



Friday, 31 August 2012

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 10 September 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 Hill

Councillor Kingscote

Councillor Pentney

Councillor Stockman

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:

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

Email: governance.support@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** (Pages 1 - 8)
To confirm as a correct record the Minutes of the meeting of this Committee held on 25 June 2012 and 13 August 2012.
3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact 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/2012/0666/HA - 42 Broadsands Road, Paignton** (Pages 9 - 12)
Ground and first floor dormer extension to include integral double garage and car parking to front of property.
6. **P/2012/0760/PA - Minerva Hotel, Adelphi Road, Paignton** (Pages 13 - 15)
Change of use of guest house dining room to steak house with licensed bar.
7. **P/2012/0782/R3 - Halswell House, 53 Totnes Road, Paignton** (Pages 16 - 17)
1.5 m high black metal security railings at front and side of building.

8. **P/2012/0334/PA - Land Adjacent Brunswick Heights, Museum Road, Torquay** (Pages 18 - 20)
Construction of two 2 bedroom mews-style houses with car parking spaces.
9. **P/2012/0762/PA - Land Off Shakespeare Close, (Rear Of 2-14 Shakespeare Close And Rear Of 76 - 86 Queensway), Torquay** (Pages 21 - 23)
Formation of one single storey 2 bedroom dwelling.
10. **P/2012/0767/PA - 47 Parkhill Road, Torquay** (Pages 24 - 28)
Proposed demolition of existing dwelling and construction of 5 new terrace houses with parking.
11. **P/2012/0747/CA - St. Mary's Church, Methodist Church, Milton Street, Brixham** (Pages 29 - 30)
Partial demolition to the rear of church and rear of hall.
12. **P/2012/0748/PA - St. Mary's Church, Methodist Church, Milton Street, Brixham** (Pages 31 - 35)
Demolition works; conversion of Church and hall into 2 number dwellings each with 4 bedrooms.
13. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
14. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday 5 September 2012. 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

13 August 2012

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

(Also in attendance: Councillors Davies, Ellery and Stringer)

37. Apologies for absence

An apology for absence was received from Councillor McPhail. 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 McPhail. Cllr Morey, as Vice-Chairman, therefore chaired the meeting.

38. Minutes

The Minutes of the meeting of the Development Management Committee held on 16 July 2012 were confirmed as a correct record and signed by the Chairman.

39. P/2011/1037/MPA - Land Holding At Churston Court Farm, Churston Ferrers, Brixham

The Committee considered an application for the use and sale of recycled stone from Churston Soil Recovery from crushing/screening process on Churston Court Farm.

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 Mr Wimbridge addressed the Committee against the application and Amanda Burden addressed the Committee in support.

Resolved:

Refused on the grounds that

- (i) the applicant failed to prove that there were exceptional circumstances to justify the proposed sale of recycled stone on the site, which is located within an Area of Outstanding Natural Beauty;
- (ii) the applicant failed to demonstrate that the proposal would be in the public interest; as such the proposed development is contrary to paragraph 116 of the National Planning Policy Framework and the policy tests set out in policy L1 of the Saved Adopted Torbay Local Plan 1995-2011;

- (iii) the proposed development would harm the value of this Area of Outstanding Natural Beauty by reason of the permanent formation of earth bunds within an agricultural area that are unsightly and damaging to the character of the area; and
- (iv) delegated authority be given to the Executive Head of Spatial Planning to consider additional reasons for refusal on the grounds of noise and traffic.

(Note: Following the above resolution the Planning Officer requested a steer from the Committee regarding taking enforcement action over the height of the earth bunds present of site. The committee expressed support in favour of taking enforcement action subject to the Planning Officer taking further advice as to the effect on the neighbouring properties. The Planning Officer agreed to report the case for enforcement action to the September meeting of the Development Management Committee.)

(Note: Prior to consideration of Minute 39 Councillor Kingscote declared a non-pecuniary interest and stated that he is a member of the AONB; Councillor Stockman declared a non-pecuniary interest and stated that having expressed view at previous Brixham Planning Meeting she did not consider it appropriate to take part on this issue; and Councillor Barnby declared a non-pecuniary interest and stated that Mr Haddock is President of the Paignton Conservatives.)

40. P/2012/0281/MPA - Torquay Girls Grammar School, 30 Shiphay Lane, Torquay

The Committee considered an application for the formation of new sports hall. Revised plans received showing amended design, orientation and access to the proposed new sports hall.

Prior to the meeting a written representation was circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Dr Nicholas Smith addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) Sports England removing their objection;
- (ii) further aboricultural considerations; and
- (iii) the negotiation by officers of the design to refine the appearance of the building

All conditions submitted in the report to be delegated to the Executive Head of Spatial Planning.

41. P/2012/0441/PA - 66 Moor Lane, Torquay

The Committee considered an application for a new detached dwelling and vehicular access, within the grounds of No 66 Moor Lane.

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 John Hill addressed the Committee against the application and Vic Mascall addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Stringer addressed the Committee.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of waste management, sustainable transport, lifelong learning and greenspace and recreation within three months of the date of this Committee or the application be re-considered by members; and
- (ii) conditions set out in the submitted report be delegated to the Executive Head of Spatial Planning.

42. P/2012/0580/PA - Torre Primary School, Barton Road, Torquay

The Committee considered an application for the installation of a single mobile classroom.

Prior to the meeting a written representation was circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Matt Redwood addressed the Committee in support of the application.

Resolved:

Approved subject to the condition set out in the submitted report.

43. P/2012/0581/PA - Torre Primary School, Barton Road, Torquay

The Committee considered an application for the removal of existing scout hut and formation of new hard surface play area in same location.

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 Matt Redwood addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) the replanting of an apple tree which will need to be removed to allow access for demolition purposes: and
- (ii) the condition set out in the submitted report.

44. P/2012/0690/PA - Princess Gardens, Off Torbay Road, Torquay

The Committee considered an application for the erection and operation of a 50M observation wheel with ticket office and supporting coffee and crepe unit on a temporary basis from 13/8/12 to 7/11/12.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to the condition set out in the submitted report.

45. P/2012/0483/PA - Pavings, Roundham Gardens, Paignton

The Committee considered an application for an extension to form hobbies room and utility room.

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 Ralph Trewern addressed the Committee against the application and Stephen Bottomley addressed the Committee in support.

Resolved:

Approved subject to:

- (i) the elevations and content of condition 1 to be checked; and
- (ii) the condition set out in the submitted report be delegated to the Executive Head of Spatial Planning.

46. P/2012/0666/HA - 42 Broadsands Road, Paignton

The Committee considered an application for a ground and first floor dormer extension to include integral double garage and car parking to front of property.

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 Mr Swift addressed the Committee in support of the application.

Resolved:

The Committee agreed to defer this item until the next meeting.

47. P/2012/0704/PA - Blue Seafood Company, South Quay, The Harbour, Paignton

The Committee considered an application to continue to site 40ft container on allocated parking area for a working area to meet EHO requirements continue to site 20ft blast freezer on allocated parking area to handle increased throughput.

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 Trevor Bartlett addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Ellery and Councillor Davies addressed the Committee.

Resolved:

Refused on the grounds that the application would have a detrimental impact on the character and appearance of the Conservation area.

48. P/2012/0706/MPA - White Rock Business Park, Waddeton Close, Paignton

The Committee considered an application for the development of Innovation Centre Phase 3 for Torbay (IC3) (Use Class B1).

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to:

- (i) the design being refined further and approval be delegated to officers to agree this post Committee; and
- (ii) schedule of conditions in the submitted report be delegated to the Executive Head of Spatial Planning.

49. P/2012/0633/MRM - Land Off Brixham Road, Rear Of Torbay Garden Centre Incorporating Yannons Farm, Adjacent To Little Preston, Short Preston And Woodlands Paignton

The Committee considered an application for the approval of all reserved matters for a 6257sqm pharmaceutical manufacturing unit (use class B1) with associated external buildings.

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 Jim Durkin addressed the Committee in support of the application.

Resolved:

Part discharge of the relevant outline conditions (1, 4, 9, 11 and 15) approved subject to:

- (i) further officer consideration of landscaping and visual amenity issues;
- (ii) further information on drainage
- (iii) further details of a travel plan to be provided which promotes sustainable forms of travel;
- (iv) an amendment to the report under the heading Accessibility. The first sentence of the second paragraph states 'In parking terms, the number of spaces proposed exceeds usual standards ' which is not correct; and
- (v) the conditions remain to be satisfied for the rest of the site and the rest of the development as approved in the outline consent.

to be delegated to the Head of Spatial Planning.

50. Appeal Decisions

The Committee noted the outcome of recent appeal decisions and expressed their thanks to the Planning Department for all their hard work.

51. Site Review Meetings, Proposed Revised Protocol

The Committee considered a revised protocol in respect of Site Review Meetings.

Resolved:

Approved.

Chairwoman



Minutes of the Development Management Committee

25 June 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brooksbank, Hill, Kingscote and Darling

(Also in attendance: Councillors Lewis, Mills, Pritchard, Richards and Thomas (D) plus Councillor James (Brixham Town Council))

24. P/2011/0829/MOA - Site Of Existing Club House, First And Eighteenth Holes, Churston Golf Club, Dartmouth Road, Brixham

The Committee considered an application for the demolition of clubhouse, outbuildings and car park and development comprising up to 90 dwellings, 42 bed extra care scheme (use class C3 Extra Care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping (In Outline).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Geoff Melbourne, David Seaton, Mark Smith and Adam Billings addressed the Committee against the application and Ian Mellor, Ian Handford and Verena Wormersley addressed the Committee in support of the application. Councillor James from Brixham Town Council addressed the Committee. In accordance with Standing Order B4.1 Councillor Pritchard also addressed the Committee.

Resolved:

Subject to:

- i) formal confirmation that screening has taken place and an appropriate assessment pursuant to the Habitats Regulations is not required; and
- ii) the completion of a Section 106 Agreement in terms acceptable to the Executive Head of Spatial Planning, within six months of the date of this committee, to secure appropriate Sustainable Development contributions, Affordable Housing and Public Open Space;

the outline planning permission with all matters reserved apart from access be approved with the conditions as set out in the submitted report.

(Note: Prior to consideration of application P/2011/0829/MOA, Councillor Mills declared a personal prejudicial interest.)

25. P/2011/0838/MPA - Land At Churston Golf Club, Dartmouth Road, Brixham

The Committee considered an application for change of use of agricultural land for use as a golf course; part demolition of existing wall in conservation area, development of a clubhouse, car park and golf trolley store; a new vehicular access and road from green lane; a new practice area with associated small building and practice putting green; and works to form three replacement tees, fairways and greens; all associated infrastructure engineering works and landscaping. This is 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. At the meeting Roger Richards, David Seaton, Charlie Hopkins, Mark Smith and Geoff Melbourne addressed the Committee against the application and Ian Mellor and Chris Knight addressed the Committee in support of the application. Councillor James addressed the Committee on behalf of Brixham Town Council and in accordance with Standing Order B4.1 Councillors Pritchard and Mills also addressed the Committee.

Resolved:

That the application be refused on the following grounds:

- i) The applicant has failed to meet the exceptional circumstances and public interest tests in relation to development in the AONB and the development is contrary to paragraph 116 of the NPPF and policy L1 of the Local Plan;
- ii) The proposed development would seriously harm the value and quality of the AONB and adjacent Conservation Area, by reason of the resultant detrimental impact on the tranquil nature of the area (contrary to Local Plan policy L1 and paragraph 123 of the NPPF);
- iii) The proposed development, in a location not well served by public transport and other sustainable modes of transportation, would generate additional traffic on the local highway network that would have an adverse impact on highway safety and the free flow of traffic; and
- iv) The failure to deliver mitigation measures (including measures to maintain the favourable conservation status of the SAC) in the absence of a signed Section 106 Agreement.

Chairwoman

Agenda Item 5

Application Number

P/2012/0666

Site Address

42 Broadsands Road
Paignton
Devon
TQ4 6HH

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Ground and first floor dormer extension to include integral double garage and car parking to front of property.

Executive Summary/Key Outcomes

This is a revised application which seeks to overcome the concerns of neighbours in respect of a previous submission which was withdrawn. It is considered that this proposal has a lesser impact on the amenities of the neighbouring properties and does not adversely impact on the appearance or character of the street scene. Members carried out a site visit at the August Committee Meeting, however they deferred their decision until photographs could be taken from properties to the rear in order to consider the full impact of the proposal.

Recommendation

Conditional Approval.

Site Details

The application site relates to a gable fronted bungalow situated on the south side of Broadsands Road. The property is set back from the road, with a floor level higher than road level. There is a semi detached single garage located in front of the property, close to the road, joined to the neighbour's garage. In the Torbay Local Plan 1995-2011 there is no specific allocation relating to the site. The boundary of the Coastal Protection Zone, and Coastal Preservation Area runs along Broadsands Road.

Detailed Proposals

Permission is sought to extend and remodel the existing gabled fronted bungalow resulting in a larger property with accommodation within the new roof space. The plans indicate that the footprint of the property would be extended forward by approximately 7 metres at its furthest. The eaves level to the front would be raised and a new roof with gables to the side would be formed with its ridge height being raised in line with the properties either side. The remodelled front elevation would comprise a large 'feature' gabled projection at ground and first floor level covering approximately half of the face of the property and a smaller hipped dormer on the other side. A pair of hipped dormers is also indicated within the roof slope on the rear elevation. External materials would comprise of black tiles to the roof and rendered elevations.

The resulting accommodation would comprise additional ground floor accommodation and three en-suite bedrooms in the roof space. There appears to be some discrepancy in the line of the boundaries indicated in submitted drawings which show the remodelled property being approximately 300 mm wider and an existing outbuilding to the rear corner of the property being closer to the boundary. However the distances indicated on the proposed site plan are still within an acceptable threshold in terms of street scene and impact on the neighbours. It is also proposed to demolish the existing semi detached garage, excavate a section of the front garden and form a new detached double garage set back approximately 8 metres from the pavement. The roof of the garage would be landscaped to form part of the front garden. The street scene drawings indicate a landscaping scheme which will integrate into the overall appearance.

Summary Of Consultation Responses

None.

Summary Of Representations

Letter of support from immediate neighbour at No 40 Broadsands Road.

5 letters of objection have also been received, the main issues raised include that the scheme is:

- too large
- overbearing
- out of character
- results in unacceptable overlooking
- includes a poor design of the roof
- would set a precedent
- results in the overdevelopment of the plot
- is not in keeping with other properties in the road
- the scheme fails to comply with Policy H15
- the development would be dominant in the area.

These have all been reproduced at Page P202.

Relevant Planning History

P/2012/0485 Ground and first floor extension to the front to include integral garage and parking to the front. Withdrawn 30/5/2012.

Key Issues/Material Considerations

The main issues with this proposal relate to its visual appearance in the street scene, whether it constitutes an over development of the site, whether it would dominate or have any other adverse effects on the character of the original property or any neighbouring properties and whether it would cause harm to the amenity of neighbouring properties through overlooking, overbearing impact, loss of light or privacy.

On the issues relating to visual impact, this proposal is for the complete remodelling of the existing property which is a simple gable fronted bungalow which will in effect result in the creation of a completely different new dwelling with dormer roof accommodation to the front and rear. However the precedent of introducing dormers to the front of properties along this length of Broadsands Road has already occurred and several have been granted planning permission in particular the neighbouring properties either side. The proposal will project the property further forward but in line with the next door property at No. 40. It will however remain at least 17 metres from the road frontage and it will therefore remain visually acceptable in the street scene with the plans indicating that the ridge height will be no higher than the two properties either side. In terms of street scene the proposal is well designed particularly to the front elevation and it is considered that it will sit quite comfortably within the street scene.

In terms of impact on the amenities of the occupiers of the properties either side there is considered to be a sufficient enough gap between the proposal and the boundaries with No 44, being set further back. There would be no adverse overlooking to the rear and whilst the roof of the proposal would be visible from No 44 because it would be set further forward and off the boundary, which is screened by evergreen hedging, it is not considered that it would be overbearing or result in any loss of light.

It is not considered that the proposal will have any adverse impact on properties to the rear on Brunel Road, particularly in respect of the increase in the height of the ridge, as this will not be higher than the adjacent dwellings. The proposed new garage will be set back from the road frontage and will be integrated into the plot with a landscaping scheme which is designed to soften its impact when viewed from the front to minimise a potential two or three storey appearance.

Principle and Planning Policy -

In the Torbay Local Plan 1995-2011 the following policies are relevant:

- H15 identifies criteria where house extensions will not be permitted.
- BES requires new development to conserve or enhance the built environment.
- BE1 requires design of new development to take account of the wider context.

NPPF Good Design

- Development should reflect the identity of surroundings and materials, while not preventing or discouraging appropriate innovation.
- Decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Climate change - The proposed works will be subject to increased thermal insulation as required by Building Regulations and as such will improve the property's thermal efficiency for the benefit of its occupiers.

S106/CIL - Not applicable in this case.

Conclusions

It is accepted that this proposal will totally transform the appearance of the somewhat modest host property. However, it is considered that the proposal will result in a dwelling, which will sit comfortably within the varied street scene, being set back from the road frontage and with a similar ridge height to the neighbouring dwellings. The development will not have any adverse impact on the character and quality of the area, nor will it have any adverse impact on the amenities of the adjoining occupiers.

The proposal would therefore be consistent with the objectives of policies H15, BES and BE1 of the Torbay Local Plan 1995-2011 and also policies in the National Planning Policy Framework. Having regard to applicable national and local planning policies and having taken all relevant material considerations into account it is considered that planning permission subject to suitable conditions should be granted in this instance.

Condition(s)/Reason(s)

01. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed and the ridge height of the new roof, in relation to an agreed fixed point or O.S. datum.

Reason: To ensure a satisfactory completion of development and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

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

Reason: In the interest of the amenities of the area and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. The existing hedgerow which runs along the eastern boundary to the front of the property shall be permanently maintained at a minimum height of eaves level of the property.

Reason: In the interests of the privacy of the adjoining occupiers and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. No development shall be commenced until a sample of the proposed roof slate has been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Relevant Policies

H15 - House extensions

BES - Built environment strategy

BE1 - Design of new development

BE2 - Landscaping and design

Agenda Item 6

Application Number

P/2012/0760

Site Address

Minerva Hotel
Adelphi Road
Paignton
Devon
TQ4 6AW

Case Officer

Mr Robert Pierce

Ward

Roundham With Hyde

Description

Change of use of guest house dining room to steak house with licensed bar.

Executive Summary/Key Outcomes

The application seeks consent to change the use of the ground floor dining area of the premises in the evening from a dining room associated with the use as a guest house to a fine dining Steakhouse with a licensed bar.

The key issues are considered to concern the vitality and viability of the Paignton Seafront (South) Principal Holiday Accommodation Area as well as the impact such a use would have on the residential amenity of nearby neighbours.

With conditions, as set out within the report, the proposed change of use is considered to be acceptable on planning merit. However, this should only be on a temporary basis for a period of 12 months to allow the impact of the change of use to be fully assessed particularly in relation to impact on residential amenity.

Recommendation

Conditional Approval; subject to the views of the Environmental Health Officer in relation to noise, odour and operating hours.

Site Details

The Minerva Hotel has 10 en-suite bedrooms with a dining room and on site car parking for 5 vehicles. It is situated within the Paignton Seafront (South) Principal Holiday Accommodation Area (PHAA) towards the bottom end of Adelphi Road near to the Paignton Rugby Club. The PHAA Monitor (2009) indicates that Adelphi Road has a mix of Residential, Holiday Flats, Hotels and a Care Home.

Detailed Proposals

Permission is sought to use the existing ground floor dining area as a Steakhouse which would operate in the evenings. The proposed opening times would be 5 pm to 10.30 pm for seven days per week. The bar would only be used by customers using the restaurant and guests staying in the hotel. The bar would close at 11 pm Mondays to Saturdays and 10.30 pm on Sundays. No external alterations are indicated, however, the applicant has confirmed that signage would be required (this would be the subject of a separate application for advertisement consent).

Summary Of Consultation Responses

Environmental Health: Observations awaited.

Summary Of Representations

Numerous letters of objection have been received, citing the following main issues:

- Fire safety, potential for cars to block exits
- Problems with refuse
- Nightly noise from music and people talking and smoking outside

- Smells from cooking
- Inadequate toilet facilities
- Too many pubs and restaurants in the area
- Closing hours for sale of alcohol not in keeping with a residential area
- Potential problems with illuminated signage (not part of this application).

These have been reproduced at Page P203.

Relevant Planning History

No immediate relevant history. The application form indicates that pre-application advice was sought from Tim Wills (Enforcement Officer). this is in fact not the case.

Key Issues/Material Considerations

The main issues with this change of use relate to its impact on the PHAA, the impact that it would have on nearby residential occupiers and also issues of traffic generation and car parking.

In terms of the use as a Steakhouse, it is considered that this will add variety for both holiday makers and residents alike and will raise the level of facilities on offer at this small hotel. However, the change of use has the potential to have an adverse impact on residential amenities, as a result of an intensification of use. The views of the Environmental Health Officer are awaited with respect to noise, hours of operation and odour.

Concerns have been raised by nearby residents in relation to cooking smells, noise and hours of operation. These issues are to a certain extent reliant on good management of the restaurant and this can be controlled by the appropriation of suitable conditions relating to opening hours and extraction.

In support of the proposal the applicant has confirmed that the hotel already serves evening meals and that there is an existing bar. There are 5 on site car parking spaces and there is a potential for an increase in traffic as a result of the proposal. This is however a location close to the town centre and near to public car parks and on street meter controlled spaces. The lack of sufficient on site parking is not therefore considered to be an issue.

Principle and Planning Policy - The proposal represents an additional facility for tourists and residents alike and will provide diversification for the existing hotel business so that this property can continue to provide tourism accommodation. Policy TU6 requires new uses to be compatible with the surrounding tourism-related uses and not to harm the holiday character and atmosphere of the PHAA. It is considered that the proposed restaurant use is policy compliant in this respect.

Economy - In terms of employment, the applicant proposes to employ a chef, a waitress and bar staff. In addition, the change of use will enable the retention of the hotel business and will support the holiday use on the site.

Environmental Enhancement - Future signage needs careful consideration, but this will be subject to a separate application for advertising consent.

Accessibility - The location is close to the Town centre and facilities including public car parks and bus routes.

Vibrant Town Centres - The proposal will add to the variety of facilities available in the PHAA. It is not considered that the development would harm the vitality and viability of the town centre, as this is an edge of centre development that will support linked trips to the centre itself.

S106/CIL - Not applicable as no additional floor space proposed, the scheme is a change from ancillary restaurant to a restaurant for visiting members of the general public.

Conclusions

The proposed change of use is considered to accord with the relevant policies set out within the Saved Adopted Torbay Local Plan 1995-2011. The proposed change of use will add vibrancy to this part of the holiday character area and will provide diversification to support the existing hotel. For this reason the application is deemed acceptable and is therefore recommended for conditional approval. However, the views of the Environmental Health Officer in respect of the noise, smell and operating hours proposed will be an important consideration and will be reported verbally at the committee meeting. Due to the concerns raised and the potential to cause harm to neighbouring living conditions, it is recommended that conditions to control noise, odour and opening hours be imposed.

Recommendation

Conditional Approval.

Condition(s)/Reason(s)

01. The use of the premises hereby approved shall take place only between the hours of 5 pm to 11 pm on Mondays to Saturdays and 5 pm to 10.30 pm on Sundays unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and to meet the Criteria of Policy TU6 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. The premises shall only be used for Class A3 (restaurant and cafe) and for no other purpose, including any other purpose in Classes A2 (Financial and Professional Services) and A1 (Shops) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.

Reason: Such proposals would be a separate matter to be considered on its merits, as the site lies outside of the town centre and to meet the criteria of Policies TU6 and SS of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. The change of use to Class A3 hereby approved shall not commence until details, prepared in accordance with the document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (DEFRA: January 2005), of the equipment proposed to be installed to treat and disperse emissions from cooking operations, incorporating carbon filters, have been submitted to and approved by the Local Planning Authority in writing and the equipment shall not be installed other than in accordance with the approved details. Following installation, the equipment shall be operated and maintained in accordance with manufacturer's instructions.

Reason: In the interests of amenity and in accordance with the objectives of Policy EP3 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

TU6 - Principal Holiday Accommodation Areas

T25 - Car parking in new development

EP3 - Control of pollution

Agenda Item 7

Application Number

P/2012/0782

Site Address

Halswell House
53 Totnes Road
Paignton
Devon
TQ4 5LE

Case Officer

Mr Alexis Moran

Ward

Roundham With Hyde

Description

1.5 m high black metal security railings at front and side of building.

Executive Summary/Key Outcomes

A recent Listed Building Consent was granted for the proposed 1.5 metre high sections of railings at Halswell House, this is the accompanying Planning Application.

Although no objection was received from English Heritage one objection was received on behalf of the Paignton Heritage Society and as the building is a Torbay Council asset the application must now be determined at a Development Management Committee meeting.

Recommendation

Approval.

Site Details

Halswell House is a Grade II Listed Building which stands close to the Totnes Road frontage. It is sited within the Old Paignton Conservation Area. It is used as an education centre for secondary aged students. The front boundary of the property consists of a low stone boundary wall behind which is a 1 metre high, timber post and rail fence. The two side boundaries are formed by adjoining properties and sandstone boundary walls.

Detailed Proposals

Permission is sought for the erection of 2 sections of 1.5 metre high TangoRail railings. The railings will have ball finials and will be galvanised and will be black powder coated. One section of railings would project out 4.5 metres from the side of the building and would connect up to the adjoining property. The other section would project out from the front of the building and would connect up to the front boundary timber fence.

Summary Of Consultation Responses

English Heritage: No objections.

Summary Of Representations

1 letter of objection has been received on behalf of the Paignton Heritage Society, although the letter refers to a 15 metre fence it is considered that this is a typing error. The objection states that the proposal is not compatible with the character and appearance of the Listed Building. This has been reproduced at Page P200.

Relevant Planning History

P/2012/0520 LB Installation of 1.5m high black metal security railings at front and side of building. Approved - 18.06.2012.

Key Issues/Material Considerations

The main issue with this proposal relates to the visual impact of the railings and whether they will have any adverse impact on the historic character and appearance of the Listed Building and whether this is mitigated against the need to provide a secure and safe environment. In support of

the application the Design and Access Statement confirms that there is no effective barrier to prevent members of the public, pupils or unauthorised persons walking around the complete perimeter of Halswell House. The staff must keep the students safe as well as maintain security of the building. In the past, members of the public have walked around the side of the house to the back door thus compromising the safety of the young people. The railings will not be visually prominent in the street scene, they have been sympathetically designed and therefore will not have any adverse impact on the character or appearance of the Listed Building.

Conclusions

The proposed railings are visually acceptable and they will not have any adverse impact on the historic character or appearance of the Grade II Listed Halswell House or the Old Paignton Conservation Area.

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, BE5 & BE6

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
BE6 - Development affecting listed buildings
BE5 - Policy in conservation areas

Agenda Item 8

Application Number

P/2012/0334

Site Address

Land Adjacent Brunswick Heights
Museum Road
Torquay
TQ1 1DW

Case Officer

Mr Adam Luscombe

Ward

Wellswood

Description

Construction of two 2 bedroom mews-style houses with car parking spaces.

Executive Summary/Key Outcomes

It is proposed to construct a pair of semi detached, two storey dwellings on the site. The existing site is disused having previously been utilised as a communal parking area.

The dwellings are flat roofed and minimal in height and scale. The ground floor is stone faced to connect with the surrounding character wall and the first floor glazed as a modern addition.

Both dwellings have integral vehicle and cycle parking.

The development is not considered to have any adverse impact on the amenities of the area, either residential or visual. There is sufficient parking provided for the proposed edge of centre location.

There would be a planning contribution required in accordance with the Council's s106 policy.

Recommendation

Site Visit; Conditional Approval.

Site Details

The site is currently vacant and formally used as a hard stand parking area and the top of Museum Road. The site lies beneath the property of Brunswick Heights.

Detailed Proposals

It is proposed to utilise the land for the construction of a pair of semi detached dwelling houses. Both will have a small balcony area at first floor, with an integral garage on the ground floor. Each will be a two bedroom property.

The proposals have been twice amended during consideration of the application. The latest revisions follow the recent Site Review Meeting.

Summary Of Consultation Responses

Highways – Land is public highway and as such would be required to be formally stopped up. No issues with parking allowance. Recommend road surface be upgraded.

Summary Of Representations

Five letters have been received in respect of this application and are reproduced at Page T200. They raise issues relating to the structural stability of the rear wall; highway congestion; parking; and land ownership.

A site review meeting was held at which it was concluded that the application would benefit from some amendments, but that it should in any case be considered by the Development Management Committee.

Relevant Planning History

Pre-application Enquiry

ZP/2010/0071	New retaining wall; excavate parking area to enlarge site; construct 3 double garages with 3 storage rooms above. – Considered acceptable in principle – 16.03.2010.
ZP/2010/0559	Construction of 2 mews style properties – Considered acceptable in principle – 21.10.2010.

Key Issues/Material Considerations

The siting of dwellings in this location raises considerations concerning the appearance of the area, parking, and the residential amenities. Further consideration is also given to the suitability of the location to support further residential development.

Principle and Planning Policy - The key issues regarding planning policy are concerned with the appearance and the amenities of neighbouring residential occupiers.

In this case the site is within the Torquay Harbour Conservation Area. The plot contributes very little to the area, either in character or general appearance, in its current form.

There is a character stone wall around part of the site. It is proposed to use stone facing on the new dwellings so that it is in keeping with the surroundings.

The two storey relatively low profile of the properties will fall beneath the level of Brunswick Heights and will not therefore impinge on their amenity. Regarding the other neighbouring properties these dwellings do not face towards any in the near vicinity, they are set within the existing excavated area and do not then have any adverse affects.

In terms of the general appearance, effort has been made to take reference of the surroundings through the use of the stone on the front elevation and the extension of the red brick wall on the site. The use of glazing to the first floor is a modern addition to the area but this supports the evolution of development and is considered appropriate in its proportion and appearance in general.

There is external amenity space incorporated into the design and whilst compact the dwellings are considered to be suitable with adequate floor area to provide a suitable residential environment for future occupants.

Environmental Enhancement - Currently the plot sits vacant and contributes little to the built environment and in particular the street scene or wider conservation area. The redevelopment of the site, in an acceptable manner, would enhance the appearance and instil activity into the surrounding built environment.

Accessibility - The adjacent highway is not public highway although the site itself is. It is noted that it would therefore need to be stopped up. However, the Council is not the owner of this land. There is no objection to the proposals by the Highways Authority. Each dwelling provides a single internal parking space and also capacity for bicycle storage internally. Whilst the surface adjacent to the site is not of the highest quality in its current state this is a civil matter that would need attention and not something that can be considered by the Local Planning Authority. The site is within walking distance of many amenities, including the town centre and public transport connections which are associated with it. Furthermore significant open space is located nearby, specifically Torwood Gardens and the harbourside.

Vibrant Town Centres - The site lies on the border of the Town Centre and as such its development and inclusion in the built environment will benefit the character and regeneration of the area. Maintaining residential uses within the town centre aids with the vitality and viability of the area and has potential to increase footfall.

S106/CIL - In accordance with the relevant policies it is deemed that that contribution is required. The contribution would total £6220.00 (£3110.00 per dwelling). There would be a discount of £311.00 off the total if the contribution is paid upfront.

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 garages, as indicated on the approved plans, shall be provided along with the internal capacity for cycle storage, prior to occupation of either unit. These garages shall be retained for vehicular parking at all times thereafter and shall not be used for habitable or business purposes.

Reason: To ensure adequate vehicular and cycle parking is provided in accordance with policies T2 and T25 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The bin store, as indicated on the approved plans, shall be provided in accordance with the approved plans prior to occupation of either unit. This store shall be retained and made available for bin storage at all times thereafter.

Reason: to ensure that the amenities of the area are considered in accordance with policy W7 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
T2	Transport hierarchy
T25	Car parking in new development
T26	Access from development on to the highway
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities

Agenda Item 9

Application Number

P/2012/0762

Site Address

Land Off Shakespeare Close
(Rear Of 2-14 Shakespeare Close And Rear
Of 76 - 86 Queensway)
Torquay
Devon
TQ2 6DA

Case Officer

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Formation of one single storey 2 bedroom dwelling.

Executive Summary/Key Outcomes

The proposal seeks permission for the addition of a single storey dwelling on an area of unused land to the rear of Shakespeare Close and Queensway Road.

The proposed development has been designed so as to limit the potential overlooking issues which may occur with a dwelling in as close proximity to neighbours as this. The proposed dwelling is not considered to amount to the overdevelopment of the site as the overall plot size is larger than that of the majority of neighbouring properties.

It is considered that the application is appropriate for a conditional planning approval.

Recommendation

Site Visit; Conditional Approval.

Site Details

The site is an area of disused land to the rear of Shakespeare Close and Queensway Road and is situated between two sets of garages at the rear of these properties.

Detailed Proposals

The application seeks permission for the addition of a single storey residential dwelling with 1 parking space and an amenity area. Fencing and tree planting is proposed along the boundaries with bin storage also being provided.

Summary Of Consultation Responses

None.

Summary Of Representations

A total of 7 letters of representation have been received, 6 of which objected to the application with the following material planning concerns being raised:

- Overdevelopment of the site
- Loss of privacy
- Loss of amenity space
- Loss of light.

These have been reproduced at Page P201.

Relevant Planning History

ZP/2012/0174 Proposed single dwelling; officer advice was that an application would, on balance, be supported - 10.05.2012.

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact that an additional unit would have on the character and appearance of the street scene and the impact it would have on the residential amenity and privacy enjoyed by the residents of neighbouring properties.

As with the previously refused application (P/2011/1043) the proposed dwelling would be sited quite close to the existing properties to the rear of Queensway Road as well as those to the rear of Shakespeare Close. However, this application shows a single dwelling placed in the middle of the site locating it further away from the properties to the rear of Shakespeare Close than depicted in the previous application.

The proposed dwelling has been designed so as to limit overlooking, with high level windows in the West elevation (facing the properties on Shakespeare Close) allowing light in whilst minimising the potential overlooking.

The proposal for a single dwelling in this location is unlikely to have a significant impact on the character and appearance of the area. Although it is not possible to replicate the existing design of buildings in the area, the site is in a location which is not highly visible and as such the addition of a single unit would not be detrimental to the area's prevailing character. The plot is of a sufficient size to be able to incorporate the development without having a significant overbearing impact on the amenity enjoyed by occupiers of neighbouring properties.

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 with an internal floor area of 55-74 sq metres:

Contribution for dwelling:	
Waste Management	£ 50.00
Sustainable Transport	£ 1,720.00
Lifelong Learning	£ £220.00
Greenspace and Recreation	£ 1,120.00

TOTAL FOR DEVELOPMENT £ 3,110.00

The applicant has indicated that they are willing to pay the contribution; a 5% discount will be given for an upfront payment.

Conclusions

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

Condition(s)/Reason(s)

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no form of development within Parts 1 & 2 shall be undertaken without first obtaining planning permission from the local planning authority.

Reason: In the interests of the amenities of the area and to comply with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

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

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

03. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include provision for landscape planting and the retention and protection of existing trees

Reason: In the interests of the amenities of the area and to comply with Policies BES & BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

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

Reason: In the interests of the amenities of the area and to comply with Policies BES, BE1 & BE2 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 & H9

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

H9 - Layout, and design and community aspects

Application Number

P/2012/0767

Site Address

47 Parkhill Road
Torquay
Devon
TQ1 2AR

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Proposed demolition of existing dwelling and construction of 5 new terrace houses with parking.

Executive Summary/Key Outcomes

This application involves the provision of a terrace of 5 dwelling houses with a basement car park for 10 cars on the site of an existing single family dwelling and garden. It occupies a prominent location overlooking Torquay Harbour and is a key site in terms of the character and appearance of the Torquay Harbour Conservation Area.

A scheme for 6 terrace units of a different design on the site was recently withdrawn as it was considered to be overbearing and lacking in contextual sensitivity. The withdrawn scheme, whilst considered to be acceptable in principle by the DRP raised an objection from English Heritage.

The reduction in the numbers of units coupled with a revised design to the scheme has secured a better relationship with adjacent buildings and results in a scheme that is considered to be visually acceptable and less dominating on the character of the harbourside. The roofscape of the terrace takes a mono-pitch form as opposed to a flat roofed approach and Members' views on this detailed element of the scheme in particular would be welcomed.

There are amenity concerns which, whilst reduced from that in the withdrawn scheme still require clarification. This is to be updated at the meeting as more detailed cross sections are needed of the access to the basement car park and the plinth to the building.

Recommendation

Site Visit, Conditional Approval; Subject to: 1) confirmation in relation to geological stability; 2) the concerns in relation to the basement car park and plinth being resolved; 3) more detailed information in relation to key features and agreement over the approach to the roofscape (mono-pitch or flat roof with overhang); 4) a SUDS scheme being agreed; 5) suitable conditions to be delegated to the Executive Head of Spatial Planning, and 6) the conclusion of a S106 agreement to secure community infrastructure contributions as detailed in the body of the report to be delegated to the Executive Head of Spatial Planning subject to the agreement being signed within 3 months of the date of the committee meeting.

Site Details

The site comprises an existing 2 storey domestic property set in a spacious garden overlooking Torquay Harbour. The extent of the garden space comprises an important feature in the overall character and appearance of the Torquay Harbour Conservation Area. The garden is bounded to the rear on Parkhill Road by a typical limestone retaining wall.

Parking is provided in a double garage accessed from Parkhill Road. The existing building on the site is in a dilapidated condition, of a post war suburban appearance and was built following bomb damage in the Second World War.

In terms of context, the site sits above the buildings that front the Harbour side and alongside what was, prior to bomb damage, an impressive Regency terrace. In its original form this comprised a 'bookend' terrace. The quality of this has been somewhat compromised by more recent

redevelopment comprising a three storey end of terrace unit which does not relate well to the parent terrace in terms of scale or appearance and by the post war redevelopment of the application site.

Detailed Proposals

The application is a detailed submission for the demolition of the existing property and its replacement with a terrace of 5 3-bed dwellings with basement car parking for 10 cars accessed by a ramp from Parkhill Road.

Summary Of Consultation Responses

English Heritage: Objected to the previous withdrawn scheme on the site considering it to be out of character and overbearing. They have been involved in discussions to try and find a more suitable solution. Their detailed comments are awaited.

Drainage: Requires sustainable drainage details before consent is granted.

Highways: Consider that given its location close to the Town centre 5 car parking spaces would be adequate particularly as it is not demonstrated that the basement car park layout is practical for this number of vehicles proposed.

Conservation Officer: Requires large scale details of key features of the buildings before consent is issued.

Design Review Panel: Considered the original withdrawn submission on the site at their meeting of the 4th November 2011. Their comments in summary were that the scale of development was likely to prove acceptable subject to further refinement of the elevations, an alternative more 'celebratory' approach to the southern elevation, provision of a communal managed garden, reconsideration of the roof terraces and further thought about handling waste vehicular and pedestrian movements on a steeply sloping site. They have not considered this revised scheme.

Summary Of Representations

The following objections and observations have been received in respect of this latest scheme (4 letters received in objection, 1 in support), and are reproduced at Page T201.

- Adverse impact on amenity from overlooking/overbearing impact.
- Adverse impact on amenity arising from ramped access to car park - its height and location adjacent to the flank wall of No. 45 Parkhill Road and from height and location of plinth.
- The accuracy of the plans relating to the ramp and plinth questioned and cross sections through it requested.
- Too many units leading to traffic problems and an unsympathetic form of development.
- Question the sites capacity to accommodate the extent of rebuilding considering the history of instability and presence of rock anchors.

Relevant Planning History

P/2011/1385 Construction of 6 dwellings: Withdrawn 1.08.12.

Key Issues/Material Considerations

The key issues in respect of this application are:

1. Design
2. Scale of development.
3. Amenity
4. Highways
5. Structural Integrity of the site.

Each of these matters will be addressed in turn.

Design/Scale of Development

The site is very prominent both in short views across the harbour and in longer views from the approach to the town. The site is perceived mainly as a landscape element in terms of the harbour townscape as the existing building occupies only a small part of the site and is only 2 stories in height. The redevelopment of this site has the potential to have a profound impact on the character of the harbour and for this reason it is important that the replacement scheme is appropriate in terms of size and design and sits comfortably within its context.

The original submission on the site comprised 6 terrace dwellings in a heavily glazed rather monolithic design that extended across the whole garden area. This failed to relate to the character of surrounding buildings, particularly the character of the adjacent terrace, it dominated the plot and also generated concern from neighbours to the site in terms of the extent of overlooking and loss of privacy.

Discussions have since taken place with the applicant in an attempt to identify a reduced scale of development on the site and a more appropriate design response that relates more sympathetically to local context.

A detailed appraisal of the local urban form and character was carried out and this informed a design approach that moved away from a solid block of building to one that has sought to pick up the rhythm of the adjacent terrace and through design devices to reduce its perceived mass.

The number of units has reduced to 5 and whilst this does not represent a significant reduction in terms of the mass of building, the slight reduction in height and breadth and the revised design, which breaks down the mass of the terrace, does achieve a less overbearing form of building. Furthermore, additional space is retained around the building which reduces the overall dominance of the replacement scheme in terms of important public views of the harbourside.

The previous use of extensive glazing has been superseded by a better solid to void relationship that sits more comfortably with the adjacent terrace. This involves the use of rendered elevations with recessed glazed elements that create a clear break between the individual plots. A more defined 'plinth' has been created. This is to be constructed in natural limestone and will appear as a garden rather than a building element, which again reduces the apparent mass of the building.

A set back series of mono pitched roofs results in a rhythmic roof form that will further increase the terrace rhythm. However, there continues to be discussion as to whether the new roof form is preferable to an overhung flat roofed approach.

The end elevation of the terrace will be very prominent. The DRP recommended that this should be more 'celebrated' and opened up to achieve views. This has presented design difficulties as it needs to have a consistent relationship with the main elevation. It is thought that the current submission successfully addresses the DRP requirement yet achieves an acceptable follow through from the design of the main terrace elevation.

It is thought that the reduction in size of the replacement building coupled with the less monolithic design approach overcomes concerns about the dominance of the scheme on the site and thus on the character of the harbourside.

There is however, a vital need for the detail of the scheme to be fully realised and it needs to be secured before planning permission is issued and not left to be resolved via condition.

Amenity

In terms of amenity, there are concerns arising from overlooking/loss of privacy, from the impact of the plinth and from access to the basement car park.

The reduction in the level of glazing has reduced the impact on amenity. The previous scheme also contained balconies and a flat roof area that was shown to be accessible for sitting out purposes. Whilst this scheme includes balconies and sitting out areas, they are reduced and not considered

to be over intrusive.

The arrangement for basement car parking does require a ramp to be constructed from Parkhill Road to a point adjacent to and abutting the flank wall of No. 45 Parkhill Road. Its use; if by up to 10 cars, could have an impact on the amenity of this dwelling. The gradient of the access to the basement car park and its impact requires clarification through detailed cross sections laterally and horizontally through the structure. There is some concern that the gradient will be too severe to be workable or will require more intrusive earthworks than apparent from the plans thus far submitted.

In terms of the plinth, which structurally forms part of the basement car park, there is some dispute over the height and level that it achieves in relation to adjacent properties. The applicant has been asked to clarify this and the matter will be updated at the Meeting.

Highways

Highways have commented that the site is overprovided for in terms of car parking, given its proximity to the town centre. There are unresolved matters in relation to the access to the car park, as explained above. It is anticipated that this matter will have to be updated at the meeting once further information has been submitted about the exact size, position and gradient of the ramped access. Highways recommend that the sustainable transport contribution is allocated towards bus provision.

Structural integrity of the site

Concerns have been raised by neighbours about the geological stability of the site as there has been instability in the past and rock anchors have been used to prevent further rock falls. There have also been comments made about the stability of the limestone retaining wall as there is much excavation proposed to create a base for the building. The Councils Structures section have checked this aspect of the scheme and consider that geological studies should be commissioned to ensure that the development can be carried out without harm arising. This matter can be dealt with by way of condition.

Drainage

Due to concerns about exacerbating local flooding problems, any additional surface water discharge needs to be mitigated on site through SUDS. Due to the restricted space available for such measures and the potentially impermeable nature of the site, details of this have been requested prior to consent being granted.

S106/CIL - Community Infrastructure Contributions in line with the approved SPD are required. These amount to:

Waste	£250
Sustainable Transport.	£13,550
Education	£6200
Lifelong learning	£2050
Greenspace	£11,850

Conclusions

This is a prominent and sensitive site with the potential to have a profound impact on the character and appearance of the Torquay Harbour Conservation Area.

The DRP considered the 'withdrawn' scheme and did not raise any fundamental concerns in relation to size or extent of plot coverage. English Heritage, who is a statutory consultee did however object to that scheme on the basis of its size, its undue dominance and its lack of contextual cohesion.

This revised scheme for 5 units has sought to overcome the concerns about overbearing impact and design. It is considered that the reduction in the extent of the proposed building envelope and the design devices to reduce the perceived mass have resulted in a form and appearance of

building that fits more comfortably in its surroundings and can be accommodated without dominating the site.

There is a need for more detailed information in relation to the ramped access and plinth which it is hoped can be supplied in time to allow Members to be updated at the meeting.

Relevant Policies

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Agenda Item 11

Application Number

P/2012/0747

Site Address

St Marys Church
Methodist Church
Milton Street
Brixham
Uk
TQ5 0BX

Case Officer

Mr Scott Jones

Ward

St Marys With Summercombe

Description

Partial demolition to the rear of church and rear of hall

Executive Summary/Key Outcomes

The proposal seeks consent for the partial removal of the rear third (approx) of each of the two buildings on the site, along with the removal of the ancillary interconnecting rear link.

With consideration of the location and extent of the demolition that is sought the implications upon the character or appearance of the Higher Brixham Conservation Area are negligible. The proposal is therefore considered acceptable on planning merit.

Recommendation

Approval: Subject to suitable comments from the Council's Conservation and Design Team following the receipt of the Statement of Heritage Significance.

Site Details

The site is a small urban plot approximately 21.5 metres wide by 16.25 metres deep that is set on the south-eastern side of Milton Street and sits slightly above road level. The plot presently holds two redundant buildings that largely cover the expanse of the site, which were formally a church and church hall, sat side-by-side and connected to the rear via an ancillary link. The church building dates from the late 19th Century, takes a gabled form, with stone elevations supplemented by brick detailing and ornate windows to the front elevation. The hall building dates from the early-mid 20th Century, also takes a simple gabled form, with a stone frontage and ornate windows, which give way to rendered side and rear elevations and simpler window forms. Both buildings are set behind a natural stone wall adjacent to the footway.

In regard to context the plot abuts residential plots to each of its three private borders, and in regard to planning designation the site sits on the edge of the Higher Brixham Conservation Area.

Detailed Proposals

The proposal seeks to remove the rear third (approx) of each building along with the ancillary link. The demolition is to provide a degree of rear outdoor space between the reconfigured rear building line and the rear border of the plot.

Summary Of Consultation Responses

Conservation & Design Team - The proposal to demolish is likely to be considered acceptable, however final formal comment is pending the submission of a Statement of Heritage Significance in order to ensure that the nature, extent and importance of the heritage asset is fully understood.

Brixham Town Council - Recommend refusal inline with the minutes of the meeting of the planning committee dated 30th July 2012. In summary it was resolved to recommend refusal on the grounds of (1) concerns over the stability of the properties adjoining and adjacent, (2) insufficient parking, (3) highway safety regarding exiting the site, and (4) overlooking.

Summary Of Representations

A number of representations have been submitted. These have been reproduced on Page B200. Points pertaining to the Conservation Area Consent are summarised below:

- Buildings should be kept as original as possible
- Concern over land instability linked to the level of excavation required
- Impact on neighbours through the demolition and build process.

Relevant Planning History

None.

Key Issues/Material Considerations

The key consideration is in regard to the impact of the demolition on the character and appearance of the Higher Brixham Conservation Area.

The extent of demolition is considered to be relatively limited and retained to the rear of the plot, largely out of public view. Provided the remodelled rear elevation is appropriately detailed the demolition would not harm the character or appearance of the area.

S106/CIL - Not applicable to a Conservation Area Consent Application.

Conclusions

The key features of the plot, the prominent front boundary wall and the public face of the buildings, are not affected by the demolition proposed and hence the character and appearance of the area would be maintained. The application is therefore considered inline with policy guidance and acceptable on planning merit.

This is subject to the consideration of the Statement of Heritage Significance.

Condition(s)/Reason(s)

01. The demolition hereby approved shall not take place until full details of the reinstated elevations to each of the buildings have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the detailed appearance of the buildings is acceptable in the context of its position within the Conservation Area and to accord with Policy BE5 of the Saved Adopted Torbay Local Plan 1995 - 2011.

Relevant Policies

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Agenda Item 12

Application Number

P/2012/0748

Site Address

St Marys Church
Methodist Church
Milton Street
Brixham
Uk
TQ5 0BX

Case Officer

Mr Scott Jones

Ward

St Marys With Summercombe

Description

Demolition works; conversion of Church and hall into 2 number dwellings each with 4 bedrooms.

Executive Summary/Key Outcomes

The principle of the proposed change of use, from assembly and leisure to two residential dwellings is considered to be acceptable, given the character of the surrounding locality and the desire to make efficient use of redundant buildings.

In regard to physical changes the proposal is considered to offer a sensitive conversion of the existing buildings, which will largely retain and reinforce the established character and their contribution to the area. Although the scheme is considered positive in respect to its historic context, there has been no 'Statement of Heritage Significance' submitted with the application. A statement has been requested and, although it is considered likely that the changes to the historic buildings will be acceptable, it will be necessary to consider the scheme further once the statement has been submitted.

The proposal is also considered to improve the spatial arrangement with adjacent residential plots via the partial demolition of the buildings, which will draw the rear building lines away from the joint boundary. The change in levels and the border screening is considered to offer suitable protection to the level of amenity afforded to adjacent occupiers and will present a general arrangement acceptable within the context of the area.

There is no empirical evidence of the existence of protected species however when considering the age, the former use and the current underused state of the buildings, a bat survey has been requested to determine whether the building is used by this protected species. The findings are pending and the recommendation accounts for this.

Recommendation

Conditional Approval; Subject to the approval of a Statement of Heritage Significance; subject to confirmation that South West Water do not object to the proposal; subject to satisfactory findings contained within the requested Bat Survey; and subject to a section 106 legal agreement being signed or upfront payment being received within 3 months of the date of this committee meeting; Conditions to be delegated to the Executive Head of Spatial Planning.

Site Details

The site is a small urban plot approximately 21.5 metres wide by 16.25 metres deep that is set on the south eastern side of Milton Street and sits slightly above road level. The plot presently holds two redundant buildings that largely cover the expanse of the site, which were formally a church and church hall, sat side-by-side and connected to the rear via an ancillary link. The church building dates from the late 19th Century and takes a gabled form, with stone elevations supplemented by brick detailing and ornate windows to the front elevation. The hall building dates from the early-mid 20th Century and also takes a simple gabled form, with a stone frontage and ornate windows, which give way to rendered side and rear elevations and simpler window forms.

Both buildings are set behind a natural stone wall adjacent to the footway.

In regard to context the plot abuts residential plots to each of its three private borders, and in regard to planning designation the site sits on the edge of the Higher Brixham Conservation Area.

Detailed Proposals

The scheme encompasses a change of use, partial demolition, and various alterations and amendments to the plot configuration and buildings.

The scheme proposes the change of use from the established church and church hall, which sits within the Assembly and Leisure Use Class, to that of two dwellings. Each dwelling will offer four bedrooms, with habitable space set over two floors.

In regard to demolition the scheme proposes to remove the rear third (approx) of each building along with the ancillary link. The demolition is to provide a degree of rear outdoor space between the building line and the rear border of the plot, where none exist at present.

In regard to alterations and amendments the principal alteration from the public street scene and plot frontage are cosmetic alterations to the front elevations, which include the replacement of the two timber doors within the church building with partially glazed timber doors, and the lengthening of the two ornate windows within the hall building to offer door openings with replica window patterns retained above.

Away from the principle elevations, the existing outward facing windows within the hall building, overlooking the adjacent bungalow, are removed with the wall detail made good. Alterations to the inward facing elevation of the hall building entail the reconfiguration of the windows to provide a column detail set below a small gable and one further window. The side elevations of the church remain largely unaltered, bar the replacement of replica windows in the inward facing elevation. To the rear, through demolition of the final third of the buildings, rear elevations are created between 5 and 6 metres from the rear boundary. The rear elevations are more modern, with white render and partial cladding set around metal framed windows and glass-framed balconies. Off the back elevation garden space is created. The border around the rear is to be defined by maintaining a boundary wall with timber fencing set over.

Summary Of Consultation Responses

Highways- No objections. The absence of on-site parking is considered acceptable given the established previous use of the buildings and likely trip generation of that previous use.

Conservation & Design - Although there is an inference of support towards the scheme and its approach, formal comments are awaited pending the submission of a Statement of Heritage Significance. This will provide clarity on the nature, extent and importance of the significance of the heritage asset and its setting.

Brixham Town Council – Recommend refusal inline with the minutes of the meeting of the planning committee dated 30th July 2012. In summary it was resolved to recommend refusal on the grounds of (1) concerns over the stability of the properties adjoining and adjacent, (2) insufficient parking, (3) highway safety regarding exiting the site, and (4) overlooking.

South West Water - Comments pending.

Summary Of Representations

A number of representations have been submitted. These have been reproduced on Page B200. The points raised within the submissions are summarised below:

- Overlooking/loss of privacy due to the introduction of windows, balconies and the outdoor garden area
- Insufficient parking for the size of the dwellings

- The area has limited parking and more dwellings will add to the pressure on street parking
- Buildings should be kept as original as possible
- Concern over land instability linked to the level of excavation required
- Impact on neighbours through the demolition and build process
- Covenant on the building for a community use
- The building may hold some bats as it has been left unused for 3 years.

Where relevant to planning considerations and planning merit the points raised above will be explored within the key issues/material considerations section below. Certain points are not considered material to planning and these issues are summarised as follows.

Covenants: It has been asserted that there is a covenant that states that the buildings should be maintained for community use. Covenants are civil restrictions placed on land or buildings and are not a material planning consideration. The granting of planning consent does not overrule covenants.

Land instability: In this context land instability and the potential implications of development upon adjacent plots or buildings is not considered a material planning consideration. The interests of adjoining third parties associated with excavation or works close to boundaries/adjacent buildings are protected through civil legislation, notably the Part Wall etc Act 1996.

Relevant Planning History

None.

Key Issues/Material Considerations

The key material considerations are considered to be (i) the principle of the change of use, (ii) the visual implications/impact upon the conservation area, (iii) the implications upon local amenity, (iv) highway safety matters, and (v) ecological/arboricultural matters

General Policy and Principle - The plot sits in an area with an overriding residential character, with occasional business uses present outside of the nearby defined commercial area to the northeast, that of St Mary's Square Local Centre. In this context, in respect of general principles, the change of use of a redundant church and church hall to two dwellings is considered to be an appropriate move and broadly acceptable, as it would offer a new use commensurate to and supportive of the overriding residential character.

Visual implications/Impact upon the conservation area - The site sits in the Higher Brixham Conservation Area and hence a successful scheme should conserve or enhance the character or appearance of the area, taking into account the defining characteristics of the existing local environment.

The retention of the ornate windows within the principle elevation of the church is welcomed, as is the subtle modification to and replication of the hall windows and church door detail to the front. Subject to details the alterations to the principal elevation of each building appears acceptable. Elevation changes to the sides are relatively limited, and again subject to detail appear supportable. To the rear the remodelled rear elevation, and modernist treatment to the form and character, is also suitable in this location. Again the detail of the treatment will be an important consideration, but this can be appropriately dealt with by way of condition.

The scheme is considered to offer a sensitive conversion of both buildings which would maintain or enhance the character and appearance of the plot and its contribution to the wider area, and thus the proposal is deemed acceptable in regard to its visual impact.

Local Amenity - The implications upon local amenity, in regard to potential overlooking and loss of privacy, loss of light or outlook, or the creation of an overbearing impact, have been considered. It is relevant also to note the current arrangement, with development up to the joint boundary and, in the case of the church hall, with windows within the rear elevation over an adjacent garden. The

removal of the rear portion of the two buildings is therefore welcomed as it would provide breathing space between buildings, an arrangement that is more commensurate with the defined local character.

Overlooking/Loss of privacy – The proposal retains an absence of outward-facing windows within the church building and removes such windows which exist within the hall building. This detail retains and protects the privacy currently afforded the plots/occupiers to either side. Towards the rear the reformed rear elevation sits between 5/6 metres off the rear boundary, with windows over two floors and a recessed balcony at first floor level to the central side of each building. The proposed balconies are linear and each cover an area approximately 3-4 square metres. The impact of these raised outdoor areas is lessened by the upward sloping topography of the land to the rear and the enclosure of the rear borders by walls and additional fencing. The resultant arrangement appears acceptable for all parties in regard to there being limited inter-looking between properties and a degree of screening to stop unacceptable overlooking into garden areas. On this latter point the existing plot arrangements do tend to provide some degree of overlooking into garden areas simply from proximity of one plot to another.

Loss of light/Outlook/Overbearing impact – The proposal removes parts of the existing buildings that are in close proximity to adjacent plots, which is considered to bring positive implications upon the levels of light and general outlook afforded the most immediate of neighbours.

Highway Safety - The scheme does not propose any creation or amendment of a vehicular access. This is welcomed as the plot has a walled front border that sits aside a narrow footpath and carriageway, which could have clear implications upon safe access and egress.

Subsequently the matter for consideration is whether the likely vehicle movements of the proposed use would have a detrimental impact upon the safety of road users. In regard to this matter the proposed use is unlikely to create any addition net vehicle movement in the area over and above the established former use and thus there is unlikely to be any detrimental impact upon road safety. The scheme is therefore considered acceptable on highway merit.

Ecology/Arboriculture - The plot is a brownfield site and the proposal simply seeks the part removal of buildings to offer an improved arrangement for the proposed use as residential. The plot is not considered to hold any ecological or arboricultural constraints that would warrant the refusal of the application.

It is noted that representation has raised the point that bats have been seen in the local area, which is not unsurprising in itself. Aside this general sighting the building is of an age and type that may increase the likelihood of roosting bats, and it has hence been requested of the applicant to commission an inspection of the building for bats. This detail is currently pending.

As stated above there are no arboricultural constraints on the site. A representation states that a tree to the rear is to be lost, which appears incorrect on the information provided within the application. There is a leylandii to the rear of the buildings within an adjacent plot, on higher ground that is physically separated by a retaining stone boundary wall. The implications upon this specimen is that it is unlikely that the root growth would spread to the development site due to the existence of the boundary wall and the local topography, and thus root damage is not considered likely. In addition on a positive note the regression of the buildings away from the specimen is likely to reduce any pressure to fell from any adjacent land owner. It is concluded that the specimen is not a constraint to development as it does not lie within the site, is not detailed to be removed and is unlikely to be affected by the development. Aside this should the tree be affected the development the matter would be a civil one between the two land owners.

S106/CIL - The application will provide two dwellings in place of an assembly and leisure use. The addition of residential units would create additional pressures upon local and social infrastructure, and contributions should be secured through the development process to provide for infrastructure

provision as mitigation. The Council's adopted SPD Planning Contributions and Affordable Housing: Priorities and Delivery, outlines the level of obligations which should be sought, which are detailed below.

Scale of development proposed: 2 dwellings (1@ 95-119m² and 1@ +120m² in floor area).

Mitigation for established use: 240m² of D2 Assembly and Leisure use.

Level of contributions triggered by the development (after mitigation):

Sustainable Transport:	£771.00
Greenspace and Recreation:	£4740.00
Lifelong Learning:	£880.00
Waste & Recycling:	£100.00

Total: £6491.00 (+ the Council's legal fees approx £500)

(if paid up front £6166.45 with no fees – due to a 5% discount structure for early payment/delivery)

Conclusions

The fundamental principle of a residential use for these redundant buildings is supported. The maintenance of the front boundary wall and overriding character and appearance of the buildings is welcomed, and subject to detail appears to maintain or enhance the character and appearance of the plot, the street scene and the Higher Brixham Conservation Area. This judgement is however subject to the receipt of the Statement of Heritage Significance and subsequent consideration of the impact on the heritage asset. The spatial arrangement and relationship between plots is considered to be improved by the proposed partial demolition, and appropriate amenity levels appear to be protected through boundary treatments (which should be maintained at all times thereafter).

Proposed Headers for Conditions

- Statement of demolition
- Submission of detailed design
- Submission of external materials
- Removal of Permitted Development Rights
- Boundary treatment in place prior to occupation and maintained as such at all times thereafter

Relevant Policies

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