the roof towards the front of the property, would be contrary to the objectives of policies of the saved adopted Torbay Local Plan 1995-2011, in particular H15- House extensions, BES- Built environment strategy and BE1- Design of new development, which seek to conserve or enhance the built environment from inappropriate, out of character or over-dominant alterations or development which would have a negative impact on the character and appearance of the original property or the streetscene.

2. The property is also in a prominent, elevated location on the edge of the built up area of Brixham, adjacent to the countryside zone and within an Area of Outstanding Natural Beauty where Policy L1- Areas of Outstanding Natural Beauty applies, which seeks to ensure that development proposals will not damage the natural beauty of the area.

3. If approved the proposal would also set an undesirable precedent for similar proposals to the detriment of the built environment both within the vicinity and throughout Torbay.

Relevant Policies

- H15 House extensions
- L1 Areas of Outstanding Natural Beauty
- BES Built environment strategy
- BE1 Design of new development

Application Number

P/2011/0197/MOA

Site Address

Land West Of
Brixham Road
Paignton
Devon
TQ4 7RZ

Case Officer

Mr Scott Jones

Ward

Description

Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct 350 dwellings , 36,800m2 gross employment floorspace, a local centre including food retail (approx 1652m2 gross) with additional 392m2A1/A3 use and student accommodation, 15 hectares of open space, sports pavillion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) -THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT. THIS IS A DEPARTURE FROM THE TORBAY LOCAL PLAN

Executive Summary / Key Outcomes

The application is an outline planning proposal for a mixed use scheme for housing, employment land and open space / community facilities, for a site partly designated for employment and partly undeveloped and unallocated farmland within the Saved Local Plan. This is an EIA (Environmental Impact Assessment) application due to the magnitude of the potential environmental impacts and the sensitivity of the site. As such the application is accompanied by a full Environmental Statement.

Holistically the proposal provides the potential for significant investment in the area that would bring forward a balanced development of employment, housing and associated community facilities, supported by substantial off-site ecological enhancement works and improved public access into the countryside by way of a proposed circular woodland walk.

The mix of development is considered acceptable and the proposal is supported on planning merit subject, principally, to the resolution of i) the access arrangements to the eastern bowl adjacent to Brixham Road, ii) suitable off site ecological enhancement to mitigate against potential implications upon protected species, and iii) the resolution of outstanding s106 viability matters. These matters appear resolvable should the Committee be minded to approve the scheme and it is therefore anticipated that members would be in a position to approve subject to the resolution of the outstanding matters.

Recommendation

Site Visit; Conditional approval (conditions to be delegated to the Executive Head of Spatial Planning), subject to the satisfactory resolution of matters in respect to ecology, access, viability, flood risk (in respect of further comment requested from the Environment Agency), the views of Environmental Protection in respect of the submitted noise assessment; and subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the committee date.

Site Details

The application site comprises a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. At present there are a number of buildings to the east of the site and recently constructed road infrastructure which has been constructed in connection with earlier approvals at the site. The developed and previously developed portions of the site comprise 6.8 hectares. The site comprises two topographical 'bowls' one to the west and one to east of the site, with higher ground towards the centre of the site.

To the south and west are a number of wooded areas; Waddeton Road Plantation, Shopdown Copse and Peter's Copse. A number of hedgerows cross the site.

The eastern section of the site is allocated in the Saved Local Plan for new employment uses surrounded by strategic landscaping. The remainder of the site is within the Countryside Zone and the majority of the site (excluding the area to the north east adjacent to Long Road and accessed via Waddeton Close) is within an Area of Great Landscape Value. Brixham Road, running north/south to the east of the development site, is part of the Major Road Network.

The extent of additional land within the applicants control is also indicated on the submitted O/S plan and the extent of land within the applicants control provides the opportunity to secure appropriate off-site landscaping and ecological mitigation.

Detailed Proposals

This application is in outline with all matters reserved except for access. Therefore all drawings and illustrative material submitted with the application are indicative apart from those which detail the new junctions and accesses into the site. One of these is proposed from the eastern bowl onto Brixham Road, approximately opposite the Kingsway Avenue junction. The second is from Woodview Road into the western bowl, between existing employment buildings within the Woodview Road industrial estate.

The eastern part of the site would accommodate the following uses:

- 11,495 sqm employment (offices)
- Energy centre
- 350 dwellings
- Student accommodation (approx 50 units)
- 392 sqm general retail
- 1,188 sqm food retail
- Community building

The western part of the site would accommodate the following uses:

- Up to 25,319 sqm employment floorspace within use classes B1 (office), B2 (General industry) and/or B8 (Storage and distribution). This is indicated as being distributed between 8 buildings.

The masterplan drawings indicate 8.4 hectares of public open space including local areas of play, local areas of equipped play, a grass football pitch adjacent to the community buildings, and a multi-use games area. An area of allotments is also proposed.

A number of areas of off site mitigation in the form of woodland planting are proposed. The total provision extends to some 9Ha and whilst the vast majority of this planting was required by the 2005 consent relating to the business park, additional planting is proposed around the Western Bowl. In addition, changes have been made to the planting following the initial submission of the scheme, these changes effectively provide a more continuous link for the woodland walk that is proposed within the new woodland and provide enhance connectivity for biodiversity purposes.

This is an EIA (Environmental Impact Assessment) application due to the magnitude of the potential environmental impacts and the sensitivity of the site. As such the application is accompanied by a full Environmental Statement (ES). The ES provides details on the following areas of assessment:

Landscape and Visual Impact
Lighting Impacts
Ecology and Nature Conservation
Cultural Heritage
Water Resources
Traffic and Transport
Noise and Vibration Impacts
Socio Economic Effects

These issues have been considered in detail in consultation with relevant statutory and non-statutory bodies and the prime material considerations are

covered within the main body of this report.

Summary Of Consultation Responses

Torbay Design Review Panel: Comments on the live outline application commend the clarity of the proposal and the evolution of the scheme and the improvements from the previous scheme. Key points noted are;

1 The entrance to the development, in particular the nature of the junctions to Brixham Road is critical to the success of the development both in terms of place-making and in making the vital connections to Goodrington.

2 Questioned the potential to lessen the dominance of the roundabout infrastructure inherited from the business park aspirations in the eastern bowl area.

3 Supports the more successful integration of the park, amenity area and open spaces.

4 Questioned the layout around the retail unit and the potential to provide a more continuous, balanced street scene.

5 The road infrastructure supporting the configuration of the housing was thought to be very conventional and the site could sustain more innovative and bespoke street design.

6 A sense remains that the landscape strategy is filling in the gaps or being used as screening rather than helping to determine the character of the place.

7 Pleased to see the emerging strategy for district heating.

Natural England: Natural England object to the proposed development on the basis that the application contains insufficient information to effectively determine the impacts upon the Greater Horseshoe Bat interest associated with the South Hams SAC (Special Area of Conservation).

Considerations of impact include that the proposed development is within the identified sustenance zone and within 400metres from a strategic flyway.

Further information, provided on 21 October 2011, is considered not to have satisfied matters in respect to methodology, off-site biodiversity enhancements, biodiversity losses and gains, and green infrastructure.

RSPB: The site is located in an area that is extremely valuable for ciril buntings, which is a rare and priority species. Parts of the site have been recorded as breeding territory and further territories have been recorded within a

1km radius of the site. Negative impacts at construction and post-development stages have been identified and the RSPB consider that should permission be granted, consent should be made conditional on the following;

- No vegetation clearance during the breeding season
- Existing habitat of value for curlew should be retained where possible
- Where there is a loss of curlew habitat on site there should be mitigation, ideally via off site replacement habitat
- Should replacement habitat not be secured, funding to secure appropriately managed land within the Borough should be sought via S106.

The Barn Owl Trust: Although the Environmental Statement provides no evidence at any of the surveyed buildings within the site, the surrounding area does provide suitable foraging habitat for Barn Owls. The trust holds 53 records of Barn Owls within a 5km radius of the site. There is hence good reason to believe that Barn Owls may use the area and the lack of provision within the development is a wasted opportunity. Considering the duty to have regard to the purpose of conserving biodiversity the trust recommends that permanent provision be sought in at least two buildings on the periphery of the site, ideally facing West or South, in line with Natural England advice '*Barn Owls and Rural Planning Applications*'.

Torbay Coast and Countryside Trust: Comment provided in respect of biodiversity, green infrastructure/ access to the countryside, food growing, orchard provision, open space and water management. The trust states that the scheme incorporates a number of commendable green infrastructure features, they confirm that the woodland walk is welcomed, as is allotment space and the potential for a community orchard. Comments do however conclude that current proposals still do not sufficiently address the loss of biodiversity onsite, specifically in regard to the impact upon the Greater Horseshoe Bat. In this regard the trust advises that significant amendments should be made to address the issues before the application is determined.

Environment Agency: Measures over and above those identified within the Flood Risk Assessment by Clarkebond, dated February 2011, will need to be implemented, as failure to achieve such measures risks an increase in flood risk which would be contrary to guidance in PPS25. Supplementary comments, dated 28 September 2011, state that, although improvements have been made, there remains a degree of uncertainty as to flood risk that will need to be addressed prior to determination. At the very least a revised Drainage Strategy Drawing should be submitted.

Since these comments have been made further information has been submitted for consideration and it is anticipated that this will overcome the Environment Agencies outstanding concerns in this respect. This matter is considered further within the main body of the report.

Drainage Department The proposals for the surface water drainage within the eastern bowl are in accordance with a previously agreed drainage strategy for this area. This involves the assumption of individual soakaways for each residential property, which may however be precluded due to ground conditions. An alternative strategy should be identified if this is proven to be the case. The tanked attenuation feature in the western bowl is accepted, following discussions and agreement with South West Water. It would also be beneficial for the detailed design stage to identify elements of car parking and highways which could be constructed using permeable paving in order to further reduce surface water runoff and reduce the risk of flooding.

South West Water: The details of the scheme are acceptable in terms of the potential impact upon the public surface water drainage network.

Regarding foul drainage investigations are required to establish whether capacity is available in the public sewer network. The investigations would need to be funded by the developer as will any improvements necessary and planning permission should not be granted until any developer financial contributions are secured by way of a S106. Until such time as the investigations have been undertaken and the cost of any improvements identified, it is suggested that planning conditions are attached to preclude development until such time as the investigation has been carried out and any necessary improvements have been completed at the developer's expense.

Police Architectural Liaison Officer: The development has the potential to alter the social structure of the area. However these potential changes can be mitigated by good design which can be applied when the detailed reserved matters applications are made.

Devon County Council: As the adjoining mineral planning authority the Council does not wish to raise any objection.

Strategic Transport / Highways: Whilst there is support for the development in general from highways, there is concern over the proposals to provide an additional unrestricted traffic lighted junction into the site. Although the proposal for further growth in the area is acceptable, with appropriate contributions towards the western corridor improvements, the case for the need for a further signalised junction has not been successfully made.

There are already four signalised junctions with a further junction already agreed within a 1.8km stretch of the Brixham Road, which is part of the Major Distributor Network. Policy states that new access points will not be permitted where they would reduce road safety or detract or conflict with the function of the route. Although the Traffic Assessment attempts to show that the delay is acceptable, any signalised junction introduces a delay to a network and for a major network

this is unnecessary delay. Highways contend that such delay would fall foul of the policy on conflicting within the function of the route.

The existing junction on Long Road has already been provided to give access to this area. However, a new second access for public transport, pedestrians and cyclists would be agreeable.

£500,000 highway contributions should be sought to support the following improvements;

- Provision of an additional lane heading North West away from the Long Road Junction
- Provision of an additional lane heading South East towards the Long Road Junction
- Provision of an additional lane between Yalberton Road and Borough Road

Environmental Protection & Consumer Health: A number of investigations have been carried out previously in the development area and results show that the level of contamination is minimal and that only arsenic is at an elevated level. Although arsenic is naturally occurring it nevertheless can have serious health impacts. It is therefore advised that a full survey of the residential areas be carried out and mitigation measures be put in place if necessary. The proposal is recommended for approval with conditions relating to ground investigations.

Torbay Development Agency: The TDA has requested that a minimum of 40,000 square feet of commercial units are built prior to the completion of a certain number of residential dwellings in order to ensure the tandem delivery of homes and jobs. There is no minimum specification required for these units other than that each unit should be delivered with the necessary infrastructure and wiring to connect into the energy centre or bolt on solar and PV panels. It is envisaged that the remainder of the commercial units would be delivered on a pre-let basis. The delivery of units could be secured via phasing arrangements / delivery triggers in the s106. The delivery of key elements of the scheme is to be subject to further consideration once the full independent viability assessment is available.

Summary Of Representations

Community Consultation - The application is accompanied by a Statement of Community Involvement. The scheme has been subject to extensive community engagement and has changed over time to reflect comments made by community and other stakeholders. Early engagement took place at pre-application stage and following the submission of the application the White Rock Neighbourhood Forum was set up to ensure that the community and all relevant stakeholders were fully involved in the consultation process. The

relevant stakeholder groups included the community partnership, local councillors, and South Devon College.

Extensive exhibitions have been held consisting latterly of a three day exhibition in a local hall and consultation boards within two local libraries. In order to ensure that knowledge of the event reached potential interested parties leaflets were posted to 400 local residents and a number of public notices were placed in the local press. Key stakeholders were also contacted by letter.

174 people attended the three day exhibition and 41 comments were received via the optional feedback forms.

It was considered that the sessions and formal responses generally identified that the cumulative effect of a number of proposals within the area was a concern, particularly in relation to traffic.

Further consultation with the interested parties was undertaken in November 2010 with a Project Team feedback which discussed the key issues which were raised.

Feedback in relation to the public consultation exercise itself has been very positive and it is considered that the local community has been included successfully in this process. In fact many have viewed this as a potential exemplar scheme for community engagement that sets a benchmark standard for other developers to follow.

The following lists the key issues raised in the representations, a copy of all the representations has been reproduced and placed in the Members Room:

- Traffic congestion
- Concerns about new junction
- Danger to pedestrians and cyclists
- Concerns about rat-running/large vehicles in residential areas & country lanes
- Concerns about the food retail
- No need for new retail
- No need for commercial premises/many vacant available
- Departure from local plan
- Loss of open space/habitats/agricultural land
- No need for new housing
- Concern that housing would be unaffordable
- Student accommodation should be closer to college
- Development would result in need for more health care facilities
- Cumulative impact with other developments in vicinity needs to be considered
- Damaging to tourism industry
- Concerns about flooding
- Impact of proposed footpaths on adjacent farm

- Advantages to community from open space, woodland and allotments
- Need for housing

Relevant Planning History

P/1994/0914	Erection of buildings for classes B1, B2 and B8 use together with associated works (in outline) – PER – 03/03/1995
P/1999/1641	Variation of condition (b) of planning application P/1994/0914 to extend period for outline approval to March 2002 – PER – 31/01/1999
P/199/1642	Construction of service roads and groundworks incidental to the use of land uses (employment)- PER – 31/01/1999
P/2001/1047	Erection of employment units for classes B1, B2 and B8 – PER – 18/10/2001
P/2001/1662	Erection of employment units for class uses B1m B2 and B8 additional land for car parking and first floor accommodation – PER – 18/02/2002
P/2003/1057	Erection of employment units for class B1, B2 and B8 uses – PER – 11/08/2003
P/2003/1693	Erection of employment units for class B1, B2 and B8 uses with car parking – PER – 02/12/2003
P/2004/1621	Outline application for the erection of buildings comprising a business park totalling not more than 55,740 sqm of accommodation (including ancillary accommodation) comprising a hotel/conference facility (use class C1), Creche (use class D1), restaurant and/or public house (use class A3/A4), Health and fitness centre (use class D2) and small scale retail units (falling within use classes A1, A2 and/or A3) with associated infrastructure and engineering works to facilitate access, parking, landscape and drainage requirements (in outline) – PER - 04/08/2005
P/2006/1843	Roads, sewers, attenuation tanks and enabling works – PER – 11/04/2007
P/2007/0970	Construction of roads, sewers, attenuation tanks, utilities/services, street furniture and enabling works, lighting and landscaping works – PER – 15/08/2007

P/2010/1379

Formation of 61 bed hotel (c1) and pub/restaurant (A3/A4 with associated car parking and landscaping – PER – 25/05/2011

Key Issues / Material Considerations

Principle and Planning Policy -

It is first recognised that the proposal is a departure from the provisions of the local plan, as a substantial part of the residential element sits over land designated for employment use, which was granted permission as such in 2005 but has not come forward. For the ease of understanding, this previous approval is considered to relate to an area of the site loosely termed as the 'eastern bowl'.

The proposal also introduces development adjacent to Shopdown Copse on land loosely termed as the 'western bowl'. For clarity the western bowl is an area of undeveloped farmland sited immediately adjacent to the existing Woodview Road business park, although this is visually severed from the eastern bowl by a raised copse. This commercial and industrial development on the western bowl is in lieu of the allocation for employment on the eastern bowl, which is now to provide a mix of uses, but primarily residential development.

The overall scheme mix provides the right conditions for employment land to come forward, and will also result in a balanced development that would create jobs, housing and community facilities.

Although it is noted that the application is in outline with only access fixed, the large amount of contextual detail submitted provides for a strategic approach that will deliver housing, offices and retail within the eastern bowl in order to enable employment development to come forward in the western bowl.

Employment provision

The proposed employment development provides industrial (B-Class), office and retail opportunities, supportive of Local Plan Employment Policies, which seek new jobs and economic regeneration within sustainable locations that can be easily accessed. The retention of employment land previously established, albeit predominantly moved from the eastern bowl to the western bowl, also satisfies the retention of specifically allocated land.

In regard to the movement of the employment development away from the allocated site there is acceptance that the choice of location within the Western Bowl is a suitable location for such a development. This would extend and support the existing established employment site on Woodview Road and would also provide fresh opportunities for a full range of businesses from large-scale employers down to those requiring starter units. The proposed site is also retained within a location that can encourage sustainable travel to work patterns,

as it sits close to established residential areas and strong public transport links.

Residential element

The proposed housing on land designated for employment within the eastern bowl adjacent to Brixham Road appears acceptable in terms of its general planning merit, as provision is made for employment elsewhere within the site. As the scheme provides replacement serviced employment land within the area of the western bowl, supplemented by office and retail development maintained within the eastern bowl, the addition of housing within the scheme supports rather than weakens the employment potential of the site. Such higher value uses enable the development to provide a robust mix that facilitates employment generation and the creation of a sustainable community.

The Government's Draft National Planning Policy Framework has recently been issued for consultation and indicates the Government's intention to introduce a 'presumption in favour of sustainable development' and a clear intention to increase the supply and delivery of housing. The ministerial forward to the document indicates that development that is 'sustainable' should be approved without delay. The draft NPPF also requires that the Local Plan meets the full requirements for market and affordable housing, and planning authorities should maintain a 5 year (plus 20%) supply of specific deliverable sites. Whilst this direction of travel is not established fully, due to the draft nature of the NPPF it is considered material to consider the nature of the development in this context.

There is also a significant amount of information about the extent of housing need most recently identified in the Exeter and Torbay Strategic Housing Market Assessment (2011 Update) which highlights a need for the delivery of around 820 dwellings a year. The evidence of need is likely to continue to be a material consideration even when the Localism Bill becomes law. Whilst this need should be measured against the significant constraints to development in Torbay, it is likely that the Council will seek to provide around 500 dwellings per year within the forthcoming plan period.

The Ministerial Statement accompanying the 'Planning for Growth' White Paper indicates a presumption in favour of development except where it would compromise key sustainable development principles and as stated, the emerging National Planning Policy Framework encourages growth and looks set to retain a 5 year housing supply target plus 20%.

The proposed site at White Rock will enable the provision of some 350 dwellings in a sustainable location, served by good transport links and services. The housing development will also act as a pump priming use for the development of serviced employment land within the Western Bowl. The mixed use nature of the scheme will ensure that there is an appropriate balance of uses in order to provide for a vital and viable community.

With employment potential safeguarded and housing policy set out above, the key further consideration in respect to the housing subsequently falls on the suitability of the site which has not previously been designated for such a use. Policy guidance outlines that housing schemes should be sustainable and respond to the local housing need, within appropriate locations. They should provide an appropriate mix and density, ensure good access to facilities and infrastructure, and avoid physical and environmental constraints. The scheme is considered to be consistent with these aims. In regard to environmental constraints, although the matters of land contamination and flood risk appear acceptable, ecological constraints remain unresolved and will be discussed later in this report.

Community / open space provision

In addition to the housing and employment land, the scheme proposes a large degree of public open space, which includes 8 hectares of informal open space, a full size grass football pitch, a multi use games area, equipped play facilities and further open greenspace for allotments / community orchards. The provision of these supportive community facilities, including a community pavilion building, is considered entirely appropriate and is inline with the objectives of providing balanced developments that meet the wider recreational needs of the area. The inclusion of these land uses is considered a significant positive aspect of the development. Certain of these elements, such as the extent of public open space and the provision of the community pavilion.

To conclude, in respect to principle and planning policy, the scheme provides a complimentary and extensive mix of uses within a sustainable location close to established transport links, employment land and residential suburbs. The scheme is therefore considered to sit comfortably with Local Plan Housing, Employment and Retail Strategies, notwithstanding that the scheme departs from land use allocations within the Local Plan.

Notwithstanding these points it is also accepted that the proposals should not adversely affect the built or natural environment and the implications of the development, most importantly in terms of landscape and ecology, will be discussed separately within this report.

Retail -

The eastern bowl is expected to provide a local centre with retail space and offices. The retail assessment (dated September 2011) provided with the application, followed discussions with officers. The retail assessment demonstrates that the retail provision is appropriate in this case.

The store will provide for primarily top-up and basket shopping with limited provision for weekly shopping for smaller (single and double person households). The retail impact of the store is not assessed as being significant, the shop will anchor a new local centre to support both the new development and existing

housing at Kingsway and the wider Goodrington area over the Brixham Road. The impact on existing retail provision within the local and wider Paignton area is assessed as being very limited (see para 3.4.14 of the retail assessment in particular for detail).

Economy -

The masterplan proposes approximately 39,700m² of employment related floor space, which is distributed across both the eastern and western bowls. Approximately 13,895m² within the Eastern Bowl (including retail provision) and approximately 25,805m² within the Western Bowl.

The western bowl is intended to provide flexible serviced accommodation for larger employment providers. Although with flexibility in mind it is also envisaged that the development will also look to cater for starter units.

In terms of job creation the development is expected to create between 1170 and 1350 full time equivalent jobs (including the adjacent hotel and pub site on the corner of the Long Road junction which has been annexed from the proposal and is currently being developed out).

The scheme, when taken as a whole, is considered to support the growth and expansion of the area as a significant employment provider for Torbay. It is however pertinent to appreciate that with distinct areas and forms of development, in conjunction with the relocation of the bulk of the employment land away from that which is designated, it is vital to ensure a balanced delivery of uses. Delivery of the employment provision in this context is key, and further discussion will need to be had to cement agreement on the delivery milestones for the employment generating uses within the s106 agreement.

The concept of higher value uses, such as residential, providing pump priming in order that serviced employment land can come forward, makes it important to tie down the phasing between the various elements of the scheme. This will ensure the delivery of all of the core elements. It is envisaged that suitable phasing arrangements can be provided through appropriate clauses within an accompanying S106 legal agreement.

Ecology / Environmental Enhancement -

Ecology - The proposal seeks to address the ecological implications of the development upon the favourable status of the Greater Horseshoe Bat and provide biodiversity off setting for that which is lost to development. The development includes significant off-site landscape and ecological enhancements that seek to address the on-site impacts largely focused around the implications of the loss of potential foraging land for the bats.

The lighting assessment submitted with the application looks at the likely impact

on lighting levels both from a visual impact perspective and in relation to the likely impact on wildlife (most notably bats). The assessment provides the background against which a detailed lighting strategy can come forward at reserved matters stage.

As matters stand Natural England object to the proposals and negotiations between the developer, Natural England and Kestrel Consultants (the ecologists acting on behalf of the Council in this case) are ongoing.

Wider concerns pertaining to the likely impact upon Cirl Buntings and Barn Owls are also under discussion.

There would appear scope for resolution of this matter and it is requested of members that resolution to grant is subject to the acceptable conclusion of this matter to the satisfaction of the Executive Head of Spatial Planning in consultation with Natural England and the Council's instructed ecologists.

Kestrel Consultants are to provide Habitats Regulations advice to the Council in this regard and it is anticipated that this advice will clarify the approach that should be taken to the ecological mitigation measures in this case.

Landscape -

The majority of the site sits under the designation of an Area of Great Landscape Value and the western bowl and central area sits under the designation of a Countryside Zone. The former seeks to ensure development maintains or enhances the special landscape character of the area and the latter seeks to protect against urban sprawl and the merging of developments.

The topography of the site and its rural hinterland is characteristically that of undulating farmland with intermittent settlements and minor rural roads. From visual assessments submitted with the application it is apparent that there are sporadic strategic viewpoints towards the site from afar.

The proposal seeks to provide strategic landscape planting and the strengthening of existing landscape buffers along the southern and eastern borders of the site to mitigate any likely visual impact of the proposal as it would be perceived.

As the proposal is in outline with only indicative information the reserved matters stage is expected to provide further appreciation of this matter, with the potential to secure appropriate positioning, scale and elevation treatment that could aid in lessening the developments prominence.

However, as matters stand by setting development within the two bowls and using the higher points for less impacting development, i.e. the provision of public open space and community facilities, the development, together with the

strategic landscape planting, provides a suitable scheme for ensuring the suitable protection of the landscape character.

Access -

There are to be three principle vehicular access points into the development, the existing access off Long Road supplemented by two new access points. One access looks to serve the eastern bowl off Brixham Road and one of which serves the western bowl development off Woodview Road within an area of existing industrial development.

Brixham Road Access:

A new signalised junction is proposed off Brixham Road which will form a crossroads with Kingsway Avenue with an integrated pedestrian crossing. The access is proposed in order to supplement the existing access off Long Road for the residential development and to provide simpler navigation to the proposed local centre. As the Brixham Road is part of the Major Road Network Local Plan Policy T18 provides key policy guidance, which outlines that new access points will not be permitted where they would reduce road safety or detract from the or conflict with the function of the route. As matters stand technical data has been submitted to support the functionality of the signalised junction.

The Authority's Highways Department accept that the junction could work, however they do not support this option as they believe it would conflict with the function of the Major Road Network. They maintain that there is sufficient capacity within the existing Long Road junction and that there is no technical requirement for a second junction. They have also expressed that should a second access be considered it should be more submissive to the function of the major road network and should be non-signalised junction.

The applicant has expressed that there are wider benefits to accepting a signalised junction, which technical data shows would work, in that it would improve connectivity with the neighbouring estates and community facilities (such as schools) and improve the internal layout and general connectivity to the local centre in this part of the site.

It is anticipated that a highways officer will be available to respond to questions on this issue at the committee meeting.

Woodview Road Access:

The access point into the employment area in the western bowl is considered acceptable as it does not conflict with the function of the existing route.

Drainage and flood risk:

The Water Resources chapter of the EA and the Flood Risk Assessment by Clarkebond, dated February 2011, provide an assessment of the drainage capacity of the site and the risk of flooding as a result of the proposed

development.

The FRA document also sets out appropriate measures to reduce flood risk. The Environment Agency has requested further information in this regard and this was submitted on 01 November. This latest information provides a strategy for the sustainable drainage of the surface water within the Western Bowl. As identified at the bottom of page 2 of the supporting information from Clarkebond, dated 31 October, the strategy includes the following:

- Provide soakaways where practical – subject to confirmation through site soils testing,
- In the absence of confirmed site soils a worse case strategy is presented assuming that infiltration is not feasible, the worse case strategy is presented on the basis of:
 - Providing permeable paving to the site car parking (where practical),
 - Provide a new on-line attenuation basin to accommodate up to the 100 year event with 30 % allowance for Climate Change
 - Provide a complex control to restrict discharge from the proposed on – line attenuation basin to Greenfield Runoff Rate (as identified in the original FRA).
 - The scheme also provides 3 No. new gullies or the modification of the existing hedge line to naturally shed flows from the road to the existing attenuation basin (lagoon).
 - Provide a 100m³ sump within the existing attenuation basin (lagoon).

The result of this strategy will be that the site will be self sufficient in drainage terms and will not rely on the existing lagoon near to Long Road. In addition, the strategy includes improvements to resolve existing flooding problems on Long Road.

The responses of South West Water, the Environment Agency and the Council's drainage engineer in respect of this revised strategy are awaited, but it is anticipated that the response will be positive, given the ongoing discussions that have taken place between the applicant and these organisations.

It will remain necessary for the applicant to carry out foul drainage investigations to establish whether capacity is available in the public sewer network. If the result of these investigations leads to the requirement for improvements to the network, these will need to be funded by the developer.

Planning conditions will be required to secure the appropriate surface water

drainage scheme and to ensure that development does not commence until foul drainage investigations and the identified improvements have been undertaken.

Ground investigations and noise assessment -

The Environmental Statement provides a noise assessment for both during and after construction and the application also includes a comprehensive ground conditions report.

In respect of ground conditions, it is considered, following a response from the Council's Environmental Protection team, that the report is satisfactory and the matter of further on-site investigation can be dealt with by way of conditions. Comments are awaited in respect of the noise assessment report, however, it is not envisaged that there will be an over riding concern in that regard.

Climate change -

The application has an embedded sustainability strategy that has sought to reduce energy consumption and fossil fuel emissions through a tiered hierarchy of using less energy, supplying energy efficiently and assess potential use of low or zero carbon sources. The sustainability statement submitted in support of the application demonstrates the developments capacity to adapt to future demands. In addition, it sets out the development's provision of appropriate sustainable energy resources and the way in which the scheme operates within environmental limits.

All homes will, as a minimum, target the Codes for Sustainable Homes standard, with later phases expected to reach Code levels 4 or 5.

The indicative masterplan allows for a site-wide district heating and power distribution centre, which could also potentially serve adjacent users within the area. The delivery of such a system is subject to a detailed viability assessment. The scheme could potentially either deliver a site/district heating and power system, or future proof the development with the infrastructure for future delivery.

The approach to drainage will deal with storm water as close to source as possible and within the confines of the site. The site is well located and well provided in terms of local services, public transport, and connectivity.

Viability / S106 / CIL -

The developer accepts that the proposals may generate the need for financial contributions for social and physical infrastructure. The scheme is currently being appraised in respect to its viability and a summary document is expected to be presented to members prior to the committee. Notwithstanding this the developer has identified the following heads of terms;

Proposed S106 Heads of Terms –

1. Development Phasing and associated ‘enabling’ works to deliver serviced employment land in the western bowl.
2. Affordable housing.
3. Off-site landscaping and landscape management plan for the off-site works.
4. Transport improvements
5. Western corridor road studies.
6. One-off or phased contributions inline with the Council’s SDP in regard to:

- Stronger communities
- Education
- Lifelong learning
- Greenspace and recreation
- Waste and recycling
- Monitoring obligations

Conclusions

The proposal provides the potential for significant investment in the area which would bring forward a balanced development of housing with associated community facilities, which could also benefit the established local community, along with differing forms of employment provided by a local centre, office development and industrial units.

The broad parameters of this outline proposal are considered commendable in terms of their planning merit and the fostering of regeneration and economic benefit for Torbay.

Notwithstanding the above there are key outstanding matters, in respect to achieving the right access solution, a suitable level of ecological mitigation, and establishment of the situation of viability. All three matters require further justification or adaptation, but they each appear to have the potential for positive resolution should the committee be minded to delegate matters to the Executive Head of Spatial Planning.

Conditions -

Full schedule to be completed.

Condition(s)/Reason(s)

01. Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with those agreed

details.

Reason: To provide a satisfactory form of development

02. No vegetation clearance that involves the removal of habitats such as scrub or hedges, including bramble patches, shall occur during the established breeding season for Cirl Buntings unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason: To limit the potential impact upon the Cirl Bunting population, in accordance with Policy NC5 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the commencement of works, a survey shall be carried out to determine the level of arsenic and shall be submitted to and approved in writing by the Local Planning Authority. This shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. The results of the arsenic survey and risk assessment and method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

2. A verification report on completion of the works set out in (1) confirming the remediation measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To ensure a suitable form of development that protects human health

04. No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network, rendered necessary by the development site as a whole, have been completed to the Local Planning Authority's satisfaction.

Reason: To provide a satisfactory form of development

Relevant Policies

BES Built environment strategy
BE1 Design of new development
ES Employment and local economy strategy
E1 New employment on identified sites
E119D Long Road South, Paignton (New Policy)
E5 Employment provision on unidentified sit
E9 Layout, design and sustainability
TS Land use transportation strategy

T1	Development accessibility
T2	Transport hierarchy
T3	Cycling
T18	Major Road Network
T22	Western Corridor
T26	Access from development on to the highway
NCS	Nature conservation strategy
NC1	Protected sites - internationally import
NC5	Protected species
LS	Landscape strategy
L2	Areas of Great Landscape Value
L4	Countryside Zones
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
L10	Major development and landscaping
EPS	Environmental protection strategy
EP1	Energy efficient design
EP7	Contaminated land
CFS	Sustainable communities strategy
CF6	Community infrastructure contributions
CF7	Educational contributions
HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
SS	Shopping strategy
S11	New Local Centres

Application Number

P/2011/0721/MPA

Site Address

16-20 Smallcombe Road
Paignton
Devon
TQ3 3SP

Case Officer

Mr Scott Jones

Ward

Blatchcombe

Description

Demolition of 8 dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas on land at Smallcombe Road, Paignton

Returning Item - Executive Summary/Key Issues

This is a returning item that was resolved for approval at the last committee, delegated to the Executive Head for Spatial Planning subject to:

- i) The receipt of satisfactory comments from the Council's Arboricultural Team, Environmental Protection Team and South West Water;
- ii) The completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning;
- iii) The conditions set out in the submitted Report;
- iv) Reconfiguration of the off street parking provision; and
- v) Satisfactory resolution of external materials to replace the proposed cedar cladding.

The item returns for discussion over point iv, in regard to revised parking arrangements.

The applicant has explored the options to reconfigure the off-street parking in order to permit the retention of on-street parking in front of the development, as requested by the committee. Following the exploration of possible solutions the applicant has submitted a 'best workable option' in response to the committee's resolution (Please see detail received 24th October and the accompanying explanatory letter). However, although the proposal does retain four on-street parking spaces there are a number of perceived negative outcomes, which are summarised below.

Implications of the revised scheme:

- The revised off-street parking option would introduce on-site parking directly in front of units that they do not serve. This in turn has the potential to cause nuisance, via noise and light-spill, from the use of the spaces in close proximity

to the living space of the residential units. This conflict of space and use would appear to provide a parking scheme that is to the detriment of the amenity of the future occupiers in comparison to the previous layout.

- The parking layout would appear to provide a less attractive street frontage as it results in a block approach to the parking spaces, which reduces the potential to lesson the visual dominance of the hardstandings through intermittent planting. The original scheme is considered preferable in terms of the resultant quality of the streetscape.

- In order to provide sufficient space for the relocated spaces (in front of the protruding porches) the building line must be pushed further back. This has the dual implications of lessening the amenity space to the rear of the frontage plots, and lessening the distance between these properties and the courtyard dwellings at the rear. This would undermine previous attempts to maximise the distances between the front and rear dwellings in order to improve the layout and amenity and space for the occupiers. Again the movement of the building line is a negative necessity resulting from having to place parking in front of the porches rather than to the side, as in the original intermittent scheme, in order to maintain a suitable level of access and clearance between the building and parking space.

In light of the above it is concluded that although it would retain four on-road spaces the revised layout would result in a number of harmful elements to the detriment of the overall scheme. Subsequently the committee are asked to take a second look at the original proposed parking, as it would appear preferable over the best workable option put forward as a potential alternative.

The original parking scheme improves parking facilities over the pre-existing arrangements by taking vehicles off the road and providing for them within the plot at a level inline with policy guidance.

Previous Committee Report, 19th September 2011 as follows:

Executive Summary/Key Outcomes

The proposal is a social housing redevelopment scheme that seeks to replace eight 'Cornish Units', which currently sit empty and are in poor condition, with thirteen new dwellings with associated parking, access and amenity areas.

The proposal is considered to be a positive residential redevelopment that will provide 13 social rented housing units built to modern building and living standards, which will help meet the need for affordable homes in Torbay. In addition the proposal is considered to sit comfortably within the local surrounds due to the appropriateness of the scale, layout and design of the buildings.

There is currently an objection from the Council's Highways Department relating

to the loss of on-street parking. A resolution is being sought and will be reported verbally to the Development Management Committee on the day.

There is also an outstanding consultation from South West Water and the Authority's Environmental Protection Team, which will also be reported verbally to the Committee.

Recommendation

Site visit; Conditional approval (conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning, subject to; i) suitable comments from the Authority's Arboricultural Team, Environmental Protection Team and South West Water, and ii) the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

Site Details

The site is the combined curtilage of residential plots numbers 16 through to 20 Smallcombe Road, which currently accommodates two buildings that are considered 'Cornish Units', which provide eight dwellings. The buildings, which externally are a mix of pre-cast concrete panels set under concrete tiled pitched roofs, feature front and rear gardens with pedestrian access and no off-street parking. To either side of the plot there are further two-storey units, which also front Smallcombe Road, and to the rear there is an area of open green space off the residential cul-de-sac Overclose. There are no built or landscape designations over the land. Although there are a small number of trees to the rear of the site these are not protected through designation.

Detailed Proposals

Demolition of the existing buildings and the redevelopment of the site to provide 13 social-rented dwellings, with associated parking and amenity space. Specifically the scheme proposes 9 dwellings along the frontage of Smallcombe Road, provided in two short terraces, with a further 4 units set to the rear arranged in two pairs. The four units to the rear are to be accessed via a central vehicular/pedestrian point, and will sit beside 8 parking spaces. The 9 units to the front each provide a further 9 parking spaces off the adjacent highway. All units are two-storey, with pitched-roofs set over rendered and cedar boarded elevations.

Summary Of Consultation Responses

Affordable Housing Team: All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes Torbay. The Council's Housing Needs Survey shows demand across the spectrum of household sizes and the HMA survey indicates a significant need for

all house types in Torbay with a particular need for affordable rented accommodation. The Council's waiting list figures support this; there are currently 3006 households on the waiting list for rented accommodation, a further 371 households on the South West Homes waiting list for shared ownership accommodation with a further 22 households in temporary accommodation. These homes will go a long way to meeting housing need for local people and consequently Housing Services support the proposals. This site is part of a wider regeneration project to replace the current defective accommodation, currently lying empty with more efficient modern accommodation that people want to live in.

Highways Department: Highways object to this proposal due to the loss of parking on the highway as a result of new accesses to serve off-street parking spaces.

Arboricultural Team: Pending comment

Environmental Protection Team: Pending comment

South West Water: Pending comment

Summary Of Representations

No representations either in support or in objection have been received.

A statement of community involvement submitted in support to the application details that the scheme has been presented to the local community at an open event in the area and through community partnership meetings. The summary document highlights certain points, such as it was considered positive that the parking was contained within the site, and that the bin storage was kept away from the street during non-collection times.

Relevant Planning History

None over the site but various demolitions and redevelopment proposals have been built-out within the area.

Members should note that there is a similar redevelopment proposal on the site of 25-35 Smallcombe Road on the Agenda, which details a scheme to provide 19 social housing units.

Key Issues/Material Considerations

Principle and Planning Policy -

The key policy issues are considered to be;

- i) The principle of development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access,
- v) Arboricultural issues.

i) The principle of development -

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established use, which is one that is wholly acceptable within this wider residential area, the general principle of the development is supported. In regard to the principle of increasing the number of units policy guidance does seek to encourage the more efficient use of previously developed land and therefore there is potential for higher density development on sites where appropriate and given the proposed density of the scheme, in this location, it is appropriate.

ii) Visual implications, scale, layout and design -

The scheme provides units of a suitable scale reflective of the overriding building form in the area, that being two-storey pitched roof dwellings, arranged in short terraces or as semi-detached properties. In regard to the layout it is appreciated that the scheme retains a strong frontage to Smallcombe road, which is welcomed.

The building line has been brought forward from the established, by around 3 metres, but maintains around 5.5 metres of curtilage to the front of the proposed buildings. This reduced distance is still similar to the relationship of neighbouring plots and, as such, the character of the area is maintained.

In regard to the courtyard development the general arrangement is acceptable within the context of the need to efficiently utilise previously development land, as the existing plots are generous in depth to what is generally provided within modern housing schemes.

In regard to the specific relationship between new units the distance between frontage and courtyard buildings has been maximised (18 metres) and roofs have been hipped to lessen the perceived bulk of side elevations where buildings sit adjacent.

The scheme includes space for bin storage and sheds to the rear of plots, which is seen to provide a suitable storage arrangement for waste facilities and cycle parking away from the street.

iii) Neighbour amenity considerations -

Due to open space and rising land levels to the rear of the site any impact on residential amenity is limited to the occupants of the immediate plots to each side of the development site.

The frontage development does not have any material impact on neighbour amenity implications, as it provides development that is of a similar scale and footprint as to that which exists. Therefore the minor movement of the building lines, outwards to the side of the plot and slightly further forward within the plot, will not increase overlooking, loss of privacy, or indeed loss of outlook or light.

The courtyard development to the rear of the plot is slightly more sensitive as it introduces development deeper within the plot to which currently exists. It therefore introduces new relationships and sightlines. Firstly the domestic scale of the buildings means there will be no material loss of outlook or light. In respect to privacy and overlooking the proposed relationship with the adjacent plots to either side is considered acceptable. Although the distance between buildings is relatively tight at around 18 metres to each side the angle is relatively oblique and hence there are no direct room-to-room relationships. It is also pertinent to note that the internal layout, which places a bathroom to the rear adjacent to a bedroom, will provide only one main window to the first floor of the units. This in turn reduces the sensitivity of the proposed building. With appreciation of these points it appears that a distance of approximately 18 metres between openings is acceptable in regard to securing the retention of existing amenity.

iv) Highway matters, parking and access -

The basic highway arrangement is acceptable, with parking bays and manoeuvring space in accordance with adopted size guidelines. The number of on-site spaces also accords with adopted policy, where it is proposed to provide 17 spaces (9 private driveways and 8 supplied within a courtyard arrangement) for 13 units. notwithstanding these matters the Authority's Highways Department do not support the scheme on two matters, these being;

- i) the loss of on street parking
- ii) the width of the vehicular access being less than 4.8 metres so as to allow vehicles to pass side-by-side.

In regard to the objection in respect to the loss of on-street parking, as previously stated the proposal provides off-street parking over and above a 1:1 ratio, where none currently exists. It is likely that the current kerbside arrangement provides street parking for 8 or 9 vehicles in front of the 8 dwellings, which itself is just over a 1:1 parking ratio. As stated the scheme proposed looks to improve parking facilities by taking vehicles off the road and providing for them within the plot. It is accepted that in doing so there is the removal of a degree of street parking but the scheme as a whole is deemed to improve parking capacity in and around the plot.

The parking scheme proposed is also a natural by-product of strong frontage development, whereby it offers the potential to in-part utilise the space to the front of properties to take cars off the road. Strong frontage development is commended as it maintains the street form.

Contextually it should be noted that intermittent driveway parking exists in the area within the original housing stock, and that latter day schemes locally present have also removed sections of kerb parking in favour of on-site provision.

In regard to the width of the access point there is space within the current scheme to address highway concerns if needed. However, considering previous schemes within the area there remains a degree of concern over whether this will deliver an improvement to access, as the additional width could in turn encourage informal parking and hence have more of a negative than positive affect. As this is a matter of detail it requested that the resolution is delegated to the Executive Head of Spatial Planning for consideration on the final arrangement.

v) Arboricultural issues -

A small number of trees sit to the rear of the site and are earmarked for removal. The views of the Authority's arboricultural officer will be reported to the Committee.

Closing the gap -

The proposal proposes the replacement of out-of-date social housing which will provide modern living units in a sustainable location supported by suitable outdoor amenity space, parking provision, all within an established residential area. The proposal looks to use the land more efficiently and in doing so proposes to provide 13 social-rented units in place of the 8 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Climate change -

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

S106/CIL -

Inline with Council adopted Policy 'outer ring' sustainable development

contributions for affordable housing schemes are not sought. The proposal would however be subject to a S106 agreement with clauses to ensure the provision of the units as social housing.

Conclusions

The principle of the proposal is considered acceptable as the redevelopment of outdated and somewhat dilapidated housing units with new, more energy efficient units supplemented with private parking and private outdoor amenity space, is considered wholly positive. The design and layout is considered acceptable and hence subject to the resolution of highway and arboricultural matters, along with a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning, the proposal is recommended for approval with appropriate planning conditions.

Conditions

- Submission of external materials
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining structures
- Provision of parking facilities as laid out
- Provision of Sustainable Urban Drainage
- Removal of Permitted Development Rights

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H6	Affordable housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
BES	Built environment strategy
BE1	Design of new development
T25	Car parking in new development
T26	Access from development on to the highway
L9	Planting and retention of trees
W7	Development and waste recycling facilities
PPS1	Delivering Sustainable Development
PPS3	Housing

Application Number

P/2011/0813/MPA

Site Address

2-16 Southview Road
Paignton
Devon
TQ3 2QG

Case Officer

Mr Scott Jones

Ward

Clifton With Maidenway

Description

Demolition of 8 dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas

Returning Item - Executive Summary/Key Issues

The application returns to committee following resolution to defer to allow for further information in respect of highways and parking. Specifically this information is to relate to the manoeuvrability available to vehicles using the proposed echelon parking.

Details showing the swept path of the vehicles are to be provided for information and these plans will be available for the committee presentation. Further highways comments on the issue of manoeuvrability will be provided within the committee representations.

Previous Committee Report, 17th October 2011, as follows:

Executive Summary/Key Outcomes

The proposal is a social housing redevelopment scheme that seeks to replace eight existing semi-detached 'Cornish Units' with fourteen new dwellings arranged in three short terraces, all served with off-street parking.

The proposal is a positive residential redevelopment that will provide modern social-rented housing units and help meet the need for affordable homes in Torbay. The scheme for three short terraces is considered to sit comfortably within the local surroundings. The scale, layout and design of the buildings, is fitting for the locality.

Recommendation

Site visit; Conditional approval (suggested conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date).

Site Details

The site is the combined curtilage of residential plots numbers 2 through to 16 Southview Road. The site currently holds eight dwellings that are arranged in four pairs of two-storey semi-detached units. The existing buildings are a mix of pre-cast concrete panels and upper floor clay tiles and feature front and rear gardens with pedestrian access and occasional off-street parking. Due to the sloping topography of the street the units stagger down the road from North to South (Number 16 to Number 2) and sit slightly below street level. The existing buildings are not worthy of retention, are in a dilapidated state and do not contribute positively to the built environment.

To either side of the plot there are further two-storey residential dwellings. To the rear, the land falls away quite steeply to the residential plots off Maidenway Road.

There are no built or landscape designations over the land within the Local Plan proposals map.

Detailed Proposals

The scheme proposes 14 dwellings along the frontage of Southview Road, provided in three short terraces. All of the units are split level, with a single-storey to the road frontage and a lower ground floor to the rear aspect. The elevations are to be rendered and set under gabled tiled roofs. Each unit will be supplemented with a minimum of one on-site parking space with a degree of landscaping to the front and private amenity space to the rear. In regard to the development footprint, the front and rear building lines loosely accord with the existing and, in regard to massing, the staggered ridge lines also reflect those which currently exist.

Summary Of Consultation Responses

Affordable Housing Team: All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes in Torbay. Our Housing Needs Survey shows demand across the spectrum of household sizes and the Housing Market Assessment indicates a great need for all house types in Torbay, with a particular need for affordable rented accommodation. Our waiting list figures support this; there are currently 2941 households on the waiting list for rented accommodation, a further 381

households on the South West Homes waiting list for shared ownership accommodation with a further 27 households in temporary accommodation. This site is part of a wider regeneration project in the area to replace the current defective accommodation that currently lies empty, with more efficient modern accommodation that people want to live in. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of the proposals.

Highways Department: Highways raise no objection to the development. Comment is provided that all off street parking spaces should be a minimum of 5.5metres. For the sake of clarity, the submitted plans do currently show a minimum depth of 5.5m.

Arboricultural Team: Recommend approval on arboricultural merit with the requirement for a detailed landscape scheme to be prepared, which can be agreed via condition.

Summary Of Representations

A number of representations in objection to the application have been received and a petition with 76 names has also been submitted. Points raised include the following:-

- overdevelopment
- impact upon the character of the street
- traffic/parking implications due to the increase in numbers
- impact on residential amenity
- inadequate amenity space provided
- impact upon the drainage system
- provides an imbalance of the private and social housing mix in the street
- visual impact of bins in the street

These representations have been reproduced and placed in the Members Room.

Relevant Planning History

None.

Key Issues/Material Considerations

Principle and Planning Policy -

The key policy issues are considered to be;

- i) The principle of the development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access.

i) The principle of the development -

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established use, which is one that is wholly acceptable within this wider residential area, the general principle of the development is supported.

In regard to the principle of increasing the number of units, policy guidance does seek to encourage the more efficient use of previously developed land and therefore there is potential for higher density development on sites where it is appropriate. In this case, the proposal replaces 8 units with 14 units, and given the size of the site and the proposed layout, this is considered to be entirely appropriate.

ii) Visual implications, scale, layout and design -

The scheme provides three mini-terraces in place of four pairs of semi-detached properties. Although the established grain of the street is largely that of semi-detached pairs, the neighbouring roads provide a mixed backdrop of housing type that includes numbers of detached dwellings and multiple short terraces. Considering this broader picture the layout proposed, due to the relatively short narrow width of each terrace and the prominence of the breakages between them, is considered suitably reflective of the local character.

The scheme maintains linear street-facing development that loosely accords with the established building lines to the front and rear. By maintaining these lines the resultant overriding layout provides development within acceptable parameters in terms and results in a positive relationship with the street.

The scheme respects overall building parameters, e.g. ridge heights, and seeks to improve the relationship of development with the street and the access for occupiers. By providing development at single storey level to the frontage, the properties will appear as bungalow development to the street, however, the ensuing form is considered acceptable in this location. The retention of the building heights close to that which exists, is also a positive aspect of the design. In addition to visual acceptability, the design also provides wider benefits in that the layout provides for a far superior arrangement in terms of access.

In respect of landscape the scheme is considered to provide an appropriate combination of soft and hard landscaping, and brings forward improved parking facilities (20 spaces to serve 14 units, in place of the existing 8 spaces to serve 8 units). Although, due to the provision of parking, there is only limited softening of the development to the frontage, by providing some parking to the side of some of the plots, the scheme has the potential for some soft landscaping to the street frontage.

iii) Neighbour amenity considerations -

Amenity issues centre on the impact upon other residents within the street and occupiers within adjacent plots to the rear on Maidenway Road. The pertinent issues are considered to be the potential loss of privacy/ resultant overlooking, or the loss of light, outlook, or the creation of an overbearing relationship. Highway/parking implications will be covered separately below.

All matters considered the development would not have any significant material impact upon the amenity of those living within Southview Road. The scheme provides development of a similar domestic scale and footprint as to that which exists and although there is a minor movement of the building lines, these changes will not increase overlooking, lower light ingress, or diminish outlook.

It is appreciated that there is an increase in the density of development, which itself may result in additional movement in and around the area, however the layout is not considered cramped or overbearing, but merely the efficient use of land.

In regard to the relationship with plots off Maidenway Road and the resultant amenity issues to the rear, as the location and scale of the units are largely maintained, it would appear that the established relationships will remain unaltered. It is therefore considered that the scheme does not result in any demonstrable harm to amenity, due to the fact that the proposed relationship is similar to the existing relationship.

iv) Highway matters, parking and access -

The proposal provides 20 off-street parking spaces for the 14 dwellings via a mix of staggered and perpendicular bays set to either the front or the side of the units. The proposed parking numbers and layout accord with policy guidance and hence there is no overriding concern with regards to the parking provision and the solution presented.

In terms of detail, the scheme, which shows both angled and perpendicular bays, presents a workable solution for suitable access and egress requirements on what is a relatively narrow street (when considering the level of what appears to be informal on-street parking on the opposite side of the carriageway).

With consideration of the existing arrangement, whereby 5 dwellings benefited from off-street parking and 3 were absent of any on-site provision, the proposal to provide uniform off-street parking throughout is considered an improvement on the current situation. Therefore, although there is an increase in the density of development and hence vehicular movements, the improved provision and spread of parking on-site means that there is unlikely to be any demonstrable highways impact.

The provision and layout of the parking is supported by the Authority's Highways Department.

Closing the gap -

The scheme proposes the replacement of out-of-date social housing, by providing modern homes in a sustainable location within an established residential area and supported by suitable outdoor amenity space and parking provision. The proposal looks to use the land more efficiently and in doing so proposes to provide 14 social-rented units in place of the 8 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Climate change -

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. As socially rented units, the houses will be required to meet code 3 of the Code for Sustainable Homes. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

S106/CIL -

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would, however, need to be subject to a S106 agreement with clauses to ensure the provision of the units as social housing, or in the absence of this to secure the full complement of planning contributions inline with adopted policy.

Conclusions

The principle of the proposal is considered acceptable. The redevelopment of outdated and dilapidated housing units with new, energy efficient units supplemented with private parking and private outdoor amenity space, is entirely positive. The design and layout is considered acceptable and there will not be a significant impact on the amenities of the neighbouring occupiers. As such, subject to the resolution of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 6 months of the committee date), the proposal is recommended for approval with appropriate planning conditions.

Conditions

- Submission of external materials
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining / elevated structures

- Provision of parking facilities as laid out
- Provision of Sustainable Urban Drainage
- Removal of Permitted Development Rights

Relevant Policies

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Agenda Item 9

Application Number

P/2011/0910/PA

Site Address

9 Beach Road
Paignton
Devon
TQ4 6AY

Case Officer

Mr Scott Jones

Ward

Roundham With Hyde

Description

Demolition of conservatory, change of use to form 4 flats and replace existing windows with white UPVC

Executive Summary/Key Outcomes

The application seeks to change the use of a small mid-terraced guesthouse that is located between Paignton Seafront and the Victoria Park Multi-Storey Car Park. The change of use is proposed to a residential use for a scheme that will provide three flats within the main building with a further two-storey maisonette provided to the rear in later-day extensions.

The site sits within a Principal Holiday Accommodation Area (PHAA) that covers a number of streets that sit adjacent to Paignton Green. It is however within the 'Green Zone', as identified within the Council's supplementary guidance in respect to PHAAs, which broadly expresses that movement towards residential would normally be supported within certain parameters.

With appreciation of the areas tourism designation, the proposal, which is for four residential units in place of the 9-bed guesthouse, is considered acceptable. This judgment has been formed on the basis that; a) the tourism offer is limited and there is little scope or potential for improvement, b) the number of rooms and bed-space is limited, c) the loss of the premises, within a wider area where there a numerous guesthouses and larger hotels, would not be detrimental to the holiday character, and d) the residential occupancy of three flats and a maisonette would not harm the holiday character or atmosphere of the area.

Recommendation

Conditional Approval (condition at the end of this report); Subject to the payment of planning obligations inline with adopted policy, via an upfront payment or a formal S106 Legal Agreement within 6 months of the date of this committee.

Site Details

The site holds a three-storey mid-terraced building that is currently in use as a

guesthouse. Internally the building features an owner's residential flat to the rear of the ground floor, with a communal room to the front. In the two upper floors there are a number of small bedrooms and washing facilities.

Externally to the front there is a small garden/patio delineated by low rendered walls. To the rear the building has pitched and flat-roofed extensions, a small degree of outdoor space and access to a pedestrian alleyway. The wider terrace houses mostly guesthouses and the road has only limited street parking.

In regard to land designations the plot sits within a PHAA and within a 'Green Zone' as identified in the supplementary *Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU6 (Principle Holiday Accommodation Areas) of the Adopted Torbay Local Plan*. The site also sits within a flood risk zone.

Detailed Proposals

Change of use from a guesthouse with nine letting rooms and one owner's flat to three flats and one maisonette. The flats are provided within the main building, with one to each floor, all with an approximate floor area of around 45m². The maisonette will sit within the rear extensions over two floors with an approximate floor area of 63m². All units are to be accessed via the established front entrance with communal lobby areas offering circulation and access to the rear outdoor space and waste area.

Summary Of Consultation Responses

Highways Officer: The proposed use would not provide any net increase in vehicle movements, or increase the pressure on local street parking. As such the provision of four residential units in this central location without parking is considered acceptable.

Strategic Transportation: The proposal should seek planning obligations in line with the adopted policy to offset any impact upon the local infrastructure and provide for waling and cycling enhancements. The proposal should also provide four covered cycle parking spaces on site.

Environment Agency: Wish to provide no comment, as although the site sits in a flood risk zone it does not propose the introduction of a 'more vulnerable' use at the site.

Summary Of Representations

No representations received.

Relevant Planning History

None.

Key Issues/Material Considerations

Principle and Planning Policy -

As previously outlined the proposal seeks to change the use of a building used for holiday accommodation to that of permanent residential accommodation, within what is a designated PHAA and a highlighted 'Green Zone' in the supplementary guidance document. Policy TU6 of the Saved Local Plan dictates that developments which are to the detriment of the character or function of the PHAA will not be permitted. It does however venture that the loss of holiday accommodation is permitted where;

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bed space capacity, having a limited number of bedrooms;
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an undesirable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism-related uses and does not harm the holiday character and atmosphere of the PHAA.

In addition to the above policy consideration, recent guidance in regard to the interpretation of the above PHAA policy expresses that;

- a) 'Green Areas' retain little intrinsic holiday character or are marginally located, (although they may contain well run businesses or be pleasant areas). Within these areas, change of use of small and medium sized premises will usually be permitted.
- b) Where change of use is acceptable in principle, the Council will require:
 - i) larger, self-contained flats or family houses
 - ii) removal of unsightly/out of character additions and extensions
 - iii) sound proofing, flood resilience etc
 - iv) provision of twin-bin storage and cycle storage
 - v) parking provision in accordance with Policy T25 of the adopted Torbay Local Plan, and
 - vi) houses in multiple occupancy will not be permitted

Considering the guidance outlined above, the loss of the holiday accommodation is considered acceptable in this case as the building is one of the many small-

scale guesthouses located in a side street off the main frontage to Paignton Green. The building would appear to provide low-key accommodation within what are clearly small rooms with little in the way of supporting facilities. This restriction of space is also clearly a limiting influence on the potential of the business. It would also appear that the lack of outdoor space or parking also have a bearing on the overall quality of the tourism provision offered and the potential that it could offer.

In respect to the proposed use the units are considered suitably scaled when appreciating the space available, with one flat per floor and a larger maisonette to the rear. This is considered a somewhat natural solution for such a building and the size and numbers are therefore considered appropriate in the context.

In regard to the Authority's desire for visual enhancements through conversions, the rear extensions here are commonplace in the terrace and are also located away from open public view. The existing form is therefore considered acceptable as it stands. To the front the building, as with most within the terrace, the roof has been 'boxed' to give an appearance of the three storey building. Considering the extent of this treatment along the run of properties it is not considered suitable to look in to the opportunity to redress this in this case. It would however be appropriate to look for the removal of the awning at the front of the building, which could be achieved via a planning condition. Further improvement works are not considered appropriate or necessary within the context of the streetscene and with appreciation that the area is not under conservation area designation.

Certain flood resilience measures will be incorporated within the refit, which will include ground floor finishes to be of preservative treated soft wood joists with waterproof tongue and groove boarding. Walls to ground floor will be finished in water proof render with internal plasterboards being fitted horizontally, and all electrical fixings and connections within new works will be 1000mm above floor level.

The proposal provides scope for waste storage within the rear courtyard and the internal layout has been designed to provide all flats with internal circulation and access to the rear through the building.

The potential for formal cycle storage facilities is restricted due to the limited space available within the building's curtilage. In the circumstance it is considered acceptable to accept flexibility on this matter.

With appreciation that the previous use would produce more vehicle movements and greater parking pressure over the use proposed, the lack of parking is considered acceptable. This stance is strengthened by the central location of the units, which would provide the opportunity for car-free occupancy due to the ease of access to facilities/job opportunities. Furthermore, there is ample parking

provision for visitors in nearby public car parks.

Neighbour amenity issues -

The change from a nine bed guesthouse to four permanent residential units would itself raise no implications upon amenity. In addition as there are no external additions there would appear little chance for a change in circumstance in respect to established overlooking.

Visual Implications -

The proposal seeks to replace the existing windows on a like-for-like basis and to remove a somewhat dilapidated rear conservatory set within the walled courtyard. Both of these alterations are considered acceptable with little impact upon the overriding character or appearance. As previously expressed within the report it is considered appropriate to seek the removal of the existing awning and make good, in order to tidy up the main elevation.

Flood Risk Issues -

The proposal does not introduce a 'more vulnerable' use and therefore due to the 'maintenance of the status quo', the risk of flooding does not raise any new concerns that require addressing.

Notwithstanding the above the applicant has highlighted certain flood resilience measures, which have been previously outlined within this report.

Highway Matters -

The proposed use is considered to generate less vehicle movements and parking pressures over the previous use. As the highway implications of the development are deemed to be lessened should the building change use, the lack of parking provision on site is considered acceptable. The central location and proximity to nearby public parking provision is also a relevant consideration.

S106/CIL -

The proposal triggers £3320 in respect to contributions relating to the provision of Greenspace, Lifelong Learning, Education and Waste facilities/infrastructure. The breakdown being;

Greenspace	£2220
Lifelong Learning	£ 540
Education	£ 410
Waste	£ 150

(Inline with the policy document sustainable transport contributions are not sought as the proposed use constitutes a reduced impact upon the transport infrastructure).

A planning approval should be accompanied by a S106 legal agreement to

achieve these payments, or approval should follow an upfront payment of £3154 (which is a reduced 95% figure inline with Council protocol for upfront payments).

Conclusions

The proposal is considered to be a suitable change of use for a small guesthouse within this location. The proposed units are also considered a suitable scale and mix considering the constraints of the building. All matters considered the scheme is deemed inline with policy guidance if accompanied by the appropriate level of planning obligations.

Condition(s)/Reason(s)

01. Prior to the first occupation the awning to the front of the building shall be removed and the elevation 'made good' inline with the form and finish of the external treatment, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a suitable form of development, inline with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

TUS Tourism strategy
TU6 Principal Holiday Accommodation Areas
HS Housing Strategy
H4 Conversion and sub-division into flats
H9 Layout, and design and community aspects
T25 Car parking in new development
EP11 Flood control
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS25 Development and Flood Risk

Application Number

P/2011/0796/PA

Site Address

Watcombe Service Station
Teignmouth Road
Torquay
Devon
TQ1 4SW

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Construction of new pitched slate roof on the existing flat roof of the 1st floor of the property to provide 2 new dwelling units with access by a rear stairway.

Executive Summary/Key Outcomes

The proposal is for the addition of two units of residential accommodation on the roof of the existing property. The existing site is an operational urban site with ground floor commercial and upper floor residential uses. The proposed residential units are considered suitable in terms of their scale, layout, form and access, and there is potential to provide on site parking in order to limit the impact upon local parking pressure.

Although the alteration to the roof form would change the character of the building, it would not present a harmful change when considering the quality of the building and the wider context of the surrounding built roof form, which is clearly predominantly pitched in character.

Recommendation

Site Visit; Conditional Approval; Conditions to be delegated to the Executive Head of Spatial Planning to include the schedule listed at the end of this report; subject to the signing of a S106 legal agreement or upfront payment in order to provide for appropriate planning contributions / infrastructure works, to be signed within 6 months of the date of this committee.

Site Details

The site is a prominent corner plot adjacent to the roundabout junction between Teignmouth Road and St Marychurch Road on the outskirts of Torquay. The site currently holds a petrol filling station (PFS) with a covered forecourt, behind which lies a relatively large two-storey flat-roofed building that provides supporting sales/retail shop for the PFS and residential flats over. To the side of the plot near the adjacent roundabout there is also an area of car sales.

In regard to planning designations, the site is adjacent to the St Marychurch Conservation Area and within a level 2 flood risk zone.

Detailed Proposals

The proposal is for the creation of two additional residential studio flats, through the construction of a double-hipped pitched roof in place of the existing flat roof. The flats are to be accessed via a revised metal staircase to the rear of the building that leads to a regressed doorway entrance set in the roof. The proposed structure is to be finished in grey fibre slate and will house a number of rooflights that offer natural light into the two flats. In regard to scale the revised roof is 3.5metres from eaves to ridge. The proposal also includes replacement fencing at first floor level and two parking spaces within the site to serve the new dwelling units.

Summary Of Consultation Responses

Highways: No objection; pending formal comment on revised parking arrangements. There are however no objections to the level of parking proposed, i.e. 2 spaces on a 1:1 basis.

Environment Agency: The proposal should be accompanied by a Flood Risk Assessment as the development sits within a flood risk zone, however the Agency do not wish to comment on the scheme as the proposals do not introduce more vulnerable uses to the ground floor on the site. The Agency advises that it would be beneficial to make the applicant aware of the benefit of registering with their Early Warning Alert System.

Summary Of Representations

A number of representations have been received from occupiers within nearby properties. The planning issues raised include the following;

- Loss of light and outlook
- Visual implications
- The proposed roof is too big
- Lack of adequate parking / more parking on adjacent roads
- Drainage issues / flooding
- Loss of privacy to existing flats

These are re-produced at Page T.200.

Relevant Planning History

None.

Key Issues/Material Considerations

Principle and Planning Policy -

The plot sits within a developed urban site that holds commercial and residential uses. The proposal to extend upwards to provide additional units clearly sits with the desire for the more efficient use of land. In regard to whether the proposals are suitable residential units, although they are both relatively small in scale they are not considered overly cramped or undersized.

In addition to acceptability of their basic size the units will also be naturally lit through a number of rooflights, which will provide a degree of outlook for the occupants. These factors support the suitability of the units for occupation.

Finally this urban location is considered acceptable as the site offers a suitable residential environment and access to transport links and local facilities. This is supported by the fact that flats are present within the building with no apparent concern over the existing residential environment. Considering all these matters the provision of additional residential units does not raise any demonstrable concern in terms of general principle.

Neighbour Amenity -

Amenity concerns centre on whether there is a potential for the loss of privacy through overlooking, the loss of light, the loss of outlook and the creation of an overbearing relationship.

Firstly the potential for any loss of privacy would appear limited to two areas, the relationship to the West with the cottages immediately adjacent (off Fore Street) from the sole rooflight proposed towards this aspect, and the relationship within the plot between the existing flats with windows or outdoor space sited near to the proposed stairway. The relationship to the West is difficult to gauge, however due to the pitch of the roof and the closeness of the plots it would appear to at least omit the garden space and lower levels of the properties. There may be a visual link to the upper floor windows, but this could easily be overcome by condition to obscure and fix this rooflight. In the absence of data to clarify matters a precautionary approach is considered appropriate and a condition is therefore deemed necessary.

In regard to the amenity of the existing flat occupiers the proposal would create footfall in an elevated position adjacent to windows and outdoor space that exists (which appears to have evolved organically as amenity space over time). Although the relationship is not ideal it is most practicable as internal access through the buildings lower floors would appear unsuitable. When considering that the small number and size of the units will naturally limit occupancy levels and hence movement to and from the upper floor, and that the stairway is not a structure that lends itself to anything other than brief passing movement, the arrangement is considered acceptable.

In regard to loss of light there would appear no potential for impact or harm on the neighbouring occupiers' amenity, as the roof is hipped on all elevations and is likely to be obscured from view due to the height of the side elevations in relation to the neighbouring properties.

In regard to loss of outlook and the potential for an overbearing nature to the development, again the roof itself is likely to be obscured from close views due to the height of the elevation of the building and the pitch of the roof. As a result it is considered that the structure would not be overbearing to neighbouring occupiers, nor would it affect outlook.

Visual Impact -

The building stands alone as a large flat-roofed structure within an area clearly dominated by pitched forms, be they terraces, Victorian villas or modern housing. Although the building's flat roof is somewhat distinctive as it jars with the predominant local form, it is not considered special in terms of its singular character or appearance. A comprehensive change to the form, from flat to pitched, is therefore not considered overtly sensitive or harmful within the context. In regard to the scale of the roof, although it is appreciated that it is fairly large it would not sit at odds with its surrounds as there are other large and prominent roofs locally. All matters considered the proposal would not negatively affect the character or appearance of the building or the nearby conservation area.

Highway / Parking / Accessibility -

The pedestrian access to the flats is considered acceptable within the context, as access through the rear is established for the existing flats.

The identified parking provision of two spaces is considered inline with policy guidance and comes with the support of the Authority's Highways Department. Further information has been requested in order to ensure that these spaces can be supplied inline with the size guidelines and be accessed and operated independent of each other and the other uses within the site. Providing this can be shown the level of parking proposed is deemed acceptable. It is noted that objections have raised the issue of local parking pressure, however the scheme is considered unlikely to exacerbate matters as there is to be provision on site.

Flooding / Drainage -

Although in a flood risk zone the proposal is for upper floor development and does not introduce a 'more vulnerable' use to those already located on the site. In addition, in regard to surface water run off and urban drainage capacity, the proposal will not add to the level of grey water discharging locally, as it does not decrease the level of soft landscaping and maintains the overriding size of the roof catchment. Considering this context, and the Environment Agency's advice on the matter, flood risk is not considered a significant or sensitive matter.

S106/CIL -

The proposal provides two net additional dwellings, the occupancy of which would increase the burden upon local physical and social infrastructure.

The proposal triggers £4040 in respect to contributions relating to the provision of Sustainable Transport, Greenspace, Lifelong Learning and Waste facilities/infrastructure. The breakdown being;

Sustainable Transport	£2520
Greenspace	£1100
Lifelong Learning	£ 320
Waste	£ 100

A planning approval should be accompanied by a S106 legal agreement to achieve these payments, or alternatively approval should follow an upfront payment of £3838 (which is a reduced 95% figure inline with Council protocol for upfront payments).

Conclusions

The proposal provides an acceptable residential development within a sustainable location with the potential to provide ancillary parking in order to limit the impact upon local amenity. The visual alterations are considered acceptable within the context and the impact upon neighbour amenity is deemed to sit within acceptable limits.

The proposal is therefore considered acceptable subject to conditions as laid out and the signing of a S106 legal agreement or the receipt of an upfront payment in order to provide for appropriate planning contributions / infrastructure works.

Conditions

Submission of plans that show a parking provision on a 1:1 basis, acceptable to the LPA.

The rooflight on the Western roof slope to be fixed and obscure glazed to at least Pilkington level 1.

All roof lights to be flush fitting, unless otherwise agreed.

The receipt of an acceptable flood risk assessment that satisfies the LPA on this matter.

Informative

Recommendation to sign up to the Environment Agency's Early Alert System.

Relevant Policies

- HS Housing Strategy
- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- H15 House extensions
- BES Built environment strategy
- BE1 Design of new development
- W7 Development and waste recycling facilities
- T25 Car parking in new development
- T26 Access from development on to the highway
- CFS Sustainable communities strategy
- CF6 Community infrastructure contributions

Application Number

P/2011/0849/PA

Site Address

Arema
68 Windsor Road
Torquay
Devon
TQ1 1SZ

Case Officer

Mr John Burton

Ward

Ellacombe

Description

Change of use from residential to House in Multiple Occupation

Executive Summary/Key Outcomes

It is recognised that in the right place and within established policy criteria, HiMO's represent an important source of inexpensive housing which is clearly needed in Torbay. Although the property sits adjacent to a guesthouse, the area is generally of a residential character and the site is not within a Principle Holiday Accommodation Area. The use is currently unauthorised in planning terms, however, this property has been converted to a high standard. The property also benefits from a (HiMO) licence under EHO legislation.

Recommendation

Committee Site Visit; Conditional Approval; Subject to the completion of a s106 Planning Obligation to offset costs that will arise from the use, conditional approval, to be completed within 6 months of the date of this committee meeting.

Site Details

Mid terraced property, on Windsor Road, with Bronshill Road and the Housing Association properties immediately to the rear, and lying opposite the junction of Windsor Road with Woodville Road and Belmont Road.

Detailed Proposals

Permission is sought for a change of use from a residential property to a HiMO. The property is already in use as such and a lot of work has been undertaken converting the property to make it comply with Environmental Health and Building Regulations. The property has been assessed under Environmental Health Legislation and licensed for up to 14 occupiers arranged as 6 single rooms, 2 double rooms on the ground floor and an apartment for up to 4 occupiers in the roof space. There is a basement area which is used as a home gym and a storage area. There is no evidence of habitation in the basement and no intention to use it for this purpose.

The proposal for a HiMO under Planning Legislation cannot be considered as a change of use to class C4 as this use class is defined as being small shared dwelling houses occupied by between three and six unrelated individuals. Any housing providing for a greater number than this is defined as being a 'sui generis' use. Currently there are 8 people in residence plus the owner who lives in the top flat.

Summary Of Consultation Responses

E.H.O. (Housing) - considered an application to use the property as a HiMO in March of this year. The licence was tested against statutory criteria and met these. So the licence was granted on 22nd march 2011. The criteria considered were as follows:

The house is reasonably suited for occupation by not more than 14 households or persons

The proposed licence holder is a fit and proper person and is the most appropriate person (out of all those reasonably available) to be the licence holder

The proposed manager of the house is the person having control of the house or management or employee of the person having control of the house

The proposed manager is a fit and proper person

The proposed management arrangements for the house are satisfactory

Summary Of Representations

3 responses received from neighbours in the vicinity. One representation is in support whilst the other two object citing the following difficulties

- lack of parking
- noise
- loss of privacy
- contrary to strategic objective SO13
- would prejudice the economic sustainability of the neighbouring business as a guest house
- anti social behaviour
- a non-resident landlord
- untidy land
- property could house up to 22 people.

The letter in support makes the following positive comments

- no objections to proposal as has operated in a good state for some time already
- residents are respectful

- there are no parking problems
- the owner is hospitable.

These letters are re-produced at Page T.201.

Relevant Planning History

P/1981/3247 - use as a guest house, approved 28th January 1982

P/1989/0743 - Detached garage and conservatory

Also relevant is the planning appeal for a property at no. 64 (next door but one) under LPA ref P/2009/0432 in which the Council refused retrospective planning permission for the conversion of the basement to an additional self-contained flat (making 8 in total at the property). The Inspector considered that the primary issue was the effect of the proposal upon road safety in respect of the lack of off-street parking provision with the proposal. The Inspector reached the following determining conclusions:

There was a deficit in off street parking to standard at the property and one additional unit without additional parking provision would exacerbate an unacceptable situation

The location is too hilly to consider cycling as a suitable and practicable alternative

The nearest bus stop was 320 metres away down a steep hill making it too far to be of practicable use

The town centre is only accessible by a tortuous and hilly route and there is no guarantee that any occupier would choose to use the limited local facilities as an alternative.

Key Issues/Material Considerations

Background to planning policy considerations in respect of Houses in Multiple Occupation (HiMO's) -

Concentrations of Houses in Multiple Occupation (HiMO's), and the geographical concentration of certain groups of people residing in them, can lead to substantial changes in the characteristics and social infrastructure of a neighbourhood. The problems associated with HiMO's and the tensions within local neighbourhoods have been well publicised and can include issues such as noise, low-level anti-social behaviour, parking congestion and other environmental impacts. Some of the issues that may be associated with HiMOs are linked to the nature and characteristics of occupiers, including lifestyle and transience, creating a localised impact. There are also cumulative impacts that can arise when the concentrations of HiMOs are increased within communities.

A suite of measures exist in relation to the regulation and management of HiMOs that involves various bodies, including the Council. Each tool is capable of preventing, solving or mitigating certain impacts that are a result of HiMOs and will be appropriate in different circumstances. These are as follows:

Planning Services control the spatial distributions of different uses to ensure that the provision of dwellings (including HiMOs) meets demand in a spatially appropriate and sustainable way;

The Housing Licensing team provides controls over the state and standard of accommodation that is being offered to tenants;

The Public Protection Service investigates, and where appropriate enforces breaches of legislation in relation to noise, litter and other amenity related matters;

Highways and Transport apply and enforce on street parking restrictions and permits;

The Anti-Social Behaviour Unit apply legislative powers in relation to individuals' and groups' conduct, and;

The Building Control team ensure, where the Building Regulation are applicable, the health and safety of people in and around buildings.

The Police play a role where there is a disturbance of the peace.

In addition, HiMO's must comply with the health and safety requirements of the Housing Health and Safety Rating System (HHSRS). This requires accommodation to be healthy and safe, have adequate natural and artificial lighting and sound insulation. Furthermore, Building Control team ensures, where the Building Regulation are applicable, the health and safety of people in and around buildings.

Informed by the national 'Evidence Gathering - Housing in Multiple Occupation and possible planning responses' report, a separate planning Use Class for C4 'Houses in Multiple Occupation' was created by the Government on 6th April 2010. This brought changes of use to C4 into the control of the planning system. This meant that changes of use from C4 to C3 were permitted development but not vice versa. A class C4 use is defined as Houses in multiple occupation with between 3-6 occupants. In broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. From 1st October 2010, in addition to permitted changes of use from C4 to C3, the Coalition Government granted permitted development rights for conversions from C3 to C4 thereby removing the automatic control of local planning authorities for that change of use.

However, large houses in multiple occupation such as that proposed with this current application, where there are more than 6 people sharing the use of the property, are unclassified by the Use Classes Order. In planning terms they are described as being 'sui generis' (of their own kind). Changes of use to a sui generis use require the submission of a planning application to the Council.

Principle and Local Planning Policy -

The primary issue in this case is whether or not the proposal would meet the tests of policy. The Core Strategy has not as yet been adopted and so the Saved Adopted Torbay Local Plan should be used as the reference point for policy consideration. The relevant policy in this document is H7. This policy lists 8 criteria that need to be met before any application for the sub-division of a building into bedsits or non self-contained residential units (HiMO's) would be permitted. It is appropriate to test this application against each of these:

1) The property should be located within easy reach of public transport and community facilities.

In this regard it is pertinent to note the comments of the Planning Inspector in relation to the provision of 1 additional residential unit at 66 Windsor Road (see above). It was concluded that no. 66 did not have a good disposition in relation to public transport and community facilities. However that was some 2 years ago (December 2009). Officers, in assessing this application have walked from the current application site to the nearest bus stop and in to the town centre and do not consider the distances involved to be unreasonable. The route 65 bus runs directly past the site with numerous bus stops along Windsor Road.

2) The scale and nature of the use does not adversely affect neighbouring residential amenities (by way of noise and general disturbance).

This is a subjective consideration, and should be best judged by those who actually live adjacent to the use. As the proposal is retrospective, this can be done. Of the neighbours either side, one states that the use is a problem on these grounds and the other states that it is acceptable. So this does not really provide any evidenced one way or the other.

The owners of the neighbouring guesthouse maintain that the proposal, if approved, would prejudice the sustainability of their business (as a guesthouse) because guests would be unlikely to return due to anti-social behaviour and the general appearance of the property at no. 68. It is considered important to distinguish the use from its occupancy. Anti-social behaviour is not an inherent and inevitable consequence of a HiMO, but is attributable solely to the behaviour of occupiers. It is clear that planning control exists to regulate uses, however the type of occupants and/or their general behaviour is outside of planning control. This would be controlled by other legislation and ultimately by the police, but is not a matter for planning consideration.

In the case of a HiMO authorised by Environmental Health legislation, there are as a matter of fact, in built anti-social behaviour safeguards, which would not exist with other uses such as self contained dwelling units, and therefore, arguably, there is more control in the case of a HiMO. However, Members are requested to deal with this application on the basis of the use and the implications that would arise from this and not to determine the application on the basis of future potential occupancy which would be beyond the remit of the planning system. With regards to the state of the rear garden, again this is not specifically attributable to the use of the property as a HiMO, but could arise in any circumstance. If the rear garden becomes so bad then the Local Planning Authority could consider the use of an 'untidy lands notice' under s215 of the Act. It is not currently considered justifiable. Therefore on balance it is not felt that the claims made about the impact of the HiMO upon the neighbouring business are such as to justify refusal under planning legislation.

Logically, it is reasonable to conclude that up to 14 occupiers in a small terraced property has the potential to cause more difficulties than would be the case if the same unit was used as a single residential dwelling. It is also the case that the occupiers/residents will change over time and this would affect the relationship with any neighbouring property. However, it is clear that occupancy by itself is beyond the control of the Planning System. In the case of this property, accommodation has been provided to an excellent standard and the HiMO is currently well run. There has been no evidence of difficulties observed by either the Planning Officer or the Environmental Health Officer at various visits. There have been no complaints received by the L.P.A. until this application was lodged and the approved licence under E.H.O. regulations does have A.S.B. controls to remedy any future problems that may arise in this regard.

3) The car parking requirement for the proposed development does not generate an unacceptable level of traffic and adverse environmental impact.

As with criteria 1 above, this was a primary consideration of the Inspector when he considered the proposal for an additional unit at no. 66. It was concluded that there was insufficient parking to service the number of flats being proposed. In the case of this application for a HiMO, possibly containing up to 14 occupiers there is no off-street parking at all, the property being mid-terrace with only a small rear garden and no rear access to it. There is a general assumption that people living in HiMO's would not have access to a car, but this cannot be guaranteed. Nevertheless there is often plenty of parking available on street, except perhaps when Torquay United are playing at home. As has already been clarified, the site is in walking distance of public transport and required services and close to the Town Centre. It is therefore considered appropriate to approve a HiMO with no off-street parking in this case.

4) The development would not lead to a loss of holiday accommodation within a P.H.A.A.

Although the neighbouring property is a guest house and could be adversely

affected by this proposal, the property is not within an identified P.H.A.A. Therefore this consideration is not relevant. The area is characterised by predominantly residential uses and as such the proposed use would not be out of character with that which prevails in the area.

5) The development would not lead to an over-concentration of similar uses which would harm the character and amenity of the area.

Nos. 15, 68 (application property) and 98 Windsor Road currently hold HiMO licences under EHO legislation. There do not appear to be any more in either Mount Hermon Road, Windemere Road, Belmont Road or Carlton Road. Of course it is possible that unlicensed or unauthorised HiMO's exist, but there are currently no outstanding complaints registered with the planning department in relation to other HiMO's local to the application site. On the balance of probability it is reasonable to assume that the area does not have an over-concentration of HiMO uses. There is therefore no evidence to conclude that authorisation of this property as a HiMO in planning terms would be contrary to policy H7(5).

6) A suitable standard of accommodation can be provided.

This has already been tested in the application for a licence under EHO legislation. The property was deemed to be reasonably suited for occupation by not more than 14 households or persons (as referenced in the licence). Comments provided by the EHO case officer and verified by the Planning case officer are that the property has been converted to an exceptionally high standard. The rear garden is in a poor state of upkeep, but this does not affect the basic residential accommodation. The owner maintains that this is his next project and he will improve its appearance. Nevertheless unless the garden became so bad that it justified the service of an abatement notice, this issue would be largely beyond the control of the Planning System. On this basis it is difficult to conclude other than the accommodation is suitable and meets the terms of policy H7(6).

7) Adequate storage facilities can be provided for recycling and refuse collection.

The Council normally provides 1 wheelie-bin for land fill waste and up to three boxes for household recyclables per residential unit. It would clearly be impracticable to do this for each of the potential 14 occupiers, or even on the basis of the 9 bedsit units. The licence holder currently provides bin storage in an appropriate fashion at the front of the property with a well defined area at the rear for overflow bins if it proves necessary. The terms of policy H7(7) are therefore clearly met.

8) Supervision by a resident owner/manager or an alternative appropriate level of supervision.

One of the representations received states that the Licence Holder does not live at the property. However when both the E.H. Officer and the Planning Officer visited the property on separate occasions, the owner maintained (supported by

visual evidence) that he did reside at the property in the top floor unit. It is therefore difficult to argue that there would be a breach of this part of policy H7.

Closing the gap -

There is clearly a big demand for this kind of accommodation within Torbay, and there is already much similar accommodation within the Ellacombe Ward, although not it would seem within this particular area. Recent housing needs surveys reveal that there is a desperate shortage of shared accommodation and HiMO's in Torbay. This is only likely to get more acute when the Government's new rules on claiming Housing Benefit come into force. This HiMO has been created to an excellent standard, meets the tests imposed by Environmental Health legislation and should be supported.

On the minus side, neighbours have stated that there are difficulties with anti-social behaviour. However, this is controllable through the E. H. licence and through the Police. It should not be an issue for the Planning System to address. Nevertheless, this kind of accommodation would be likely to add to the levels of deprivation currently recorded in Ellacombe and this might become a concern if levels of concentration of HiMO's were increased in this area.

S106/CIL -

There is no reason why an application for a HiMO should not have to meet the tests imposed by National and Local policy in respect of making a financial contribution to offset costs that might arise from the use. Policy CF6 and adopted S.P.D. LDD6 (as amended and updated) are relevant in this regard. LDD6 (as amended) is clear that any Planning Obligation would need to seek costs based upon floor area being provided. A HiMO is technically 1 planning unit, so the level of contribution should be based on the total habitable floorspace within the property x 1. This would take it into the 120 sq. m. + range. In this instance, it is considered appropriate for contributions to be sought for the following criteria:-

Waste Management	£ 50
Sustainable Transport (as lack of parking and potentially few cars dictates high use of public transport)	£3610
Lifelong learning	£ 470
Green space and recreation	£2370
Monitoring (at £200 per unit)	£ 200
<u>TOTAL</u>	<u>£6700.00</u>

A contribution towards stronger communities may be considered appropriate because the nature of the use and potential occupiers could lead to community policing issues. However, this is technically only one planning unit, and even the number of bedsits is only 8. Therefore the proposal would fail to meet the 10+ starting point for such a contribution.

Conclusions

HiMO's represent an important source of inexpensive housing which is clearly much needed in Torbay. Nevertheless, they should only be granted planning permission where it can be demonstrated that they meet the requirements of policy and all other interests of acknowledged importance. The property now benefits from a (HiMO) licence under EHO legislation, although this does only verify that the property meets the standards criteria required under EHO legislation. It makes no comment on planning merit or impact on neighbouring properties. Whilst it would be sensible for Council Departments to be consistent in their appraisals, in this instance the criteria used to judge the respective applications are not the same due to the requirements of National legislation. However, following a number of site visits, the standard of conversion at the property was observed to be very good. In view of all of the issues involved as discussed in this report the application is recommended for approval, but will need to be the subject of a Planning Obligation to meet the costs arising (as defined above).

Condition(s)/Reason(s)

01. The use of the property as a House in Multiple Occupation shall be authorised provided that at all times there is on site supervision of the building and its occupants by a resident owner/manager who will oversee the safe and orderly occupation and running of the property.

Reason: To ensure an appropriate degree of control over the use of the property, to safeguard the private amenities of nearby residents, in accordance with the terms of policy H7 of the saved adopted Torbay Local Plan.

02. Within one month from the date of this decision, details of the position, number and type of all external domestic refuse and recycling bins available for use by the occupants, shall have been submitted to and approved by the Local Planning Authority and provided on site, unless otherwise agreed in writing with the Local planning Authority. The approved scheme for refuse and recycling facilities shall then be kept permanently available for use by the residents and occupiers of the HiMO at all times thereafter.

Reason: To ensure that appropriate refuse and recycling facilities are provided and kept permanently available in accordance with the terms of policies H7(7) and W7 of the saved adopted Torbay Local Plan.

Relevant Policies

- H7 Houses in multiple occupation (HMOs)
- H10 Housing densities
- T25 Car parking in new development

CF6 Community infrastructure contributions

Application Number

P/2011/0896/PA

Site Address

Site Formerly Known As 1-5 Athenaeum Place
Side Of 27 Braddons Street
Torquay

Case Officer

Mr John Burton

Ward

Ellacombe

Description

Formation of 3 houses with 2 bedrooms with pedestrian access

Executive Summary/Key Outcomes

The proposal to construct three units of residential accommodation on this site is considered to be an overdevelopment of a tight triangular shaped piece of land. Although the site has been occupied by residential properties in the past, they were demolished as part of a slum clearance programme back in the late 'sixties. The site has laid empty since. As originally submitted, the design was inappropriate given the sloping nature of the site and the distinctive architecture of the surrounding dwellings. Fitting the dwellings into the street scene has not been helped by the addition of a single story dwelling at the end of the existing terrace back in 1984, as this has since acted as a bookend to the run of houses. However, following negotiations and advice from the Design Review Panel issues of design have been substantially overcome.

Despite this, one of the units remains small to current standards for a two bedroom property, the scheme is not capable of providing any off street parking space, two of the units would not have suitable outdoor amenity space and the proposed communal bin/cycle store is remote from two of the units making it unlikely to be used. This all implies that the site is being overdeveloped and would not work well, and so refusal is considered to be the appropriate recommendation.

Recommendation

Committee Site Visit; Refusal

Site Details

The application site comprises a parcel of land of approximately 0.017 hectares in size, situated on the corner of Braddons Street with Hillesdon Road. Hillesdon Road adjoins the rear of the site at a higher level, and the road itself is supported

by a large retaining wall and buttresses which stretch over much of the width of this site. The site has been vacant for over 40 years since demolition in the late sixties as part of a slum clearance programme. The site is within the Warberries conservation area.

Relevant Planning History

P/1984/0311	Extension and use as a dwelling. Permission granted 16/3/84
P/1985/0812	Use as a single storey dwelling. Permission granted 30/4/85
P/1986/2463	Alterations and extension to form one dwelling. Permission granted 18/12/86
P/1987/2156	Use of Land for storage of one boat. Permission granted 25/1/98
P/2011/0680	1 house with vehicular/pedestrian access - concurrent application not as yet determined. -
P/2011/0681/CA	Conservation Area consent for demolition works. No demolition works proposed and so consent not required. Application withdrawn
P/2011/0682	3 houses. Application withdrawn, as design changes were made and these required a fresh application (this current proposal).

Detailed Proposals

Permission is sought for 3 dwelling units on the site continuing the line of terraced properties along this side of the road. The southern end dwelling is shown as a 3 storey dwelling with a total of 72.3 sq. m. of accommodation. A small external terraced area is provided at first floor level to the rear up to the high wall which retains Hillesdon Road. Although this would provide some amenity space, it is primarily provided in order to allow light into the rear of the property. The middle unit is also 3 storeys high but is slightly smaller at 66.6 sq. m. It has a smaller outside amenity space at first floor level to the rear. The northern end unit is the smallest of the 3 proposed being shown as 54.6 sq. m. The building at this point would occupy almost all of the width of the plot, but it takes advantage of space at the side to provide a roof terrace and garden. The land left over within the apex of the triangular plot is designated as a communal bin and cycle store area for all three dwellings. Each of the dwellings is shown as having 2 bedrooms.

The development retains the buttresses supporting Hillesdon Road by incorporating them into the design and placing the internal stairways up over them. In this way little internal space is lost. No off street parking is provided for, indeed none could be provided with the current design.

Summary of consultation responses

Highways Authority: Cannot support a scheme for 3 dwellings in this location, with or without parking provision. The full observations are reproduced at Page T202.

Leisure and Community Development: Would be pleased to receive a contribution from any Planning Obligation towards new equipment in the children's playground immediately opposite.

Summary of representations

One letter of objection has been received from an occupier of one of the properties in Hillesdon Road to the rear and it expresses the following concerns:-

- Buildings now higher than originally proposed (with previous withdrawn application) and this will lead to a loss of light and outlook
- Windows are now above the top of the retaining wall on Hillesdon Road and will lead to overlooking
- Noise from rear amenity area would be unacceptable
- Lack of parking
- Difficulties with access by emergency vehicles would be exacerbated by on street parking

Key Issues/Material Considerations

Principle and Planning Policy -

The land once contained residential development although it has been vacant for over 40 years. The land is not now zoned for any specific use within the Saved Adopted Local Plan, but the surrounding area is predominantly residential. Residential use of the land does on this basis seem appropriate, but given the size of the site, its relationship with neighbouring properties, the hilly nature of the location and other valid planning interests, the number of units and their built form is considered to be a crucial consideration. This would need to be judged against the relevant policies within the housing and design chapters of the Saved Adopted Local Plan.

It is not considered that there are any criteria within Policy H2 (New housing on unidentified sites) that could not be met, although officers have not as yet seen evidence to satisfy the 'green' and energy efficiency requirements of H2(7). Also, because the scheme is now deemed to have an improved design, having been altered by reference to the Design Review Panel, the proposal would be

compliant with policy BES (Built Environment Strategy) and part compliance with policy H9 (Layout, design and community aspects) in respect of its design.

However, Officers do not consider that the proposal would meet the criteria of policy H9 in respect of density, landscape, layout and access. In this regard, the proposal is also viewed as being contrary to the requirements of policies H10 (Housing densities) and BE1 (Design of new development). The proposal also fails to meet the tests of policy T25 in respect of car parking. These issues will now all be explored in more detail.

Design

As originally submitted via the previous application the proposal was considered to be out of keeping with the character and appearance of the area. However, following positive intervention by the Design Review Panel the scheme was altered appropriately giving rise to the current design. Many of the issues and improvements suggested by the DRP have been incorporated into the current proposal. Although it is noted that the rear wall has not been taken as an integral part of the development and so the development remains single and not dual aspect.

On balance this issue is not felt to be of such significance as to justify refusal and so the recommendation is that there are no objections on design grounds. This of course would need to be subject to seeing appropriate detailing on the building, particularly the windows, eaves overhang, rain water goods and slating. These matters could be addressed by an appropriately worded condition if Members were minded to approve the proposal.

Highways and parking issues

The Highways Authority is adamant that approval should not be given for 3 dwellings in this location. It is maintained that the scheme as submitted, without any off-street parking provision, would lead to a greater need for on-street parking in an area of already high demand and poor vertical alignment.

This is considered entirely unsatisfactory for 3 two-bedroomed properties where car ownership is highly likely. The alternative would be to provide some off-street parking, however, this could not be achieved in the current design and even if it could, this would take away the on-street parking outside and so there would be no advantage gained.

The Highways Authority does not consider that this location is close enough to the town centre to justify a relaxation of the normal policy on parking. This is evidenced by the fact that it is situated outside of the Traffic Management Zone (Controlled Parking Zone) that addresses this issue. It is also noted that residents were asked recently whether they wanted 'Residents Only Parking' in

the area and they did not. The applicant cannot therefore overcome this primary and over-riding problem, namely the lack of off-street parking. The only way around this would be to either make the units smaller, such as one bed units where car demand could reasonably be expected to be less, or preferably reduce the number of units. This leads to the inescapable conclusion that as proposed the site is being over-developed and as such this forms a principal reason for refusal. Mitigation in the form of a s106 contribution has been considered, but in this case it is felt that this would not appear to overcome the highways concerns.

The applicant, in support of the scheme, refers to two cases he considers similar (see his letter reproduced). These proposals were allowed without parking.

P/2010/0776 is a proposal for 2 units within level walking distance of the town centre on Lymington Road, the site is immediately opposite the coach station and car park, with excellent public transport facilities running immediately outside the site and parking provision both in the car park opposite and on street.

P/2011/0031 is on Braddons Hill Road West, just above Fleet Walk and so is immediately adjacent to the Town Centre demarcated on the Local Plan proposals map and close to all of the bus routes that use Fleet Walk. However this latter application has not as yet been formally approved anyway.

The current application site is different. It is not close to any bus routes, and unlikely to ever be so given the extremely hilly and constricted nature of the locality. It is not within the town centre and although it is close to the centre, access is hampered by the steeply sloping nature of the local topography. Although it may only take a few minutes to walk into town, it would certainly take longer to walk back given the steep roads, and this would make the location poorly located from the town centre to those with shopping, push chairs, wheel chairs or the elderly. It is conceivable that the future occupiers of the development may wish to own cars, and this could not reasonably be prevented and enforced by any condition or legal agreement. The applicant has provided written justification for a car free development in this location and this has been fully considered. However, officers do not believe that the circumstances or local precedents would indicate an approval would be acceptable in this case, due to the problems of a lack of parking.

Density

The proposal is for 3 dwellings on land with an area of 0.017 hectare. This is equivalent to 180 dwellings to the hectare, which by any stretch is significantly high. The two storey unit on the northern end is shown with an internal floor area of 54.5 sq. m. This is below the minimum standards suggested for 2-bed residential properties by the English Partnerships (now part of the Homes and Community Agency) in their document 'Quality Standards: Delivering quality

places', revised edition published in November 2007. They recommend a minimum internal floor area of 66 sq. m. for a two bedroom/3 person home and 77 sq. m. for a two bedroom/4 person home. The other proposed dwellings (both of which are two bed units) have internal floor areas of 66.5 and 72.3 sq. m. Whilst these standards have not been either enshrined in law or in planning policy, they are a useful indication of appropriate housing dimensions.

Other indicators of over-development are the inability to get any off-street parking onto the site itself, the lack of any suitable outside amenity areas for two of the dwellings (the areas being very small and with very limited access to natural light) and the bin/cycle area being very poorly located to all three of the dwellings, basically using the left-over parcel of land in the apex of the triangle.

Closing the gap -

The site is situated in the Ellacombe Ward, which is known to have an over supply of small properties, flats and bedsits, and so two bedroom houses would be welcomed. However, the Ward is also amongst one of the poorest and most socially deprived in Torbay, and it is doubtful whether this proposal for 3 dwellings on a restricted site with no parking and a high density of developments, would be beneficial to the areas need for improved housing quality.

Climate change -

Limited information has been submitted to show the sustainability credentials of the site other than the usual requirements of the Building Regulations.

Environmental Enhancement -

The site is situated within the Warberries Conservation Area and all of the surrounding properties are identified in the conservation area appraisal as being 'key buildings of architectural importance or which make a significant contribution to the townscape'. On this basis, a high quality scheme would be expected were approval to be considered. By following the guidance given by the Design Review Panel and with the judicious use of conditions to control the detailing of the dwellings, this could be achieved. However, at least two of the properties would still lack quality outdoor amenity and garden space which is prevalent to the surrounding properties.

S106/CIL -

Consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. 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 3', was adopted by the Council in March of this year (2011). Both the original document and the current update form part of the Torbay Local Development Framework. The amount of the required 'developer contribution' for the current application should therefore be evaluated in line with this adopted revision to the policy. According to this document, contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size. The proposed dwellings fit into the second category, as they range between the parameters of 55 – 74 Sq. M.

Municipal waste and recycling	£ 50
Sustainable transportation	£1720
Lifelong learning	£ 220
Green space and recreation	£1120

TOTAL **£3110 per unit**

This gives a total contribution due of (£3110 x 3 units = £9,300). It is recommended that, should members wish to approve this scheme, the above s106 contribution should be obtained.

Conclusions

There are some shortcomings to the existing design, but officers are happy that the general guidance provided by the Design Review Panel has been followed. The better detailing sought could be dealt with by way of conditions.

However, there are over-riding and compelling issues, primarily with the lack of parking off-street, that indicate that the proposal should be refused. This is strongly argued by the Highways Authority. Despite full and detailed consideration, there are no mitigating circumstances that would allow the proposal to be recommended for approval. The inability to provide any off-street parking is just one of a number of considerations that indicate that the site is being over-developed. The development would not be fully able to cope with the demands of modern day living, such as the requirement for safe and secure parking, a need for useable and pleasant outdoor amenity space, and suitably located space for bin and other storage facilities. None of these issues are capable of being over-come due to the tight nature of the site, and so the application is recommended for refusal. It is felt that it would be beneficial for Members to view the site to assess these issues in-situ.

Condition(s)/Reason(s)

01. The proposal for three dwellings makes no provision for the off-street parking of vehicles, and as the site is not a town centre location and not

reasonably located to public transport facilities would inevitably attract car owners. This would lead to an increase in on-street parking in an area of high demand and poor vertical alignment, which would inevitably lead to congestion on the highway and interference with the free flow of traffic. This makes the proposal contrary to policy T25 of the Saved Adopted Torbay Local Plan.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, Waste collection and recycling, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 of the Saved Adopted Torbay Local Plan and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery', adopted in May 2008) and the more recent update the 'Planning contributions and affordable housing supplementary document', update 3: Economic recovery measures (adopted in April 2011).

03. The two storey unit on the northern end is shown with an internal floor area of 54.5 sq. m. This is below the minimum standards suggested for 2-bed residential properties by the English Partnerships (now part of the Homes and Community Agency) in their document 'Quality Standards: Delivering quality places', revised edition published in November 2007. They recommend a minimum internal floor area of 66 sq. m. for a two bedroom/3 person home and 77 sq. m. for a two bedroom/4 person home. Either way the proposal constitutes an overdevelopment of a restricted site, which would result in a cramped form of development and a poor living environment for occupiers of the proposed new dwellings, amounting to town cramming, because one of the units is considered too small for occupation as stated. . Overdevelopment is also indicated by the lack of outdoor amenity space being provided and the inappropriate location of the bin storage facility for two of the three units.

04. The proposal does not make suitable provision within the curtilage of each unit for the storage and use of waste disposal and recycling facilities (wheelie-bins), and as such the proposal is contrary to policy W7 of the Saved Adopted Torbay Local Plan, which specifically states that adequate and appropriate provision should be made.

Relevant Policies

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Application Number

P/2011/0991/PA

Site Address

27 - 29 Walnut Road
Torquay
Devon
TQ2 6HP

Case Officer

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults

Executive Summary/Key Outcomes

The application seeks permission to change the use of 27 & 29 Walnut Road to create a single planning unit which provides warden controlled sheltered housing for people with learning difficulties and mental health support needs. At present both units offer a similar facility but act under differing planning applications, the unity of the two, under one permission, will allow equal services to be provided and will provide the Local Planning Authority with a singular permission to monitor and control.

The proposal is considered to comply with the key requirements of policy CF15 (Accommodation for people in need of care) of the saved adopted Torbay Local Plan 1995-2011 as it is within easy walking distance of local shops, the local community and public transport. There is no over concentration of similar facilities in the immediate area and the availability of a warden ensures that there is appropriate care for the occupiers of the units.

The application is therefore deemed to be acceptable for conditional planning approval subject to the completion of a section 106 legal agreement.

Recommendation

Conditional Approval

Site Details

The site, 27 & 29 Walnut Road, Torquay, relates to a pair of semi -detached buildings at the junction of Walnut Road and Old Mill Road.

Detailed Proposals

The application seeks permission to change the use of numbers 27 & 29 Walnut Road to form one single unit to provide an administrative office with warden

controlled sheltered housing for people with learning difficulties and mental health support needs.

This, in essence, would result in unifying the two facilities currently in use at 27 & 29 Walnut Road which presently provide a similar facility under separate permissions.

The application would therefore also seek to vary condition 2 of a previous planning application (P/2005/1383/PA) which relates to 27 Walnut Road. This condition is as follows..,

“The occupation of the property shall be limited solely to persons referred by (Torbay Council Adult Social Services) as being a person with a learning disability in need of support in the community or a person employed as a warden/supervisor for such persons who occupy the property, unless otherwise agreed in writing with the Local Planning Authority.”

This would therefore allow both units to house referred individuals with learning difficulties and mental health support, a service which is currently provided at number 29 Walnut Road.

Summary Of Consultation Responses

None.

Summary Of Representations

None received at the point of writing this report.

Relevant Planning History

- | | |
|----------------|---|
| P/2005/1383/PA | Conversion of Dwelling Into 6 Self-Contained Flatlets (Sheltered Housing For Persons With Learning Difficulties) With Warden Based At No 29. Approved by committee 26.09.2005 |
| P/2003/1115/PA | Conversion of dwelling into 6 self-contained flatlets (Sheltered Housing for persons with learning difficulties) with warden based in number 29 Walnut Road. Refused 25/7/05. |
| P/2002/0978/PA | 29 Walnut Road. 5 flatlets (sheltered housing for persons with learning difficulties and warden's accommodation). Approved 14/8/2002. |

Key Issues/Material Considerations

The key planning issues this application is required to comply with relate to policy

CF15 (Accommodation for people in need of care) of the saved adopted Torbay Local Plan 1995-2011.

Policy CF 15 requires an application to meet certain criteria, the most relevant of which are listed below:

- Premises are well related to the local residential community, accessible to public transport and within walking distance of local shops and other everyday facilities;
- There is adequate amenity space within schemes, having due regard to the character of the surrounding area, together with appropriate landscaping to ensure attractive surroundings for residents;
- There is appropriate provision for service vehicles and car parking in accordance with Local Authority standards;
- The development or change of use would not lead to an over-concentration of uses within the area and would not be to the detriment of the character or amenities of the neighbourhood;
- Appropriate accommodation is provided for staff whether on site or with direct communication with residents, to ensure that there is proper care for occupants.

The application site is within easy walking distance of local shops, the local community and public transport. There is no over concentration of similar facilities in the immediate area and the availability of a warden ensures that there is appropriate care for the occupiers of the units. The proposal is therefore considered to comply with this policy.

The amalgamation of the two units to one will provide a more controlled planning unit and one which provides equal facilities for people of similar needs, at present this is not the case.

The removal of the condition would allow number 27 to facilitate similar submissions as currently available to the adjoining property number 29. This would allow the property to be used more efficiently and allow SILS to provide an improved service.

The Organisation that owns the properties has installed a CCTV system in both number 27 and 29 to enable a warden to monitor the comings and goings in both parts of the building. It is however considered that a condition to maintain the CCTV and to ensure that it covers both properties should be added to approval.

The Supporting People team consider SILS to be a well managed provider and there have been few issues in the area since the service began.

At present a section 106 legal agreement is in place to ensure that:

- A person employed as a warden/supervisor for the facility shall be on duty at 27 & 29 Wall Nut Road at all times
- The occupancy of 29 Walnut Road shall be limited to persons referred by Torbay Adult Services as someone with a learning difficulty in need of support in the community or a person employed as a warden/supervisor for such occupants of the property
- The applicant shall not sell, lease or otherwise dispose of either 27 or 29 Walnut Road separately from the other and shall maintain ownership and management of the two properties as one facility at all times.

As part of the application a revised/new section 106 legal agreement will be required to ensure that:

- A person employed as a warden/supervisor for the facility shall be accessible to 27 & 29 Wall Nut Road at all times
- The occupancy of 29 Walnut Road shall be limited to persons referred by Torbay Adult Services as someone with a learning difficulty and/or mental health support needs
- The applicant shall not sell, lease or otherwise dispose of either 27 or 29 Walnut Road separately from the other and shall maintain ownership and management of the two properties as one facility at all times.

This will unify the properties and the permission to allow equality in terms of the service provided and in terms of the occupants which can be referred in both.

Principle and Planning Policy -

CF15 Accommodation for people in need of care

CF2 Crime Prevention

Closing the gap -

The proposed development provides a much needed facility for the community, improving social mobility, reducing dependency and working towards reducing anti-social behaviour.

Conclusions

The proposed change of use application is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations and subject to the provision of a section 106 legal agreement.

Condition(s)/Reason(s)

01. A CCTV system that monitors activities in public areas both inside and immediately outside both numbers 27 and 29 Walnut Road shall be installed (including facilities for recording) and permanently maintained at the property.

Reason: to ensure security for residents with special needs and prevent behaviour which may have a disruptive effect on the surrounding area in accordance with Policy CF2 of the Torbay Local Plan 1995-2011

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

CF15 Accommodation for people in need of care
CF2 Crime Prevention

Relevant Policies

CF2 Crime prevention
CF15 Accommodation for people in need of care

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