



Thursday, 29 March 2012

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Tuesday, 10 April 2012**

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

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

**Anne Mulholland, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)



# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

2. **Minutes**

To confirm as a correct record the Minutes of this Committee held on 12 March 2012.

(Pages 1 - 5)

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 Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

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

5. **P/2012/0181/PA - Brampton Guesthouse, 11 Beach Road, Paignton**

Change of use from trading bed and breakfast into 3 self contained flats.

(Pages 6 - 12)

6. **P/2011/1351/PA - Barton County Junior & Infant School, Barton Hill Road, Torquay** (Pages 13 - 15)  
Formation of extension to provide new main reception facilities, replacement windows, provision of accessible parking spaces, realignment of paths, removal of pedestrian entrance gate and engineering works to improve grass play areas.
7. **P/2012/0017/PA - 1 Birds Haven, Avenue Road, Torquay** (Pages 16 - 22)  
Formation of 1 dwelling on land adjacent to 1 Birdshaven.
8. **P/2012/0099/PA - 48 Torwood Street, Torquay** (Pages 23 - 27)  
Change of use of ground floor and basement from class A1 to class A3.
9. **P/2012/0191/HA - 2 York Crescent, Torquay** (Pages 28 - 31)  
Alterations and formation of ground and first floor extension; retrospective fence.
10. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or e-mail [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.



## Minutes of the Development Management Committee

12 March 2012

**-: Present :-**

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Barnby, Hill, Kingscote, Pentney, Hytche and Pountney

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### **559. Apologies for absence**

It was reported that, in accordance with the wishes of the Liberal Democrat Group and the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Pountney instead of Councillor Baldrey and including Councillor Hytche instead of Councillor Brooksbank.

### **560. Minutes**

Subject to 'and on the grounds of the lack of Section 106 Agreement' being added to the reasons for refusal for application number P/2011/1315 Elsinore Villa, Torquay, the Minutes of the meeting of the Development Management Committee held on 13 February 2012 were confirmed as a correct record and signed by the Chairman.

### **561. P/2011/1056/MPA - 13-39 Langridge Road, Paignton**

The Committee considered an application in respect of the re-advertisement of this revised scheme. Demolition of 28 dwellings and their ancillary buildings and formation of 38 dwellings (previously 43) together with associated parking and amenity areas.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Ivan Tomlin spoke in support of the application.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement with clauses to ensure that should the scheme not come forward as a 100% affordable scheme that it should deliver the policy requirement of 30% affordable housing and the suite of sustainable development contributions in respect of transport,

greenspace, education, lifelong learning and waste in terms acceptable to the Executive Head of Spatial Planning within six months of the date of this committee or the application be reconsidered by members;

- (ii) the imposition of conditions set out in the submitted report;
- (iii) further negotiation in relation to frontages, roof tiles and side entrances; and
- (iv) details being provided of finished floor levels.

**562. P/2011/1276/PA - Short Preston, Brixham Road, Paignton**

The Committee considered an application for the construction of a bungalow with vehicle access (This is a Departure from the Local Plan).

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of waste management, sustainable transport, education, lifelong learning, greenspace and recreation within three months of the date of this Committee or the application be reconsidered by members; and
- (ii) the imposition of the conditions and informative set out in the submitted report.

**563. P/2011/1358/PA - Ash House, Blythe Way, Paignton**

The Committee considered an application in respect of the stationing of 20 storage containers for storage use.

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

Resolved:

Approved subject to:

- (i) the imposition of the conditions set out in the submitted report;
- (ii) the implementation of operational hours from 7.00 a.m. to 7.00 p.m.
- (iii) no access being allowed on Sundays or Bank Holidays;
- (iv) suitable landscape screening to be provided to protect the views, privacy and general amenity of the residential properties on Grampian Close.

**564. P/2012/0110/VC - Unit 10, Vista Apartments, 17 Alta Vista Road, Paignton**

The Committee considered an application for the removal of condition 1 to application P/2003/1605 to allow residential and/or holiday use.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of sustainable transport, lifelong learning and greenspace within three months of the date of this Committee or the application be reconsidered by members; and
- (ii) the informative as set out in the submitted report.

**565. P/2012/0121/MPA - 2, 4, 6, 8, 10, 12, 14, 16 Southview Road, Paignton**

The Committee considered an application in respect of the demolition of 8 dwellings and their ancillary buildings and formation of 12 dwellings together with associated parking and vehicular/pedestrian access and amenity areas.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting, Stewart Kirkup addressed the Committee against the application and Ivan Tomlin addressed the committee in support of the application.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 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 in line with adopted policy and in terms acceptable to the Executive Head of Spatial Planning. The Section 106 Agreement to be signed within six months of the date of this Committee or the application be reconsidered by members;
- (ii) conditions to be delegated to the Executive Head of Spatial Planning;
- (ii) details of the finished floor levels to be submitted; and
- (iii) further negotiations regarding frontages and roof tiles

**566. P/2011/0991/PA - 27 - 29 Walnut Road, Torquay**

The Committee agreed to withdraw this application.

**567. P/2011/1158/MPA - Dainton Self Store Ltd, Torre Station Yard, Newton Road, Torquay**

The Committee agreed to withdraw this application.

**568. P/2011/1352/PA - 10 Thatcher Avenue, Torquay**

The Committee considered an application for the formation of a dwelling with 5 bedrooms with vehicular access on the site of a previously approved dwelling.

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

Resolved:

Approved subject to:

- (i) the imposition of the conditions set out in the submitted report; and
- (ii) the delegation of authority to the Executive Head of Spatial Planning in relation to conditions stipulated in the Arboricultural Report.

**569. P/2011/1383/PA - Vospers, 108 Newton Road, Torquay**

The Committee considered an application in respect of alterations and formation of extension of existing car showroom; construction of new car service workshop including parts storage and staff facilities.

Prior to the meeting, a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the imposition of the conditions set out in the submitted report;
- (ii) the fire escape to be used for emergency purposes only;
- (iii) the workshops, service bays and valeting bays to be set out in accordance with the approved plans;
- (iv) the conditions as stipulated by the Arboricultural Officer are implemented;
- (v) condition 4 being re-written by the Planning Officer and made more definitive

**570. P/2012/0053/HA - 46 Tamar Avenue, Torquay**

The Committee considered an application in respect of the excavation of front garden to form off street parking for 2 vehicles with vehicular access.

Resolved:

Approved subject to informative.

**571. P/2012/0078/MPA - Westhill Garage, Chatto Road, Torquay**

The Committee considered an application to extend time limit – residential development comprising 8 houses, 3 flats, 2 bungalows and 2 maisonettes (15 units in total) with vehicular/pedestrian access - application P/2009/0422.

Prior to the meeting, a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of waste management, stronger communities, lifelong learning, greenspace, loss of employment and sustainable transport in terms acceptable to the Executive Head of Spatial Planning within six months of the date of this Committee or the application be reconsidered by members;
- (ii) the imposition of the conditions as set out in the submitted report;
- (iii) details of cycle bays and bin stores being provided on site; and
- (iv) details of the management of construction in respect of access being provided.

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Chairman



**Application Number**

P/2012/0181

**Site Address**

Brampton Guesthouse  
11 Beach Road  
Paignton  
Devon  
TQ4 6AY

**Case Officer**

Mr John Burton

**Ward**

Roundham With Hyde

**Description**

Change of use from trading bed and breakfast into 3 self contained flats

**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 proposed is to a residential use for a scheme that will provide three flats within the main building.

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

Despite the fact that the site is within a primary tourism designation area, the proposal, which is for three residential units in place of the 9-bed guesthouse, is considered acceptable. This judgment has been formed on the basis that, following the criteria in policy TU6;

a) the tourism offer of the existing hotel 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 are numerous guesthouses and larger hotels, would not be detrimental to the holiday character

and

d) the residential occupancy of three flats would not harm the holiday character or atmosphere of the area

### **Recommendation**

Subject to there being no adverse representations received during the consultation period; and subject to revised plans showing the upper floors having access to the rear for waste disposal purposes; and subject to the views of the Environment Agency regarding the potential for flooding at the ground floor; and subject to the payment of planning obligations in line with adopted policy, via an upfront payment or a formal S106 Legal Agreement within 6 months of the date of this committee; conditional approval.

### **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 to three residential flats. The flats are provided within the main building, with flat 1 (ground floor and part first floor) being 97m sq; flat 2 (first floor) being 47m sq; and flat 3 (second floor) being 46m sq. All units are to be accessed via the established front entrance with communal lobby areas. The upper floor flats do not appear to have access to the rear of the building and so it is not certain how they would dispose of their waste.

### **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 three residential units in this central location without parking is considered acceptable.

### **Summary Of Representations**

No representations received as yet although the consultation period does not expire until 9th April.

### **Relevant Planning History**

P/2011/0910 No. 9 Beach Road (next door but 1), 3 flats and 1 maisonette (giving 4 residential units in total), approved 3/01/2012 following consideration by Members at their meeting in November 2011.

### **Key Issues/Material Considerations**

#### **Principle and Planning Policy -**

The last authorised planning use for this property was as a hotel. Having 9 letting rooms, this would have made it small/medium sized serviced accommodation. The property is situated within a Principle Holiday Accommodation Area, as defined by policy TU6.10 of the Saved Adopted Torbay Local Plan.

As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. However, recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. In 2010 the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although it would not carry as much weight as the Saved Adopted Torbay Local Plan.

Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

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 bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);

c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable 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.

Of the 4 considerations in policy TU6, (a) does not apply as the property does not meet the standards required by the modern day tourist and holiday maker. There would be limited room for improvement as such a high proportion of the site is already covered with buildings. It is considered that (b) does not apply, because the hotel has only 9 bedrooms and this is considered to be a restrictive number. Some of these were very small and would be incapable of being improved without a significant loss in overall numbers of bedrooms. Given the state of the building and its size, it is felt that (c) would not apply as the loss of the hotel would not be to the detriment of the holiday character and atmosphere of the PHAA. It is considered that (d) would apply because there are other residential properties in the area and the proposed use would be compatible with these.

Following recent similar proposals elsewhere in the Bay, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and subsequently presented to Full Council on July 13th 2011. The recommendation was that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending review as part of the emerging Local Development Framework core strategy and that the Council should rely upon policy TU6 of the Saved Adopted Local Plan for the determination of applications in PHAA's. However, this motion was defeated, confirming that the Revised Guidance was still in force. The revised guidance on PHAA's (March 2010) placed this part of the PHAA in a green zone where residential use would be likely to be allowed.

Since that time, determination has been made of several appeals where it was proposed to convert holiday accommodation to residential use, following the Council's resolution to refuse planning permission. These appeals have all been allowed effectively overturning the Council's objection. In reaching the various decisions, the Inspectors concluded that the Revised Guidance on PHAA's should be given considerable weight in determining the appeals. He also concluded that allowing the appeals "would be very unlikely to have any perceptible impact upon the holiday atmosphere of the wider PHAA or the

locality, and that there was nothing to demonstrate that it would harm the character or function of the PHAA". It is considered that this phrase is applicable to this property. These appeal decisions have significant weight when determining the current and future applications for the loss of holiday accommodation.

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.

#### **Density/unit size -**

The minimum standards suggested 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, suggests a minimum internal floor area of 51 sq. m. for a one bedroom/2 person flat. It should however be noted that Torbay has an over-supply of one-bed flats and therefore what is required in the Torbay housing market is two-bed flats, for which the suggested internal floor area starts at 66 sq. m. This is reflected in the guidance given in the Adopted Supplementary Planning Document: LDD6 ('Planning contributions and affordable housing: priorities and delivery') which was adopted in April 2008 and forms part of the Torbay Local Development Framework (2005 - 2026). To back this up, para. 4.5 of the adopted guidance on P.H.A.A.'s (March 2010) states quite clearly that no residential flat converted from a holiday use should have an internal floor area of less than 66 sq. m. On these grounds alone, the proposal for the two upper flats would appear to be substandard. The middle flat could be improved by utilising the space at the rear which has been designated as a second bedroom to the ground floor flat. However, this would still leave the upper flat small to the standards quoted. Nevertheless, Members should bear in mind the fact that a property two doors down (at no. 9) was approved at their November 2011 meeting for conversion into 4 residential units, 3 of which were also around the 45 sq. m. mark in size. No objection was raised on this issue at that time, and it would rather seem to have set a precedent. Nevertheless, that conversion did allow for access to the rear courtyard for each of the residential properties to allow for external bin storage. It is considered that this should be sought in this instance too.

#### **Visual enhancement -**

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. 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.

#### **Neighbour amenity issues -**

The change from a nine bed guesthouse to three 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.

#### **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 should require addressing. However the views of the Environment Agency are still awaited and will be reported to Members.

#### **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 -**

This proposal is liable for a planning obligation under S106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the current update form part of the Torbay Local Development Framework. The document splits contributions up into 5 categories according to size. It is considered that contributions would be due for the following items - municipal waste and recycling, sustainable transportation, lifelong learning, and green space/recreation. The amount that is currently charged for each new dwelling unit is now based on floorspace to be created. However it is reasonable to mitigate the transportation costs and greenspace/recreation costs to take account of the fact that the previous use as an hotel would have utilised these

services to some degree. The figure charged should reflect the net additional impact as stated in the S.P.D. and so these two amounts are reduced :-

Category 2 (45 - 54 Sq. M.)		
Municipal waste and recycling		£ 50
Sustainable transportation	£1260 x 50% =	£630
Education (zero as 1 bed flats)		£ 0
Lifelong learning		£160
Green space and recreation	£ 550 x 50% =	£275
<b>TOTAL</b>	<b>£1115 x 2 units =</b>	<b>£2230</b>

Category 4 (95 - 119 Sq. M.)		
Municipal waste and recycling		£ 50
Sustainable transportation	£2710 x 50% =	£1355
Education		£1240
Lifelong learning		£ 410
Green space and recreation	£2370 x 50% =	£1185
<b>TOTAL</b>	<b>£2370 x 4 units =</b>	<b>£4240</b>

This gives a total contribution due of (£2230 + £4240) = £6470.

It follows that if Members wished to alter the internal layout of the flats in any way as referenced above, then this might alter the amount of the contribution. It might also be found that sustainable transport contributions are not sought as the proposed use constitutes a reduced impact upon the transport infrastructure).

### **Conclusions**

The proposal is considered to be a suitable change of use for a small guesthouse within this location. All matters considered the scheme is deemed inline with policy guidance if accompanied by the appropriate level of planning obligations.

### **Relevant Policies**

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# Agenda Item 6

## Application Number

P/2011/1351

## Site Address

Barton County Junior & Infant School  
Barton Hill Road  
Torquay  
Devon  
TQ2 8JA

## Case Officer

Mr Alexis Moran

## Ward

Shiphay With The Willows

## Description

Formation of extension to provide new main reception facilities, replacement windows, provision of accessible parking spaces, realignment of paths, removal of pedestrian entrance gate and engineering works to improve grass play areas

## Executive Summary/Key Outcomes

The application seeks permission for improvements to existing green play space and the accessibility of the site through alterations to levels to provide lower gradients. An extension to form additional office space is proposed to the front of the property. This will act to improve orientation throughout the site as it would act as a focus for visitors and parents whilst also providing additional surveillance to the school.

## Recommendation

Approval.

## Site Details

The site contains a large Infant and Primary school campus with an extensive frontage to Barton Hill Road. To the rear is a play area, an access and car park. One side of the site is bordered by dwellings the other with a church and associated building

## Detailed Proposals

The application seeks permission for the addition of an extension to the front of the School, a small addition to the NE facing side elevation, additional accessible parking spaces, replacement windows the realignment of pathways and some engineering works to provide more accessibility. Some of the works including the alterations to the pathways and the vast majority of the replacement windows (i.e. those which are 5 metres or more from the boundary) are permitted development and therefore do not require planning permission.

The proposed extension to the front of the building to provide improved office space has been designed in contrast to the main building to act as a focal point for visitors and which also acts as a distinct marker between new and old rather



than attempting to copy the original building. This building will be framed with a render finished with the majority of the elevation being glazed. A small extension on the side is proposed to provide new toilets to the nursery.

The front play area is to be made more usable through reducing the existing slope through cut and fill and made more elliptical in shape. The rear play area is to be made more accessible and more usable, this is not of a regulation size so as to play official games on but acts as an additional facility.

### **Summary Of Consultation Responses**

*Highways Officer:* No objection

*Arboricultural Officer:* Awaiting comments

### **Summary Of Representations**

A total of 3 letters have been received commenting on this application 2 of which object to the proposals. The main planning issues brought up relate to highways safety and the removal of trees.

These are re-produced at Page T.201.

### **Relevant Planning History**

None.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application are whether the alterations safeguard the existing playing fields within the school site and that the proposals can be accommodated without undue detriment to surrounding residential areas.

The playing field to the rear of the school has been altered to be more accessible and usable, although this is not suitable for official school games due to its size; it is a useful play area none the less. Similarly improvements are also proposed to the grass play area to the front of the school to make it more level and therefore creating an enhanced play space.

The proposed works, specifically those requiring excavation and those relating to car parking are deemed to be sufficiently accommodated without causing undue detriment to neighbouring residential properties.

The extensions to the front and side of the school are, by reason of their size and design, deemed to be acceptable for planning approval. The extension to the front of the school has been designed in contrast with the original school building so as to appear as a focal point to visitors and parents and is considered to be an acceptable form of development. The use of aluminium replacement windows is

considered to be acceptable where required.

**Accessibility -**

The development proposes improved accessibility for vehicles and pedestrians.

**Conclusions**

The proposed developments are considered to be acceptable having regard to applicable national and local planning policies and having taken all relevant material considerations into account. It is therefore considered that planning permission should be granted.

**Condition(s)/Reason(s)**

01. Within two months of the completion of works to the parking area and pathways, the verge and hedge, which are to be altered during construction to provide temporary pedestrian access, shall be reinstated and remain at all times thereafter.

Reason: In the interests of the amenities of the area and in accordance with policies BES, BE1 & CF10 of the saved adopted 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:

BES, BE1, CF10, T25 & T26

**Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- T25 Car parking in new development
- T26 Access from development on to the highway
- CF10 New schools and improved school facilities

**Application Number**

P/2012/0017

**Site Address**

1 Birds Haven  
Avenue Road  
Torquay  
Devon  
TQ2 5LS

**Case Officer**

Mr Alexis Moran

**Ward**

Cockington With Chelston

**Description**

Formation of 1 dwelling on land adjacent to 1 Birds Haven.

**Executive Summary/Key Outcomes**

The application seeks permission for the addition of a single storey dwelling adjacent to 1 Birds Haven. The site is within the Urban Landscape Protection Area (ULPA) and within an area designated as a wildlife corridor there are also a number of protected trees in the area.

The Arboricultural Officer is happy that the proposal will not have a significant impact on the trees and therefore on the ULPA. The proposal largely overcomes the reasons for refusal and the Inspectors issues with the previously refused application for a property on the site (P/2001/0246).

Due to the size and siting of the proposed dwelling, which is single storey and with a sedum roof, it is not considered that it would be highly visible from the wider area or have a significant impact on the privacy and amenity of neighbouring properties.

Bearing these points in mind, it is considered that the proposal is acceptable for the granting of a conditional approval.

**Recommendation**

Approval.

**Site Details**

The site is adjacent to 1 Birds Haven which forms part of a group of 12 flats which are set out as a courtyard within the grounds of Rowcroft Hospice. This is located off a private road accessed from Avenue Road. The site is within the Urban Landscape Protection Area (ULPA) and a Wildlife Corridor.

**Detailed Proposals**

The application seeks permission for the addition of a single dwelling within a site adjacent to 1 Birds Haven.

The proposed dwelling is to be single storey with the majority of the building being timber clad with a sedum roof. The tower aspect of the proposal is to be stone based with timber cladding and a zinc roof.

The site is to be accessed off of the existing private driveway rather than the car park so as to not increase the number of vehicle movements to and from the car park.

### **Summary Of Consultation Responses**

*Arboricultural Officer:* Appraisal - The application seeks to gain permission for the construction of a single dwelling sited within the area of open ground formerly known as the paddock to the south of No's 1 to 4 Birds Haven.

The following constraints apply to the site.

- Tree preservation Order 1963.01 A4 Rainbow Estate
- Urban Landscape Protection Area
- Wildlife corridor

To support the application, a detailed tree survey, Arboricultural Impact Assessment, Outline Method Statement and Tree Protection Plan have been prepared. The report seeks to address in the main comments made by the appeal inspector in 2002 when a similar application was dismissed. The main reasons for the dismissal was the potential for request to fell trees due to psychological pressure that may be felt by new occupants with a resultant degradation to the ULPA that would ensue. Torbay Council agreed with the appeals reasons but with an additional reason that the layout proposed would create an incompatible relationship between the trees and any new owners.

Tree work application AT/2008/0115 granted consent for the removal of 8 trees with replanting conditions attached. During the site visit, it was noted that no trees have been planted to satisfy this condition. If planted, the replacement trees would have offered a further level of constraint upon the design layout, which has not been included within the work to date.

Detailed study of the arboricultural work submitted, in conjunction with the design of the building largely answers the reasons of the appeals inspector to an extent that it is considered that scope now exists for the construction of a suitable single dwelling to this site.

Potential will exist during any future occupation for repeated inappropriate requests to fell trees. Ordinarily this would lend weight towards a recommendation to refuse on Arboricultural merit. However in this instance the quality of the tree stock left combined with the present detailed tree inspection which reinforces this would allow any tree work application under the TPO to be

refused, with a strong likelihood that any appeal against a decision for refusal made by the LA would be dismissed.

With regard to the need to satisfy the replanting condition, the applicant will need to consider the effects that further tree planting will have upon the dwelling by way of study of light levels or the increased use of light tunnels or their like.

*Recommendation*

That the scheme be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:

1. That the arboricultural report in its entirety be conditioned for use throughout the development if approved with particular attention being drawn for the need for arboricultural supervision as per its recommendation.
2. Detailed landscaping plan to be submitted and approved that integrates the non planted trees ref. AT/2008/0115.

*Informative*

1. This site allows space for the construction of one dwelling only, with any deviation from this likely to have a negative effect upon the ULPA and the TPO with a recommendation of refusal on arboricultural merit highly likely to follow.
2. The detailed landscaping plan can contain within its tree planting schedule a deviation from the original conditions set within AT/2008/0115 which were made by the LA in absence of any input from the applicant at decision stage. However the intention of the condition was to commence succession tree planting of landscape scale trees to the mainly single aged trees stock present on site, which should inform the size and species selection.

*Highways Officer:* Highways have no objections to this application, however it should be noted that the public highway doesn't start until the junction with Avenue Road.

*Strategic Transportation:* Request that the SPD is applied to provide a contribution towards improvement of the walking and cycling routes surrounding the site which need to be improved to facilitate good, safe sustainable access to this site from the town centre and harbour. The site is close to proposed local and national cycle routes linking the outskirts of the town via the hospital and Torre to the town centre and beach front.

Council Policy states the need to discourage car trips and promote alternatives for local trips, and public transport is already well catered for.

One cycle parking space per dwelling should be available. If within a garage, the

bike should be accessible even with a car inside. If a new separate store such as a shed is proposed, it should have a secure lock and not be connected to a bin / refuse area.

### **Summary Of Representations**

A total of 8 representations were received in relation to the application 3 supported the application, 3 made comments on the scheme and there were 2 objections the scheme.

The letters of support noted that the scheme was likely to enhance the character and appearance of the area.

The letters of objection raised issues with the potential increase in traffic and the impact on the trees in the area.

All of the letters have been re-produced at Page T.200.

### **Relevant Planning History**

P/2001/0246	Erection Of Single Dwelling Unit - Birds Haven. Refused and subsequent appeal rejected 21.02.2001
P/2000/0924	Erection Of Single Dwelling Unit - Land Adj. 1-4 Birds Haven Land Adj. Refused 22.06.2000

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application, are the impact it would have on the character and appearance of the ULPA and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The main consideration in relation to this application is the impact it would have on the character and appearance of the ULPA. In the application which was refused at appeal (P/2001/0246) the Inspectors main issue with the proposal was the impact it would have on the protected trees and the associated effect on the ULPA. The Arboricultural Officer has confirmed that the submitted scheme is acceptable and the proposed Arboricultural Impact Assessment, Outline Method Statement and Tree Protection Plan overcome the Inspectors previous reasons for refusal. This along with the proposed size, siting and suitable design of the proposal are considered to contribute to the scheme not having a significant impact on the ULPA.

It is considered that the proposal due to its size, siting and orientation would not have a significant impact on the privacy and amenity currently enjoyed by the occupiers of neighbouring properties.

Having consideration for the above points it is considered that the proposal is acceptable for conditional planning approval.

**Environmental Enhancement -**

The Arboricultural Officer has confirmed that the proposal has confirmed that the proposed works are considered to be acceptable with the addition of conditions.

**Accessibility -**

Highways have not raised an objection to the application and in any case the site is accessed via a private road.

**S106/CIL -**

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of a residential unit of between 95-119sq metres or more of gross internal floor area:

Contribution for dwelling:

Waste Management	£ 50.00
Sustainable Transport	£2,710.00
Lifelong Learning	£ 410.00
Greenspace and Recreation	£2,370.00

**TOTAL - FOR DEVELOPMENT                    £5,540.00**

**Conclusions**

The proposed dwelling is considered to be appropriate for conditional planning approval, having regard to all national and local planning policies and all other relevant material considerations

**Condition(s)/Reason(s)**

01. Prior to the commencement of any development a detailed landscaping plan shall be submitted to and approved by the Local Planning Authority, this should integrate the non planted trees with reference to the previous application AT/2008/0115.

Reason: In the interests of the amenities of the area and in accordance with policies L5 of the saved adopted Torbay Local Plan 1995-2011.

02. The recommendations within the tree report, hereby approved (received 10/01/2012) ref 03250 AIA 7.9.10, shall be implemented in full, particularly the

need for arboricultural supervision, and all new planting shall be carried out in the first planting and seeding season following the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with policy I5 of the saved adopted Torbay Local Plan 1995-2011.

03. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.

Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

04. Prior to the occupation of the dwelling hereby approved, suitable bin and cycle storage facilities shall be provided.

Reason: In the interests of the amenity of the area and in order to comply with policies BES & BE1 of the saved adopted 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:

BES, BE1, L5, T25, CF6 & CF7

02. This site allows space for the construction of one dwelling only, with any deviation from this likely to have a negative effect upon the ULPA and the TPO with a recommendation of refusal on arboricultural merit highly likely to follow.

03. The detailed landscaping plan can contain within its tree planting schedule a deviation from the original conditions set within AT/2008/0115 which were made by the LA in absence of any input from the applicant at decision stage. However the intention of the condition was to commence succession tree planting of landscape scale trees to the mainly single aged trees stock present on site, which should inform the size and species selection.



04. Condition one attached is prior to commencement going to the heart of the permission; therefore details must be submitted to and approved prior to the commencement of any works on site.

**Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- L5 Urban Landscape Protection Area
- T25 Car parking in new development
- CF6 Community infrastructure contributions
- CF7 Educational contributions

# Agenda Item 8

**Application Number**

P/2012/0099

**Site Address**

48 Torwood Street  
Torquay  
Devon  
TQ1 1DT

**Case Officer**

Mr Adam Luscombe

**Ward**

Wellswood

**Description**

Change of use of ground floor and basement from class A1 to class A3.

**Executive Summary / Key Outcomes**

The application seeks consent to change the use of the premises from A1 (Retail/Shop) to A3 (Restaurant/Café).

The key issues are considered to concern the vitality and viability of the Town Centre and Harbourside area as well as the impacts such a use would have on the residential amenity of nearby occupants.

With conditions, as set out within the report, the proposed change of use is considered to be acceptable on planning merit.

**Recommendation**

Conditional Approval

**Site Details**

The site contains an existing retail unit that is currently vacant situated just up from the junction of Torwood Street, The Terrace and Parkhill Road. The site lies within the Town Centre boundary and is designated in the Saved Adopted Torbay Local Plan 1995-2011 as secondary shopping frontage.

**Detailed Proposals**

It is proposed to change the use of the unit from A1 to A3. No external changes are indicated at this time.

It is noted that an open A3 use allows for operation as Restaurants & Cafes as well as allowing permitted changes to Financial and Professional Services and Shops.

**Summary Of Consultation Responses**

No Comments

**Summary Of Representations**

Six letters of representation have been received. The issues raised include:

- Noise
- Smell
- Residential Amenity
- Access
- Waste Storage
- Impact on existing trade
- Fire Hazard

These letters are re-produced at Page T202.

### **Relevant Planning History**

P/1980/3104: Use Ground floor as Retail Shop Class 1. Permitted  
15.12.1980

### **Key Issues / Material Considerations**

The key issues of this proposal relate to the impact on the town centre and this particular area in commercial terms and also with regards to any subsequent impact this may have on the residential accommodation in and around the building.

Given the Town Centre location there are not considered to be any parking or transport related issues.

The frontage is indicated as secondary shopping and as such other uses away from retail are considered acceptable under policy. The inclusion of other uses in the secondary shopping frontages allows for a diverse range of uses that can support the primary retail function of the area, in this case the lower town centre.

In this case, whilst it could support an additional restaurant or café in the area, the proposed planning use class jointly with the permitted development allowances would allow a variety of uses – all of which could be seen to support the primary function.

The vitality of the Town Centre is supported through the wide ranging uses and the loss of this individual, currently vacant, retail unit is not considered to have a significant bearing on the commercial viability of the wider area.

In relation to residential amenity and the impact of ventilation from and access to the premises there are valid considerations. However, the proposed use is not considered to result in any detrimental outcomes where these issues are clarified and consented to.

In this case, it would be able to require, by way of condition, that external changes where made to the shopfront and entrance to ensure the residents have

separate, safe and undisturbed, access to their property. Furthermore, in respect of noise and odour from ventilation systems these external changes would require a separate application. Consideration is also given to the volume created by guests at the premises and the disturbance this may have on the residents above. Again by way of condition, additional insulation could be required as well as limitations on the hours of operation.

Another concern raised is with the storage and removal of waste created by the premises. It is again considered appropriate to ensure that satisfactory means of waste removal and storage are put in place and therefore a condition has been included to that effect.

#### **Economy -**

The change of use could support additional employment into a commercial unit that currently lies vacant. Use of the premises by customers could also benefit other businesses in the area by attracting a greater and diverse range of customers to the Town Centre.

#### **Vibrant Town Centres -**

Creating additional jobs and bringing a vacant unit, which in itself is under utilising the town centre back into use, will have positive effects on the vitality and viability of the town centre and harbourside areas.

**S106 / CIL** - The application proposal has been assessed against the provisions of the document "Planning contributions and affordable housing, supplementary document update 3, Economic Recovery Measures April 2011". Based on a gross internal floorspace of 315sq metres, the calculation of a Sustainable Transport contribution in the Hotels & Catering category, would be £287.58 x 315 = £90,587.70. In mitigation the existing retail use would be deducted at £101.98 x 315 = £32,123.70. Therefore the total contribution would be £58,464. It is considered that the use of the premises, in terms of numbers of customers, would not be significantly different from the present Class A1 use. Furthermore, it is considered that the level of contribution would not meet the tests of Circular 05/2005 as being fairly and reasonably related in scale and kind to the proposed development. In addition, mitigation is considered appropriate, in recognition of the support for economic prosperity provided for by the above policy. On this basis, it is concluded that no sustainable development contribution should be required.

#### **Conclusions**

The proposed change of use is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for conditional approval.

### **Condition(s)/Reason(s)**

01. Details of a new frontage shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall include clear definition of, and separate entrances for, the residents of the accommodation above and shall be fully implemented prior to the commencement of the use as hereby approved and maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Details of additional noise insulation and separation of the premises and the adjoining residential accommodation shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall then be implemented in full prior to the commencement of the use hereby approved and maintained as such at all times thereafter unless otherwise approved in writing by the Local Planning Authority.

To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Details of waste and recycling storage provision and means of removal shall be submitted to and approved by the Local Planning Authority prior to the commencement of a change of use in accordance with this application. Such details shall be fully implemented and provision made available prior to the commencement of the use hereby approved and maintained as such at all times thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the change of use does not adversely impact the character, appearance or amenities of the surrounding area in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

04. The use hereby approved shall only be operational between the hours of 08:00 and 22:30 Sunday-Thursday and between the hours of 08:00 and 00:00 Friday and Saturday unless otherwise approved in writing by the Local Planning Authority.

To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011.

**Informative(s)**

01. The applicants attention is drawn to the need to provide information to the Local Planning Authority, in accordance with the conditional approval, prior to the commencement of the use hereby approved. Failure to provide such information could invalidate the permission.

**Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- S4 Secondary shopping frontages

**Application Number**

P/2012/0191

**Site Address**

2 York Crescent  
Torquay  
Devon  
TQ1 3SH

**Case Officer**

Mr Adam Luscombe

**Ward**

St Marychurch

**Description**

Alterations and formation of ground and first floor extension; retrospective fence.

**Executive Summary / Key Outcomes**

The application seeks consent for the addition of a 1.5 storey extension on the side of the property and the removal, replacement and enlargement of the conservatory on the rear of the property.

The key issues concern the appearance in relation to the streetscene and character of the area and any affects on the amenity of neighbouring residential occupiers.

In this case the development, whilst recognised to be large in scale, is not deemed to adversely impact on the wider character or the overall appearance of the varied streetscene. Additionally the hipped roof design, the setting of the building away from the boundary and the inclusion of obscure glazing to the side facing windows is considered to minimise the impact on the immediate neighbouring property.

The application is therefore considered acceptable on planning merit.

**Recommendation**

Conditional Approval.

**Site Details**

The application site contains a large detached family house which has previously been extended. There is a footpath connecting York Crescent and Palermo Road adjacent to the East of the site. The site is approximately double the width of many other plots in the street. The adjacent property to this site, no.2, is number 6 York Crescent.

**Detailed Proposals**

It is proposed to replace and enlarge the conservatory on the rear and to construct a 1.5 storey extension to the side. The roof above the side extension will be hipped. The side extension will also extend to the rear by approximately 5

metres, as well as forward by 2 metres. There will be garaging to the ground floor with a living space behind and above will be a study space and en-suite master bedroom. It will also include a terrace on the rear elevation but this will be enclosed under an extension of the roof and built up sides.

A further proposal included in this application is the erection of a fence at the bottom of the garden, adjacent to Palermo Road and the property to the rear. The fence is 1.8 metres, made from a solid panel with trellis above in an arch shape. This part of the proposal is retrospective.

### **Summary Of Consultation Responses**

No Comments.

### **Summary Of Representations**

Five letters of representation have been received. The issues raised include:

- Impact on Character
- Overdevelopment
- Impact on Highway
- Concerns over previous development
- Overbearing
- Loss of Light
- Privacy
- Concerns during building works
- Accuracy of drawings
- Neighbour Amenity

These are re-produced at Page T203.

### **Relevant Planning History**

P/2003/0636	Dwelling And Detached Garage. Refused 28.05.2003
P/2003/0944	Dwelling & Detached Garage (Revised Scheme). Refused 21.07.2003
P/2006/0790	Erection Of Annexe; External Works. Permitted 06.07.2006
P/2006/1947	Erection Of Annexe; External Works (Second Revised Scheme). Permitted 27.02.2007
P/2011/0774	To delete condition No2 pursuant to P/2006/1947 requiring the height of the boundary wall to be reduced to an agreed height and for it to be rendered. Permitted 06.10.2011

### **Key Issues / Material Considerations**

The key issues concern the character and appearance of the streetscene and the residential amenity of neighbouring occupiers.

In considering the impact of the enlarged conservatory there are no concerns raised. The proposal is considered to be Permitted Development in any case.



With this in mind the first material consideration is in respect of the appearance of the building and its affect on the wider character of the streetscene. The existing property is large and its extension would lead to a large scale detached dwelling. However, the plot in which it sits is recognised to be larger than many others in width and therefore it is considered that a larger dwelling could be supported on this site. The proposed development is proposed to be set away from the boundary which will maintain the separation between properties which is somewhat closer, with a tighter relationship, between other properties in the streetscene.

The property, and indeed street, does not fall within either the St Marychurch or Cary Park Conservation Areas – although both surround the vicinity. Therefore, whilst some consideration is given to the wider impacts of the development, it is not recognised to contribute in its current form to the character of the conservation areas. The proposed extension is not considered to result in any additional harm or impact on the wider conservation areas in respect of appearance or character, they would therefore be preserved.

With regards to the amenity of the neighbouring occupiers the design of the extension, whilst being developed towards the neighbouring dwelling will remain a minimum of three metres away from the boundary (increasing to 3.7 metres). The roof eaves is also lowered and although the length is more significant than the existing dwelling it is not considered to be imposing, or cause a loss of light, to a level that would have any adverse impact contrary to planning policies. The enclosure of the terrace space will mean that it is not possible to overlook the neighbouring dwelling.

The addition of the fence could be Permitted Development. In any case the works are not considered to have any adverse impact on either the neighbour sharing that boundary or the wider character and appearance of the site or surrounding areas. The fence is a considered approach to provide privacy to the occupiers of this dwelling where previously the rear was open.

In response to the other particular issue raised in representations, concerning previous development, it is not considered relevant to this proposal as the application should be assessed on its own merits. A question was also raised in this respect about the inclusion of velux windows and accommodation within the roof space. This work would not have required a planning application as it would have been considered Permitted Development.

#### **Accessibility -**

Access to the site will remain unchanged. However, there is a new garage created and the existing driveway is shown with separation due to the change in levels. There is an excess of parking space on site and this will remain the case with the proposed development. Given the narrow street however, this is not

considered to raise any concerns.

**S106 / CIL** - As an extension to an existing dwelling house this application is not subject to a Planning Contribution Calculation.

### **Conclusions**

The proposed development is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for approval.

### **Condition(s)/Reason(s)**

01. The windows indicated as obscure glazing on the side (West) elevation of the extension shall be installed as such prior to the first occupation of the extension and shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority. Furthermore no additional windows, doors or other openings shall be installed in that elevation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the amenity of the neighbouring occupiers is preserved and not adversely affected in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The use of the extension as hereby approved shall be at all times ancillary to that of the main dwelling house and at no time shall it be occupied or sold separately, subdivided, or used as separate holiday or business accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the amenities and character of the area is not adversely impacted upon in accordance with policies BES and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Any new surfacing of the driveway areas shall be of a permeable material or shall drain towards a porous surface within the property and shall not drain into the existing drainage systems or out of the site.

Reason: To ensure that the development is constructed in a sustainable manner in accordance with PPS25 (Development and Flood Risk)

### **Relevant Policies**

H15 House extensions  
BES Built environment strategy  
BE1 Design of new development  
T25 Car parking in new development