

## **Minutes of the Planning Committee**

**9 December 2024**

**-: Present :-**

Councillor Brook (Chairman)

Councillors Billings (Vice-Chair), Bye, Carter, Mandy Darling, Fox, Pentney and Tolchard

(Also in attendance: Councillor Long)

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### **71. Apologies for absence**

It was reported that, in accordance with the wishes of the Conservative Group and the Liberal Democrat Group, the membership of the Committee had been amended to include Councillors Bye and Carter in place of Councillors Strang and Virdee respectively.

### **72. Minutes**

The minutes of the meeting of the Planning Committee held on 11 November 2024 were confirmed as a correct record and signed by the Chairman.

### **73. 26 Cliff Road, Paignton, TQ4 6DH (P/2024/0645)**

The Committee considered an application for the change of use to two flats and one maisonette for use as supported accommodation by the YMCA with replacement doors.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mark Agar addressed the Committee against the application. Si Johns addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Long addressed the Committee in support of the application.

At the meeting the Planning Officer advised, that since the report had been published one additional letter of support and five letters of objection had been received. The letter of support was written by the Applicant and provides commentary on the letters of representation received as part of the consultation period and seeks to highlight some of the benefits as a result of the proposal. The matters raised in the further letters of objection, respond to the comments of the Applicant and policing of the area.

Resolved:

Approved; subject to:

- 1) The conditions as outlined in the committee report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
- 2) Legal agreement/undertaking to secure a Berry Head ecological mitigation payment of £405;
- 3) The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations;

and an additional condition to secure the following:

- 4) That permitted development rights for the erection of boundary treatments (gates, fences, walls etc) be removed.

**74. 44 Fore Street, Torquay, TQ1 4LY (P/2024/0432)**

The Committee considered an application for the extension and reconfiguration of mixed-use residential-commercial building to six apartments. Existing commercial space to be retained.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Alan Griffey addressed the Committee against the application. Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum against the application. Chris Kenney and Ian Handford addressed the Committee in support of the application.

Following discussion of the application the Council's solicitor advised that an issue had arisen just prior to the committee meeting. He reported that it appeared that the Council owned part of the area of land at the rear of the property and that an incorrect ownership certificate had been submitted with the application. He advised that were the committee minded to approve the application this should be subject to the Assistant Director being satisfied that no-one is prejudiced by the submission of an incorrect ownership certificate. He advised that this would involve consultation with the relevant Council departments to consider the implications of the development.

Resolved:

That the application be approved subject to the Assistant Director of Planning, Housing and Climate Emergency being satisfied that no one is prejudiced by the submission of the incorrect ownership certificate.

The decision is subject to the following draft conditions;

## **Pre-commencement conditions**

### **Archaeology**

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Policy SS10 of the Adopted Torbay Local Plan 2012 - 2030 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development

### **Construction Management Plan**

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

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Control measures for dust and other air-borne pollutants.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

### **Construction Traffic Management Plan**

Prior to Commencement of the hereby permitted development, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;

- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-2030.

### **Ecology**

No development shall take place until a full mitigation license application has been made to and approved by Natural England in respect of the proposal to install the bat night roost shown the approved layout drawing no. 12001 revision P5. No works shall commence within no. 44 Fore Street until this bat roost has been provided. Any timber treatment used must be on the approved list provided by Natural England in their Technical Information Note TIN092 - Bat Roosts and Timber Treatment Products. Once provided the bat roost shall be retained in perpetuity.

Reason: In order to provide an alternative night roost for the Lesser Horseshoe Bat currently using no. 44 Fore Street for this purpose in line with the recommendations set out in the approved Bat Ecological Impact Assessment dated September 2024 in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030.

### **Roofing materials**

Prior to the installation of any roof covering a sample of the natural slate roofing material proposed shall be submitted and approved in writing by the Local Planning Authority. The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

### **Joinery**

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

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

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

Reason: In the interest of visual amenity and in accordance with Policies DE1 and SS10 of the Adopted Torbay Local Plan 2012-2030 and Policy Th8 of the Torquay Neighbourhood Plan.

### **Conditions prior to occupation**

#### **Materials**

Prior to the first occupation of the flats hereby approved the extensions to the building, bin store and bat roost hereby approved shall be clad in the materials identified on the approved elevation drawing no. 32000 Revision P7 and shall be retained as such for the life of the development, excepting that all new approved windows and doors shall be timber framed and, once installed, shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1, SS10 and HE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

#### **Obscure glazing**

Prior to the first occupation of the flats hereby approved the bathroom windows to be created on the first floor within Apartments 1.1 and 1.2; on the second floor within Apartments 2.1 and 2.2 and on the third floor within Apartment 3.1 shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

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

#### **Privacy screens**

Prior to the approved balconies for approved Apartments 1.1 or 2.1 being brought into use, 1.7m high obscure glazed privacy screens (to a minimum of Pilkington Level 4 or similar standard) shall be erected on the south east side of each balcony, in accordance with the approved details, and shall thereafter be permanently retained indefinitely.

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

#### **Parking**

The new flats hereby approved shall not be occupied until the parking areas shown on the approved site layout drawing no. 12001 revision P5 have been provided. One of these spaces shall be permanently allocated to third floor Apartment 3.1 and the other space shall be permanently allocated to second floor Apartment 2.2. Once provided these parking spaces shall be retained in perpetuity.

Reason: In the interest of amenity for future occupiers and neighbour amenity in accordance with Policies DE3 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

**Bike store**

The new flats hereby approved shall not be occupied until the bike store shown on the approved internal layout drawing no. 22000 revision P6 has been provided. Once provided the bike store shall be retained in perpetuity.

Reason: In the interest of amenity for future occupiers and neighbour amenity in accordance with Policies DE3 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

**Bin store**

The new flats hereby approved shall not be occupied until the bin store shown on the approved internal layout drawing no. 12001 revision P5 has been provided. Once provided the bin store shall be retained in perpetuity.

Reason: In the interest of amenity for future occupiers and neighbour amenity in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

**Drainage**

The new flats hereby approved shall not be occupied until surface water drainage arrangements at the site have been constructed in accordance with the approved Flood Risk assessment incorporating Drainage Strategy dated 13/05/24. Once installed these drainage arrangements shall be retained in perpetuity.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policy ER1 of the Torbay Local Plan 2012-2030.

**Trees**

Prior to the first occupation of the flats hereby approved the existing Sycamore trees shown on the approved layout drawing no. 12001 revision P5 shall be removed and replaced with two *ornamental Pear (Pyrus calleryana 'Chanticleer')* nursery stock trees 6 - 8cm in girth in the first planting season following the completion of the development and before any of the flats hereby approved are occupied. If either of these trees die, are removed or become seriously damaged or diseased within a period of five years from the date of the development being completed, they shall be replaced during the next planting season with others of a similar size and the same species

Reason: In the interest of arboriculture and the amenity of future occupiers and neighbours in accordance with Policies De1, DE3 and C4 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan.

**Vehicle crossover**

Prior to the first use of the approved vehicle access to St Dominic's Close hereby approved, a drain shall be installed across the access as widened to prevent rainwater from crossing the pavement and entering the highway. Once installed the drain shall be permanently retained.

Reason: in order to accord with saved Policies TA2 of the Torbay Local Plan 2012-2030.

## **Compliance conditions**

### **Ecology**

The development shall be carried in strict accordance with the recommendations set out in the approved Bat Ecological Impact Assessment dated September 2024. This shall include the installation of the enhancement measure set out at section 8. of the report on page 31; namely the installation of three adjacent bat tubes, at least on bird nesting box, two bee bricks and planting for pollinators. Once installed these features shall be retained in perpetuity.

Reason: To prevent harm to protected species in accordance with policy NC1 of the Torbay Local Plan 2012-2030.

### **Lighting**

All lighting used at the site must conform with Guidance Note 08/23 Bats and Artificial Lighting in the UK, Bats and the built environment series, Bat Conservation Trust (London) & Institution of Lighting Professionals (Rugby 2023) and the recommendations in the approved approved Bat Ecological Impact Assessment dated September 2024 on pages 29 and 30. No lighting whatsoever will be pointed at the LHS night roost, bat tubes or bird nest boxes.

Reason: To prevent harm to protected species in accordance with policy NC1 of the Torbay Local Plan 2012-2030.

### **Permitted development rights**

Each flat within the development hereby permitted shall be occupied only by persons living as part of a single household (Class C3 of the Use Classes Order 1987). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) no part of the dwelling shall be used as a Class C4 House of Multiple Occupation (HMO).

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

### **Limestone rear boundary wall**

For the avoidance of doubt, the existing limestone boundary wall at the end of the back garden to no. 44 shall be retained in its current position throughout construction of the development as shown on the approved internal layout drawing no. 22000 revision P6. Should in the event that the rear boundary wall is required to be built below ground level, the material used shall match the existing stone used within the limestone boundary wall. Should compliance with the condition be unachievable the design of any retaining wall shall be submitted to the Local Planning Authority prior to the commencement of any works.

Reason: In the interests of heritage in accordance with Policies SS10 and HE1 of the Torbay Local Plan 2012-2030.