



Friday, 30 November 2012

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 10 December 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:

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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**

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

(Pages 1 - 4)

3. **Declarations of Interests**

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

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

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

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. **Urgent Items**

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

5. **P/2012/1037/MPA - Land to the West of Collaton St Mary Primary School and North of the A385 Totnes Road, Collaton St Mary, Paignton**

(Pages 5 - 24)

Development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road , internal road layout, car parking, open space, landscaping, ponds services and infrastructure

and all other associated development. THIS IS A DEPARTURE FROM THE LOCAL PLAN

6. **P/2012/0895/MPA - Devon & Cornwall Constabulary, Southfield Road, Paignton** (Pages 25 - 36)
Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.
7. **P/2012/1152/PA - Elberry Heights, 16 Stone Park, Paignton** (Pages 37 - 45)
Extend time limit - demolition of existing dwelling and erection of new dwelling - application P/2010/0039.
8. **P/2012/0865/PA - Long Meadow, Blagdon Road, Collaton St Mary, Paignton** (Pages 46 - 53)
Formation of phase 1 unit for poultry breeding unit with vehicular access and parking.
9. **P/2012/1078/MPA - Marine Park Holiday Centre, Grange Road, Paignton** (Pages 54 - 65)
Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline).
10. **P/2012/1079/MPA - Marine Park Holiday Centre, Grange Road, Paignton** (Pages 66 - 83)
Erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA.
11. **P/2012/1095/PA - Annandale, 12 Belle Vue Road, Paignton** (Pages 84 - 89)
Formation of an additional residential coach house unit with amenity space and revised car parking layout.
12. **P/2012/0743/PA - Allways, Teignmouth Road, Torquay** (Pages 90 - 97)
New dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access.
13. **P/2010/1080/MPA - Conway Court Hotel, Warren Road, Torquay** (Pages 98 - 106)
Demolition of hotel and formation of 14 residential apartments with car parking and vehicular/ pedestrian access.
14. **P/2011/0227/MPA - Shedden Hall Hotel, Shedden Hill Road, Torquay** (Pages 107 - 120)
Part demolition, conversion and alteration from hotel to 7 residential dwellings and formation of 3 residential dwellings and 4 new residential houses with parking.
15. **P/2012/1093/MPA - 11 Tor Church Road, Torquay** (Pages 121 - 128)
Formation of 8 houses and 3 flats with vehicle and pedestrian access.

16. **P/2012/0846/PA - Land off Church Road to the Rear of 20 & 22 & Side Of 18A & 36 Church Road: Rear Of Cashabac & Sunnyhome & Homing, Jacks Lane, Barton, Torquay** (Pages 129 - 134)
Formation of dwelling.
17. **P/2012/1155/PA - Dainton Self Store Ltd, Torre Station Yard, Newton Road, Torquay** (Pages 135 - 146)
Change of use from B8 storage to C3 dwelling houses and formation 8 townhouses with 3 storeys and 3 bedrooms with integrated garages and off street parking and 1 single storey bungalow with 3 bedrooms with pedestrian access.
18. **P/2012/1086/MPA - Lincombe Hall Hotel, Lower Woodfield Road, Torquay** (Pages 147 - 159)
Erection of a new 11 bedroom hotel accommodation building, with glass link to existing villa (NB. Access & car parking already have pp).
19. **P/2012/1029/PA - Warberry C Of E Primary School, Cedars Road, Torquay** (Pages 160 - 166)
Formation of single storey four classroom extension with toilets and corridor.
20. **P/2012/0630/PA - Westella, Tor Vale, Torquay** (Pages 167 - 170)
Erection of 16no. 250W Solar Pv panels on A-Frames on residential garage roof of Westella.
21. **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.
22. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let the Governance Support know by 5.00 p.m. on Wednesday, 5 December 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

12 November 2012

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Faulkner (A), Mills and Thomas (D))

81. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 October 2012 were confirmed as a correct record and signed by the Chairwoman.

82. Urgent Items

The Committee considered a verbal update raised by the Executive Head of Spatial Planning in relation to application P/2011/0838/MPA - Land at Churston Golf Club, Dartmouth Road, Brixham regarding Members' refusal on highways grounds at the Development Management Committee meeting on 25 June 2012. The Committee authorised the officers, to advise the applicant that, in the event of an appeal, the Council will evidence the difficulties of traffic moving to and from the site as applied to the road system in general and not just the 3 roads referred to in the decision notice.

83. Updated Report - District Heating proposals in relation to application P/2011/0197

The Committee considered an updated report on District Heating proposals in relation to application P/2011/0197 - Land West of Brixham Road, Paignton. The Committee agreed that item (vi) c) be deleted from the recommendation stated in the minutes of 13 February 2012 and the Section 106 Agreement be completed before the end of December 2012.

84. P/2012/0870/PA - 25 Roundham Road, Paignton

The Committee considered an application for change of use of one holiday unit to residential. Internal alterations to turn 6 holiday units in to 2 full residential units.

Prior to the meeting Members of the Development Management Committee undertook a site visit. At the meeting Patricia Toft addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) the receipt of revised plans showing the windows to the front elevation of the Victorian villa being replaced with UPVC sliding sash, and retaining the proposed removal of the porch link and the formation of a garden to the front curtilage in place of the existing parking area
- (ii) the new dwarf wall to the front curtilage being constructed of natural red sandstone and clarifying the removal of existing signage from the building
- (iii) the completion of a Section 106 Agreement in respect of sustainable transport, waste management, lifelong learning, green space and education by 31 January 2013 or the application will be reconsidered by Members
- (iv) the replacement of the guttering and down pipes to be included in the conditions: and
- (v) conditions as set out in the submitted report be delegated to the Executive Head of Spatial Planning and timescales for the completion of the works of improvement to the building to be discussed and agreed with the applicant.

85. P/2012/0743/PA - Allways, Teignmouth Road, Torquay

The Committee considered an application for a new dwelling in the grounds of existing property with new improved entrance and vehicular/pedestrian access.

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 Sarah Hunt addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Faulkner (A) addressed the Committee.

Resolved:

Consideration deferred to allow for further investigation and clarification of site history.

86. P/2012/0647/PA - Headland Hotel, Daddyhole Road, Torquay

The Committee considered an application for the excavation of land up to a depth of a metre to create a 19 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities.

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 Richard Chilcott and John Slater addressed the Committee in support of the application.

Resolved:

Refused on the grounds that the application would have an adverse impact on the landscape character and parking in the absence of an agreed mitigation strategy. The Committee agreed to consider a revised application to include the following conditions:

- (i) the need for the additional spaces is justified and the contribution of nearby public car parks satisfying the need for additional spaces is addressed
- (ii) the loss of public car parking spaces is mitigated through the inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to ensure proper use of the facility
- (iii) the scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped
- (iv) that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a Section 106 Agreement
- (v) the car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being available for coach turning only.

(Note: Prior to consideration of application P/2012/0647/PA Cllr Hill declared a non-pecuniary interest as he is a member of the Torbay Coast and Countryside Trust)

87. P/2012/1032/VC - 48 Torwood Street, Torquay

The Committee considered an application for a variation of condition 4 to application P/2012/0099/PA use hereby approved shall only be operational between the hours of 08:00 and 00:00 Sunday-Thursday and between the hours of 08:00 and 01:00 Friday and Saturday.

Prior to the meeting a written representation was circulated to the Committee. At the meeting Mick Roberts addressed the Committee in support of the application.

Resolved:

Approval of revised opening hours, as per the officer recommendation; between 08:00-00:00 Sunday to Thursday and 08:00-00:30 Friday and Saturday.

88. P/2012/0910/CA - 2 Fore Street, Brixham

The Committee considered an application for the demolition of 2 and 2A Fore Street. At the meeting Richard Ryl addressed the Committee against the application.

Resolved:

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

89. P/2012/0911/R3 - 2 Fore Street, Brixham

The Committee considered an application for the demolition of 2 and 2A Fore Street; junction realignment and replace with 2 ground floor retail units and 2 first floor apartments. At the meeting Richard Ryl addressed the Committee against the application.

Resolved:

Approved subject to:

- (i) the receipt of a satisfactory Flood Risk Assessment and the withdrawal of the Environment Agency's objection; and
- (ii) conditions set out in the submitted report

Chairwoman

Agenda Item 5

Application Number

P/2012/1037

Site Address

Land To The West Of Collaton St Mary
Primary School And North Of The A385
Totnes Road
Collaton St Mary
Paignton
Devon

Case Officer

Mrs Helen Addison

Ward

Blatchcombe

Description

Development to include 197 residential units, a local centre building (ground floor only) comprising Use Class A1 floor space of 460sqm new vehicular access to Totnes Road , internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. THIS IS A DEPARTURE FROM THE LOCAL PLAN

Executive Summary/Key Outcomes

This application is submitted in full for the construction of 197 dwellings with a community facility, areas of public open space and balancing ponds. The site is not allocated for the development in the Torbay Local Plan 1995-2011 and as such the application is treated as a departure from the Torbay Local Plan 1995-2011.

In the absence of a 5 year housing supply it is important to note that the development will provide a substantial amount of much needed housing in Torbay, including a range of family homes, 30% affordable housing, Section 106 contributions of £883,760.00 and a local centre. Furthermore, the applicants have applied in full and stated their intentions to build the scheme out quickly and their willingness to accept a 2-year permission. This weighs in favour of the development in terms of the need for new housing.

However, the principle of the development of this site has not been convincingly presented by the applicant and they have not satisfactorily demonstrated how development of this site would make a positive contribution to the character of the area, the role in the way in which the site would function within the area and how it would contribute to the long term opportunity to meet the needs of the community. There has been limited pre application engagement by the

developer and this has resulted in their being a number of serious shortcomings in respect of the design and layout of the proposed development, the Environment Agency has registered an objection to the application, it is not established that the development would result in a net gain in biodiversity and it is considered that the proposal will result in harm to the landscape and visual amenity of the area.

As submitted the proposed development is contrary to paragraphs 60 to 64 of the NPPF and Policies H2, H9, H10, L2, L4, L8, BES and BE1 of the Torbay Local Plan 1995-2011 in that it would fail to deliver a sustainable form of development that would enhance the overall quality of the area.

Recommendation

Refusal – reasons are at the end of the report.

Site Details

The application site relates to a triangular shaped site of 7.22 hectares situated on the northern side of Totnes Road, west of Collaton St Mary CofE Primary School. The site is known locally as the 'car boot field'. The site is currently grassed and there are no buildings on it. The boundaries to the north east and north west follow existing hedgelines, which are quite clearly defined.

There is a single point of access to the site from Totnes Road situated fairly centrally along the length of this boundary. The boundary along Totnes Road comprises rusting estate railings with intermittent boundary hedges and trees. There are views across the site from Totnes Road. There is a grass verge along the boundary with Totnes Road and no pavement on the northern side of Totnes Road. There is a pavement along the southern side of the Totnes Road. The ground levels on the site slope downwards in both a northern and an eastern direction. There are extensive views from the site towards open countryside land to the north and east.

On the opposite side of Totnes Road there is residential development in a predominantly linear form. However, this is generally set back from the road and the otherwise linear form is broken up by large trees and landscaping. To the west of the site there is a camping and caravan park. To the north and east there is open countryside land.

In the Torbay Local Plan 1995-2011 the site, and the land to the north and east is allocated as Countryside Zone and Area of Great Landscape Value. A large proportion of the site is proposed in the Plan to be used as a new cemetery. The site is not allocated in the Torbay Local Plan 1995-2011 for residential use.

Detailed Proposals

The application is submitted in full for the construction of 197 dwellings and a small community facility that could be suitable for a number of uses such as a

convenience store, hairdressers etc, with a number of areas of public open space and balancing ponds.

The proposed dwellings would be predominantly houses of a mix of sizes and there would be 12 x two bedroom flats above the community facility/retail units. The proposed dwellings would be 2 and 2.5 storeys high and the retail building 3 storeys in height. A single point of access is proposed in the position of the existing access from Totnes Road. The road layout on the site would be based upon a central spine leading from Totnes Road with a number of roads running along the contours off this spine. 10 metre exclusion zones are proposed along the existing north-west and north-east hedge boundaries. Four areas of public open space are proposed within the site along with a number of balancing ponds along the eastern boundary of the site, which is where the ground levels are lowest. The proposed community facility/retail building would be located adjacent to the site access and Totnes Road.

A cycle route is proposed adjacent to the northern boundary with Totnes Road. 10/11 car parking spaces for use in connection with the adjoining school are proposed at the eastern end of the site. There would be no direct access to these spaces from Totnes Road, access would be through the proposed development.

59 dwellings would be provided on the site for affordable housing and 138 for speculative housing. The proportion of affordable houses would be 30%. The materials palette would include the use of both brick and render for the elevations and slate or slate effect for the roof.

A statement of Community Involvement has been submitted in support of the application. Community consultation events have been held in April, August and November 2012.

Summary Of Consultation Responses

Education: There is no opportunity to expand Collaton St Mary School. The planned primary school expansion that is relevant to a development such as would be Roselands and White Rock. Roselands is within 1.2 miles and as such it is within the statutory 2 mile walking limit for 4-7 year olds and well within the 3 mile limit for 7-11 year olds. White Rock is 2.1 miles so within the 3 mile limit.

Environment Agency: Following receipt of a revised Flood Risk Assessment(FRA) in response to initial consultation response the EA registers an objection unless the shortcomings can be overcome prior to determination.

EA advises that there is a history of property flooding in Collaton St Mary and downstream from the Yalberton Stream. It is critical that surface water run off from the proposed development does not exacerbate the current risk of flooding.

It is suggested that the Flood Risk Assessment is appended with details of where additional storage could be provided and also a long section of the SUDs strategy, prior to determination of the application.

In addition the EA states that the Local Planning Authority “should be confident that sufficient funding can be obtained, and written assurances regarding maintenance are given, prior to the determination of this application. Failure to secure written assurances would risk the scheme as a whole failing to carry out its intended purpose over the lifetime of the development proposed”.

Recommends a condition requiring submission of details to manage surface water run off.

Drainage: Further detailed design work is required, which includes infiltration testing in the location of the storage ponds or swale, additional information relating to the data used and a draft maintenance plan for the site.

SWW SWW have no objection to the proposals. Please note that a public water main runs through the site.

Housing Services: Torbay Council’s affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 1 and 2 bedroom flats and a disproportionately higher number of 2 bedroom houses. Although a number of 3 bedroom houses are being provided this does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority as there is currently a very long wait for these type of units. In order to promote mixed and balanced communities we would want to see the affordable housing distributed throughout the scheme in more than one area.

We would expect to see 5% of the rented provision to be suitable for a wheelchair user.

Highways: Comments as follows:

- a) parking ratios require further consideration,
- b) the provision of a school drop off and parking facility for 10 vehicles is not required and should be deleted from the scheme,
- c) the only link into the school site should be a shared use path,
- d) further work to validate the results of the data modelling is required,
- e) requests S106 contributions towards sustainable transport improvements,
- f) a framework Residential Travel Plan must be prepared in advance of planning permission being granted, and;
- g) a scheme of this size should be required to provide a car club on site including supply of a car and a parking space.

RSPB: The RSPB confirm that, should this application be granted, it should not result in a net loss of any habitat suitable for ciril buntings and should not involve the removal of potential breeding habitat during the nesting season. Though the proposed development does not directly impact upon known ciril bunting territories, the application site is close enough to existing territories to have potential for encouraging range expansion and the RSPB recommends appropriate habitat retention, creation and management. The RSPB recommends that boxes for bats and birds are integrated within the design and construction of all suitable buildings. The RSPB supports the use of a Landscape and Ecological Management Plan (LEMP). RSPB comment that should the LPA decide to grant permission, conditions and obligations will be needed to retain and create habitats. In the RSPB's view the proposed S106 Heads of Terms needs to include financial provision to ensure the ongoing management of the public open space and wildlife habitats on site.

Natural England: The proposed development is within the 'sustenance zone and strategic flyway' of the Berry Head roost component of the South Hams Special Area of Conservation (SAC). A number of outstanding matters are raised in response to the submission of the Ecology Impact Assessment. These include

- a) 0.5lux should not be exceeded within the 10m wildlife buffer along the northern boundaries,
- b) bat activity is likely to be associated with both sides of hedgerows,
- c) recreational/access objectives should be balanced with wildlife/natural environment considerations and d) where on site mitigation opportunities are restricted off - site compensation should be considered.

Stoke Gabriel Parish Council: object to the application on the grounds that the application is premature, there are new housing developments at Great Parks (480 homes), White Rock (350 homes) and Holly Gruit and Yannons farm (315 homes), flooding, traffic congestion, detrimental impact on tourism and no provision has been made for employment.

Summary Of Representations

In excess of 220 representations have been received, the majority of these are objections to the application. Copies of the representations are reproduced and available for inspection in the Members room. Representations of behalf of community groups have been received from the Paignton Neighbourhood Forum, Collaton St Mary's Residents Association, the Local Access Forum, Paignton Heritage Society and the Governors of Collaton St Mary Primary School. Copies of these representations are reproduced at P. 205.

The points made in objection to the application include the following;

- Brown field sites should be used first
- Land borders a flood plain

- Inadequate sewerage system
- Increase in traffic
- Disrupt natural wildlife and habitat
- Loss of good quality farmland
- Negative effect on a struggling tourism industry
- Noise and light pollution extended into the countryside
- Would totally spoil an area of great landscape value and natural beauty
- Proposal would impact on ability of local children to attend a local school
- Impact on local services eg doctors, shops, play areas etc
- No need to further houses in this area there is already a large development proposed for Brixham Road
- Rainwater run off will impact on the flow of Yalberton stream
- The single entry point would be extremely dangerous
- Proposal is unsustainable
- Developers should consider solar panels and hydro power as a means of powering the site
- The style of the 3 storey building is not suited to the existing environment of the village. It will have a negative impact on views
- The infiltration ponds will not help alleviate flooding, they are far too small to have any real effect when it comes to preventing excessive run off from the site
- Infiltration ponds should not be positioned adjacent to the primary school
- Development is contrary to the local plan
- Collaton St Mary is not an urban area
- High risk flood area
- The village school and surrounding schools cannot support another new housing estate
- Torbay requires additional employment opportunities and improved infrastructure before additional housing
- Collaton St Mary already has the Parish Rooms as a community centre
- Incomplete application – new documents being continually added online

The points made in support include;

- Would be good for the area but controls need to be put in place to retain the natural beauty of the valley
- The retail is needed as there is nothing else around
- The 2/3 bedroom starter homes are ideal and greatly needed
- Paignton is crying out for housing for local people
- The safe cycling and pedestrian links plus the investment is spot on

Relevant Planning History

No recent relevant planning applications. Collaton St Mary Residents Association has noted a history of planning applications from the 1960s. Due to the time since these were determined and the changes in policy and legislation that have taken place it is not considered that these are material to the

determination of this application.

The following application relating to land adjacent to the North East boundary of the site is relevant;

P/2012/0865 Formation of phase 1 unit for poultry breeding unit with vehicular access and parking, Long Meadow, Blagdon Road -current application.

Key Issues/Material Considerations

The main issues to be considered are the principle of residential development on this site, the design and layout of the proposed development, highways, flood risk and drainage, ecology, and landscape.

Principle and Planning Policy -

This site is not allocated in the plan for residential use and has been advertised as a departure from the Torbay Local Plan 1995-2011. It is designated as Countryside Zone and Area of Great Landscape Value in the plan. Policies L2 and L4 are applicable to these designations. These policies seek to maintain or enhance the special landscape character of the area and to safeguard Torbay from further urban sprawl.

Part of the site is also allocated in the Torbay Local Plan 1995-2011 for use as a cemetery. This policy is relevant to the determination of the application although it would carry little weight as a reason to refuse the application, since it has not come forward in the plan period. The ownership of the land is outside the Council's control and it would be inappropriate for the use as a cemetery to be imposed on the land solely due to designation in the Local Plan. There is no evidence that the Council or any other organisation is seeking to implement this use in the near future, and it is feasible that an alternative site could be found. Therefore it would not be necessary for this land to be protected exclusively for this use. Consequently there would be no objection to the principle of an alternative use of this land, provided it was compatible with the remaining policies in the development plan and with the NPPF.

A key consideration to the determination of this application is the Council's 5 year supply of housing land, and whether it can be demonstrated that there is an adequate supply. If the Council is unable to identify a supply of sufficient specific deliverable sites there would be a presumption in favour of sustainable development, which would weaken the case for resisting development on this site. Para. 49 of the NPPF is relevant, this states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Where there is a lack of a 5 year supply and the site can meet other objectives of Development Plan Policy and the requirements of the NPPF then it may be

considered appropriate to develop irrespective of the Council's adopted policies regarding the quantity of housing to be provided over the plan period and its spatial distribution.

In the appeal decision at Scots Meadow (June 2012) the Inspector was of the opinion that Torbay Council could not demonstrate the availability of a 5 year supply. The Inspector concluded that Torbay should be providing 3,631 dwellings over 5 years to meet its housing needs and that Torbay therefore had a shortfall in supply, being only able to demonstrate deliverability of some 2,627 dwellings over that same period.

Since this decision was issued there has been a change in circumstances as the 2011 sub population projections have been issued. These projections are useful as they incorporate the Census baseline figures and are therefore more up to date than the 2010 based population projections, which came out during the Scots Meadow Inquiry sitting and were considered in the Inspector's report. It appears that the 5 year supply based on these figures would be in the region of 400 dwellings per year. The Scots Meadow decision was based on 2008 household projections and this evidence base is becoming increasingly out of date. The evolving nature of this evidence base, and the changing status of the New Local Plan could, in time, provide an opportunity for further consideration of resisting the development in principle.

Policy H1 in the Torbay Local Plan 1995-2011 states that "permission will not be granted for housing on any large greenfield sites other than those identified". The explanation to Policy H2 states that "unallocated greenfield housing sites of more than 1.4ha/1 acres will not be approved, as set out in Policy H1". This approach is not consistent with the objectives of the NPPF which has at its heart a 'presumption in favour of sustainable development'. As such, in the light of the NPPF the Council needs to consider the principle of development on the site and make an assessment of whether the proposal would constitute a sustainable form of development. Policy H2 contains a number of development management criteria to assess the proposal against, in order to secure a high quality development. Policies H9 and H10 which relate to layout, design, community aspects and housing densities are also relevant.

This site is not a housing allocation site (Torbay Five Year Housing Supply Sites) in the emerging new Local Plan (A Landscape for Success, Local Plan Consultation Draft September 2012) but is within a proposed Area of Change/Future Growth Area within the new Local Plan. This plan carries little weight in the decision making process as it is at an early stage in its preparation, and therefore this designation has limited weight in determining this planning application. A key point is that the area around Totnes Road in Collaton St Mary could have potential for development in the future. However the area identified is significantly greater than just the application site and is clearly a broad brush signifier of potential growth as opposed to a site allocations plan.

It is important to note that the development will provide a substantial amount of much needed housing that will be a significant gain in terms of the supply of housing in Torbay. The residential development profile is considered to provide a good balance and mix of types and tenures, providing much needed family housing. Furthermore, the applicant has agreed to provide 30% affordable housing across the site along with a local centre to serve the Collaton St Mary area. In the absence of a 5 year housing supply these are important considerations and must be weighed in favour of the development.

However, it is considered that in order to provide a sustainable form of development that would meet the needs of the community it would be necessary for the whole area to be subject to a masterplan and planning framework that would produce an organic growth of the existing settlement to deliver not just housing, but jobs, retail, community facilities and recreation space. There is concern that by allowing the piecemeal development of this site at this time that this would prejudice the opportunity to deliver an integrated well planned and thought out sustainable form of development for the entire area.

Design and Layout -

The application has been considered by the Design Review Panel. A copy of their comments is reproduced at P. 205. In summary they have raised the following issues;

- Where no wider spatial framework has been established for a site adjacent to an existing settlement then we would expect that an applicant presents the case for development from 'first principles' - an objective analysis of settlement pattern, movement, green infrastructure, distribution of retail and other community facilities etc across the wider area would have helped us to understand why this particular site might have been brought forward in advance of an adopted planning framework and the extent to which it may be capable of representing 'sustainable development' in any future context.

- This site presents a considerable challenge- being the side of an especially attractive rural valley with outstanding views across to the other undeveloped slope and long distance, dramatic views up to the higher ground of Beacon Hill. The panel felt that the essential landscape character had not been properly understood or appreciated.

- The panel felt that a successful layout on this site would have to respond to a number of site conditions or influences; a) the existing Totnes Road which forms an edge to the envelope of the settlement along this stretch, b) the sense that rather than an infill site any development here ought to be understood more clearly as an organic extension to the historic form of the village and c) the presence and impact of proposals in the wider valley

- The strategy of providing a number of smaller scaled green spaces throughout the development and the desire to provide local areas of play within close proximity of all dwellings means that there is no space really large enough for 'kick about' purposes or informal team sports activity. We think that aggregating open space together might be a better strategy. We are surprised that allotments do not seem to be a feature of these proposals.

- The rear facade of the three storey mixed use block will present to Totnes Road. We find it unsatisfactory for the 'back of house' and storage elements to be given this impossible challenge in design terms. This appears to us to be an incongruous, large and bulky building at a very prominent location on the site. We strongly support mixed use buildings of this sort but their design needs to be very carefully handled if they are to be truly successful.

- The handling of individual houses seemed to be redolent of the normal sub vernacular language that is very indistinct in its origins, careless in its composition and grammar and regrettably seen everywhere. There is nothing discernible in its character that would particularly link it to Torbay or Collaton St Mary. The design presented does not itself make a good case for contemplating a major built incursion into this relatively unspoilt valley setting.

- A thorough Landscape and Visual Impact Assessment needs to be undertaken and, if development is not ruled out by it, proposals reconsidered in response to it. The panel considers that the 'genius loci' of the site has not been properly understood and respected by these proposals. Currently we perceive that a fairly substandard suburban character is being imposed on a landscape setting that is essentially rural.

- The location of the local centre and distribution of higher residential densities should be driven by the proximity to the existing village and potential synergies with the school- therefore they should gravitate eastwards.

- If a truly successful design was developed for this site we anticipate that the quantum of development proposed would have to be reduced dramatically.

The above points and report from the DRP provide a thorough analysis of the proposed development and an indication of the areas that require further consideration, to improve this development.

Officers concur with the sentiment and the comments made by the Design Review Panel. In particular, officers are of the view that a) any scope for development should be ascertained based on a more thorough consideration of the site within its context, b) any development should form an organic extension of the existing village, c) any development should be part of a plan-led process of change in the area that provides for the wider needs of the community, and; d) that if development were considered to be acceptable in design terms that it

would be likely to be in a considerably reduced form to that currently proposed.

It is notable that the Landscape and Visual Impact Analysis was submitted late in the application process and after the proposal was considered by the DRP, which is regrettable as it is a key piece of information.

The applicant's interpretation of the proposed development is at odds with the opinion of the DRP. In the design and access statement it is stated that when; "seen as a missing piece, the development of the site makes a logical extension to the valley bottom settlement of Collaton St Mary. The development reflects the residential development opposite and adds a focus of integration in the form of local retail centre. Links to adjacent sites helps create a more connected and sustainable settlement overall." It is not completely clear how the applicants have arrived at this opinion, as there is no analysis of the settlement pattern or movement pattern of the surrounding area included in the design and access statement. It would be helpful to understand how this development would integrate into the wider area, and why the applicant perceives it as a logical extension. This view is not shared by officers.

In the design and access statement there is a detailed analysis of the local built form. However there is not a clear explanation of how this has been interpreted in the design of the proposed dwellings. As referred to by the DRP the house types are not reflective of the local character of the area, particular the more formal Georgian appearance 2.5 storey houses. In addition there is concern about the location of the community facilities building and how this would relate to the use of existing facilities in Collaton St Mary. It would seem more appropriate for it to be sited at the eastern end of the site adjacent to the school, the church and the parish rooms in order to contribute to the focal point of the village and to encourage access by pedestrians rather than car users.

A key issue is whether the proposed development would be sustainable. To meet this objective it is useful to draw on the core planning principles at para.17 of the NPPF which require development to enhance and improve the place in which people live their lives and to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It appears that the layout of development on the site has been designed to address the constraints of the site itself such as the levels on the site, the hedgerows to the north west and north east and the frontage to Totnes Road. However the bigger picture of how the development would integrate into the existing settlement and landscape is not addressed. The end result is a technically workable form of development, but one that fails to relate to its wider setting and positively enhance the settlement pattern of the area. As such the proposed form of development would fail to meet the objectives of Policy H2 in the plan and para.61 of the NPPF which states that planning decisions should "address the connections between people and places and the integration of new

development into the natural, built and historic environment.”

Highways -

A Transport Assessment has been submitted in support of the application. This identifies that the following highway improvements would be carried out;

- A right hand lane to enable vehicles to turn right into the development without interrupting the flow of traffic towards Totnes. The junction would be located in the same position as the existing access.

- A footway/cycleway would be provided within the development between the access and the eastern boundary.

- A new bus stop with bus bay, shelter and raised bus border would be provided just to the east of the access with footway connection to the development access.

- Provision is included for 10/11 drop off/pick up parking spaces to serve the adjacent primary school which would be accessed through the development and would have direct pedestrian access to the primary school.

The proposed layout includes the provision of off street car parking on the following basis; a ratio of 1 space per bedroom for apartments, two spaces for two bedroom dwellings and 3 spaces for family housing. Affordable housing would have a ratio of 1.25 per dwelling.

The Strategic Transportation team have made a number of comments on the proposal in terms of the highway. In principle, subject to the receipt of additional information, it is advised that the proposed development would not have an adverse affect on highway safety. Further clarification of a number of points in the Transport Assessment has been requested. In addition, the omission of the parking spaces for use in connection with the school is required as this would not encourage sustainable methods of travel to the school. The on site parking ratios need to be reviewed as the ratios are low for affordable housing and overly generous for large dwellings. S106 contributions have been requested which would be used towards a number of improvements. A framework Residential Travel Plan is requested to address ways of encouraging future residents to use sustainable methods of travel.

Local residents have raised concerns about traffic congestion in the area and the impact that the proposed development would have. In the Transport Assessment it is stated that the proposed development would result in a 1.3% increase on traffic using the Tweenaways junction at the AM peak hour. It is advised that the development traffic at Tweenaways would be 61 vehicles (14 to the development and 47 from the development). It is estimated that in 2018 there would be 4815 vehicles in total using the junction in the peak AM hour. The Councils Strategic Transportation officer has requested further clarification of these figures,

however, if these figures are accurate the impact of the proposed development on the operation of the Tweenaways junction would be negligible and would not constitute a defensible reason for refusal of the planning application.

The DRP suggested that there would be an opportunity to improve the form of the proposed development if two points of access were formed onto Totnes Road. The Strategic Transportation team have responded that they would discourage multiple access points because this could lead to an adverse effect on the free flow of traffic along Totnes Road. They note that for every new access created a right turn lane would be required requiring more land take and opening up of the area for visibility splays, which would detract from the rural character of the road.

Flood Risk and Drainage -

On the Environment Agency's indicative flood risk map the application site is wholly within Flood Zone Risk 1 (low risk). In accordance with the Technical Guidance to the NPPF, residential dwellings are considered to be 'More Vulnerable'. However the proposed dwellings are not within flood risk zone 3 – high risk or flood risk zone 2- medium risk and therefore the Technical Guidance to the NPPF concludes that residential use is suitable for this site in flood risk terms.

A flood risk assessment has been submitted in support of the application. This identifies that due to the topography of the site, surface water run off will typically flow in a northerly direction, crossing the greenfield land to the north before reaching the existing stream adjacent to Blagdon Road. The design of the proposed drainage strategy would be to reduce pre- development volume of run off by utilising SUDS features which promote infiltration. The strategy would incorporate hydraulic restrictions designed to offer a 10% reduction in the rate of discharge to the existing stream. It is proposed that overland flood flow routes will be introduced to ensure that water is directed towards convenient holding points, away from primary access/egress routes.

The Environment Agency's initial consultation response requested submission of further information in respect of where additional storage could be provided and further details of the SUDs strategy. Following revision of the Flood Risk Assessment (FRA) the Environment Agency have confirmed that they register a holding objection unless these shortcomings are overcome, despite the fact that they endorse the strategy as a whole. They advise that the FRA fails to demonstrate how the additional volume of waters that would emanate from the site once developed would be managed.

It should be noted that if the Council decided to approve the application where there is an objection from the Environment Agency the application would have to be referred to the Secretary of State before planning consent could be granted.

SWW has advised that they raise no objection to the proposal however they advise that there is a public water main that runs through the site. The applicant has advised that it would be their intention to divert this main.

Ecology -

An Ecological Impact Assessment has been submitted in support of the application. This states that the application site does not lie within or adjacent to any designated site of nature conservation value. No statutory designated sites of nature conservation value lie within the 2km study area.

Twenty non-statutory designated sites of nature conservation value lie within 2km of the site. The closest is the Ramshill County Wildlife Site which lies approximately 1km north of the site. There is one European designated site within 10km of the development at Berry Head. Berry Head Special Area of Conservation (SAC) is a component of the South Hams SAC and is located to the southeast of the site, approximately 8.3km at its nearest point. The South Hams SAC is designated for its importance to Greater Horseshoe Bats and although the site is not within the SAC, it does lie within a Greater Horseshoe bat Sustainance Zone and partially within a greater horseshoe bat Strategic Flyway, as designated by Natural England. These sustainance zones and flyways comprise key foraging areas and movement corridors for greater horseshoe bats within the South Hams SAC. It is necessary for the applicant to demonstrate that development within these zones and flyways will not lead to significant adverse effects on the integrity of the SAC.

The site is a north facing non-grazed grassland field. There are species rich hedgerows along the north east and north western boundaries. The hedgerow along the southern boundary with Totnes Road is species poor. The grassland on the site is assessed in the Ecological Impact Assessment as being poor semi-improved grassland. In the phase 2 survey, evidence of use of the site by invertebrates, amphibians, reptiles, birds, and bats including the greater horseshoe bat was found. Local residents have advised that badgers may use the site.

In order to manage the habitats on the site during the pre construction, construction and post construction phases a Landscape and Ecological Management Plan would be produced and agreed with the Council. This would contain measures for mitigation and enhancement on the site. It is proposed that 30 bat boxes would be installed in retained trees/hedgerows and on new properties. 20 house sparrow nest boxes, 20 swift/house martin nest boxes and 20 general bird nest boxes would be incorporated within new buildings and trees within the site. A lighting scheme would be agreed to keep light levels to a minimum through minimizing column height and use of baffles, louvers, shields and/or hoods. A 2 metre high close boarded fence would be installed between the residential development and the wildlife corridor along the north-west boundary to restrict usage by the public and restrict light spill.

Consultation responses have been received from both Natural England and the RSPB. They both seek clarification of how recreational/access proposals on land adjacent to the north east boundary will be balanced with wildlife/natural environment considerations. Further clarification on the lighting scheme and consideration of use of the hedgerows by bats is requested. In addition it is suggested that the developer could consider off site compensation in order to deliver net biodiversity gain. This detail would need to be addressed by the developer before planning permission could be granted.

The Council has to screen the application under the Habitats Regulations 2010. It is likely that the Council will conclude that, in the event that the appropriate measures are secured through planning conditions and clauses in a S106 agreement, then this proposal will not have a Likely Significant Effect (alone or in combination) on the integrity of the South Hams Greater Horseshoe Bat Special Area of Conservation.

Landscape -

In the 'Torbay Landscape Character Assessment' the application site is within LCT Type 1 Rolling Farmland which is subdivided into a number of areas. The subdivided category is defined as 1L Blagdon Barton. This category is assessed as being 'less sensitive' and can accommodate change to rationalise the existing scattered land uses and contribute to a gateway and sense of arrival to Torbay. There are no statutory designations relating to the site. It is locally designated as an 'Area of Great Landscape Value' and 'Countryside Zone' in the Torbay Local Plan 1995-2011. The site predominantly consists of pasture with some peripheral vegetation and semi mature trees.

The applicant has submitted a Landscape and Visual Assessment in support of the application. This assessment notes (at para 4.2) that the visibility of the application site is principally restricted by three factors; 1) the lower valley location of the site and surrounding undulating and sloping terrain, 2) the existing mature tree groups and hedgerows within and surrounding the application site and 3) the surrounding built development of Collaton St Mary and Tweenaways to the south and east. It is identified that those parts of the surrounding landscape likely to be sensitive to the proposed development are;

- Visitors to St Mary's Church
- Residential properties on Totnes Road
- Residential properties on St Mary's Park Road to the south
- Residents of Lower Blagdon
- Users of the adjacent holiday park

The Landscape and Visual Assessment states that due to the undulating topography of the application site combined with the surrounding higher topography and vegetated ridges there are few direct views of the application site

from the surrounding settlements and footpaths. There are no public rights of way within the immediate vicinity of the application site and very few across the surrounding landscape as a whole.

The applicant proposes to improve existing hedgerow vegetation and provide tree planting around the application site boundary and states that this would soften views of the development and assimilate it into the landscape. The applicant's landscape consultant therefore predicts that the residual landscape impacts are predominantly localised in scale and restricted to the application site and adjacent residential areas. It is assessed that once the proposed development is complete there will be a localised change to the land use and marginal change in landscape character due to the newly built residential units that will be glimpsed beyond the boundary vegetation. It is purported that key characteristics of the Landscape Character Type and the Area of Local Character will not be altered and the proposed development will contribute to the 'variable character' and become part of the 'fragmented and urbanised' landscape.

The conclusions of the submitted Landscape and Visual Assessment are based in part on evidence in the form of eleven viewpoints with visibility across the application site and surroundings. It is concluded by the applicant that the majority of viewpoints will experience no impact during both construction and on completion.

The conclusions in the Landscape and Visual Assessment are not accepted in full. It is considered that the site is visible in long views from residential areas to the south and east and the proposed development on this scale and density will represent substantive change to the rural character of the area. Photographs to support this opinion will be included in the presentation to the Development Management Committee.

This site forms part of a largely undeveloped rolling valley of significant landscape quality. As the hedgerow along Totnes Road is sparse there are views across the site to this wider valley. These views are outstanding across to the other undeveloped slope within the valley with long distance dramatic views up to the higher ground of Beacon Hill. There are also views across the site from the surrounding area.

It is important that any proposed development is assimilated into this landscape setting and would not have an adverse effect on the rural landscape character of the area. Considering the photographic evidence of the site and its context it is necessary to assess whether it is appropriate to develop this site or whether the harm to the landscape would be sufficiently detrimental to resist the proposal. If it is considered that development may be appropriate, then one strategy to integrate it into the landscape would be developing on the lower parts of the site, which would relate to the existing settlement pattern of development along the lower part of the valley around the church and school. This would also fit with the

'organic extension' approach put forward by the Design Review Panel. This would reduce the visibility of development in long distance views. Alternatively a looser more rural form of development could provide a greater opportunity to respect the landscape setting of the site.

Policy L2 in the Torbay Local Plan 1995-2011 requires development within the Area of Great Landscape Value (AGLV) to maintain or enhance the special landscape character of the AGLV. Policy L8 seeks to protect features of significant landscape value. The photographic evidence produced by the Council raises concerns that the proposal would meet the objectives of these Policies.

A tree survey and tree constraints plan has been submitted in support of the application. This recommends that a 10 m wide strip is kept free from residential development for both the west and east boundaries. Roads and footpaths may be inserted within this 10 m wide corridor but no construction activity should occur within 5 m of the bases of the hedgerows. It is noted that the proposed layout is consistent with this recommendation.

S106/CIL -

Following the consultation response from Housing Services the applicants submitted a revised schedule of dwellings on the site to take account of the requirement for a more representative mix of affordable housing with a greater proportion of larger dwellings. The S106 calculations are based on this schedule. The applicant intended to submit an updated residential layout but this hasn't been received.

In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are sought to offset the impact of the proposed development on existing infrastructure;

Waste Management	£ 7,350
Sustainable Transport	£387,525
Stronger Communities	£ 26,290
Education	£155,180
Greenspace	£307,415

TOTAL **£883,760**

It is proposed that 59 of the 197 dwellings would be used for affordable housing, which amounts to a policy compliant 30% in accordance with Policy H6 in the Torbay Local Plan 1995-2011.

Housing services have asked for 5% of rented houses provided as bungalows adapted for disabled residents. This would equate to 2 dwellings.

Conclusions

In the absence of a 5 year housing supply it is important to note that the development will provide a substantial amount of much needed housing in Torbay, including a range of family homes, 30% affordable housing, Section 106 contributions of £883,760 and a local centre. Furthermore, the applicants have applied in full and stated their intentions to build the scheme out quickly and their willingness to accept a 2-year permission.

However, given the considerations set out above, the provision of new housing must be weighed against the delivery of sustainable development. In this case it is concluded that the proposed development would fail to meet the objectives of paras. 60 to 64 of the NPPF and Policies H2, H9, H10, L2, L4, L8, BES and BE1 in the Torbay Local Plan 1995-2011. The proposal would not deliver a high quality development that would make a positive contribution to the quality of the area and effectively integrate into the natural, built and historic environment. As such this would not result in a sustainable form of development.

There is concern that the applicant has not successfully demonstrated how the proposed residential development would integrate into the existing settlement pattern and how it would contribute to the long term objectives of delivering sustainable growth that would meet the needs of the community. The quality of the form of development falls below the level expected in terms of its relationship to the surrounding area and high quality landscape setting. Both Natural England and the RSPB have raised concerns about net biodiversity gain that have not been fully addressed. The Environment Agency has objected to the application as submitted. The application site is of high landscape quality forming part of a rolling Devon valley that is visible in a number of long distance and local views. It is considered that the proposal will fail to preserve or enhance this landscape setting. As such it is recommended that this application be refused.

Condition(s)/Reason(s)

01. The proposal demonstrates a failure to consider the wider rural, high quality landscape setting of the village and the application site and the long term opportunity in the area to deliver a planned organic and sustainable form of development that would improve opportunities for the community in terms of quality of housing, job opportunities, recreation, leisure and community facilities. This proposal brings forward the piecemeal development of this site without an overall understanding of how it would contribute to delivering a robust and comprehensive growth strategy for the area. The proposal would fail to deliver an integrated organic extension of the village and would result in community facilities sited in a remote location in comparison with the hub of the village that is centred around the school and church and as such would encourage car borne activity. As such, the development is not considered to be sustainable, being

contrary to paragraphs 56, 57, 58, and 61 in the NPPF, which seek to make places better for people.

02. The proposed development by reason of its design and layout would fail to deliver a sustainable form of development that would integrate effectively with the historic form of the adjoining village and the natural environmental features of the site and surrounding area. The proposal comprises a suburban form and vernacular that would be indistinct in its origins and would fail to respect the 'edge of settlement' rural character of the site and would fail to provide a high quality development that would improve the quality of the area and the way in which it functions. As such the proposal would fail to meet the objectives of Policies H2, H9, H10, BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60, 61, 64 and 66 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment, maintaining the integrity of local character and distinctiveness.

03. This undeveloped Greenfield site is designated as being within an Area of Great Landscape Value and part of the Countryside Zone in the saved adopted Torbay Local Plan. The site is on the edge of Collaton St Mary and forms part of an attractive rural valley with a high landscape value. It has an important role in the transition between the open countryside and the urban edge of Paignton and it makes a valuable contribution to local and wider landscape views.

Within Areas of Great Landscape Value such as this, Local Plan policy L2 requires development to maintain or enhance the special character of the area. Policy L4 resists inappropriate development that would lead to the loss of open countryside and the creation of urban sprawl. The proposed development, by reason of its suburban character and form, which is derived from entire site coverage with rows of houses across the hillside, would result in an orderly form of development with an urban character. This would fail to respect the rural setting of the site and to relate sensitively to the wider landscape setting and as such would be contrary to the provisions of policies LS, L2 and L4 of the saved adopted Torbay Local Plan (1995-2011).

04. The Environment Agency has raised an objection to the application because the applicant has failed to satisfactorily demonstrate that the proposal would not exacerbate flood risk in the area. As such the proposal is contrary to Policy EPS in the Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. In the absence of a signed legal agreement under Section 106 of the Town and Country Act 1990 (as amended), the applicant has failed to satisfy the sustainability aims of Policies H6 and CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the

delivery of affordable housing and physical, social and community infrastructure necessary to make the development acceptable in planning terms. Furthermore, a lack of a s106 agreement also incurs an absence of ability to secure an enhancement to biodiversity. The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies H6, CF6, NCS and NC5 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

Relevant Policies

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Agenda Item 6

Application Number

P/2012/0895

Site Address

Devon & Cornwall Constabulary
Southfield Road
Paignton
Devon
TQ3 2SP

Case Officer

Mrs Helen Addison

Ward

Clifton With Maidenway

Description

Development to form 54 sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

Executive Summary/Key Outcomes

The application is for demolition of the existing building and construction of 53 sheltered apartments and a wardens apartment. The principle of the proposed use is considered acceptable on this site and would be compatible with the character of the surrounding area. The site is capable of accommodating a substantial building.

However there are serious concerns about the design and form of the proposed development, which it is considered would not be appropriate in its context and would impact on the setting of listed buildings in the area. There is also concern about the resulting living standards for the occupants. The applicant has also advised that due to the viability of the scheme no S106 contributions should be sought. This opinion is not supported in the independent viability assessment.

An offer of £300,000 has been made by the applicant on 26 November 2012 in the light of their desire to expeditiously achieve a planning permission. It is our understanding that a Unilateral Undertaking to that effect will be presented at the committee meeting. Notwithstanding this offer, the applicant has unfortunately declined the opportunity to meet to resolve the outstanding design and 106 concerns. The offer of £300,000 remains well below the anticipated viability that has arisen from the Independent Viability Assessment (between £500,000 and £1.1mil).

Recommendation

Refusal for the reasons set out in this report.

Site Details

The application relates to the site of the existing police station that is located on

the junction of Southfield Road and Blatchcombe Road. Southfield Rise bounds the site to the north and rises in height from its junction with Southfield Avenue, resulting in properties in this road being at a higher level than the application site. There is a large retaining wall close to the northern boundary of the site with Southfield Rise. Vehicular access to the site is from Southfield Road. There is also pedestrian access from Blatchcombe Road to the rear of the site. The southern boundary of the site along Blatchcombe Road is characterised by a number of mature trees and a sandstone boundary wall. The site is not covered by any specific designations or policy constraints although there are a number of listed buildings in the vicinity.

The existing building on the site extends to a maximum of four storeys in height. It has some architectural merit and won a civic trust award in the early 1970s for its design. It has been pre screened by English Heritage and confirmed of not being sufficient quality for listing. The surrounding area is predominantly in residential use.

Detailed Proposals

The application is submitted in full for demolition of the existing building on the site and construction of 54 apartments with communal facilities to be used as accommodation for elderly persons (category II type accommodation) with off street parking and landscaping. The proposed building would be part three storey and part four storeys in height. One of the apartments would be used as wardens accommodation and another apartment would be used as a guest suite. The communal facilities would include an owner's lounge and well being suite. The proposed development would comprise a single building and the apartments would be a mix of 1 and 2 bedroom. All the apartments would be accessed from central corridors within the building. Both stairs and a lift would be provided in the building.

Twenty two car parking spaces (two of which would be disabled spaces) would be provided to the east of the building adjacent to Southfield Avenue, in a similar position to existing parking on the site. A sunken garden is proposed to the north of the building. It is proposed that a number of trees that are in poor condition would be removed from the boundary with Blatchcombe Road.

The proposed building would be predominantly finished in render although there would be sections in brick and stone. The detailing would include the use of rendered bands and rendered window surrounds. The roof would be finished with tiles and upvc windows are proposed. The design of the building includes a corner feature at the junction of Southfield Avenue and Blatchcombe Road where a higher 'tower feature' is proposed. The footprint of the building is staggered resulting in a fairly complex roof form. A small number of balconies are proposed.

Summary Of Consultation Responses

South West Water: No objections subject to full details of the means of surface water drainage being submitted for our prior approval.

Drainage and Structures: Before planning permission can be granted the following information must be submitted - where surface water is identified to drain via soakaways the developer must carry out trial holes and infiltration tests at the locations of the proposed soakaways.

Arboricultural Officer: The scheme is suitable for approval on arboricultural merit subject to a number of conditions.

Torbay Local Access Forum: Concerned about the mature trees lining Blatchcombe Road.

Natural England : Advises the authority that permission may be granted.

RSPB: Support the conclusions and recommendations set out in the Developer's Ecologists Report particularly the installation of bird boxes for building dependent species.

Conservation Officer: This proposal impacts on the setting of the five listed buildings in the vicinity of the site for two reasons 1) the arrangement of the site (in a 'T' shape) with the bulk of the development at the front of the site is alien to the built form of the area 2) the architectural treatment is a very poor pastiche of the styles in the area and is said to take the lead from the listed buildings. This is considered to be unsuccessful. The proposed pastiche has none of the sensitivity of the listed buildings and will overwhelm them. However, overall the harm to the designated heritage assets is medium to low.

Archaeological Officer: The site lies in part over the footprint of the former Southcombe House, deposits may remain. Requires a programme of archaeological works prior to demolition or commencement of development.

Housing Services: The financial offer made by the applicant would deliver no affordable housing in Torbay. Requests the application is refused due to lack of affordable housing provision.

Strategic Transport: Position of vehicular access needs to be clarified. Requests the following; a) works to be carried out to junction of Blatchcombe Road and Southfield Road to improve crossing facilities, b) a contribution of £17,500 to improve three bus shelters in the vicinity of the site, and C) provision of at least 5 secure cycle parking spaces for staff, visitors and occupants.

Summary Of Representations

Two letters of objection received and reproduced at Page P.203. These

representations raise the following points;

- The previous planning application included removing the trees at the western end of the site, which have a detrimental impact on adjoining residential properties. These are now shown as being retained.
- Concerned about the size of the application compared to previous application.
- Development is higher than original plan for houses.
- Proposal will be higher than existing police station building and will affect privacy and result in loss of light.
- Impact on view
- 54 new dwellings will increase traffic on a busy road with no pedestrian crossing.
- Inadequate parking provision
- Building is too big

Relevant Planning History

P/1996/0726	Alterations and extensions to existing front car park, minor alterations to existing front car park, minor alterations to existing building and widening of access approved 9/1/97
P/2006/1704	Installation of ramp, formation of parking area approved 4/12/06
P/2010/1204	Formation of 16 dwellings with associated parking and access road withdrawn 24/1/11
P/2011/0324	Residential development to form 14 dwellings with associated parking and access road. Approved 20.2.12

Key Issues/Material Considerations

The main issues to be considered are the principle of the proposed development in this location, the design and size of the proposed building, impact on the setting of listed buildings, impact on neighbouring properties, highways, landscape, ecology and viability.

Principle and Planning Policy -

The principle of a change of use on this site from a commercial use to a residential use has already been accepted by the Council under application reference P/2011/0324. Similarly the demolition of the building and redevelopment of the site has been approved recently. There is no case for the retention of the existing building on the site as it is not worthy of listing or in a Conservation Area. The surrounding area is in residential use and the proposed use would be compatible with the character of the surrounding area. The use for

sheltered apartments in this location would be appropriate as the site is reasonably close to the town centre and is accessible by public transport.

Environmental Enhancement -

The size of the site, the rising ground levels around the site and the mature landscape features provide an opportunity for a substantial building to be constructed that would provide an acceptable fit with the appearance and character of the surrounding area. The existing building extends to four storeys in height but this scale of the building is only apparent from a few viewpoints around the site, which greatly assists in its assimilation into the streetscape. It is considered that this site does provide an opportunity for the provision of the proposed 54 apartments on the site and subject to a sensitive, robust and sustainable design, development of this scale could be accommodated on the site.

The submitted scheme has been considered by the Design Review Panel. A copy of their report is attached at P. The report recognises the good qualities of the site but concludes that the current approach does not allow these to be properly exploited. The main points covered in the report are;

- Concern that the quality of life of residents does not seem to be driving the internal layout nor the arrangement and access to external garden spaces.
- The pattern, grain and structure of the surroundings seem not to have influenced the proposals in a meaningful way. The frontage appears to have been drawn back from Southfield Road to an arbitrary position determined it would seem by the need for a double banked car park.
- The success of the existing police station on the site demonstrates that a wide frontage is not necessary.
- External landscaped spaces surrounding the complex are residual peripheral areas rather than potentially forming part of the social life of the complex.
- The context of the site includes some good quality listed buildings and these seem not at all to have influenced the detailed architectural language of the proposals.
- The elevations presented were supposedly a reflection of the existing surrounding architectures. This was unconvincing and it was unclear where these features originated. It is simply impossible to make convincing architectural design solutions in this way for a building type and form which is so different from its older neighbours.
- The proposed scheme does not have a positive resonance with the character of the locality. The massing of the accommodation produces a bulky form that is

incongruous with the domestic scale of the surrounding houses. The overly complex roof forms that are employed produce a roofscape that is confused and inelegant.

- Internally the long relentless corridors with no natural light or cross ventilation are disappointing. The location of the common room at the periphery of the plan (rather than perhaps its centre) is questioned. The opportunity of encouraging gentle exercise and active lifestyles is missed by only a lift being provided in a central core and the staircase being located in a marginal position.

- Many of the apartments will receive no direct sunlight at all and the proposed northern terrace will be virtually constantly in shadow.

Although the DRP report raises a number of concerns it is considered that the principle of this development on the site could be achieved through modifying the form and appearance of the building. The DRP suggests that a set of independent villas or a series of courtyard forms open to the southerly aspect could be considered by the applicant.

The DRP report is helpful in identifying the shortcomings of the proposed scheme. As submitted the proposal would fail to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 which seek to achieve positive enhancement of the built environment through ensuring the integrity of local character and distinctiveness is protected. The key concerns are that the elevation treatment of the building is overly complicated resulting in a building that would fail to blend in with and enhance its surroundings. There are a lot of different design features incorporated into the building such as the striped brickwork, feature window surrounds, glazed canopies and window surrounds which make the building complicated in appearance.

In a building of this size a simpler and more consistent and regular appearance with less detail would work well in the street scene, and would assist in assimilating the building into a townscape that is characterised by domestic scale development.

The second key issue is the form and layout of the building on the site. The existing police station building does not extend the full width of the site and this allows the strong mature landscape character of the site to be evident and also off sets the scale of the building in the street scene. In contrast to this approach the proposed development would extend across the width of the site and would result in a far more urban appearance to the site. The predominant form of development along Southfield Road comprises buildings set back from the road with space around them. It would be preferable for this form to be replicated on the site with space and landscaping around the frontage to Southfield Avenue. There would be sufficient space on the site to achieve this objective. The Conservation Officer has advised that this approach would result in an improved

relationship with the listed buildings around the site.

The form of the building also has a significant implication for the internal layout of the accommodation. As identified by the DRP there would be 18 apartments that would solely face north and also there would be a retaining wall on the north boundary which would mean that they would receive no natural sunlight. There appears to be a significant opportunity to improve the internal layout to alter the length of the internal corridors and to review the orientation of such a significant proportion of north facing apartments. It is also questioned whether relocating the owners lounge and other shared facilities would provide more privacy for the occupiers and provide a central hub within the building. The submitted scheme raises concern about the quality of accommodation that would be provided and whether this would fall below the living standards that would normally be expected. It appears that the opportunity of integrating the open space around the building into the overall design has also not been maximised.

Guidance in the National Planning Policy Framework (NPPF) includes the presumption in favour of sustainable development and para. 49 advises that “housing applications should be considered in the context of the presumption in favour of sustainable development.” However, in order to achieve the objective of delivering sustainable development, this proposal needs to be of sufficient quality and deliver a robust form of development that meets the objectives in both the NPPF and the plan.

One of the 12 core planning principles in the NPPF at para.17 is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.” Para. 56 acknowledges that “good design is a key aspect of sustainable development...and should contribute positively to making places better for people. Para. 61 recognises that “planning ..decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”. It is noted that at para. 59 it is advised that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. This is a key issue that needs to be addressed in the determination of the application. On the basis of the points made above it is considered that the proposal would fail to meet these objectives in the NPPF and in Policies H2, H9, H10, BES and BE1 of the Torbay Local Plan 1995-2011 to provide a sustainable form of development that would positively enhance the appearance and character of the surrounding area.

The applicant has been invited to discuss the above issues with officers to find a way of resolving these matters to reach a satisfactory scheme on the site, which it is believed would be achievable. However, the applicant has declined to engage with Officers following receipt of the DRP report and has requested that the application be determined as submitted.

Impact on neighbouring properties -

The proposed building would be sited eight metres from the boundary with the adjoining bungalow at 50 Blatchcombe Road. Because of the changes in ground levels on the site the west elevation of the building would be partly screened and a new retaining wall would be constructed along this boundary, which would reduce the visibility from the proposed development towards the rear curtilage of the adjoining bungalow. In addition the existing trees along this boundary would be retained. It is noted that the current building has a considerable number of windows facing west, and the number of windows facing the property would be reduced as a result of the application. The difference in uses between the two buildings from office to residential is material as this would affect the occupation of the building.

On balance it is considered that the relationship would be acceptable and the proposal would not result in an unacceptable loss of amenity to the adjoining property in Blatchcombe Road.

Concern about the relationship of buildings has also been expressed by a resident of Southfield Rise. The comparative elevation plan shows that the proposed building would be no higher than the existing building. There is a substantial change in levels between the application site and properties in Southfield Rise which would largely result in only the third floor windows being visible from Southfield Rise. The distance between windows would predominantly be in excess of 22 metres. There is one gable end where this distance would be less which would have a kitchen and corridor window facing Southfield Rise. It is considered that this would be an acceptable relationship of buildings and would not result in an unacceptable loss of residential amenity for occupiers in Southfield Rise.

Accessibility -

The proposal includes the provision of 22 car parking spaces, 2 of which would be designated for disabled users. A buggy store for four buggies is also shown. The access to the parking area would utilise the existing vehicular access on the eastern side of the site from Southfield Avenue (although the Design and Access statement refers to a new access position). Clarification is being sought from the agent.

The existing pedestrian access at the western end of the site would be retained. A transport statement has been submitted which identifies that there would be no noticeable increase between traffic levels generated by the existing site use and the proposed use. The level of on site parking provision would be consistent with the demand that has been experienced on other similar sites. It is advised that occupation is restricted to those over the age of 60 and the average age of residents is 78. Generally 30% of occupants are over 80. There are four bus stops within 200metres of the application site. Strategic Transportation has confirmed that there is no objection in principal to the proposal, but has

requested provision of secure cycle parking and contributions towards improvement to the junction of Southfield Avenue and Blatchcombe Road and to local bus shelters.

Landscape -

The proposal involves felling 6 trees along the boundary with Blatchcombe Road and two trees along the boundary with Southfield Road. The Arboricultural Impact Assessment states that two of the trees to be removed along Blatchcombe Road are classified as category C because of their size. The remainder of the trees proposed to be removed is in the interest of good management. Measures for protection of the existing trees are included in the Assessment and a comprehensive landscaping scheme is suggested. It is also proposed that some areas of existing tarmac surfacing under trees will be replaced with permeable surfacing. The assessment advises that all the significant boundary tree cover will remain intact and no high category trees will be removed.

The Council's Arboricultural Officer has advised that the proposal would retain the mature trees on the site which contribute to considerable public visual amenity in the area. He advises that there would be no objection to the loss of the 6 trees referred to above, providing a detailed landscaping scheme is submitted to robustly replace them. It would be acceptable on this scale of development for the landscaping scheme to be addressed by means of a condition.

Ecology -

Both an Ecological Appraisal and a Bat Survey and Mitigation Strategy have been submitted in support of the application. The Ecological Appraisal advises that there are no high value or particularly vulnerable habitats present. There is the potential for the habitats present to support protected or valuable species and therefore sympathetic management practices for reptiles, birds and bats are recommended. The Bat Survey and Mitigation Strategy notes that when bat activity surveys were undertaken no bats were observed emerging or entering the building and therefore it is unlikely that the existing building supports roosting bats.

However low level foraging and commuting behaviour was recorded across the site by bats. It is recommended that some enhancements be put in place to address this. These include retention of vegetation used by foraging and commuting bats is retained and enhanced and additional planting is included. External lighting should be directed away from boundary vegetation and external lighting on the new building should be kept low. In addition two bat boxes and bat tubes should be provided on the site. It is noted that the building does have the potential to support nesting birds and it recommended that its demolition occurs outside of the nesting season.

Natural England has advised that on the basis of the surveys referred to above planning permission may be granted. The RSPB has advised that they support the conclusions of the Ecological Appraisal.

S106/CIL and Viability -

The applicant has submitted a confidential Affordable Housing Statement and Viability Appraisal in support of the application. This report concludes that the Local Plan affordable housing requirement and planning gain contributions cannot be borne by this development whilst maintaining an economically viable position. The applicant's report supports their stance that the development cannot provide any contributions or affordable housing if it is to remain viable, hence the 106 offer is £0.

In accordance with the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions would be required to offset the impact of the proposal on local infrastructure;

Waste Management	£ 2,700
Sustainable Transport	£ 82,350
Lifelong Learning	£ 10,550
Greenspace	£ 48,650

Total **£144,250**

The applicant has presented their case that, if there were viability in the scheme, the affordable housing provision should be provided off site by means of a commuted sum. The sum required to provide 30% affordable housing would be £2.16 million.

Combining infrastructure payments and a commuted sum for off site affordable housing provision would result in a total of £2,304,250.

An independent viability appraisal has been carried out to assess the applicant's submission. This has concluded that the chief area of difference between the applicant's submission and the independent appraisal is the estimated construction costs of the new building.

The independent assessor makes a good case that the build costs used by the developer in their viability appraisal are outdated and suggests a more realistic figure. Using this figure he advises that the development would be viable with S106 contributions of £1,100,000. Notwithstanding this difference of opinion, even using the applicants build costs, the independent assessor's view is that the development would generate a S106 contribution of between £500,000 and £600,000, whilst remaining viable.

It is noted that the approved development of 14 dwellings on the site was subject

to S106 contributions of £62,180.

In light of the assessment and their desire to achieve a planning approval. The applicants have revised their offer to some £300,000 and it is understood that a Unilateral Undertaking is to be submitted ahead of the committee meeting in that regard. However, £300,000 is still considerably less than even the minimum amount that the Independent Assessor recommends that scheme can afford. As such this remains an issue that has not been resolved and as such is a further reason for the refusal of the scheme.

Drainage -

As detailed in the Drainage consultation response above, the applicant has advised that surface water from this development will be dealt with via a discharge to the public combined sewer system and a sustainable drainage system, however no drainage details have been provided. The combined sewer system in this area discharges through Paignton town centre, a known major flood risk area. Any increase in surface water run off discharging to the combined sewer system in this area will increase the risk of flooding. Site infiltration tests have been requested for the site to assess the suitability of the ground conditions for soakaways. The applicant has declined to provide these. SWW have been requested to advise whether this should be included as a reason for refusal of the application.

Conclusions

In conclusion, the principle of the proposed use on this site is considered to be acceptable. However the submitted scheme would not achieve the opportunity of creating a sustainable high quality development on the site that would optimise the quality of life for residents. There are shortcomings in the design and external appearance of the building and the form of development would fall short of the objective of integrating the development into the natural, built and historic environment. The operational model would fail to encourage a healthier, more active and socially engaged lifestyle which could be achieved through good design. In addition the proposed development fails to deliver an acceptable level of S106 contributions after viability is taken into consideration and as such is unsustainable in not mitigating the impacts of the development on local infrastructure. For these reasons the proposal would fail to meet the objectives of the Torbay Local Plan 1995-2011 and the NPPF and it is recommended that planning permission is refused.

Condition(s)/Reason(s)

01. The proposed development by reason of its footprint, layout and complex external detailing would result in a form of development with an extensive and overly dominant frontage to Southfield Avenue that would fail to respect the character of this landscape dominated site and the established form of the

surrounding townscape that is derived from a spacious layout of buildings with simple external articulation. The proposed development would be visually dominant in the street scene, would have a detrimental impact on local character and distinctiveness and would detract from the setting of nearby listed buildings. The residential amenity for future occupants would be below the standard expected with a third of apartments facing exclusively north towards a high retaining wall, and thus consequently receiving no natural sunlight. As such the proposal would fail to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 56, 60 and 61 of the NPPF, which seek to ensure that new development is sustainable and will positively enhance the built environment maintaining the integrity of local character and distinctiveness.

02. The applicant has failed to satisfy the sustainability aims of Policy CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of physical, social and community infrastructure necessary to make the development acceptable in planning terms and directly related to the proposal, by failing to secure planning obligations under Section 106 of the Town and Country Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy CF6 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.

03. Drainage if applicable

Relevant Policies

H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
CF6	Community infrastructure contributions
LS	Landscape strategy
L9	Planting and retention of trees
BES	Built environment strategy
BE1	Design of new development
BE9	Archaeological assessment of development
T25	Car parking in new development
T26	Access from development on to the highway

Agenda Item 7

Application Number

P/2012/1152

Site Address

Elberry Heights
16 Stone Park
Paignton
Devon
TQ4 6HT

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Extend time limit - demolition of existing dwelling and erection of new dwelling - application P/2010/0039

Executive Summary/Key Outcomes

Planning Approval P/2010/0039 was granted for a replacement dwelling on the site on 15th April 2010 by the Development Management Committee. This approval is extant and therefore commencement works for the approved replacement dwelling can still be carried out at any time up to 14th April 2013. This application is a re-submission of the previous scheme with no changes proposed.

In addition to assessing this application against relevant policies, it is also important to consider if there have been any material changes in circumstance which would warrant the LPA making a different decision to that previously reached, by the LPA planning Committee.

Since the date of the previous planning approval, the only material change in circumstance relevant is that the Government has introduced the National Planning Policy Framework (NPPF), while this does represent a material change, the policies of the Local Plan have been assessed against the NPPF and are deemed to be in compliance with the general aims of the NPPF. As such, it is officer opinion that there have been no material changes in circumstance that would alter the previous recommendation for conditional approval.

Recommendation

Site visit

Summary Of Representations

Numerous letters of objection have been received. The main thrust of these objections is that the new design will be out of keeping with the existing area,

over development of the site, would not sit well with adjacent properties, noise from building works, height of proposal, concerns over demolition and construction work, amount of increase in accommodation, overlooking, potential for subsidence, loss of light and general amenity to neighbours, overlooking and loss of privacy, concern about drainage and flooding, unsympathetic appearance, potential policy objections and scale of development. These have been reproduced and placed in the Members Room.

Relevant Planning History

- P/2005/1362 Alterations, erection of first floor extension and raising of roof at 16 Stone Park. Refused 27/10/05 on the basis that the proposal would be detrimental to the character and appearance of the streetscene and the area and to the residential amenity of adjacent occupiers contrary to policies H15, BE1 and the Environmental Guide of the Torbay Local Plan.
- P/2005/1929 Alterations and erection of first floor extension and raising of roof (revised scheme). Refused 13/12/05 for similar reasons as per previous application with the addition of precedent arguments. However, this application was subsequently allowed on appeal.
- P/2010/0039 Demolition of existing dwelling and erection of new dwelling
Approved 15/04/2010

Key Issues/Material Considerations

The key issues in determining the previous application were considered to be the principle of re-development of this site, whether or not the proposed replacement dwelling was appropriate in relation to size, design, impact on neighbouring properties, impact on streetscene, car parking and policy considerations. These are the same considerations that are relevant to this application, with the addition as to whether there have been any material changes in circumstance.

In relation as to whether there have been any material changes in circumstance since the date of the previous planning approval, the Government has introduced the National Planning Policy Framework (NPPF), while this does represent a material change, the policies of the Local Plan have been assessed against the NPPF and are in general terms deemed to be in compliance with the general aims of the NPPF. As such since the assessment of the previous application against the relevant policies of the local plan, there have not any material changes in circumstance that would alter the previous recommendation for conditional approval.

For members convenience the previous officer report is provided below, which considered the application against the relevant policies of the Saved Adopted Torbay Local Plan 1995-2011:

Previous Planning Officer Report

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

- H9 Layout, Design and Community aspects
- H15 House Extensions
- BES Built Environment Strategy
- BE1 Design of New Development
- EPS Environmental Protection Strategy
- EP1 Energy Efficient Design
- EP11 Flood Control
- T25 Car Parking in New Developments

Proposals

Permission is sought to demolish the existing dwelling on the site and replace it with a new single dwelling, that makes more effective use of the site, modernises the accommodation available, and updates and modernises facilities and the appearance of the dwelling. Accommodation is shown on 3 levels with the lower ground floor being mainly garaging, storage and utility areas. Accommodation at the ground and first floor levels would be obtained by building back towards the rockface which exists at the rear. The rear garden is at a much higher level and therefore, there would only be one level of accommodation visible at this point. The overall volume of accommodation available with this new proposal would be greater than that which currently exists, although a previous scheme for re-development which was allowed on appeal, did establish the principle of greater development at the site. The proposed new roof ridge level is for the most part, lower than the scheme allowed on appeal, although in its centre, it does reach, but not exceed the height of the appeal approved scheme. The proposal includes garaged and surface parking for vehicles at the front of the property.

Consultations

None.

Representations

The main thrust of these objections is that the new design will be out of keeping with the existing area, would not sit well with adjacent properties, noise from building works, height of proposal, concerns over demolition and construction

work, amount of increase in accommodation, overlooking, potential for subsidence, loss of light and general amenity to neighbours, unsympathetic appearance, potential policy objections and scale of development.

Key Issues/Material Considerations

The primary consideration has to be the principle of re-development of this site. The curtilage currently has one single dwelling house upon it, and the proposal is to replace it with one single dwelling house. Therefore, in principle there can be no objection to the proposed use. In any event, it needs to be borne in mind that the appeal decision in October 2006 allowed alterations, erection of first floor extension and the raising of the roof at this property. That decision is still extant and capable of implementation. What that decision establishes is that a larger property with a higher roof can be achieved at the site. This current proposal is in fact an opportunity to improve the visual appearance of any new building at the site and the pertinent consideration will be how much extra volume and height is acceptable.

The next considerations will be therefore, whether or not the proposed replacement is appropriate. In this context, the considerations will be size, design, impact on neighbouring properties, impact on streetscene, car parking and policy considerations.

With regards to size, it is clear that the proposal seeks permission for a greater amount of accommodation at the site. However, it could only be concluded that the site was being overdeveloped if there was some identifiable harm to interests of acknowledged importance such as appearance in the streetscene or upon neighbours. Government advice is that Local Planning Authorities should seek to maximise the re-use of Brownfield and residential land in order to achieve more efficient use of land and reduce the pressure on Greenfield and countryside sites. This current proposal comes no further forward than the existing dwelling, would be no higher in its roof ridge than that which has been allowed on appeal, but would come marginally closer to properties on either side. On this basis, officers do not conclude that the size is so significantly in excess of what is acceptable to conclude that the site would be being overdeveloped. So long as the property remained as one residential unit, it is not considered that there would be an overdevelopment of the site.

The design of the property is perhaps the most contentious of all of the issues to be considered. This proposal is clearly for a modern design that takes little reference from the surrounding residential properties. However, there is no precedent in planning law or in generally agreed planning principles that states that properties have to respect, mimic or serve as pastiches to neighbouring dwellings. In the context of Conservation Areas or historic quarters of our towns and cities, there may be a desire to achieve a degree of uniformity and similarity. However, in a modern residential estate with no historic context, such principles would not hold strong planning weight. In order to construct a reason for refusal

based on design, it would have to be shown that the appearance of the property was so detrimental to visual amenity that it would be harmful to the environment. The fact that the proposal is for a modern dwelling that differs from the surrounding environment would not in itself do so. There is already a significant contrast in the estate between bungalows and houses and roof pitches and designs and the proposal would add one more piece of architectural variety to the environment. It is not considered therefore that the property would be so out of place that it should be refused for this reason alone. Indeed, variety can often add interest to the visual amenities of what could otherwise be seen as unattractive similarity and uniformity.

The impact that might arise from the proposal upon neighbouring properties, particularly those either side, is a relevant and valid consideration. The fact that the proposed dwelling is slightly wider need not in itself be a problem unless that extra width would lead to either loss of light or loss of privacy. As the land slopes down from Stone Park towards Lower Fowden, and the front of the property is to the north east such that most sunlight would come at the rear of the property, loss of light is not considered to be a difficulty that should result in refusal in this instance. Members may wish to give special concern to the amount of glazing shown on the side elevations, although it should be borne in mind that this is partly a response to accommodation at the back being formed within the rockface that exists at the rear.

The impact of the proposed new property on the streetscene is less clear. 16 Stone Park commands a prominent position within a sloping streetscene being one of the first properties in view when one enters the cul-de-sac off Lower Fowden. It is the officers view that a more dominant building acting as an attractive endpoint for the vista would be acceptable and probably an improvement on the existing and appeal situations. Fortunately, there is a variety of dwellings types within the locality with alterations having been made to many of them and therefore it would not look out of place to have a different design on this site. Although number 16 is in a row of bungalows, it is at the end, with the first of a row of dwellings presenting 2-storey elevations to the street on the uphill side. Number 16 is thus very much a transitional site which serves to link the 2 forms of dwellings. It is not considered that the proposal upsets this balance. In fact, it could be taken as a generator for positive change to enliven this 1960's residential estate. One of the more important elements in establishing fit within the streetscene will be the height of the proposed new roof and its ridgeline. There is already a congruent roof level established within the streetscene that follows the slope of the road. It is crucial that the roof ridge of the proposed dwelling does not protrude above any arbitrary line linking the roof ridges of the existing dwellings at number 17 and 15 either side. The submitted drawings show that this can be achieved. The highest point on the new roof appears to be some 1.3 metres below the ridge of number 15 and approximately 1.7 metres above the ridge at number 17. Datum levels have been submitted to verify this point. It is also noted that the front face of the proposed new dwelling does not

protrude forward of the existing building line so the proposal would not lead to an added prominence within the streetscene.

With regards to car parking issues, the proposal shows 2 car parking spaces within a garage at ground floor level and 2 surface parking areas in front of this. This is more than adequate to meet the Council's car parking standards.

Whether or not the proposal meets the test imposed by policies within the Saved Adopted Torbay Local Plan really depends upon ones views to the comments raised above. It is officers views that the proposal is not over-developing the site and that the design although different from surrounding properties is acceptable, therefore it is not considered that there would be a valid objection to Policy H9 of the Saved Adopted Local Plan. Policy H15 really concerns itself with house extensions, whereas this proposal is for a house re-build, nethertheless the principles are appropriate considerations in this instance. It is considered that the plot would not over develop the site and could be made to fit in with neighbouring properties without causing harm to amenity or through overlooking. On this basis, it is not considered that there can be a valid objection on the grounds of policy H15. The relevant policies in the Environmental Protection Section of the Saved Adopted Local Plan are policies which any new re-development would have to meet and this can be achieved. The proposal clearly meets the tests imposed by Policy T25 in respect of car parking. Whether or not the proposal meets the tests imposed by policies BES and BE1 in the built environment section of the Saved Adopted Local Plan is a somewhat subjective consideration. The proposal is clearly different and does seek approval for a house that neither replicates nor takes reference from immediate surrounding properties. It is the case though that this should not in itself be a reason for refusal, only if that difference leads to significant harm to interests of acknowledged importance. Officers have argued that this is not the case and therefore it is not concluded that there should be any objection based on policy BES or BE1. On the basis of all of these considerations therefore, it is not considered that there could be any valid objections to the proposal based on policy issues as identified in the saved Adopted Torbay Local Plan.

Sustainability - This proposal seeks the re-development of a Brownfield residential site, and therefore the proposal is highly sustainable meeting all the tests imposed by National and Local Policy Guidance. However, it is important to realise that such a high degree of sustainability should not necessarily take precedent over other issues of acknowledged planning importance.

Crime and Disorder – It follows that with such a highly designed and costly solution to the provision of additional accommodation at this site, the applicant will wish to place appropriate protection and security measures at the property. However, this will primarily be his responsibility rather than one which should concern the planning process. The proposal includes the ability to park vehicles within a secure garage and the property itself allows for plenty of surveillance to

minimise security risks.

Disability Issues - The garage is integral to the property although access through the building is by means of a stairwell. This however, is no different from any other multiple storied dwelling house and is not considered to be an issue that would bring the property foul of Part M of the Building Regulations.

Conclusions

The chosen solution for the future residential use of this site is both bold, different and innovative. This however, need not in itself cause doubt about the acceptability of the scheme. In order to justify refusal, any proposal has to have identifiable harm to interests of acknowledged importance. In this instance, it is officers views that based on the scheme that was previously allowed on appeal for this site and an acceptance that Local Planning Authorities should be encouraging the maximisation and efficient use of Brownfield sites, it is officers opinions that any decision to refuse this application would not be sustainable on appeal. Nevertheless, the proposal clearly introduces a new design ethos into this residential estate and has caused much concern amongst neighbouring and surrounding residents. For this reason, it is suggested that Members visit the site in order to assess the considerations raised by this application for themselves.

End of Previous officer report

S106/CIL -
Not applicable

Conclusions

Despite the publication of the NPPF there are not considered by officers to be any material changes in circumstance that would warrant the refusal of the application since the original approval, as such the application is recommended for conditional approval.

Condition(s)/Reason(s)

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

Reason To enable the Local Planning Authority to assess this element of the proposal, and ensure that the scheme is completed such that there will not be any adverse affect on any neighbouring property, and to ensure accordance with policies H15, BES and BE1 of the Saved Adopted Torbay Local Plan (1995 –

2011).

02. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 1 Classes A,B, C, E shall be carried out without the prior written consent of the Local Planning Authority.

Reason The site is small and in close proximity to neighbouring properties, and so the Local Planning Authority will need to maintain control over all of the cited developments in the interests of the amenities of the surrounding properties and the area in general.

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

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

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

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

Informative:

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

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

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general, in accordance with policies H15, BES and BE1 of the Saved Adopted Torbay Local Plan (1995 – 2011).

06. 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 in relation to an agreed fixed point or O.S. datum.

Reason To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the area and in accordance with policies H15, BES and BE1 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative(s)

01. The proposed development has been assessed against the criteria of Policies H9, H15, BES, BE1, EPS, EP1, EP11 and T25 of the Saved Adopted Torbay Local Plan 1995 to 2011 and is considered to be an acceptable form of development.

Relevant Policies

- 9 -

Agenda Item 8

Application Number

P/2012/0865

Site Address

Long Meadow
Blagdon Road
Collaton St Mary
Paignton
Devon

Case Officer

Mr John Burton

Ward

Blatchcombe

Description

Formation of phase 1 unit for poultry breeding unit with vehicular access and parking

Executive Summary/Key Outcomes

The proposal is for an agricultural use in one of the more rural parts of the Bay. Although the overall business plan is for a large free range poultry unit, the proposal is to be implemented this in phases, and Members are now only being asked to consider phase 1. This will be helpful when coming to consider subsequent phases, as a phased introduction of farming activity can inform subsequent applications for planning permission.

The proposed building is typical of agricultural buildings seen in the countryside, and whilst not a design of beauty, it is functional and typical of buildings one might expect to see of such a use in such a location. The land already has vehicular access and the proposed vehicular use has been planned and tailored to fit in with the location and nature of the access road. Concern has been expressed about the potential impact upon the adjacent primary school, and the views of the Environmental Health Officer will assist in this regard.

However, the Acting Head Teacher and Governors at the school have now visited a similar operation in the vicinity, managed within the same family as the applicant and they have now stated that they have been reassured following their visit.

The proposal seeks an expansion to an existing local business, will provide some extra employment, consists of a use that is commensurate with the rural location and will benefit the locality in terms of food supply.

Recommendation

Site Visit; Delegated Conditional Approval to officers; subject to the views of the Environmental Health Officer, Natural England and the RSPB, and; subject to the

conclusions of a habitat survey and the provision of appropriate mitigation measures. Conditions to be delegated to the Executive Head of Spatial Planning.

Site Details

The site is a long thin parcel of open land, to the north-west of Collaton-St-Mary C/E Primary School, and stretching up to the access road to Blagdon Barton Farm. As open agricultural land there has been little planning history to the site, although in more recent years various owners have tried to establish 'horsiculture' use on the land, through the creation of paddocks and the building of a stable building. In the summer of 2009, the Council successfully defended enforcement action on appeal against unauthorised residential use (caravan) of the land. The land has since been sold to the applicant, a local farmer looking to expand his poultry farming operation.

Detailed Proposals

Permission is sought for an agricultural 'shed' on land off Blagdon Road in Collaton-St.-Mary. The proposal is part of a phased plan for development at the site and will compliment an existing farm business located higher up Blagdon Road and operated by the same family. The shed will have a footprint of approx. 32.6 metres x 17.6 metres and is shown located on the southern side of the field away from the Blagdon Road frontage.

The building would have a single pitched roof measuring 2.2 metres to eaves level and 5.5 to ridge top. Externally it will be finished in green polyester coated steel profile sheeting on a grey block plinth, with green polyester coated steel profile sheeting on the roof. Internal facilities will comprise 540 sq. m. of floorspace for the keeping of the poultry (nesting and feeding), egg collection store, general store and staff area. A new access way is shown into the site finished with hardcore and gravel, with a turning and parking area adjacent to the shed. Existing planting, hedgerows and tree belts at the site are shown as remaining, which will help to screen the new building and limit any potential impact on biodiversity.

The application was submitted without an Environmental Statement, although there is some supporting information and evidence in this regard. In accordance with the Regulations, the L.P.A. has to consider whether it would be necessary for the planning application to be supported by an Environmental Impact Assessment. The proposal falls within the definition of development that may require an E.I.A. as described in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This is so because it is a type that falls within the ambit of schedule 2, section 1 (Agriculture and aquaculture), part c (intensive livestock installations), and the new floorspace exceeds the applicable threshold of 500 sq. m. (being approximately 572 sq. m.)

The Council has therefore considered, in accordance with regulation 4(6)

whether there is a need for an E. I. A., and in so doing has applied the selection criteria for screening schedule 2 development (as given in schedule 3 of the Regulations). As a result of this exercise, it is the Council's opinion that an Environmental Impact Assessment is not necessary in this case.

Summary of consultation responses

Environmental Health Officer: Observations awaited.

RSPB: Observations awaited.

Natural England: Observations awaited.

Summary of representations

Letters of representation including support, are reproduced at Page P.204.

Main comments against include:-

- increased traffic on a narrow already over-used road;
- potential noise, smell and health risk to children at the school;
- a poultry breeding unit adjacent to a primary school is bound to have an environmental impact; and
- concern about risk of smell from waste products.

Main comments in support of proposal include:-

- The concerns of the school Governor has now been addressed;
- Job creation, including knock on job creation effect to other farms and businesses in the area;
- the land is agricultural land and has remained dormant for many years;
- few traffic movements per week so should be no traffic problems;
- the land has been used for animals in the past;
- the wildlife in this field will not be disturbed by the business;
- will help expand the business of a local farmer; and
- It is in line with Torbay Council's policy of jobs first.

Relevant Planning History

P/2003/1190	Improved access and creation of parking, refused 05/09/2003
P/2003/2056	Formation of improved field access and creation of parking area with vehicular access. Approved. 19.05.2004
P/2008/0321	Erection of replacement stable block. Approved. 24.04.2008
P/2008/1123	Construction of replacement stable block (revision of P/2008/0321/PA). Approved. 25.09.2008

P/2009/0505 Retrospective application for the formation of replacement stable block-amendments to previous approval (P/2008/1123/PA). Approved, 30.07.2009.

Not the proposal site but adjacent land:-

P/2012/1037 Development to include 197 residential units, a local centre building, new vehicular access to Totnes Road, internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. (Departure from the Local Plan) on land to the west of Collaton-St.-Mary Primary School And north of A385 (Totnes Road) - concurrent item also on December's Committee.

Key Issues/Material Considerations

Considerations arising from the new National Planning Policy framework (NPPF)

The NPPF and planning law makes clear that planning applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity. Paragraph 32 reminds LPAs of the need to create safe and suitable access for all people to sites taking advantage of sustainable transport modes. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment.

It is Officer's opinion that all of these criteria can be met by this application and that therefore there would not be any breach of the national policy framework guidance.

Local Plan Policy

Relevant Local Plan policies support the principle of buildings and development associated with agricultural uses, provided that appropriate mitigation is included. In this case it is considered that the use and the location and design of the building is appropriate in this rural setting. Further report on the specific policy issues of relevance is set out below.

Appearance

The building is large, but is of an agricultural appearance, being grounded on a plinth and with large recessively coloured panels and matching roof above. Although the ridge is high, the walls are low and are linked to the ridge by large sloping roofs. The colour of the building and its position against the tree and hedge belt will help blend the structure into the landscape, thereby minimising its impact. The agricultural feel of the building through design and use of materials, would be in keeping with the rural character of the area. For these reasons, it is considered that the building's appearance and design would be in accordance with the policy stipulations in the NPPF and policies BES and BE1 of the Saved Adopted Torbay Local Plan.

Landscape considerations

The land is situated within an 'Area of Great Landscape Value' as defined by policy L2 of the Saved Adopted Torbay Local Plan and a 'countryside zone' as defined by policy L2 of the Saved Adopted Torbay Local Plan. Neither of these policies prevents development within such areas. However policy L2 states that proposals should maintain or enhance the landscape character of the area.

It is considered that the proposal achieves this objective, as the building has been designed to make it blend in to the landscape by virtue of its position, its design, and its external appearance, including its colour. Policy L4(2) states that agricultural development would be permitted within countryside zones so long as the rural character and wildlife habitats are not adversely affected. As an agricultural building, the rural character of the area would not be unduly affected. Wildlife issues are considered below. Despite these designations given, the land is not of a highly sensitive nature that would require conservation and hence protection from any and all development, the policies clearly provide for certain types of development that is associated with and supports the rural character and economy.

Wildlife considerations

As an undeveloped field outside of the main built up areas of Torbay, it is quite likely that the site could contain species of either fauna or flora that would need protection from development. The proposed development is within the 'sustenance zone and strategic flyway' of the Berry Head roost component of the South Hams Special Area of Conservation (SAC). Under such circumstances, applications should normally be accompanied by ecological information to inform the decision making process.

This application was not submitted with any such information and the applicant has now been asked to provide it. Given that the land is relatively small and located on the edge of the urban envelope, divided from the countryside beyond by hedge and tree belts, it is felt that a phase 1 habitat survey should be sought in the first instance to allow an understanding as to what, if anything might be in, on, under or over the site. If any protected species are found to be in situ or

regularly using the site then mitigation measures would be required which would be suggested/recommended by the habitat survey. It might be that the survey would recommend more detailed investigation into particular species, for example a bat survey, and any delegated approval to officers could be made subject to any required ecological work or alternatively this could be handled by way of condition if the impact is unlikely to be substantive.

It is extremely unlikely that a full 'Ecological Impact Assessment' would be required as these are reserved for development on or near SSSI's, SAC's, Special Protection Areas (SPA's) RAMSAR sites, or other internationally prescribed wildlife designations. This does not apply in this instance.

Under the circumstances of not having the ecological information up front with the submission, if Members are minded to approve the application, it is requested that approval is delegated to officers subject to the completion of the phase 1 habitat survey and the provision of any necessary mitigation within the final decision. Any difficulties in respect of dealing with protected species that might be found at the site would be referred back to Members for consideration.

Highways and traffic implications

The main source of traffic that would be generated by the proposal is egg collection lorries. The applicant already has a farm further up Blagdon Road and he has agreed with the egg collection firm that they will collect the eggs from both farms at the same time as there is sufficient capacity in the vehicles to do so. In this way there would be little or no increase in traffic arising from the proposal. The current operation at the other farm caters for 3 collections per week, but the applicant has agreed with the operator that this should be reduced to 2 if permission were granted for this current proposal. On this basis, there would in fact be a reduction in lorries using Blagdon Road.

Given this positive change in operation, the very low volume of lorry visits that would occur in any event, and the fact that collection currently occurs before school opening hours anyway (and will continue as such), there is no need for a traffic impact assessment. Indeed there is not considered to be any adverse highways impacts arising from the proposal. The current difficulties along Blagdon Road referred to in some of the letters of representation arise mainly due to parents taking and collecting children from the school. As the egg collection trips take place outside of school dropping off hours, there would be no clash with the busy usage time for this section of Blagdon Road.

Environmental protection

The views of the Environmental Health Officer are still awaited, but it is likely that any requirements to meet with current health and safety legislation could be met, and indeed would already be put into practice at the applicant's other premises further up Blagdon Road. It is unlikely that there would be any environmental health impacts arising from this proposal that would justify refusal on planning

grounds. Nevertheless, the formal views of the Environmental Health Officer will be reported to Members at their meeting. It is anticipated that Environmental Health requirements could be dealt with by way of condition.

Economy -

The proposal (including all phases) will eventually provide 4 new jobs to the local economy. More importantly there will be knock on effects to the Torbay economy in terms of feed requirements, bedding materials and packing. There is also the issue of reduced road miles for delivery given that this new unit would be able to provide for the local food market(s).

S106/CIL -

All new development has the capacity to place an additional burden on public sector services and hence generate the need for a financial contribution under s106 of the Town and Country planning Act. In this instance there could be no waste management contribution as this would have to be conducted by a private specialist operator and could not be conducted by the Local Authority. Affordable housing, loss of employment, stronger communities, education, and lifelong learning simply are not relevant to the development. There is no need for any green space/recreation contribution for a farming proposal. This just leaves sustainable transportation.

However, given the very low staff requirements of the proposed operation, the very low traffic generation of such an operation, and the fact that it would utilise existing collection vehicles anyway, it is not considered appropriate or justifiable to request a contribution towards sustainable transportation. The appropriate SPD does not in any event have a calculated category for farming activities. In fact the proposal is likely to be a benefit to the local economy rather than a drain that would require some recompense. Therefore it is quite clear that this proposal should not attract a Planning Obligation under s106 of the Town and Country Planning Act.

Conclusions

The proposal is for a poultry farming operation and given that it is located outside of the built up area of Torbay would be appropriate in principle in this location. Such an operation close to existing road networks and utilising existing vehicle collection movements would be entirely appropriate. The landscape would not be harmed by the proposal as the building has been designed to fit into the surroundings. There could be some impact upon wildlife, and this has yet to be determined. However, any potential impact upon this small plot of land is likely to be capable of amelioration or mitigation. Natural England and the RSPB have been asked for their comments and these will be reported if available, otherwise it is requested that the application is delegated to the Executive Head of Spatial Planning to resolve any wildlife mitigation requirements, with a report back to committee in the event of any difficulties arising.

Possible impacts upon the nearby school are a valid consideration and the Environmental Health officer has been asked to comment. It is likely however that current legislation would safeguard against any perceived risk. There have been some objections received, but it is noted that most of the issues raised have now been overcome or countered in any event. The proposal does provide new employment opportunities, albeit quite low in number. Nevertheless, the expansion of any local business should be welcomed. For all of these reasons, Officers are of the opinion that the proposal should be recommended for delegated approval.

Condition(s)/Reason(s)

01. Any condition and/or recommendation arising from the consultation process with Natural England/RSPB
02. Any condition and/or recommendation arising from the consultation process with the Environmental Health Officer.
03. Access and parking provision, including surface treatment, to be controlled by condition.
04. Details of the proposed external materials and colour of the building to be controlled by condition
05. Any condition and/or recommendation arising from the phase 1 habitats survey.

Relevant Policies

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Agenda Item 9

Application Number

P/2012/1078

Site Address

Marine Park Holiday Centre
Grange Road
Paignton
Devon
TQ4 7JR

Case Officer

Matt Diamond

Ward

Goodrington With Roselands

Description

Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline)

Executive Summary/Key Outcomes

This application seeks approval of the reserved matters of layout, scale, appearance and landscaping following outline planning permission on the Marine Park site for 100 dwellings and access points on Grange Road and Goodrington Road (ref. P/2009/1084). It relates to the majority of the site, although details relating to the eastern part of the site adjacent to the properties in Grange Avenue and the access on Grange Road are dealt with in full application ref. P/2012/1079. This is because the layout varies the siting of plots 6 to 17 and the location of the access on Grange Road, which were fixed in the outline permission.

The design of the scheme relating to layout, scale, appearance and landscape is acceptable and an improvement on the illustrative scheme approved for the outline permission. On this basis the application should be approved. However, at the time of writing the Environment Agency is objecting to the application, due to inadequate surface water drainage strategy and the impact this has on the layout. Therefore, the application is recommended for approval, subject to either the Environment Agency removing its objection or the submission of a contingency strategy that has been agreed with the Council in consultation with the Environment Agency within the 13 week statutory determination period. If this does not take place, the application should be refused under delegated powers.

Recommendation

Conditional approval subject to the Environment Agency removing its objection within 13 week statutory period or a surface water contingency strategy being agreed with the Council in consultation with the Environment Agency; with conditions to be delegated to the Executive Head of Spatial Planning (a list of conditions/condition headings is provided at the end of this report, but more

conditions might be required). If the Environment Agency has not removed its objection or a contingency strategy been agreed at 13 weeks, the application should be refused under delegated powers.

Site Details

The site is located in the southern part of Paignton. It is bounded by Grange Road to the north and west, residential properties in Grange Avenue and along Goodrington Road to the east, and Goodrington Road, a caravan park and ancillary recreational area to the south. The site also bounds residential properties along Grange Road to the northeast. The site area is 2.2 ha. The site is undesignated in the Adopted Torbay Local Plan 1995-2011, but it adjoins the Roselands/Grange Road Wildlife Corridor and Clennon Hill/Roselands Valley Urban Landscape Protection Area to the north. In addition, it is in close proximity to Clennon Local Wildlife Site/County Wildlife Site on the opposite side of Grange Road to the west.

The site comprises a disused caravan park and an area of open land to the south. The caravan park once formed part of the wider complex of caravan parks in the area. The site has an existing vehicular access to the north on Grange Road. The site slopes uphill to the south, becoming steeper in the southern part of the site towards the open land. The disused caravan park includes: access roads, parking areas, static caravan pitches, ancillary buildings, trees and vegetation. The western boundary consists of a Devon hedgebank. A small woodland area in the southeast corner of the site is covered by a blanket TPO (2009.031).

This reserved matters application relates to the majority of the site; however it excludes the eastern part of the site along the boundary with the properties in Grange Avenue and the vehicular access on Grange Road. These parts of the site are dealt with under full planning application ref. P/2012/1079, which was submitted together with the reserved matters application. The reason planning application ref. P/2012/1079 was submitted separately is because it varies the siting of plots 6 to 17, which were fixed under the outline planning permission (ref. P/2009/1084), and the location of the access on Grange Road.

Detailed Proposals

The proposals relate to the reserved matters for outline planning permission ref. P/2009/1084 for:

Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline).

Therefore, the application seeks approval for details relating to: layout, scale of buildings, appearance of buildings and landscaping. The detailed proposals for the whole site are described below, i.e. the proposals for this application and full planning application ref. P/2012/1079.

The outline permission approved an indicative site layout for 100 dwellings, with two new vehicular access points onto Grange Road and Goodrington Road, pedestrian/cycle link onto Grange Road and a central green space/children's play space. The small woodland area in the southeast corner of the site covered by a TPO was retained. The detailed proposals retain the layout of the indicative scheme, except for excluding a street in the western part of the site. It was not possible to provide this route because of the gradient of the site in this location meaning the highway could not have been adopted. As a consequence, there is only one vehicular circulation route in the northern part of the site and the green space/children's play space has increased in size from 416 sq m to 570 sq m. The vehicular access points onto Grange Road and Goodrington Road are retained, as is the pedestrian/cycle link onto Grange Road. The location of the access onto Grange Road has moved slightly to the west, closer to the existing access, from the location approved for the outline permission.

The indicative proposals in the outline permission showed a mix of dwelling types from 2 bed flats to 3 and 4 bed detached houses. Building heights ranged from single storey to 4 storeys. The accommodation schedule for the reserved matters application confirms the overall housing mix, as follows: 29 no. 2-bed dwellings (3 coach houses, 14 flats/apartments and 12 terraced houses); 45 no. 3-bed dwellings (30 terraced houses and 15 semi-detached houses); and 26 no. 4-bed dwellings (7 terraced houses, 9 semi-detached houses and 10 detached houses). Building heights range from 2 storey to split 2/3 storey, and in the case of the blocks of flats/apartments, 3 and a half storey (lower block) and split 2/4 storey (upper block). 20% of the dwellings will be affordable, as permitted in the outline permission. These would be distributed in two clusters, one larger one in the northwest corner of the site and a smaller one in the eastern part of the site.

The proposed dwellings include a mix based on standard house types built by the developer and bespoke designs specific to the site. The elevation drawings show that the dwellings would have a fairly simple, uniform appearance with pitched grey tile roofs and some with integral garages. The materials used for the elevations include: painted sand and cement render, grey Eternit Cedral Weatherboard and Staffordshire Blue Brick plinths. The Design and Access Statement states that the proposals draw upon the aesthetic of traditional higher density rural homes found around South Devon. It also states that the proposals will benefit from the use of new sustainable materials and products which bring a contemporary edge to the scheme. A colour palette is included in the Design and Access Statement comprising a variety of colours with soft, muted tones.

The proposals include a Landscape Masterplan and Landscape Planting Plan. Highways and parking areas would be made from standard bituminous surfacing and block paving, the latter to indicate shared surface areas particularly at nodal points. Whilst some existing trees need to be removed, new street trees would be planted as well as hedges and shrubs. Stone boundary walls would be used to

enhance local character and raised timber planters placed at the entrances of some properties. The central green space/children's play space is described as an orchard in the Design and Access Statement, harking back to a time when orchards were prevalent in the area. It is annotated as including an incidental children's play space with seating element on the Landscape Masterplan.

The application(s) includes a parking distribution plan. This shows that every dwelling has at least one parking space and the majority have two. The majority of parking is on-plot, with some incorporated on-street or in courtyards with pedestrian priority. The upper block of flats has a car park set back from the highway. A number of on-street visitor parking spaces are also shown.

The application(s) includes a highway layout. This shows that the majority of roads would be adopted by the Local Highway Authority, whilst the parking courtyards and car park for the upper block of flats would be private and managed by a suitable management company. In addition, a section of highway in the western part of the site would be private due to the limited available space to meet adoptable width standards. The highway layout has been tweaked in a few places during the course of the application following comments from the Local Highway Authority.

Summary Of Consultation Responses

Design Review Panel: (Based on an earlier iteration of the scheme at pre-application stage): The proposals presented demonstrate that the outline permission for 100 dwellings and parking ratio of 2 spaces per dwelling represents a significant challenge in achieving a new neighbourhood of good quality on the site. The minor adaptation of the earlier illustrative masterplan and the development of fairly standard house types is not necessarily the best approach for the reserved matters application. The resulting layout seems to have a number of weaknesses and the full advantages of the site might be best discovered through a fresh start. A better quality neighbourhood might result from fewer units and/or a more flexible approach to parking standards.

The main areas for improvement are:

- Better integration of the urban form with vehicular movement to produce a more legible and convenient layout.
Apartments more tactically located within the layout to provide external (shared or public) amenity space and parking in close proximity to them.
Ensure that the layout, and the integration of parking, does not present a vehicle dominated environment.
- Ensure that the landscape design is a significant influence on the form of the neighbourhood – its character and how it might function as a new community.

- The house typologies deployed need to more nearly respect and form a good response to the particular topography of the site and its orientation.

South West Water: No objections in principle. A portion of the surface water drainage is intended to discharge to the public sewer, which is against South West Water policy and is only permitted in exceptional circumstances and subject to attenuation. If this is the only option, the developer will need South West Water prior approval to do this.

Senior Historic Environment Officer: Recommended an updated archaeological condition, as follows:

No demolition or development shall take place within the application area until a programme of archaeological works, as specified in a Project Design, has been approved by the local planning authority in writing. The archaeological works will include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission. (NPPF 2012, para 141)

(This can be added to the outline permission via a Non Material Amendment application.)

Environment Agency: Initially responded stating no objections, subject to a condition to deal with surface water drainage. Provided a second response objecting to the application unless the applicant can demonstrate that soakaways are a feasible means to manage runoff from the site. There is a risk that the layout proposed would leave inadequate space for infiltration features, should testing demonstrate that the proposed soakaways are not appropriate because infiltration is not as favourable as early indications suggest.

Engineering: Drainage: No details provided of trial holes and infiltration tests to confirm the ground conditions are suitable for soakaways at the locations of the proposed soakaways. No details of soakaway designs, which must show they will cater for the critical 1 in 100 year storm event plus an allowance for climate change. No details of surface water system to soakaways, which must be designed so no flooding to properties is predicted for the critical 1 in 100 year storm event plus an allowance for climate change. If flooding is predicted, the developer must demonstrate how the floodwater/overland flow will be dealt with.

Agreed that these details can be submitted to approve Condition 10 of the outline permission ref. P/2009/1084.

Housing Services: Supportive of the proposals, as overall the scheme meets policy requirements. Stated that the changes to the layout of the scheme do not adversely affect the affordable units being provided.

Arboricultural Officer: Recommends the scheme is suitable for approval subject to conditions for: an updated tree protection plan; revised landscape plans showing significant replacement tree planting to mitigate against the loss of a band of mature conifers (Grade C – low quality) along Goodrington Road; woodland management plan; and ecological survey of the non-developable area.

Stated that the majority of new trees are small with low final canopy size that would be unlikely to serve to integrate the site into the wider landscape that the topography allow great views from. Tree pit designs are required where trees are shown to be within shared surfaces.

Stated anecdotal conversations indicate that a badger set may be in existence within the TPO'd woodland group to the south end of the site.

Highways/Strategic Transportation: Recommended that various highway design issues are addressed (all these were relatively minor and were incorporated in revised drawings).

Stated that the proposed construction access off Grange Road is not acceptable and should be addressed in the Construction Method Statement required to satisfy Condition 17 of the outline permission ref. P/2009/1084.

In addition to the sustainable transport contribution agreed for the outline permission, a Travel Plan is required which should be secured via a pre-occupation condition and be subject to a £35,000 bond to fund measures should targets in the Travel Plan not be achieved.

The sustainable transport contribution will contribute towards implementing the local cycle network.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

Five objections to the application from local residents. The main issues raised are:

- Impact on drainage (surface water and foul) in the area
- Area becoming over developed
- New businesses needed, not new homes

- Traffic congestion and safety
- Impact on trees and wildlife
- Traffic survey could be bias
- Impact of 2 and 3 storey buildings on privacy and daylight of homes in Grange Avenue, which is at lower level
- Over development
- Impact on safety of Grange Road – should be made one way
- Safety of junction on Goodrington Road
- Increased noise

These are reproduced at Page P.201.

Relevant Planning History

- P/2009/1084: Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline): Approved 28.12.2011
- ZP/2012/0126: Provision of 100 dwellings (pre-application enquiry): Approve 07.09.2012
- CN/2012/0097: Discharge of condition 8 to application P/2009/1084/MOA - Greater Horseshoe bat survey report: Pending Consideration
- P/2012/1079: Erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA: Pending Consideration

Key Issues/Material Considerations

The key issues are:

1. Design (layout, scale, appearance and landscaping)
2. Parking
3. Surface Water Drainage
4. Replacement Tree Planting
5. Provision of a Travel Plan

1. Prior to submitting the reserved matters application and full application ref. P/2012/1079, the applicant presented draft proposals to the Torbay Design Review Panel. The DRP noted that the layout of the site had been revised from the illustrative scheme approved under the outline planning permission ref. P/2009/1084 and the most significant revision was the discontinuation of one of the streets up the slope due to the topography. This meant that the circular street in the centre of the site could not be completed.

The DRP raised a number of concerns with the new layout, particularly the response to the discontinued street which was the introduction of a coach house at the end of the intended street creating a cul-de-sac. They also raised concerns with parking courts along the eastern boundary, the location of the lower block of flats, the lack of amenity space for the lower block of flats and car parking located in the central perimeter block. All these issues have been addressed in the reserved matters/full applications and the layout is considered to be a significant improvement to the outline permission and draft layout presented to the DRP. A particular improvement is the introduction of a central green space, described as an orchard in the Design and Access Statement, which provides an alternative link up the slope for pedestrians and cyclists in place of the street illustrated in the outline permission. Car parking has also been removed from along the eastern boundary improving the relationship with existing properties.

The DRP made no comments on the scale of the proposed dwellings. Overall this is considered acceptable and would fit in with the scale of housing in the area, i.e. 2 storeys or split 2/3 storeys where the building is on a slope. It is also consistent with the scale of buildings illustrated in the outline permission. The blocks of flats would naturally be larger in scale than the proposed housing, but would not be overly dominant or impact on the amenity of adjacent dwellings.

The buildings would have a fairly simple, uniform appearance, utilising similar materials all-be-it different colours from a restricted palette. This helps to create a sense of place and belonging and was recommended by the DRP. The DRP promoted bespoke design for the site and the applicant has responded by providing a mix of bespoke design and design based on standard house types; this is for viability reasons. However, it is considered that the appearance of the dwellings fits in with local character and is acceptable in the context of the relevant policies in the Local Plan. The DRP were critical of the use of coach houses, i.e. flats over garages, but the applicant has stated that these are popular with first time buyers and are considered acceptable, as mixed house types are promoted both in the Local Plan and NPPF (only 3 coach houses are proposed). The DRP raised concerns with potential north facing glazing to provide views at the expense of energy efficiency, but a study of the elevations shows that the proposed dwellings do not have an over abundance of north facing glazing.

The detailed proposals include a Landscape Masterplan and Landscape Planting Plan. These show that a great deal of effort has been spent on designing an appropriate landscaping scheme for the site that enhances local character and sense of place, whilst contributing towards creating a pedestrian friendly environment. Different hard surfacing is used at key points in the development to indicate the transition from vehicle dominated highway to pedestrian friendly shared street, and street trees are used together with other soft landscape, such as Hornbeam hedge, various climbing species and flowers, including Purple Sensation, to soften and add colour and interest to the built environment. The

DRP commented on how important landscaping can be, particularly boundary treatments, in adding quality and character to a development. The applicant has taken these comments onboard in the detailed submission. The central green space/'orchard' includes a children's play space, as required by the outline permission, is overlooked by the lower block of flats for safety (natural surveillance) and would provide a communal 'heart' to the development. The use of raised timber planters at entrances to properties adds further character. The Devon hedgebank along the western boundary would be retained and the eastern boundary with properties in Grange Avenue tidied up with new fencing and ornamental trees replacing the existing fencing, overgrown hedge and trees.

Overall, the design of the reserved matters/full applications is considered acceptable and in accordance with Policies BES, BE1 and BE2 of the Local Plan, and Section 7 of the NPPF. There remains scope for further refinement of the boundary treatments and outdoor lighting as part of the landscape proposals in the submissions for approval of details reserved by Conditions 13 and 14 of the outline permission.

2. The majority of dwellings in the scheme would have two parking spaces; however, the flats/apartments and 11 of the other dwellings would have one space according to the parking distribution plan. In addition, six visitor parking spaces would be provided on-street in the northern part of the site and three visitor spaces provided for the upper block of flats.

The proposed parking strategy complies with the maximum parking standards set out in Policy T25 of the Local Plan, although two dwellings have two spaces each that are both on-street. The DRP raised concerns with the integration of parking in the layout so that it wouldn't present a vehicle dominated environment. This is not considered to be the case though, as the majority of parking is provided on-plot either with one space in front of the other or one space in an integral garage. This coupled with the proposed integration of parking into the detailed landscape scheme means that a suitable amount of parking can be provided without harming the quality and appearance of the streets in the development.

3. Condition 10 of the outline permission requires the submission of a surface water drainage scheme for the site. The Engineering – Drainage department has agreed that this issue can be dealt with in a separate application to approve this condition. However, the Environment Agency has objected to the reserved matters application because supporting information has indicated that the ground conditions might not be suitable for the proposed soakaways. Therefore, the layout should not be approved until either it has been demonstrated that soakaways are feasible or alternative measures have been determined and it has been shown that there is enough space for these.

At the time of writing, the applicant is in the process of carrying out further work in order to satisfy the Environment Agency that they can remove their objection.

The updated position will be reported to the Development Management Committee. If the Environment Agency remove their objection before Committee then planning permission would not have to be withheld due to this issue, otherwise any recommendation for approval would be subject to either the Environment Agency removing their objection or the applicant agreeing a contingency strategy with the Council in consultation with the Environment Agency. If either of these scenarios have not taken place within the 13 week statutory period to determine the application then the application should be refused.

4. The Arboricultural Officer has recommended a number of conditions, including revised landscape plans showing significant replacement tree planting to mitigate against the loss of a band of mature conifers (Grade C – low quality) along Goodrington Road. The other conditions are already covered by conditions attached to the outline planning permission. The Landscape Masterplan and Landscape Planting Plan show that only three of the conifers would be removed - to form the vehicular access on Goodrington Road - and the remainder would be retained. The Tree Report submitted with the outline application and resubmitted with this application confirms that these trees are Grade C – low quality, and states they are inappropriate in the long term and should be replaced, possibly by extending the native group of trees/TPO woodland to the northeast. Therefore, the loss of these trees is not considered to have a significant impact on the amenity of the area and replacement tree planting can be addressed in the approval of Conditions 8 and 11 of the outline permission should it prove necessary.

The Arboricultural Officer also commented on the small size of replacement tree planting in the scheme that would make it difficult to integrate the site into the wider landscape, and requirement for tree pit designs where trees are located within shared surfaces. The first point needs to be balanced against other factors, such as the intended character of the development, i.e. orchard, integrating trees with utilities and the problems trees can cause with overshadowing. This last point is particularly relevant given that most of the development is broadly aligned along an east-west axis. Therefore, the proposed small trees are considered acceptable for the site. The second point can be conditioned.

5. A Travel Plan has been requested by Highways/Strategic Transportation to be included in the S106 package. However, this should have been included in the outline permission and cannot therefore be added as a condition to the reserved matters, if approved, and would be poor practice to add as a further obligation in the S106 Agreement at this late stage. Therefore, this should not be requested.

S106/CIL -

A S106 Agreement was prepared for the outline permission securing 20% affordable housing and the following contributions:

Education	£102,550.00
Lifelong Learning	£ 24,070.00
Green Space	£143,300.00
Stronger Communities	£ 12,535.00
Sustainable Transport	£ 78,090.00
Waste Management	£ 3,675.00

The S106 Agreement has been amended by the Council to relate to the outline permission and full application ref. P/2012/1079.

Housing Services has agreed which units will be affordable dwellings and the proportion of social rented and shared ownership. These are shown on the Typology drawing ref. 3392-02 5. Of the affordable dwellings, 14 (70%) are social rented and 6 (30%) are shared ownership.

Conclusions

This application seeks approval of the reserved matters of layout, scale, appearance and landscaping following outline planning permission on the site for 100 dwellings and access points on Grange Road and Goodrington Road (ref.P/2009/1084). The detailed design of the scheme relating to these matters has evolved from the illustrative layout approved under the outline permission following a presentation to the Torbay Design Review Panel and continued and open discussions with officers. A high quality scheme has resulted, where the main difference between the final scheme and the illustrative scheme approved for the outline permission is the omission of one of the streets in the northern part of the site. This was due to the site topography and the street has been replaced by a larger central green space in the style of an orchard, which includes a children's play space and footpath link. A great deal of effort has been spent on creating a sense of place and appropriate character for the development. This is achieved by applying a restricted palette of materials and similar architecture in the buildings that take their themes from the area. A detailed landscape scheme adds to this, which includes hard surfacing to delineate between vehicle dominated and shared surfaces and a range of soft landscape, including street trees, hedges and flower planting to street edges. Whilst the Arboricultural Officer has criticised the small size of replacement tree planting, this needs to be balanced against other factors, such as the intended character of the development, underground utilities and overshadowing, particularly as many of the dwellings are broadly aligned along an east-west axis.

At the time of writing, the Environment Agency has objected to the application because early indications suggest that the ground conditions might not be suitable for the proposed soakaways intended to deal with surface water runoff from the site. Therefore, without an appropriate strategy to deal with surface water in place, the layout should not be approved in case there is not enough space for suitable infiltration features. The applicant is currently in the process of

undertaking further work, so that the Environment Agency will remove its objection and the updated position will be reported at Committee. If the Environment Agency removes its objection before Committee then planning permission would not have to be withheld due to this issue, otherwise the recommendation is to approve the application subject to either the Environment Agency removing their objection or the applicant agreeing a contingency strategy with the Council in consultation with the Environment Agency within the statutory 13 week determination period. If this does not take place the application should be refused under delegated powers.

Condition(s)/Reason(s)

01. The development hereby permitted shall be carried out in complete accordance with the approved drawings, listed at the end of this decision notice.

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

02. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. Samples of materials shall be agreed on site by the Local Planning Authority as required.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

03. The development hereby permitted 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 in relation to an agreed fixed point or O.S. datum.

Reason: To safeguard the Local Planning Authority's rights of control over these details in the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

04. Tree Pit Designs

Relevant Policies

-

Agenda Item 10

Application Number

P/2012/1079

Site Address

Marine Park Holiday Centre
Grange Road
Paignton
Devon
TQ4 7JR

Case Officer

Matt Diamond

Ward

Goodrington With Roselands

Description

Erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA

Executive Summary/Key Outcomes

This full application applies to the eastern part of the Marine Park site already granted outline planning permission for 100 dwellings and access points on Grange Road and Goodrington Road (ref. P/2009/1084). It varies the siting of plots 6 to 17 and the location of the vehicular access on Grange Road, which were fixed in the outline permission. A separate reserved matters application (ref. P/2012/1078) has been submitted for the rest of the site.

As with the reserved matters application, the design of the scheme is acceptable, as is the new access configuration on Grange Road. It is considered to be an improvement on the illustrative layout approved for the outline permission and draft proposals presented to the Torbay Design Review Panel. The impact of the design on the amenity of existing properties in Grange Avenue has been assessed following concerns from local residents and is also considered acceptable. On this basis the application should be approved.

However, at the time of writing the Environment Agency is objecting to the reserved matters application, due to inadequate surface water drainage strategy and the impact this has on the layout. As this is a material consideration for this application, the recommendation is the same as the reserved matters application, i.e. approval, subject to either the Environment Agency removing its objection or the submission of a contingency strategy that has been agreed with the Council in consultation with the Environment Agency within the 13 week statutory determination period. If this does not take place, the application should be refused under delegated powers.

Recommendation

Conditional Approval; subject to the Environment Agency removing its objection to the reserved matters application (ref. P/2012/1078) within 13 week statutory period or a surface water contingency strategy being agreed with the Council in

consultation with the Environment Agency; with conditions to be delegated to the Executive Head of Spatial Planning (a list of conditions/condition headings is provided at the end of this report, but more conditions might be required). If the Environment Agency has not removed its objection or a contingency strategy been agreed at 13 weeks, the application should be refused under delegated powers.

Site Details

The site is located in the southern part of Paignton. It is bounded by Grange Road to the north and west, residential properties in Grange Avenue and along Goodrington Road to the east, and Goodrington Road, a caravan park and ancillary recreational area to the south. The site also bounds residential properties along Grange Road to the northeast. The site area is 2.2 ha. The site is undesignated in the Adopted Torbay Local Plan 1995-2011, but it adjoins the Roselands/Grange Road Wildlife Corridor and Clennon Hill/Roselands Valley Urban Landscape Protection Area to the north. In addition, it is in close proximity to Clennon Local Wildlife Site/County Wildlife Site on the opposite side of Grange Road to the west.

The site comprises a disused caravan park and an area of open land to the south. The caravan park once formed part of the wider complex of caravan parks in the area. The site has an existing vehicular access to the north on Grange Road. The site slopes uphill to the south, becoming steeper in the southern part of the site towards the open land. The disused caravan park includes: access roads, parking areas, static caravan pitches, ancillary buildings, trees and vegetation. The western boundary consists of a Devon hedgebank. A small woodland area in the southeast corner of the site is covered by a blanket TPO (2009.031).

This full application relates to the eastern part of the site along the boundary with the properties in Grange Avenue and the vehicular access on Grange Road. It excludes the majority of the site to the west, which is dealt with under the reserved matters application ref. P/2012/1078 submitted together with this application. The reason this application has been submitted separately is because it varies the siting of plots 6 to 17, which were fixed under the outline planning permission (ref. P/2009/1084), and the location of the access on Grange Road.

Detailed Proposals

The proposals relate to the eastern part of the Marine Park Holiday Centre site, which was granted outline planning permission (ref. P/2009/1084) in December 2011 for:

Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline).

The application seeks approval for details relating to: layout, scale of buildings, appearance of buildings, access and landscaping. A full application has been submitted for this part of the site because it varies the siting of plots 6 to 17, which were fixed under the outline planning permission, and the location of the access on Grange Road. The detailed proposals for the whole site are described below, i.e. the proposals for this application and reserved matters application P/2012/1078.

The outline permission approved an indicative site layout for 100 dwellings, with two new vehicular access points onto Grange Road and Goodrington Road, pedestrian/cycle link onto Grange Road and a central green space/children's play space. The small woodland area in the southeast corner of the site covered by a TPO was retained. The detailed proposals retain the layout of the indicative scheme, except for excluding a street in the western part of the site. It was not possible to provide this route because of the gradient of the site in this location meaning the highway could not have been adopted. As a consequence, there is only one vehicular circulation route in the northern part of the site and the green space/children's play space has increased in size from 416 sq m to 570 sq m. The vehicular access points onto Grange Road and Goodrington Road are retained, as is the pedestrian/cycle link onto Grange Road. The location of the access onto Grange Road has moved slightly to the west, closer to the existing access, from the location approved for the outline permission.

The indicative proposals in the outline permission showed a mix of dwelling types from 2 bed flats to 3 and 4 bed detached houses. Building heights ranged from single storey to 4 storeys. The accommodation schedule for the reserved matters application confirms the overall housing mix, as follows: 29 no. 2-bed dwellings (3 coach houses, 14 flats/apartments and 12 terraced houses); 45 no. 3-bed dwellings (30 terraced houses and 15 semi-detached houses); and 26 no. 4-bed dwellings (7 terraced houses, 9 semi-detached houses and 10 detached houses). Building heights range from 2 storey to split 2/3 storey, and in the case of the blocks of flats/apartments, 3 and a half storey (lower block) and split 2/4 storey (upper block). 20% of the dwellings will be affordable, as permitted in the outline permission. These would be distributed in two clusters, one larger one in the northwest corner of the site and a smaller one in the eastern part of the site.

The proposed dwellings include a mix based on standard house types built by the developer and bespoke designs specific to the site. The elevation drawings show that the dwellings would have a fairly simple, uniform appearance with pitched grey tile roofs and some with integral garages. The materials used for the elevations include: painted sand and cement render, grey Eternit Cedral Weatherboard and Staffordshire Blue Brick plinths. The Design and Access Statement states that the proposals draw upon the aesthetic of traditional higher density rural homes found around South Devon. It also states that the proposals will benefit from the use of new sustainable materials and products which bring a contemporary edge to the scheme. A colour palette is included in the Design and

Access Statement comprising a variety of colours with soft, muted tones.

The proposals include a Landscape Masterplan and Landscape Planting Plan. Highways and parking areas would be made from standard bituminous surfacing and block paving, the latter to indicate shared surface areas particularly at nodal points. Whilst some existing trees need to be removed, new street trees would be planted as well as hedges and shrubs. Stone boundary walls would be used to enhance local character and raised timber planters placed at the entrances of some properties. The central green space/children's play space is described as an orchard in the Design and Access Statement, harking back to a time when orchards were prevalent in the area. It is annotated as including an incidental children's play space with seating element on the Landscape Masterplan.

The application(s) includes a parking distribution plan. This shows that every dwelling has at least one parking space and the majority have two. The majority of parking is on-plot, with some incorporated on-street or in courtyards with pedestrian priority. The upper block of flats has a car park set back from the highway. A number of on-street visitor parking spaces are also shown.

The application(s) includes a highway layout. This shows that the majority of roads would be adopted by the Local Highway Authority, whilst the parking courtyards and car park for the upper block of flats would be private and managed by a suitable management company. In addition, a section of highway in the western part of the site would be private due to the limited available space to meet adoptable width standards. The highway layout has been tweaked in a few places during the course of the application following comments from the Local Highway Authority.

Summary Of Consultation Responses

Design Review Panel: (based on an earlier iteration of the scheme at pre-application stage): The proposals presented demonstrate that the outline permission for 100 dwellings and parking ratio of 2 spaces per dwelling represents a significant challenge in achieving a new neighbourhood of good quality on the site. The minor adaptation of the earlier illustrative masterplan and the development of fairly standard house types is not necessarily the best approach for the reserved matters application. The resulting layout seems to have a number of weaknesses and the full advantages of the site might be best discovered through a fresh start. A better quality neighbourhood might result from fewer units and/or a more flexible approach to parking standards.

The main areas for improvement are:

- Better integration of the urban form with vehicular movement to produce a more legible and convenient layout.

- Apartments more tactically located within the layout to provide external (shared or public) amenity space and parking in close proximity to them.
- Ensure that the layout, and the integration of parking, does not present a vehicle dominated environment.
- Ensure that the landscape design is a significant influence on the form of the neighbourhood – its character and how it might function as a new community.
- The house typologies deployed need to more nearly respect and form a good response to the particular topography of the site and its orientation.

South West Water: No objections in principle. A portion of the surface water drainage is intended to discharge to the public sewer, which is against South West Water policy and is only permitted in exceptional circumstances and subject to attenuation. If this is the only option, the developer will need South West Water prior approval to do this.

Environment Agency: Stated no objections, subject to a condition to deal with surface water drainage.

Senior Historic Environment Officer: Recommended an updated archaeological condition, as follows:

No demolition or development shall take place within the application area until a programme of archaeological works, as specified in a Project Design, has been approved by the local planning authority in writing. The archaeological works will include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission. (NPPF 2012, para 141)

Building Control: Requires submission of a ground investigation report due to proximity to existing landfill tip in Clennon Valley. B5 fire fighting access is available. First floor window design needs to provide satisfactory secondary means of escape. The site is within a radon gas/methane area and will require radon protection. Rainwater drainage should be to soakaway. The layout must satisfy Part M of the Building Regulations re access.

Natural England: The application is within the setting of the South Devon AONB and the AONB Partnership should be consulted. Does not fall within the scope of the consultations that Natural England would routinely comment on; the

application is not likely to result in significant impacts on statutory designated sites, landscapes or species. The site should be surveyed if protected or Biodiversity Action Plan (BAP) species are possibly present. Natural England Standing Advice is available. Biodiversity enhancements are encouraged. All proposals should complement and where possible enhance local distinctiveness.

South Devon AONB Unit: No objections – the proposed development is located outside the AONB and is set within an existing built-up area; therefore it would not have a significant additional impact on the qualities and character of the AONB.

Engineering – Drainage: The flood risk assessment includes some soakaway designs, but the infiltration rate used has been assumed. The FRA recommends infiltration tests are undertaken to confirm soakaways are appropriate. No details provided of trial holes and infiltration tests to confirm the ground conditions are suitable for soakaways at the locations of the proposed soakaways. Soakaway designs must use infiltration rates and show they will cater for the critical 1 in 100 year storm event plus an allowance for climate change. No details of surface water system to soakaways, which must be designed so no flooding to properties is predicted for the critical 1 in 100 year storm event plus an allowance for climate change. If flooding is predicted, the developer must demonstrate how the floodwater/overland flow will be dealt with.

Agreed that these details can be submitted to approve Condition 10 of the outline permission ref. P/2009/1084.

RSPB: Support Natural England's advice on biodiversity enhancements. This can be achieved by following the guidelines in Annex C of 'Planning for a Healthy Environment: good practice for green infrastructure and biodiversity' (TCPA, July 2012). Recommend a Biodiversity Enhancement Plan is made a condition of the consent if granted.

Housing Services: Supportive of the proposals, as overall the scheme meets policy requirements. Stated that the changes to the layout of the scheme do not adversely affect the affordable units being provided.

Arboricultural Officer: Recommends the scheme is suitable for approval subject to conditions for a more comprehensive landscape plan detailing tree specifications, tree pit design, future tree management and more significant sized species, and an updated tree protection plan.

Highways/Strategic Transportation: Recommended that various highway design issues are addressed (all these were relatively minor and were incorporated in revised drawings).

Stated that the proposed construction access off Grange Road is not acceptable

and should be addressed in the Construction Method Statement required to satisfy Condition 17 of the outline permission ref. P/2009/1084.

The sustainable transport contribution agreed for the outline permission will contribute towards implementing the local cycle network.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

One objection received from a local resident raising concerns about loss of light and privacy. The local resident states that they had been assured by the developers that the houses would only be 2 storeys and there would be no scope for rooms or windows to be built in the roofs. However, the local resident states that there is a window in the roof which will affect their privacy. Due to the difference in levels between the local resident's property and the site, the local resident states that they were told there would be a minimum of 15m between their house and the proposed dwellings, but this has been reduced by 0.5m. Also concerned that the existing hedge along the boundary might be staying, which currently blocks daylight. This letter is re-produced at Page P.202.

Relevant Planning History

- P/2009/1084: Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline): Approved 28.12.2011
- ZP/2012/0126: Provision of 100 dwellings (pre-application enquiry): Approve 07.09.2012
- CN/2012/0097: Discharge of condition 8 to application P/2009/1084/MOA - Greater Horseshoe bat survey report: Pending Consideration
- P/2012/1078: Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline): Pending Consideration

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Design (layout, scale, appearance and landscaping)

3. Revised Access on Grange Road
4. Parking
5. Impact on Properties in Grange Avenue
6. Surface Water Drainage
7. Biodiversity
8. Replacement Tree Planting
9. Building Control Requirements

1. The principle of the development is acceptable, as outline planning permission has already been granted for 100 dwellings on the site together with vehicular access points onto Grange Road and Goodrington Road (ref. P/2009/1084). This includes 12 plots along the eastern boundary.

2. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site. N.B. the variation of the siting of plots 6 to 17 is discussed under 5 below, as the reason the siting of these plots was fixed in the outline permission was to protect the amenities of adjacent properties in Grange Avenue.)

Prior to submitting the reserved matters application and full application ref. P/2012/1079, the applicant presented draft proposals to the Torbay Design Review Panel. The DRP noted that the layout of the site had been revised from the illustrative scheme approved under the outline planning permission ref. P/2009/1084 and the most significant revision was the discontinuation of one of the streets up the slope due to the topography. This meant that the circular street in the centre of the site could not be completed.

The DRP raised a number of concerns with the new layout, particularly the response to the discontinued street which was the introduction of a coach house at the end of the intended street creating a cul-de-sac. They also raised concerns with parking courts along the eastern boundary, the location of the lower block of flats, the lack of amenity space for the lower block of flats and car parking located in the central perimeter block. All these issues have been addressed in the reserved matters/full applications and the layout is considered to be a significant improvement to the outline permission and draft layout presented to the DRP. A particular improvement is the introduction of a central green space, described as an orchard in the Design and Access Statement, which provides an alternative link up the slope for pedestrians and cyclists in place of the street illustrated in the outline permission. Car parking has also been removed from along the eastern boundary improving the relationship with existing properties.

The DRP made no comments on the scale of the proposed dwellings. Overall this is considered acceptable and would fit in with the scale of housing in the area, i.e. 2 storeys or split 2/3 storeys where the building is on a slope. It is also consistent with the scale of buildings illustrated in the outline permission. The

blocks of flats would naturally be larger in scale than the proposed housing, but would not be overly dominant or impact on the amenity of adjacent dwellings.

The buildings would have a fairly simple, uniform appearance, utilising similar materials all-be-it different colours from a restricted palette. This helps to create a sense of place and belonging and was recommended by the DRP. The DRP promoted bespoke design for the site and the applicant has responded by providing a mix of bespoke design and design based on standard house types; this is for viability reasons. However, it is considered that the appearance of the dwellings fits in with local character and is acceptable in the context of the relevant policies in the Local Plan. The DRP were critical of the use of coach houses, i.e. flats over garages, but the applicant has stated that these are popular with first time buyers and are considered acceptable, as mixed house types are promoted both in the Local Plan and NPPF (only 3 coach houses are proposed). The DRP raised concerns with potential north facing glazing to provide views at the expense of energy efficiency, but a study of the elevations shows that the proposed dwellings do not have an over abundance of north facing glazing.

The detailed proposals include a Landscape Masterplan and Landscape Planting Plan. These show that a great deal of effort has been spent on designing an appropriate landscaping scheme for the site that enhances local character and sense of place, whilst contributing towards creating a pedestrian friendly environment. Different hard surfacing is used at key points in the development to indicate the transition from vehicle dominated highway to pedestrian friendly shared street, and street trees are used together with other soft landscape, such as Hornbeam hedge, various climbing species and flowers, including Purple Sensation, to soften and add colour and interest to the built environment. The DRP commented on how important landscaping can be, particularly boundary treatments, in adding quality and character to a development. The applicant has taken these comments onboard in the detailed submission. The central green space/'orchard' includes a children's play space, as required by the outline permission, is overlooked by the lower block of flats for safety (natural surveillance) and would provide a communal 'heart' to the development. The use of raised timber planters at entrances to properties adds further character. The Devon hedgebank along the western boundary would be retained and the eastern boundary with properties in Grange Avenue tidied up with new fencing and ornamental trees replacing the existing fencing, overgrown hedge and trees.

Overall, the design of the reserved matters/full applications is considered acceptable and in accordance with Policies BES, BE1 and BE2 of the Local Plan, and Section 7 of the NPPF. There remains scope for further refinement of the boundary treatments and outdoor lighting as part of the landscape proposals in the submissions for approval of details reserved by Conditions 13 and 14 of the outline permission.

3. The full application varies the location of the vehicular access onto Grange Road, which was approved as a detailed matter in the outline permission. The access is now slightly closer to the existing access to the west and has simply been realigned to fit in with the new layout. The Highway S38 Layout drawing (ref.12.178/001 B) shows that it would have the same visibility splays as the approved access and Highways has not raised it as an issue or objected to it. Therefore, the design and location of the access is acceptable.

4. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site.)

The majority of dwellings in the scheme would have two parking spaces; however, the flats/apartments and 11 of the other dwellings would have one space according to the parking distribution plan. In addition, six visitor parking spaces would be provided on-street in the northern part of the site and three visitor spaces provided for the upper block of flats.

The proposed parking strategy complies with the maximum parking standards set out in Policy T25 of the Local Plan, although two dwellings have two spaces each that are both on-street. The DRP raised concerns with the integration of parking in the layout so that it wouldn't present a vehicle dominated environment. This is not considered to be the case though, as the majority of parking is provided on-plot either with one space in front of the other or one space in an integral garage. This coupled with the proposed integration of parking into the detailed landscape scheme means that a suitable amount of parking can be provided without harming the quality and appearance of the streets in the development.

5. One of the reasons this application has been submitted in addition to the reserved matters application ref. P/2012/1078, is that it varies the siting of plots 6 to 17 which were fixed in the outline permission. The reason the siting of these units was fixed was to ensure that there is sufficient separation distance between the proposed dwellings and the existing properties in Grange Avenue in order to protect their amenity, i.e. privacy and daylight. This is particularly important as some of the existing properties are at a lower level to the site.

A 21m minimum separation zone was established between the existing and proposed dwellings in the outline permission, although units 11 and 12 encroached slightly within this zone. This zone is shown on the Illustrative Site Masterplan (drawing ref. 2844-P100 C) that was approved as part of the outline permission. The revised layout maintains this separation zone and in the case of plots 9, 10, 11 and 12 the separation distance has increased slightly.

Two representations have been received from residents of properties in Grange Avenue (one was put on the reserved matters application) raising significant concerns with the impact of the height of the proposed dwellings on privacy and

daylight. This is because the indicative drawings approved for the outline permission showed that the dwellings would be 2 storeys, whereas the current plans show that four of the units along the eastern boundary would have one rear window at roof level due to being split level buildings. The window in the unit type involved is set back from the rear elevation by 2 metres. The plot where this could potentially be an issue is plot 10, as it is directly behind the rear elevation of 16 Grange Avenue which is a single storey building and at the lowest level in Grange Avenue.

A detailed section drawing was requested from the applicant to assess the potential impact of plot 10 on 16 Grange Avenue. The separation distance between the rear elevation with the roof level window and the rear elevation of the existing dwelling is 23.4m. The roof level window is 1.5m higher than the other first floor windows in the proposed dwelling. Having looked at the matter closely, it is considered that the separation distance is satisfactory to maintain privacy to 16 Grange Avenue. In taking this view, it is noted that soft landscape screening can be used to help maintain privacy. There are no other concerns with the separation distances between the other proposed dwellings and existing properties in Grange Avenue.

In terms of daylight, this is considered acceptable having taken into account the 25 degree angle rule of thumb recommended by the Building Research Establishment; the angle between 16 Grange Avenue and the top of the roof on plot 10 is 20.5 degrees. In addition, the proposed dwellings along the eastern boundary would not block southern sunlight to the existing properties, as they are aligned north-south.

6. Whilst the Environment Agency has stated it has no objections to the application, subject to a condition to deal with surface water drainage, it has objected to the reserved matters application because supporting information has indicated that the ground conditions might not be suitable for the proposed soakaways. Therefore, the layout should not be approved until either it has been demonstrated that soakaways are feasible or alternative measures have been determined and it has been shown that there is enough space for these.

Therefore, as this site is part of the wider scheme, this application should not be approved until either the Environment Agency has removed its objection to the reserved matters application or a contingency strategy has been agreed between the applicant and the Council in consultation with the Environment Agency to deal with this issue.

7. Natural England has stated that the site should be surveyed if protected or Biodiversity Action Plan (BAP) species are possibly present. Condition 8 of the outline permission already requires this and if this full application is approved, it should also be subject to this condition and the other relevant conditions that were attached to the outline permission.

In addition, both Natural England and the RSPB promote biodiversity enhancements and the RSPB recommends a further condition for a Biodiversity Enhancement Plan. This follows the introduction of the NPPF since the outline application was granted planning permission. However, it is considered that there is sufficient scope in the wording of Condition 8 to deal with this and a further condition is not therefore required.

8. (The following text is taken from the Committee Report for the reserved matters application P/2012/1078, as it applies equally to this part of the site as it does to the remainder of the site.)

The Arboricultural Officer has recommended a number of conditions, including revised landscape plans showing significant replacement tree planting to mitigate against the loss of a band of mature conifers (Grade C – low quality) along Goodrington Road. The other conditions are already covered by conditions attached to the outline planning permission. The Landscape Masterplan and Landscape Planting Plan show that only three of the conifers would be removed - to form the vehicular access on Goodrington Road - and the remainder would be retained. The Tree Report submitted with the outline application and resubmitted with this application confirms that these trees are Grade C – low quality, and states they are inappropriate in the long term and should be replaced, possibly by extending the native group of trees/TPO woodland to the northeast. Therefore, the loss of these trees is not considered to have a significant impact on the amenity of the area and replacement tree planting can be addressed in the approval of Conditions 8 and 11 of the outline permission should it prove necessary.

The Arboricultural Officer also commented on the small size of replacement tree planting in the scheme that would make it difficult to integrate the site into the wider landscape, and requirement for tree pit designs where trees are located within shared surfaces. The first point needs to be balanced against other factors, such as the intended character of the development, i.e. orchard, integrating trees with utilities and the problems trees can cause with overshadowing. This last point is particularly relevant given that most of the development is broadly aligned along an east-west axis. Therefore, the proposed small trees are considered acceptable for the site. The second point can be conditioned.

9. Building Control has commented that Clennon Valley has an existing landfill tip and therefore a ground investigation report will need to be submitted to ensure the development is not sited within 250m or the design takes into account Methane protection. It has also commented that the site will require full radon protection.

Building Control has confirmed that these issues will be dealt with as part of the

Building Regulation application process. The NPPF confirms that pollution and contamination are planning issues, but the responsibility for securing a safe development rests with the developer and/or landowner. Therefore, an informative should be placed on any planning approval raising this issue with the developer.

S106/CIL -

A S106 Agreement was prepared for the outline permission securing 20% affordable housing and the following contributions:

Education	£102,550.00
Lifelong Learning	£24,070.00
Green Space	£143,300.00
Stronger Communities	£12,535.00
Sustainable Transport	£78,090.00
Waste Management	£3,675.00

The S106 Agreement has been amended by the Council to relate to the outline permission and full application ref. P/2012/1079.

Housing Services has agreed which units will be affordable dwellings and the proportion of social rented and shared ownership. These are shown on the Typology drawing ref. 3392-02 5. Of the affordable dwellings, 14 (70%) are social rented and 6 (30%) are shared ownership.

Conclusions

This application seeks full planning permission for the eastern part of the site and the access on Grange Road following outline planning permission for 100 dwellings on the site and access points on Grange Road and Goodrington Road (ref. P/2009/1084). It varies the siting of plots 6 to 17 and the location of the access on Grange Road, which were fixed in the outline permission. As with the reserved matters application submitted for the rest of the site, the detailed design is acceptable and an improvement on the illustrative layout approved under the outline permission and draft proposals presented to the Torbay Design Review Panel. In addition, the new access on Grange Road is acceptable, as it has the same visibility splays as the approved access and has only moved slightly to the west.

Whilst the Environment Agency has not objected to this application, it currently objects to the reserved matters application because early indications suggest that the ground conditions might not be suitable for the proposed soakaways intended to deal with surface water runoff from the site. As this is also a material consideration for this application, the recommendation is the same as the reserved matters application, i.e. approval subject to either the Environment Agency removing their objection to the reserved matters application or the applicant agreeing a contingency strategy with the Council in consultation with

the Environment Agency within the statutory 13 week determination period. If this does not take place the application should be refused under delegated powers.

Condition(s)/Reason(s)

01. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

02. Prior to the occupation of the first dwelling the accesses from the existing highway shall be laid out and constructed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy T26 of the saved Torbay Local Plan 1995-2011.

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

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

04. No building shall be occupied until all the roads, footpaths and visibility splays have been provided in accordance with approved detailed plans, or, to a stage previously agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

05. 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.

06. This permission is related to an Agreement entered into by the applicant and the Torbay Council, under Section 106 of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

07. No development shall take place until surveys to confirm the presence or absence of protected species are completed and a programme of the mitigation works that covers the avoidance of impact, mitigation and enhancement recommendations as set out in the Ecological Impact Assessment dated October 2009 have been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. Development shall take place in accordance with the agreed programme.

Reason: In the interests of protecting wildlife in accordance with Policy NC5 of the saved Torbay Local Plan 1995-2011.

08. No demolition or development shall take place within the application area until a programme of archaeological works, as specified in a Project Design, has been approved by the local planning authority in writing. The archaeological works will include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: Where an important archaeological site will be destroyed or materially damaged as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission. (NPPF 2012, para 141)

09. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved

details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system, in accordance with Policy EPS of the saved Torbay Local Plan 1995-2011.

10. No clearance of vegetation or work on the stone barn should take place during the bird nesting season between October and late February inclusive. A soft felling technique should be used where trees and larger limbs are lowered rather than allowed to fall directly to the ground and then left in situ for 24 hours before being removed from the site.

Reason: in the interests of protecting wildlife, in accordance with Policy NC5 of the saved Torbay Local Plan 1995-2011.

11. Prior to the erection or installation of any outdoor lighting on site a detailed outdoor lighting scheme which shall utilise 'bat friendly' lighting such as sodium lamps rather than mercury or metal halide lamps, with light directed only where it is needed and keeping light columns as short as possible, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of minimising light pollution in accordance with Policy EP5 of the Torbay Local Plan 1995-2011.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

Reason: In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

13. The improved passing bays to Grange Road shall be provided prior to the occupation of any dwelling.

Reason: In the interests of highway safety, in accordance with Policy T26(2) of the Saved Adopted Torbay Local Plan 1995-2011.

14. Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This site is located close to residential properties and effective management of the construction process is needed to prevent unnecessary nuisance to residents in the area, residents, staff and visitors to the site is maintained at all times during the construction of the extension. In order to comply with policies HS and T26 of the saved adopted Torbay Local Plan (1995-2011).

15. The development hereby permitted shall be carried out in complete accordance with the approved drawings, listed at the end of this decision notice.

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

16. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. Samples of materials shall be agreed on site by the Local Planning Authority as required.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

17. The development hereby permitted 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 in relation to an agreed fixed point or O.S. datum.

Reason: To safeguard the Local Planning Authority's rights of control over these details in the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

18. Tree Pit Designs

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
CF2	Crime prevention
CF6	Community infrastructure contributions
CF7	Educational contributions
IN1	Water, drainage and sewerage infrastructure
L9	Planting and retention of trees
L10	Major development and landscaping
NCS	Nature conservation strategy
EPS	Environmental protection strategy
EP1	Energy efficient design
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
T2	Transport hierarchy
T25	Car parking in new development
T26	Access from development on to the highway
T27	Servicing

Agenda Item 11

Application Number

P/2012/1095

Site Address

Annandale
12 Belle Vue Road
Paignton
Devon
TQ4 6ER

Case Officer

Mr Alexis Moran

Ward

Roundham With Hyde

Description

Formation of an additional residential coach house unit with amenity space and revised car parking layout

Executive Summary/Key Outcomes

The application seeks permission for the addition of a further residential coach house to the far north- west corner of the site and linked to a previously approved coach house (P/2008/1051) which has yet to be constructed.

The proposal, due to its size, siting, design and the proposed materials used in construction, is not considered to have a significant impact on the character and appearance of the conservation area or be detrimental to the privacy and amenity currently enjoyed by the occupiers of neighbouring properties.

The application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay, in order to make the development acceptable in planning terms. A planning contribution of £2020 will be required in this instance.

Recommendation

Approval

Site Details

The proposal site is land to the rear of "Annandale", 12 Belle Vue Road, Paignton. The original property has been extended to the side to form "Miramar" and has been converted into a number of flats. The site is within the Roundham and Paignton Harbour Conservation Area.

Detailed Proposals

The application seeks permission for the formation of an additional residential

coach house unit with amenity space and revised car parking layout to the far north-west corner of the plot and linked to the previously approved coach house P/2008/1051.

The coach house has been designed with a symmetrical appearance to be in keeping with the Conservation Area and will include a natural slate roof, stone faced walls and softwood windows.

Summary Of Consultation Responses

Highways Officer: Highways raise no objection to this application; however, with the designated parking being situated away from the proposed development, it will require strict management to ensure that the parking is used correctly and that vehicles are not parked in unmarked areas to ensure all residents on this site can maintain access to their allocated parking and the entrance/exit to the site.

Strategic Transportation: Request an SPD contribution of £1260 (in line with the table found in Appendix 1 of Planning Contributions and Affordable Housing SPD Update 3) based on the creation of a new residential unit.

This contribution will support improvements to cycling links from the Goodrington area through to and along Paignton Sea Front, connecting with the wider National Cycle Network route in both directions.

Senior Heritage and Conservation Officer : No objection.

Summary Of Representations

6 letters of objection have been received in respect of the proposed development and 1 letter of support has been received from the applicant. The following concerns have been raised by the objectors...

- Danger to users of the new dwelling from cars manoeuvring in the area
- Overdevelopment of site
- Sewerage/drainage concerns
- Parking/access concerns
- Loss of privacy.

These are re-produced at Page P.200.

Whilst issues of planning merit such as over development and privacy the majority of the issues raised by those objecting to the development are not raised in connection with the planning merit of the proposed dwelling.

Relevant Planning History

ZP/2012/0261 Additional coach house type residential unit (No.2) & revised car parking facilities; Officer support given 03.07.2012.

P/2008/1051 Curtilage Of Annandale Belle Vue Road Construction of two storey detached dwelling; formation of car parking space; relocation of car parking spaces; Approved by Development Management Committee 22.09.2008.

Key Issues/Material Considerations

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

Housing policy

Policy H2 promotes the provision of additional housing within the built environment in order to increase densities in areas where there is already good infrastructure provision. The proposal site lies within the built up area of Paignton and close to the town centre, local amenities and bus routes. As such the proposed dwelling would be in a sustainable location and would make good efficient use of brownfield land.

Size/design/scale

The proposed coach house has been designed to reflect a traditional appearance similar to other coach house style developments in the Conservation Area. The location of the dwelling is akin to that of the original coach house on the site and the size of the building will ensure that the site is not over developed. The proposed materials will be in keeping with the character of the Conservation Area with the use of natural slate roof tiles, sandstone walls and softwood windows.

Privacy/Amenity

The proposed dwelling is not considered to be detrimental to the neighbouring occupiers in terms of privacy or amenity, but it may be necessary for the two rooflights on the rear elevation of one of the units to be non-opening and obscure glazed. The addition of two properties in this location is not likely to result in significant additional noise and disturbance and the relationship is such that existing privacy will be protected.

Parking/Access

The proposal will include the provision of 9 spaces for a total of 9 units and a minimum of 2 further spaces for visitors and will therefore ensure there is sufficient parking to serve the proposed and existing accommodation.

S106/CIL -

The application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). This requires all appropriate developments to mitigate any adverse impacts they may have, individually and collectively, on the community infrastructure of Torbay, in order to make the development acceptable in planning terms.

In this instance, the SPD indicates that a financial contribution will be required. A calculation of the contribution, based on the type and size of development proposed and including any relevant mitigation, is provided below:

Waste Management :	£ 50
Sustainable Transport :	£1260
Greenspace :	£ 550
Lifelong Learning :	£ 160

Total : £2020

5% Discount for early payment at signing of S106

Conclusions

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

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals, frame thicknesses and styles of opening to window/door openings;
- (iv) sub cills;
- (v) slating/tiling;
- (vi) soffits;
- (vii) roof lights

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

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard, in accordance with policies H2, H9, H10, BES, BE1 and BE5 of the saved adopted Torbay Local Plan (1995-2011).

02. Prior to the commencement of the development, hereby approved, details indicating the design and location of a secure bin store shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the bin store shall be completed and made available for use prior to the first occupation of the

dwelling and shall be so retained for the duration of the residential occupation of the building.

Reason: To secure appropriate service facilities for the development, in accordance with the terms and objectives of policy H9 of the saved adopted Torbay Local Plan (1995-2011).

03. Prior to the commencement of the development details indicating the design and location of secure cycle storage to serve the dwelling, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall then be completed and made available for use prior to the first occupation of the dwelling, and shall be so retained for the duration of the residential occupation of the dwelling.

Reason: To secure the appropriate provision of cycle parking facilities to serve the development and to promote and enable the use of sustainable methods of transportation, in accordance with the terms and objectives of policies T2 of the saved adopted Torbay Local Plan 1995-2011.

04. Prior to the commencement of the development, a sample of the proposed roof slate and sandstone shall be submitted to and approved by the Local Planning Authority in writing.

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

05. The parking areas indicated on plan reference 1069.05 dated September 2012, shall be completed and made available prior to the first use of the dwelling, hereby approved.

Reason: In order to ensure that satisfactory provision is made for parking to serve the development, in accordance with policy T25 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, BE5, H9, T25

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- H9 Layout, and design and community aspects
- T25 Car parking in new development

Agenda Item 12

Application Number

P/2012/0743

Site Address

Allways
Teignmouth Road
Torquay
Devon
TQ1 4TA

Case Officer

Mr Adam Luscombe

Ward

St Marychurch

Description

New dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access

Executive Summary/Key Outcomes

The proposal is for a new dwelling house within the curtilage of an existing property accessed off of the main Teignmouth Road in Torquay. While the site is considered to be physically large enough to accommodate a dwelling, there are relevant policy considerations that would preclude its development except in specific circumstances.

The most relevant Local Plan policies relate to the site lying in an Area of Great Landscape Value 'AGLV' (L2), a Coastal Preservation Area 'CPA' (L3) and a Countryside Zone 'CZ' (L4). Although these policies do not preclude development, they make clear that only certain development would be acceptable and in certain circumstances. This does not include the development proposed here, which is considered to be infill development outside of the settlement boundary for a use that is not required for the economic or social well being of the locality.

The Council's Landscaping Officer and the Arboricultural Officer do not object in terms of the likely direct impact of the proposal upon the landscape or upon trees. However, this part of Teignmouth Road is very much a transition zone between the rural countryside beyond and the village envelope of Maidencombe, because it is characterised by low density large dwellings in a green setting. Following further consideration of the potential for similar developments within large residential plots or parcels of land in this area, the Landscape Officer does now raise concern over the dangers of precedent and of accumulative impacts of development.

The Highways Authority do not object to the proposal because they consider that the new access arrangements to serve both the new and the existing dwellings would be an improvement.

This current proposal to subdivide one of the curtilages would run counter to the established policy position of resisting development within gardens or parcels of land in this area. This would increase the density of development and set a precedent that could lead to the urbanisation of a semi-rural environment. Recent similar planning appeal decisions indicate that the proposal should be refused on this basis.

There are currently no material considerations that suggest otherwise, the development is not considered to be of extraordinary design or environmental quality and there are no other apparent justifications to go against the provisions of the plan at this time.

Recommendation

Refusal on policy grounds.

Site Details

Large plot of land, approximately 0.15 hectare in size lying to the south of Teignmouth Road, beyond the settlement boundary of Maidencombe village and part of a string of large properties set in spacious grounds combining to form an urban/rural transition to the countryside.

Detailed Proposals

Permission is sought for a detached split level dwelling in between "Allways" (Teignmouth Road) and "Torside" (Sladnor Park Road). It is land within the curtilage of "Allways", currently serving as garden space. The plans show a 4 bedroomed property, with dormers providing light into the first floor of accommodation, and a double garage at lower ground floor level. The property would have three floors of accommodation on its north-eastern elevation, but only two on the south-western elevation. Access to the site would be repositioned to allow for one single point of access/egress off Teignmouth Road serving both the existing property ("Allways") and the proposed development. There is a significant tree presence within the site, particularly on the south-west, south-east and north-east boundary, but these are relatively unaffected by the proposal.

Summary Of Consultation Responses

Highways Authority: Considers the centralising of the access within the site to be an improvement in terms of highway safety due to the increased visibility it would provide. One extra dwelling would not significantly increase danger on the main road. The development would trigger a sustainable transportation contribution which should be used to improve cycle links into Torquay. See full comments reproduced in the representations bundle.

RSPB: Notes that the site is within 250 metres of potential breeding territory for the Cirl Bunting (a protected species). Recommends that if permission is granted the proposal should include boundary hedgerows and nesting opportunities so that existing ecosystems and biodiversity is not adversely affected.

Arboricultural Officer: Notes that the site does not contain any TPO trees and is not within a Conservation Area. Therefore the trees on site have no statutory protection. His further comments regarding the Tree Protection Plan are awaited.

Summary Of Representations

Letters of representation have been received (in support and objecting) and are reproduced at page T.204. The main thrust of the comments made are :-

Comments in favour

- No objection in principle to a house, but needs re-design or re-alignment to protect privacy.
- The new driveway would improve access/egress onto Teignmouth Road.
- Anything that improves the access to 'Allways' would be appreciated
- Would be acceptable if it was re-aligned or more boundary screening introduced.
- It provides housing.

Comments against

- Previous similar applications have been refused on appeal
- Would result in a loss of privacy for neighbours.
- No improvement to road safety.
- Would set a precedent.
- Need more detail of the proposal
- Trees and hedging would be lost.
- Access difficulties from Teignmouth Road.
- Would restrict light to neighbouring property

Relevant Planning History

Nothing specifically for this plot of land, but the following decisions made for new dwellings in the vicinity have all been refused with appeals also dismissed.

P/2008/0121 A gate house lodge at The Barn, Teignmouth Road, refused 26.03.2008 for reasons of policy, Highways, trees and overdevelopment. Subsequent appeal dismissed by letter dated 28 November 2008 and is re-produced at Page T.204.

- P/2005/0936 Dwelling at Langley Manor, Teignmouth Road, refused 28.07.2005 for reasons of policy and highways. Subsequent appeal dismissed by letter dated 25 May 2006 and is reproduced at Page T.204.
- P/2004/1578 Curtilage Of Combe Mount, Teignmouth Road, Erection Of 3 bedroom bungalow (in outline), refused 17 November 2004 for reasons of policy, highways and residential amenity. Subsequent appeal dismissed by letter dated 26 July 2005 for reasons of impact upon landscape and highways and reproduced at Page T.204.
- P/2004/1351 Land Curtilage of West Winds, Teignmouth Road, Alterations and change of use from stables barn and tack room into single bungalow, refused 30th September 2004 for reasons of policy including precedent. Subsequent appeal dismissed.
- P/2003/0754 Brantfell, Ridge Road, Erection of dwelling (in outline), refused 25th June 2003 for reasons of policy including landscape impact. Subsequent appeal dismissed for reasons of landscape impact.

Key Issues/Material Considerations

Principle and policy -

It is with this issue that careful consideration needs to be given. The site lies within an 'Area of Great Landscape Value' as defined by policy L2 of the Saved Adopted Torbay Local Plan, a 'Coastal Preservation Area' (policy L3) and a 'Countryside Zone' (L4). These policies make clear that development likely to affect the quality of the landscape without being required for the economic or social well being of the locality should not be permitted.

It is a relevant material consideration that there have been a number of examples of other applications for dwellings in the area over the past 10 years, and all with a similar context were turned down by the Local Authority. Impact upon the rural landscape that predominates in the area was cited as a reason in all cases, although there were in certain cases other justifiable planning reasons as well. Nevertheless, this standpoint was supported on appeal, and Members should refer to the appeal decision notices which have been reproduced as part of this agenda.

There have been circumstances within the past 10 years where dwellings have been approved by the Authority in the local area, however on review these have

been the result of very specific circumstances and the context has differed from the basis herein, that of basic plot subdivision to form an additional dwelling/s. Such examples of where dwellings have been approved include;

- Port Talland Farm, Teignmouth Road, approval for one dwelling. Here the dwelling replaced the original farmhouse and associated outbuildings that resided over the area of the replacement dwelling. It was therefore a redevelopment scheme rather than a 'new' dwelling. Notably in this case a previous application for an additional dwelling adjacent to the farmhouse was refused by the Authority (reference P/1999/0803).

- Maidencombe Farm, Rockhouse Lane, approval for three dwellings. Here the dwellings were proposed within a restored and converted derelict barn sited within a walled courtyard of the main farmhouse and listed building. This was a conversion scheme of an existing building rather than 'new' development.

- The English House, Teignmouth Road, extant approval for six dwellings. This was a redevelopment scheme for a plot that held a commercial business and had permission to extend and convert to nine flats. This was considered a redevelopment scheme that sought a more commensurate use in this area and improved architecture.

- Sladnor Park, extant approval for a mixed retirement village offering various forms of care. This was a redevelopment scheme of a former holiday village.

Members may consider it relevant that the decisions were made across the last decade and circumstances do change over time. The recent Scotts Meadow decision, in which the Inspector concluded that Torbay does not have a 5 year housing land supply is of relevance, however, it is considered that this is not overriding in this case, as the development would not have a significant material effect on the Bay's housing land supply. In addition, the adoption of the NPPF is a material consideration, however, it is argued that the development does not meet the NPPF tests in relation to the presumption in favour of sustainable development due to the location of the proposed dwelling in a semi-rural environment outside of the established settlement boundary.

As such, given the relatively recent appeal decisions there is an understanding that a similar decision should be reached in this instance. Members would have to argue that this particular proposal did not impact upon the wider landscape setting if they were to consider approval. It is doubtful that this could be the case, and therefore it is advised that the proposal should be refused in line with the precedent set by the appeal decisions and in line with current Local Plan policy.

Highways and parking issues -

The Highways Authority are not objecting to this current application, whereas the appeal decisions referred to above did include additional highway reasons. The Highways Authority consider that this current proposed new access arrangements for the proposed and the existing dwellings would be an improvement on that which currently exists, and so they support the proposal.

They do ask for consideration of a Sustainable Transportation contribution to help towards providing cycle lanes towards Torquay. The proposal more than meets the requirements of policy in respect of off-street parking, providing a double garage and surface parking facilities. Therefore there cannot be a Highways objection in terms of the impact upon Teignmouth Road, nor can there be a parking objection. The proposal clearly meets the objectives of policies T25 (parking) and T26 (access).

Landscaping, Arboricultural and Biodiversity issues

The Council's Landscaping Officer is of the opinion that the proposal can be made to fit in to the site and be screened to an extent from the wider landscape. It needs to be borne in mind that there is an existing large mature hedge and tree belt along the Teignmouth Road frontage, and it is not intended to alter this apart from the new access point. The dwelling would therefore not have a significant visual impact in isolation. It is, however, appreciated that infill development such as this does have the potential if considered cumulatively with other development, to undermine the established rural character of the area that presently exists, notwithstanding the existence of historic development.

The Arboricultural Officer notes that none of the trees at the site are covered by a TPO, and the site is outside of the Maidencombe Conservation Area. There is therefore no statutory protection for the trees and they could be taken down lawfully. However, it is helpful that the proposal is intending to retain the best and most significant trees on the site.

The Council has a duty to consider biodiversity and nature conservation, particularly given the more rural nature of the area. The only known protected species that could reasonably be concluded to inhabit the area is the Cirl Bunting. Records show that this species has been noted to have been nesting in the area in the past. The Cirl Bunting thrives on unimproved pasture land, and so would be largely absent from the proposal site which is a domestic garden. Nevertheless, the intention to keep the hedgerows on the boundary would help the species, and it is noted that the RSPB would not object on this basis.

Residential amenity

The proposal site is a large plot by any standard and is reflective of the low density of development that currently exists in the area. The nearest property (wall to wall) to the proposed new dwelling would be 'Oakdene' to the south and

that would be approximately 28 metres away. This is far in excess of the distance normally considered to be acceptable to avoid overlooking and loss of amenity, and given the tree screen it is intended to retain on the boundary, it is doubtful that a loss of amenity argument would be upheld on appeal.

S106/CIL -

It is the Council's policy to seek appropriate financial contributions from developers under S106 of the Town and Country Planning Act and the legislative requirements of Part 11 of The Community Infrastructure Levy Regulations 2010, towards community infrastructure stemming directly from development and in terms of the resultant pressures on local social, physical and environmental infrastructure. The Council has decided in line with Central Government legislation and advice from the (former) Government Office for the South West that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. This is made quite clear in policies CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan. The proposal to provide a new residential dwelling at this site is therefore liable to a planning obligation under S106 of the Town and Country Planning Act to offset the costs that would arise from this proposal.

The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March of last year (2011). The amount of the required 'developer contribution' for this proposal would therefore be evaluated in line with this adopted revision to the policy. According to this document, contributions due for residential proposals are now based on floorspace to be created. Contributions would be due in this instance for the following items - municipal waste and recycling, sustainable transportation, education, lifelong learning, and green space/recreation. This would amount to a contribution of £8160 for this dwelling.

Strategic Transportation have asked for the Sustainable Transportation element (of £3610) to be used towards improved cycling facilities along the main road in the direction of Torquay. This is an identified and much needed facility which the Council is unable to fund by itself and the contribution from this dwelling would help achieve this ambition.

Conclusions

The proposal is considered to be contrary to policy and unacceptable in principle, this stance is supported by recent appeal decisions and would meet the policy tests. As the technical considerations in relation to highways, parking, landscaping, arboricultural, biodiversity and residential amenity considerations have been resolved it is important that members visit the site and consider the

proposal in context.

Planning Inspectors have previously identified that free-standing separate dwellings in this area would cause harm to the more rural character of the surrounding area, and this does set a precedent for consideration of this current proposal. It is not considered that circumstances have changed to alter this stance, and so the application is recommended for refusal on landscape and green environment policy issues – namely policies L2, L3 and L4.

Condition(s)/Reason(s)

01. The site is within the Countryside Zone, an Area of Great Landscape Value and the Coastal Preservation Area as defined by the Saved Adopted Torbay Local Plan. The formation of an additional dwelling in the garden of the existing property would result in an inappropriate form of development when judged against the criteria of the relevant policies L2, L3 and L4. The dwelling would occupy part of the existing garden to “Allways” and would result in the creation of a more urbanised form of development that would be out of character with the rural spacious layout of adjacent plots. This would adversely affect the special landscape character of the Countryside Zone, Area of Great Landscape Value and Coastal Preservation Area. It would also set an undesirable precedent for similar proposals elsewhere in the vicinity, which accumulatively would totally alter and eventually destroy the rural feel to the character of this low density area.

Relevant Policies

H15 House extensions
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
CF7 Educational contributions
W7 Development and waste recycling facilities
LS Landscape strategy
L2 Areas of Great Landscape Value
L3 Coastal Protection Areas
L4 Countryside Zones
L8 Protection of hedgerows, woodlands
L9 Planting and retention of trees
NC5 Protected species
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
T3 Cycling
T25 Car parking in new development
T26 Access from development on to the highway

Agenda Item 13

Application Number

P/2010/1080

Site Address

Conway Court Hotel
Warren Road
Torquay
Devon
TQ2 5TS

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Executive Summary/Key Outcomes

This application, to redevelop the former hotel, Conway Court to provide 14 flats was considered by the DMC at its meeting of the 29.11.10. Members approved the application in principle subject to a S106 agreement and greater clarity about design details, materials and landscape. They also requested that revised plans be submitted that set the building line back by 1m and reduced its height by 200mm. Additional conditions regarding samples of materials and an Engineers Report on the Foundation Design/Construction of the building were also required.

The requested details in relation to height and set back were received on the 2.10.12 along with revised details in relation to the means of accommodating car parking. The amended plans have been advertised and neighbours consulted. An objection has been received to these plans.

The original Committee Report is appended as appendix No 1.

Recommendation}

Approval: Subject to the conclusion of a S106 agreement within 6 months of this Committee date; subject to the receipt of the additional information required in relation to design details, materials and landscaping including conditions in relation to samples of materials and an engineers report as requested at the DMC meeting of the 29.11.10. That the application be refused in the event that the 106 is not completed within 6 months of the date of this committee meeting.

Site Details

The site was formerly occupied by a redundant hotel. It has since been destroyed by fire and is now covered with debris from the demolition that took place due to its structural condition.

Its condition has attracted many complaints. Action under a S 215 notice is been taken to tidy the site up and the site is now programmed to be cleared on January 7th 2013.

Originally laid out in the Victorian period, this prominent ridge development of Villas within substantial landscaped plots was characterised by a consistent skyline and a pattern of gaps between buildings. Perched above Rock Walk Gardens, which is included as a Grade II entry on the Register of Parks and Gardens, this townscape typifies Victorian Torquay.

Detailed Proposals

This is a full application for a building containing 14 flats comprising 1 one bed flat, 12 two bed flats and 1 three bed flat. It also includes basement car parking for 14 cars.

Summary Of Consultation Responses

Please see attached previous committee report for details

Summary Of Representations

Two letters have been received in response to the current consultation. One suggests that the scheme should be encouraged for speedy completion as the plans are acceptable and the current dereliction cannot be allowed to continue.

One raises concerns about the degradation of the Victorian character of the area, height and appearance of the replacement building, impact of 14 cars on the road and stability of the cliff, use of materials and air conditioning in opposition to the environmental goals of the Council. Judicial review is threatened if this proceeds

These letters have been re-produced at Page T.203.

Relevant Planning History

Please see attached previous report for details

Key Issues/Material Considerations

This application was considered at the DMC meeting of the 29.11.10 and was agreed in principle subject to the conclusion of aS106 agreement, additional information in relation to design, materials and landscaping and revised plans which moved the building line back by 1m and reduced the height by 200mm.

These plans were received on the 2.10.12 and included revisions to the car parking which deleted the proposed stacked car parking and replaced it with basement car parking accessed by a ramp between this and the adjacent site. It results in changes to the seaward elevation as car parking now occupies what was the elevation to a flat and the inclusion of a ramp along the western elevation. It is considered that the changes to the seaward elevation, whilst producing a less 'open' and attractive elevation are still acceptable given approvals that have been granted elsewhere along Warren Road to

accommodate car parking. The plans to reduce the height and set the building back have not raised any objection from neighbours to the site.

The issue of the height and appearance of the replacement building was rehearsed at some length when the application was originally considered in 2010 and is detailed in the attached report. Members were satisfied that the scheme, which was designed to be a contemporary interpretation of a Victorian villa and included the reinstatement of substantial 'gaps' which typify the townscape in this area was acceptable, subject to some greater clarity about appearance and setting and the revisions to its location and height.

In 2010, the application was evaluated against the relevant policies in the Torbay Local Plan and advice contained in PPS5 'Planning for the Historic Environment'. This has now been superseded by the NPPF but the requirement for good quality design that will 'enhance or better reveal' the significance of heritage assets remains a key requirement.

In terms of the environmental impact of the materials and air conditioning, advice will be sought about means of ameliorating this.

It is important that this site is redeveloped as it is in a poor state and it is adversely affecting the quality of the conservation area and the amenity of neighbours.

S106/CIL

The S106 should secure the following contributions to community infrastructure.

Waste	£ 700
Sustainable Transport	£37,580
Stronger Communities	£ 2,620
Lifelong learning	£ 5,200
Greenspace	£31,260

Given the condition of the site it is important that its redevelopment is encouraged and for this reason, it is recommended that a 6 month time limit be imposed on concluding this agreement.

Conclusions

The amended plans are acceptable and a time limit of 6 months on finalising the S106 is recommended in an attempt to encourage the applicants to move forward more quickly in resolving the future of this site.

Appendix No 1. **Original Committee Report**

Description

Demolition of hotel and formation of 14 residential apartments with car parking and vehicular/ pedestrian access

Site Details

Comprises a vacant former hotel occupying a prominent and sensitive location above Rock Walk and within the Belgravia Conservation Area. It comprises a two to three storey building on the Warren Road elevation extending to four/five storeys on the seaward elevation. It has been substantially extended over the years and whilst the original villa is still distinguishable by two bracketed gabled elevations with quoins, raised stucco window surrounds and sliding sash windows it is in a dilapidated state and the various extensions result in the building occupying the entire width of the plot. Originally laid out in the Victorian period, this prominent ridge development of Villas within substantial landscaped plots was characterised by a consistent skyline and a pattern of gaps between buildings. Perched above Rock Walk Gardens, which is included as a Grade II entry on the Register of Parks and Gardens, this townscape typifies Victorian Torquay.

Relevant Planning History

P/2002/1833: Demolition and erection of 13 flats: Refused 3/12/2002.

P/2004/1346: Demolition and erection of 13 flats: Refused 30/09/2004.

P/2005/1349: Demolition works Approved 5/12/2005.

P/2005/1350: Alteration and extension to create 13 flats: Approved 6/10/2005.

P/2006/1448: Alteration and extension to create 14 flats: Refused 6/10/2006.

P/2007/0089: Alteration and extension to create 14 flats: Refused 19/02/2007

P/2007/0910: Alteration and extension to create 14 flats: Approved 8/08/2007.

P/2010/0233: Demolition and redevelopment to create 14 flats: Withdrawn
23/09/2010.

Relevant Policies

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

Saved Torbay Local Plan 1995-2011

HS Housing Strategy.

H2 New Housing on unidentified sites.

H6 Affordable Housing on unidentified sites.

H9 Layout, Design and Community Aspects.

H10 Housing Densities.

CF6 Community Infrastructure Contributions.

L8/L9 Retention of trees

TU7 Retention of Holiday accommodation outside PHAAs

BES Built Environment Strategy

BE1 Design of new development.

BE5 Policy in Conservation Areas

BE8 Historic Parks and Gardens.

T25/T26 Access/ car parking.

Proposals

Is a full application for demolition of the building and its replacement with a block containing 14 flats comprising 1 one bed flat, 12 two bed flats and 1 three bed flat. It also includes a stacked garage system for 14 cars.

Consultations

English Heritage Advise that they do not object to the loss of the building and are content with the scale and design of the latest proposals but stress that success will depend on attention to detail and materials. Their comments in relation to this, and the previously submitted scheme P/2010/0233 are attached as T.203.

Arboricultural Officer Advises that he has no objections to the scheme subject to a quality landscape scheme being agreed.

Highways Officer Has no objection to the scheme subject to further information in relation to the stacked car parking arrangements.

Strategic Transport Request £37,580 sustainable transport contribution.

The scheme was considered by the Design Review Panel at its meeting of the 4th June 2009 and their comments broadly support redevelopment of the site if it secured a replacement building that allowed the historic grain of the area to be re-established. The comments are appended at T.203.

Representations

2 letters of objection raising strong concerns about the loss of the existing building, the scale, height and appearance of the replacement building and the lack of care exercised by the current owners resulting in its current dilapidated

condition. The method of car parking it is thought could be noisy and disruptive to traffic. Both would prefer to see the existing permission implemented. The letters are reproduced at T.203.

Key Issues/Material Considerations

There are 3 main issues, the loss of the existing building, the scale size and appearance of the replacement building and the garaging system and its practicality. Each will be addressed in turn.

Loss of the existing Building

The loss of this building has been resisted for many years as can be seen from the history. It has been vacant since 2002 and during this time the condition of the building has deteriorated. Permission did exist, P/2005/1350, and as amended by P/2007/0910 for its extension and conversion to provide 14 flats. These are now time expired.

PPS 5 'Planning for the Historic Environment' confirms that there is a presumption against the loss of buildings of merit within Conservation Areas unless specific tests can be met in relation to structural integrity, economic viability of repair and the appropriateness of the replacement building. This application is supported by an Historic Building Assessment which traces the evolution of development in the area, the changes to this building and assesses the heritage value of the structure and a Financial Appraisal of the viability of various options for the future development of the site. The conclusion of the Historic Building Assessment is that the villa has been extended and altered to the point that its value is compromised and that there may be scope, through an appropriately designed building to reintroduce some of the historic grain and rhythm to the townscape by a built form that allowed the reintroduction of gaps between buildings. In terms of the Financial Appraisal, six options were considered but only the scheme to redevelop the building was shown to be viable. One of the difficulties in developing the site has been the inclusion of car parking. The previously approved scheme which retained the building involved expensive underpinning to allow on site car parking within the basement of the retained villa. It was for this reason that the approved scheme was not implemented. Alternative proposals which facilitated on site car parking were far from satisfactory from a streetscape perspective and/or reduced the amount of living accommodation available to a point that rendered the scheme unviable. An option of relying only on on-street car parking was looked at but it was considered that these would be difficult to sell and again not generate enough funds to achieve refurbishment. The only option that resulted in a viable outcome involved complete redevelopment. The test then has to be the quality of the replacement building.

Quality of the Replacement Building

The existing building has been much extended over the years and occupies the entire width of the plot. This runs counter to the original pattern of development

which involved the villas being set centrally within landscaped plots producing gaps and vistas between buildings and a distinctive townscape character. The approved scheme for the site did involve retention of the historic core and redevelopment of the more recent wings to a greater height than existing which further eroded gaps. The guiding principle for redevelopment was therefore to seek to reintroduce the historic grain and this has strongly informed the design approach.

The Design Review Panel considered an early conceptual scheme and as can be seen from their comments were supportive of the approach and the benefits that could accrue. A more developed scheme was then submitted as an application which English Heritage thought was lacking in contextual sensitivity. This was subsequently withdrawn and revised proposals evolved which drew more strongly on the character of surrounding buildings. In broad terms, the design echoes the villa form in terms of features and proportions but is executed with contemporary details and materials. It comprises a 2 storey plinth level which will be in limestone and timber and will thus read as a garden feature providing the details are properly resolved. The upper level, comprises an additional 4 stories, and introduces a more locally distinctive roof treatment with a strong gable in place of the flat roofed approach embodied in the withdrawn proposal. The seaward elevation exploits the views with a glazed façade with balconies and terraces. The windows and doors are to be in aluminium that will allow a slimmer profile to be adopted. The solid elements of the façade are to be in render with zinc cladding and metal shingles. The height and depth of the structure has been raised as a concern by neighbours. It will be taller than the existing building and will be similar in height to the adjacent Rock Walk Heights. This attracted much criticism when built as it exceeded the height of the original villa on the site and ran counter to the gradual scaling down in height of buildings in line with the topography. It will be deeper than the existing building and this will have the effect of making the new building look more imposing than the existing. However this will be offset to some degree by the reduced footprint and the gaps between this and adjacent buildings.

In terms of the Warren Road elevation, this extends to 4 stories and it is considered to satisfactorily pick up the broad character of the villa streetscape particularly now that the strong gable roof is introduced. The main concern relates to the run of garage doors which are not characteristic of the street scene and do not present an active frontage. In order to be acceptable they need to be well detailed.

The scheme now has the support of English Heritage and is considered to represent an acceptable way forward although more clarity about details and materials is still needed.

Practicality Of Car Parking Arrangements

The system selected involves a stacked garage comprising 7 spaces at ground

level with 7 spaces at basement level. Concerns have been expressed about its practicality, whether people will bother to use it thus generating more on street car parking, whether it will be hazardous to highway safety given there will be a need to reverse onto the road and whether it will be noisy in operation. Highways have requested more information in terms of how this will operate and this will be reported verbally.

Developer Contributions

The scheme requires the following level of contribution towards local infrastructure:-

Waste	£ 700
Sustainable Transport	£37,580
Stronger Communities	£ 2,620
Lifelong learning	£ 5,200
Greenspace	£31,260

Sustainability – Would make more effective use of an existing urban brownfield site

Crime and Disorder –No observations received

Disability Issues – Design and access statement demonstrates compliance with regulations.

Conclusions

It is considered that a reasoned case has been made for demolition of the existing building. The Historic Building Assessment and Financial Assessment shows that the building is compromised by later additions and alterations, that options to retain the building are not viable and that this scheme, in reintroducing substantial gaps does act in a way to recreate the historic grain and rhythm of the Victorian townscape. Given the support for the proposal from English Heritage and the Design Review Panel and the continuing dereliction of the building it is considered that the benefits of redevelopment outweigh continuing attempts to find ways of retaining this building. The design is contemporary but is contextually sympathetic and subject to details and materials being shown to be of a good quality is likely to be acceptable. Landscape details are required to ensure that the setting to the building is appropriate. The stacked car parking arrangement requires further consideration in terms of its operation and can progress will be presented at the meeting.

Recommendation

Members Site Visit: Approval, with resolution of design details, materials and landscape treatment to be delegated to the Head of Spatial Planning to resolve. Subject to a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

Relevant Policies

-

Application Number

P/2011/0227

Site Address

Shedden Hall Hotel
Shedden Hill Road
Torquay
Devon
TQ2 5TX

Case Officer

Mrs Helen Addison

Ward

Tormohun

Description

Part demolition, conversion and alteration from hotel to 7 residential dwellings and formation of 3 residential dwellings and 4 new residential houses with parking

Executive Summary/Key Outcomes

This application was conditionally approved subject to completion of a S106 agreement at the meeting of the Development Management Committee on 18.4.11. A variation of the S106 agreement was subsequently agreed at the meeting on 17.10.11, subject to the S106 agreement being completed by 17.11.11. As this time period has expired it is necessary for the application to be reconsidered by the Development Management Committee. The S106 agreement has now been virtually completed. An extension of time for a further 6 months is requested to provide time to ensure that the S106 agreement is finalised.

Recommendation

Subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee; Conditional Approval.

Site Details

The application site is the Shedden Hall Hotel which is a large Victorian property situated on the west side of Shedden Hill. The building has most recently been in use as a hotel, although it is understood to not be currently trading. It has been extensively extended in the past. It is situated at the back of the pavement and is a prominent building and clearly visible in the street scene. It is also visible in views across the site from the sea front. The original part of the building is a Victorian Villa.

Shedden Hill road slopes to the south past the site. The ground levels on the site also drop significantly to the west. The existing building appears as two storeys in height fronting Shedden Hill. Due to the changes in ground level on the site

accommodation is provided over four floors. There are extensions at both the north and south ends. There is a large mature Turkey Oak tree in the rear curtilage of the property.

The surrounding area is largely in commercial use. There are a number of hotels in the area. Land to the west is in use as a public car park. In the Torbay Local Plan 1995-2011 the site is shown as being within the Belgravia Conservation Area and within the PHAA (Principal Holiday Accommodation Area). The site falls within the amber area of the Council's recently adopted PHAA guidance where residential use may be permitted subject to consideration of viability and facilities.

Relevant Planning History

Extensive previous planning history. Most recent application are as follows:

- 2010/0884 Conversion of hotel to 9 holiday apartments with owners accommodation and construction to 2 buildings to form 14 residential flats. Withdrawn 4.3.11.
- 2005/2079 White UPVC windows and French doors. Approved 31/1/2006.
1996/1118 Demolition works in connection with alterations and extensions at 3rd floor level to form additional bedroom accommodation. Approved 16/12/1996
- 1996/1117 Alterations and extensions at 3rd floor level to form additional bedroom accommodation. Approved 16/12/1996.
- 1996/1116 Alterations and extensions at basement and ground floor level to form additional bedroom accommodation. Approved 16/12/1996.
- 1996/1115 Demolition works in connection with alterations and extensions at basement and ground floor level to form additional bedroom accommodation. Approved 16/12/1996.
- 1995/1115 Demolition of works in connection with erection of detached garage. Approved 23/11/1995.
- 1995/1114 Erection of detached garage. Approved 23/11/1995.

Relevant Policies

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

- H2 Promotes sustainable forms of new development
- H6 Affordable housing will be secured on residential sites that meet the threshold requirements
- H9 Requires a high standard of design, taking into account characteristics of

- existing environment
- H10 Supports development at maximum densities
- H11 Open space requirements for new housing
- TU6 Changes of use that are detrimental to the character and function of the PHAA will not be permitted
- CF6 Requires appropriate contributions to provide social, physical or environmental infrastructure
- L9 Development will only be permitted where trees will not be harmed
- L10 Major development and landscaping
- EP1 Supports incorporating energy saving features into design and layout
- BES Requires new development to conserve or enhance the built environment
- BE1 Requires design of new development to take account of the wider context
- BE2 Proposals for new buildings should incorporate landscaping as an integral part of the design
- BE5 Development will only be permitted where it will preserve or enhance the character or appearance of the conservation area
- T2 Sets out a transport hierarchy for all new development
- T25 Maximum car parking standards are set out in the schedule
- T26 Requires a safe standard of access

Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan March 2010

Proposals

The application is for the following:

- Conversion of the existing building into 7 residential dwellings. At ground and first floor 2 x two bedroom apartments are proposed. Two x 2 bedroom apartments both with studies would be formed over the lower ground and lower ground floor levels. The seventh unit would be formed to the north of the main building on part of the site where the existing building would be demolished. It would have two bedrooms and be split over the ground and first floors. As part of the proposal the following extensions to the building would be demolished; the large flat roof southern extension, the two storey northern extension, the flat roof extension on the south side of the building and an extension on the rear (west) of the building. The majority of the dwellings would be accessed from a new entrance that would be formed at the northern end of the building.
- Construction of a new detached 4 storey building to the south of the main building to form 4 residential dwellings. The proposed building would be sited adjacent to Shedden Hill Road. It would comprise two x 3 bedroom dwellings and one x 4 bed dwelling split over 3 levels and a three bedroom penthouse at roof level which would be accessed by a lift and stairs. Materials would be rendered walls with stone at lower ground floor level and lead effect roof.

- Construction of a 2 storey detached building at the rear of the main building to form three apartments. Two of these would be at ground floor level with the third apartment at first floor level. Materials would be rendered walls with a pitched slate roof.

Vehicular access to the site would remain in the same position. Sixteen parking spaces are shown at the rear of the site. The existing garden area within the site would be retained. The swimming pool is shown as being removed. The large mature Turkey Oak tree at the rear of the site would be retained.

The application is a resubmission of application reference 2010/0884 which was withdrawn. In comparison with this proposal the proposed use of the dwellings/apartments on the site has been revised to full residential use rather than a split residential/ holiday use and the design of the detached new building to the south of the main building has been significantly revised.

Consultations

Senior Transport Planner: Consultation response awaited

Highways: require 1.5 parking spaces per dwelling, widening of the access with the footway crossing also being widened and a S106 contribution.

Drainage and Structures: Consultation response awaited

Arboricultural Officer: requests further detail of how the development will be managed around the oak tree.

Conservation Officer: Consultation response awaited.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Drainage and Structures: requests further information relating to drainage of surface water.

Representations

One letter of objection received and reproduced at Page T.208 The following points are raised;

- Loss of fine views
- Impact on local area
- Loss of light
- Overdevelopment

Key Issues/Material Considerations

The main issues are the principle of the loss of a holiday use from the site, the principle of the proposed development within the Conservation Area, the design of the proposed buildings and their impact on the appearance and character of the area, along with highways impact, trees issues and Section 106 obligations.

The principle of the proposed change of use of the site from a hotel to 14 residential dwellings

The Council adopted revised guidance on PHAAs in March 2010. In this document the application site is identified as being within the 'amber' category and the guidance relevant to a 26 bedroom hotel advises "Residential use may be permitted, subject to consideration of facilities and viability". The guidance advises that amber areas retain a fair holiday character. For medium sized hotels "Changes of use to residential may be granted, subject to location, range of facilities, viability and other considerations".

In this case the site is reasonably well located for holiday use as it is close to the sea front and the town centre. There are good sea views from accommodation on the south side of the building. There are a number of properties in holiday use in the vicinity such as the adjoining Heritage Hotel, and the former Belgrave Hotel which is currently being extended.

It is noted that there is a need for investment in the property. In the design and access statement the agent advises that "the present hotel is suffering from dire lack of renovation, renewal and replacement. The building needs urgent maintenance, even the newer parts are suffering from neglect."

Under the previous proposal (2010/0884) the proposal was for a mixed holiday and residential use on the site. However, officers have concluded that it would be preferable in this instance in order to achieve the regeneration of the main villa and the regeneration of the site as a whole, for the site to be used entirely for residential purposes.

Due to the level of investment that would be needed to maintain the existing Victorian part of the building some residential use would be required on the site to generate income to invest in the main building. This would reduce the amount of holiday use on the site. As the site is in a mixed area it is considered that the loss of all holiday use would not have an adverse affect on the tourist character of the area or result in the loss of important facilities in the Bay.

In comparison with the Belgrave Hotel and Heritage Hotel the site is in a more marginal location without direct access to the seafront. The character of the surrounding area has less of a holiday influence. A number of alternative development schemes for the site have been discussed with officers over several years. It has been difficult to find a viable solution that enables the retention of some holiday use on the site, whilst providing the required improvements to the existing villa.

The current proposal for full residential use would provide a robust solution that would have a positive effect on the townscape of the area and is therefore considered to be the most appropriate approach to development and investment in the site.

On balance the benefits attributable to the development of the site outweigh concerns about the loss of a tourist related use.

The principle of the proposed development within the Conservation Area and design of buildings

The proposal presents an opportunity to remove unsightly extensions that have been added in the past and therefore to improve the appearance of the original building. Extensive areas are proposed for demolition. These are modern additions that detract from the appearance of the original building and the removal of these would significantly improve its appearance.

The proposed new building to form 4 permanent residential apartments would be situated adjacent to Shedden Hill and would be clearly visible in the street scene. There are currently views of the sea from the road and the proposal would have some affect on these. The design and access statement identifies that the proposed building would be detached from the main building thereby creating punctuation to the street scene. The height of this building would be lower than the main building on the site, with the second floor accommodation set within a mansard roof. An elevation showing the scale and height of the proposed building relative to the existing building and the adjoining Heritage Hotel has been submitted. The appearance to Shedden Hill Road would reflect the main building through the use of a relatively simple rendered elevation on a single plane with sash windows.

The proposed building would constitute a significant scale of development on the site and would inevitably have some impact on the appearance and character of the Conservation Area. However, the proposal should be considered in conjunction with the proposed demolition of the southern wing of the building and the flat roof extensions to the main building, which would significantly improve the appearance of the building and constitute a positive improvement to the appearance and character of the Conservation Area.

The scale and design of the proposed pavilion that would accommodate 3 additional units of permanent residential accommodation would be subservient to the main building. It would be sited behind the main building and would barely be visible in the street scene. It would in part replace a two bedroom unit of accommodation on the west elevation that would be demolished. The design of the proposed pavilion would reflect the Victorian character of the main building on the site, although modern side hung windows are proposed. Materials would be rendered walls and a slate roof.

Limited detail of the proposed cottage at the northern end of the site has been submitted. There is some concern about the elevational treatment to Shedden Hill and this has been discussed with the agent.

Highways

It is considered that the provision of on site parking on a one for one basis would be acceptable in this location. Additional off site parking is available in the nearby Shedden Hill car park and Lower Union Lane car park. Cycle parking has been included within the scheme.

In the design and access statement it is advised that the existing steep sloping access would be improved by turning the access road and raising the lower parking levels which would permit the gradient to be reduced.

The highways officer has requested the access to be widened with the footway crossing being widened to improve accessibility and a Section 106 contribution.

Trees

There is a mature Turkey Oak tree on the site that is shown as being retained. The arboricultural officer has requested the submission of further information to clarify the relationship between the tree and the proposed Pavilion building. The applicant needs to demonstrate that the proposal wont result in future pressure to fell the tree because of its proximity to the proposed building and the affect of the tree on the residential amenity of the occupiers. He has also requested clarification of the sequence of building in the area around the tree, the finished material around the tree, details of drainage around the tree, a tree protection plan and suggested that timber posts be installed at the end of the adjacent parking area to prevent vehicle manoeuvring in the vicinity of the tree.

A condition will be needed to ensure that the tree is protected in accordance with the agreed details during construction. A landscaping condition would also be appropriate on a development of this scale to secure appropriate planting around the site.

Section 106 Contributions

The proposal for the loss of a 26 bedroom hotel and formation of 14 permanent residential apartments would require the payment of Section 106 contributions in accordance with Policy CF6.

The number of units within the proposed development would fall below the threshold to require the provision of affordable housing under Policy H6. In accordance with the updated SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are required;

Waste Management	£ 650
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Stronger Communities	£ 2320
Lifelong Learning	£ 4970
Greenspace	£26530
Monitoring	£ 2800
Total	£37270

It is noted that a number of the units are of a substantial size in terms of floor area and consideration needs to be given to the fact that only 14 units have been provided on the site (below the threshold of 15 at which the need to provide affordable housing kicks in).

There are two ways in which additional units could be provided on this site. The first is to increase the bulk of building, this would not be an acceptable approach given that this scheme has been negotiated over several months following concerns raised about the height and bulk of building that was previously proposed.

The second option would be to sub-divide some of the units into smaller flatted accommodation in order to provide more than 14 units. This would be achievable in this case, given the size of some of the units. However, this would, in the opinion of officers, be a retrograde step, given the commitment in this case to large family units of accommodation and given the mix that has been achieved on this site.

There is a paucity of this type of accommodation in the vicinity, with many properties having been converted to small single bedroom flats and it is this larger family size of property that is in shortest supply on the housing market.

In order to ensure that, in the event one or more units apply for subdivision in the future, appropriate S106 contributions are paid for the provision of affordable housing it will be appropriate for the Council to control any subdivision through the S106 agreement. This would clarify through restrictive clauses that the site would be considered as a whole and that any sub-division of any of the units will effectively trigger affordable housing contributions, as the total number of units on the site would then be above the threshold of 15 or more. This would be applicable notwithstanding the ownership of the dwellings on the site. In addition a monitoring contribution is required as part of the S106 agreement to enable the use of the site and any potential sub-division to be monitored.

It should be considered that this scheme enables the demolition of the poor additions to the main villa and its restoration, these positive enhancements form part of the package in this case and would be less likely to come forward were the scheme to be required to provide affordable housing. It is considered that in this case the number of units and the mix of accommodation is appropriate for this site.

In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" no sustainable transport contribution would be required because the mitigation from the existing use as a 26 bedroom hotel with owners accommodation outweighs the transport impact of use of the site by 14 dwellings.

UPDATE 18.4.11

This application was considered at the meeting of the Development Management Committee on 21st March 2011. Members decided to approve the application subject to the Executive Head of Spatial Planning resolving issues relating to consultation responses, trees, design, schedule of works and S106 agreement.

The application was included on the agenda for the 21st March meeting although the consultation period did not expire until 1st April. A letter of objection has been received since the previous meeting and the points raised should be considered by Members. In addition following a meeting with the applicant it has become apparent that the works of improvement to the main building will not be carried out until all the new development is completed. It was originally requested that these works be carried out before the new development commenced, as the new development constitutes 'enabling' development which will allow investment in and improvement of the original villa. The applicant has explained that the income from the new development will be needed in the first instance to provide capital to invest in the original villa. In order to ensure that the investment in the building does occur this will need to be addressed in the S106 agreement. In a similar case at the Palace Hotel in Paignton a joint bank account was set up between the developer and the Council. This is likely to be an appropriate solution in this case, subject to advice from the Council's solicitor.

It appears that the property is not currently trading as a hotel and is in use as a House in Multiple Occupation (HIMO). The applicant has submitted an application for a HIMO licence to the Council in which it is stated that there are 24 letting units in the property and there are 27 people living there. The lawful use of the property is as a hotel and no planning permission has been granted for use as a HIMO. If the use continues as a HIMO for a continuous period in excess of 10 years without the Council serving an enforcement notice it could become the lawful use. There is a concern that a HIMO on this scale in this location would be inappropriate because of the impact that it would have on the appearance and character of the area. Therefore, officers recommend that an enforcement notice is served to require the use of the property as a HIMO to cease.

The applicant has also been requested to make a number of minor alterations to the design of the proposed development. Revised plans are awaited.

At the last meeting of the Development Management Committee Members were requested to agree that the S106 agreement should be signed by 23rd May in

order that the decision notice could be issued within the 13 week target date. It is likely that, given the complexity of the agreement, further time will be required to execute it. As such, it is suggested that this date should be extended to 6 months from the date of this committee meeting.

Sustainability - The proposal would result in development of a brown field site. It is located within walking distance of the town centre and is a sustainable location for residential development.

Crime and Disorder - Subject to the incorporation of normal crime prevention measures it is unlikely that there would be an increase in crime.

Disability Issues - The proposed block of 4 dwellings would include a lift. It is also proposed to install a lift into the main building.

Conclusions

In conclusion, the Council's recently adopted guidance on PHAA's has provided increased flexibility in considering proposals relating to premises in holiday use. The site is in an "amber" area which allows residential use in appropriate circumstances.

In this case the proposal represents an opportunity to significantly improve the appearance of the existing building through the removal of largely unsympathetic extensions. The proposed development of two detached buildings in the curtilage of the property would retain the integrity and character of the main building and would be unlikely to harm the appearance and character of the area. In this instance, the loss of a tourism use from this site would not significantly harm the tourist industry in the locality. Subject to the receipt of satisfactory further information it is considered that the proposal would be consistent with the objectives of the policies in the Torbay Local Plan 1995-2011 and therefore would constitute an appropriate form of development in this location.

Condition(s)/Reason(s)

01. The boundary wall to Shedden Hill shall be reinstated to a stone wall with cock and hen capping and any repairs shall be carried out in natural stone laid with a lime mortar as shown on plan reference 2074s/133A dated 21st February 2011 prior to the occupation of the dwellings in the existing building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Policies BES, BE1 and BE5 of the Torbay Local Plan 1995-2011.

02. Notwithstanding the details submitted in the planning application, prior to the commencement of any of the works hereby approved on the site a schedule

of all the works to be carried out to the main villa and details of the timing of these works and their implementation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved schedule, unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of the visual amenity of the area and in accordance with Policies BE1 and BE5 of the saved adopted Torbay Local Plan 1995-2011.

03. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; In the interests of visual amenity in accordance with Policies BE1 and BE5 of the Torbay Local Plan 1995-2011.

04. The parking and cycle parking facilities shown on the approved plan shall be provided before the use of the dwellings hereby approved commences and thereafter used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

05. No development or other operations shall commence on site until the existing tree to be retained has been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason; To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

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

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

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

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with Policies BE1 and BE5 of the Torbay Local Plan 1995-2011.

07. Before any development is commenced details of the existing and proposed levels of all buildings or structures and the levels of the site, any changes proposed to the site including to the parking areas and the finished ridge levels of the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of visual and residential amenity, in accordance with Policies BE1, BE5 and H9 of the Torbay Local Plan 1995-2011.

08. The dwellings hereby approved shall not be occupied until the areas for demolition shown on plan reference 20745/120A dated December 2010 have been demolished unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

09. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building occupied. Development shall be carried out in accordance with the approved treatment.

Reason; In the interests of the amenity of the area in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This

scheme shall include details of the size, species and positions or density of all trees and shrubs to be planted, and 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, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

11. 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, in accordance with Policy BE2 of the saved Torbay Local Plan 1995-2011.

12. This permission is related to an Agreement entered into by the applicant and the Torbay Council, under Section 106 of the Town and Country Planning Act 1990.

Reason; For the avoidance of doubt and to ensure a satisfactory standard of development.

13. Notwithstanding the provisions of Part 1, Article 3 Classes A,B,C,D and E of the Town and Country Planning (General Permitted Development) Order 2008 (or and Order revoking or re-enacting that Order with or without modification), the enlargement, improvement or alteration of any dwelling; the addition or alteration to its roof; the construction of a porch; or the construction of any structure within the curtilage shall not be allowed without the granting of a specific planning permission.

Reason; To safeguard the residential character of the area, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

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

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

Relevant Policies

- H2 New housing on unidentified sites
- H6 Affordable housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- TU6 Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- L9 Planting and retention of trees
- L10 Major development and landscaping
- EP1 Energy efficient design
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway

Application Number

P/2012/1093

Site Address

11 Tor Church Road
Torquay
Devon
TQ2 5UR

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Formation of 8 houses and 3 flats with vehicle and pedestrian access

Executive Summary/Key Outcomes

The proposed scheme is for 8 houses and 3 flats on a site at the junction of Tor Church Road and St Efrides Road which is prominent within the Tormohun Conservation Area. It is currently used on an unauthorised basis for car parking.

A lawful start onsite was made for the implementation of application P/2008/0705 for 10 flats in 2012. This was confirmed via a Certificate of Lawful Development. There is a long planning history to this site and a need to achieve a good quality and viable scheme that will help to re knit the street scene and deliver much needed family homes.

The main issues are design, amenity and highways.

In terms of design, the scheme has evolved over some considerable time from a retained villa to a rebuilt villa with a large rear extension which was 'pastiche' in terms of appearance. This revised scheme adopts a more contemporary approach and seeks to relate more closely to existing building lines picking up the varying architectural styles of buildings which radiate from the site. A grander 'villa' form faces Tor Church Road with a more 'domestic' terrace addressing St Efrides Road.

Amendments to the scheme have been carried out to respond to concerns expressed by the DRP and to overcome impacts on amenity.

Information is awaited to confirm visibility and manoeuvring concerns from Highways.

Recommendation

Site Visit: Conditional Approval (conditions to be delegated to the Executive Head of Spatial Planning and to include the items listed at the end of this report); Subject to revised plans in relation to the position of Unit 1 and design of the end

elevations to Unit 1 and 2; subject to information to satisfy Highway concerns in relation to visibility and manoeuvring, and; Subject to the conclusion of a S106 Agreement at the applicant's expense to secure the specified community infrastructure contributions. The s106 to be completed, signed and sealed by the 19th December 2012. That the application be refused for lack of a 106 agreement if the agreement is not completed by 19th December in order that the application can be determined within 13 weeks.

Site Details

Comprises a vacant area of land, currently in use as a car park and located at the junction of St Efrides Road and Tor Church Road. It is prominent within the Tormohun Conservation Area and in local views. The most important of these are from St Lucius Street and Tor Church Road and on the approach from Croft Road.

The site is slightly elevated and retained by a natural limestone wall which contains a redundant drinking fountain. The site is backed by a rocky outcrop with tree planting.

The Greek Orthodox Church, which is Grade II* Listed sits on the opposite side of St Efrides Road with its grounds providing significant softening in the street scene. The adjacent Villas on Tor Church Road, which rise with the lie of the land are Grade II Listed.

Vehicular access currently operates on a gyratory system with access from Tor Church road and egress from St Efrides Road.

The site was formerly occupied by the Tor Social Club which was demolished some years ago.

A lawful start on site was carried out and confirmed via a Certificate of Lawful Development [P/2012/0632] for 10 flats as approved under P/2008/0705.

Detailed Proposals

This is a full application for the construction of 8, 3 bed houses and 3, 2 bed flats with car parking for 11 cars in a communal car park and 2 spaces in a car port.

Summary Of Consultation Responses

Highways: Require more information about visibility and manoeuvrability in relation to the access to Tor Church Road. In relation to St Efrides Road there is concern about the lack of visibility and on site turning which will require reversing onto the highway with consequent risk to users of the road. Visibility and tracking for the proposed lay-by is required.

English Heritage: Are satisfied that the proposals follow pre app advice although express some concern about the relationship of the building as it addresses Tor Church Road and the units facing St Efrides Road. It is requested that the LPA 'ensure that the transition allows each element to respond with integrity to its respective street scene context while still presenting a coherent design whole'.

Archaeologist: Requires a condition regarding a watching brief and site investigation.

RSPB: Have requested nesting boxes incorporated into building design.

Drainage Engineer: Does not want to see any increase in surface water discharge due to the risk of flooding in the Town Centre. A Sustainable Drainage System will be required to deal with any surplus.

Design Review Panel: Considered an earlier iteration of the scheme at its meeting of the 20.07.12. In summary, their comments are:

Support for intent to re-establish building lines but considers that 'could sweep around more tightly' to coordinate more closely to the St Efrides Road frontage. This would help ameliorate the unsatisfactory relationship to the immediately adjacent property.

Suggest that re-establishing vehicular route via St Efrides Road might help reconcile the urban form or re orientating the terrace might help in terms of presenting a front rather than a flank to the street view.

Key view of the site from Lucius Street needs more refinement.

Do not consider that the concept of a shared space for the car park is wholly successful due to the level of car parking. Suggest reduction to 1:1 in this central urban location.

Concern at apartments that oversail entrance due to restrictions it would impose on service vehicles. A lay-by maybe needed and consideration needs to be given to access for fire tenders.

Commend emerging ideas for roof gardens and would like to see this developed.

Encouraged by general character and consistent language of architecture suggest subtle use of colour and use of natural materials.

Summary Of Representations

There are a number of objections from adjacent occupiers.

In summary, there are concerns about impact on views, light, privacy and location of the bin stores. Other concerns relate to the impact of character and scale of the proposal on the Conservation Area and possible overdevelopment.

Traffic concerns relate to the revised access arrangements involving all traffic movements from Tor Church Road in place of the gyratory system which previously operated on the site. Bats have been sighted in the locality and concerns raised about the impact of works on their habitats.

Civil concerns about access for maintenance/ undermining of foundations have also been raised.

These are re-produced at Page T.202.

Relevant Planning History

The site has a long planning history:

- | | |
|----------------|--|
| P/2004/0243/PA | Conversion of Social Club and extension to provide 8 units. Approved 08/10/04. |
| P/2005/1490/PA | Part demolition of Social Club. Approved 17/10/05. |
| P/2005/1491/PA | Erection of two flats. Approved 17/10/05. |
| P/2007/0676/PA | Demolition of façade. Approved 19/06/07. |
| P/2007/0677/PA | Erection of 8 flats with vehicular/pedestrian access. |
| P/2008/0705/PA | Construction of 10 residential units and 12 car parking spaces. Approved:30/06/09. |
| P/2008/1004/CA | Demolition of remaining façade. Approved 11/08/08 |
| P/2012/0632/CE | Implementation of material operation to preserve consent for 10 residential dwellings. |

The site has also most recently been used as a car park on an unauthorised basis.

Key Issues/Material Considerations

The key issues are design and its impact on the character of the Conservation Area, the scale of development on the site, the impact on the amenities of adjacent occupiers, highways, and impact on wildlife. Each will be addressed in turn as will the civil concerns raised in the representations.

Impact on the Character of the Conservation Area

The site was originally occupied by a formal villa which was significantly extended over time and subsequently became used as a Social Club. Earlier approvals on the site sought to include what remained of the villa and through a substantial rear extension to the retained building achieved a scheme of 10 dwellings on the site in a 'pastiche' style. The attempts to retain the building were not successful and the remaining façade was finally demolished 3 years ago. Permission has since been granted for a replica villa with extension which accommodated 10 flats. A lawful start on site has been made in respect of this application.

Residents have commented that the scheme which retained and extended the villa was more sympathetic than this revised scheme. However, it is quite legitimate to consider other options for the design of the scheme providing it is based on a proper analysis of the context of the site. A Design and Access Statement has been submitted which does justify an alternative approach.

The site occupies an elevated and prominent corner position which is transitional in nature between the grander villas which extend up Tor Church Road and the more domestic architecture of St Efrides Road. Whilst the previous approvals addressed this transition through use of the villa form this was somewhat distorted by the scale of the rear extension needed to achieve the requisite quantum of development.

The new housing adopts a more linear layout and responds more closely to the established building lines of Tor Church Road and St Efrides Road. It has been carefully designed to reflect this transition through the use of more substantial villa forms facing Tor Church Road, while having more domestic scale terraced units wrapping around the corner onto St Efrides Road. The terrace element is set back from the retaining wall with front gardens to pick up on the southerly aspect, to reflect the garden layout of St Efrides Road, to achieve a reasonable garden setting to the building, to soften the street scene and to relate to the church yard opposite.

The design of the buildings picks up key features of the surrounding building types but in a contemporary way. The scheme has an appropriate grain reflecting the terrace or villa form and includes an appropriate glazing to solid ratio. The units have balconies to maximise the amount of amenity space available to residents and to open up the facades. The roof is a recessed pavilion form which, being quite subservient, keeps the scale of the building in acceptable proportions. Key view points are handled in a bold manner to properly punctuate the street scene. The view down Lucius Street is particularly important and this view is framed by use of a natural stone facade with balconies that wrap around the corner. This is in response to concerns expressed by the DRP in relation to the definition required on this important corner.

The DRP and English Heritage wished to see the relationship to St Efrides Road improved either by setting the terrace back or by re orientating the end unit so that a 'front' rather than 'flank' elevation framed the view down St Efrides Road. This has been achieved by moving the end unit further into the site and redesigning the elevation which faces up the street to create a more open appearance. It is considered that this, subject to detail, satisfies this key outstanding design issue.

It also improves the relationship to the neighbouring property which will be addressed later.

In terms of the car park and its use for shared purposes this has been amended through a reduction in the numbers of spaces and an upgrade in the quality of the landscaping and the inclusion of informal gardens on the rocky outcrop that frames the site.

Scale of Development on Site

The scheme delivers 8 houses and 3 flats whereas the approved and preserved scheme delivered 10 flats. This is a better mix, delivers family houses which is desirable in this area and there are no discernible impacts arising on the neighbourhood from the numbers of units on the site. The development provides gardens, adequate parking and limited impact on neighbours, following recent amendments to the layout. In terms of the quality of the residential environment created, whilst it is quite high density, it is well thought out and will provide good quality outside space with dual use of the car park areas, well landscaped gardens and balconies.

Impact on Amenity

Neighbours to the site have commented on impacts on light, privacy, outlook, views and on nuisance from bins. This was most evident arising from the relationship with properties on St Efrides Road. This has now been amended and the 'intrusive' dwelling directly adjacent to No 3 St Efrides road has been relocated further back into the site. This alleviates the impact on views, outlook and light. The issue in relation to the location of the bin store has also been satisfactorily addressed.

Highways

At the moment the site is accessed on a gyratory system with access in from Tor Church Road and out from St Efrides Road. This means of accessing the site has prevailed since the site was used as a Social Club. Access and egress is now proposed from Tor Church Road with the St Efrides Road access converted to a pair of car ports. Highways consider that more information is needed in relation to visibility and manoeuvring in respect of both access points. A lay-by is

proposed for service vehicles adjacent to the Tor Church road entrance. Highways would like to see tracking information demonstrating that this is workable prior to commenting. This information is awaited at the time of writing.

The suggestion of evolving a layout that perpetuated the existing means of accessing the site was considered, however, this reduces the amount of development that can be accommodated on the site. The site has not been developed for many years because of marginal viability and as it stands the current scheme is said to only just be viable. However, it is necessary to show that this option is workable from a highways point of view.

Wildlife

A resident has raised concerns about the impact on bat flight paths. The development of the site itself, being vacant land does not impact on bats. Furthermore, the previous consent for a villa on the site has been implemented and could be completed at any point in the future. It may be appropriate to include a condition on the consent requiring a 'Method Statement' detailing how construction can be carried out without unduly impacting on bats use of the site.

Civil matters

Points have been raised about impact on foundations and access for maintenance. These are civil matters which should be addressed via The Party Wall Act.

S106/CIL

In terms of S106 the level of contribution is as follows:

Waste	£ 100
Education	£13,995
Sustainable Transport	£ 6,566
Greenspace	£ 3,171
Lifelong learning	£ 628

This reflects the sum agreed in relation to the 10 units, P/2008/0705 for which a formal start on site was confirmed, plus contributions in relation to the 11th 3 bed unit. This needs to be completed at the applicant's expense by the 28th December if the application is to be determined in time.

Conclusions

The scheme is considered to be acceptable from a design and amenity

perspective. Highways information is needed to ensure that the site can be safely accessed. Progress on this matter will be reported to the DMC.

Suggested Conditions

- 1:20 details
- Samples of materials and colours of render
- Specification of natural stone details
- Landscaping
- Refurbishment of drinking fountain
- Archaeology
- Method statement re construction and bats
- Sustainable Drainage
- No PD
- Nesting/bat boxes

Application Number

P/2012/0846

Site Address

Land Off Church Road To The Rear Of 20
& 22 & Side Of 18A & 36 Church Road:
Rear Of Cashabac & Sunnyhome &
Homing
Jacks Lane
Barton
Torquay
Devon
TQ2 8PN

Case Officer

Mr Robert Pierce

Ward

Watcombe

Description

Formation of dwelling.

Executive Summary/Key Outcomes

The proposed development site is a large plot of land and would be able to sustain a dwelling without having any adverse impact on the character and appearance of the Barton Conservation Area. The Highways Authority supports the proposal.

Recommendation

Site visit : Approval.

Site Details

This very roughly rectangular plot lies on the western side of Church Road, with traditional stone walling bounding its eastern 'corner', adjoining the lane approximately at the brow of the hill. Other boundaries are marked by trees and hedging on or just beyond the line of the site. The land is mainly overgrown grass, with a single remaining fruit tree to show the former use of the land as an orchard. A small number of derelict outbuildings are sited in the southern part of this 0.15 hectare plot.

Access to the site is via a narrow vehicular opening in the stone wall, finished in brick piers and a timber gate (damaged and now boarded shut) which is set back from the carriageway edge by some 2 metres. A triangle of un-surfaced land separates this access, and the gated driveway to the neighbouring dwelling

(Orchard Lodge) from the highway.

Detailed Proposals

Permission is sought for the erection of a new dwelling sited to the rear of the plot. It would have an elongated footprint of single and two storey height. The existing entrance drive is to be utilised and from this a new drive is proposed leading to the garage and parking/turning area. The plans indicate a four bedroomed dwelling with utility accommodation and the garage set within the single storey element of the house. The application has been submitted as the result of pre-application discussions.

Summary Of Consultation Responses

Highways Authority : The proposed access onto the highway makes use of the existing access to the parking area of No 36 Church Road, and although this is a sub-standard access in terms of visibility, the number of trips generated by one dwelling will not significantly increase danger on the highway as long as vehicles enter and exit the site in a forward gear, therefore highways would raise no objection.

Arboricultural Officer : The scheme is suitable for approval on arboricultural merit subject to certain points being addressed by way of pre-commencement conditions.

Summary Of Representations

- Numerous Letters of objection received. Main thrust of the comments made are:
- Issues with access and visibility onto Church Road.
- Impact on local area.
- Not in keeping with local area.
- Over development
- Privacy/Overlooking
- Impact on trees and wildlife including bats

These letters have been re-produced at Page T.205.

Relevant Planning History

97/1344/PA Full planning permission for the erection of four semi-detached dwellings. Refused 5/12/97, for reasons of unacceptable highway access and impact on the residential amenities and character and appearance of the conservation area. Appeal dismissed 29/9/98, based on highway grounds alone.

97/1346/CA Conservation Area Consent for the demolition of three redundant outbuildings. Granted 5/12/97.

P/2004/2017 4 Dwellings With Garages; Private Drive And Access To Church

Road Approved May 2005

Key Issues/Material Considerations

Impact on the character and appearance of the Conservation Area :

The proposed dwelling has been sited to the rear of the plot, It will therefore not be visually prominent in the street scene and will help to maintain the open setting of the site within Church Road as referred to in the Conservation Appraisal. As the result of advise from the Conservation Officer the single storey element has been shortened in width and now only accommodates a single garage instead of double garage. This narrowing of the footprint is now considered appropriate for the setting.

Impact on the amenities of the adjoining occupiers :

The single storey element has been proposed where it fronts the neighbouring dwelling 18 A so as to reduce any overlooking impact and keep the main living areas in the two storey element further away. It is not therefore considered that the new dwelling would result in an unacceptable level of overlooking nor would it have an overbearing impact.

Highways and Parking Issues :

There is no highways objection to this proposal which makes adequate provision for off street car parking.

Impact on trees on and wildlife the site:

The arboricultural report that was submitted with the application has been assessed by the Council's Arboricultural Officer and subject to certain pre-commencement conditions the scheme is considered suitable for approval. Concern has been expressed that bats may be using the site in this respect a condition will be attached to the decision notice which will require the developer to undertake a bat survey to determine the potential for bats on the site and or the presence of bats.

Principle and Planning Policy -

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- CF2 Crime prevention
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- L6 Urban green spaces
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Planting and retention of trees
- EPS Environmental Protection Strategy
- EP1 Energy efficient design

BES Built Environment Strategy
BE1 Design of new development
BE2 Landscaping and design
BE5 Policy in Conservation Areas
TS Land Use Transportation Strategy
T1 Development accessibility
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development onto the highway
T27 Servicing

S106/CIL -

The amount of required developer contribution for this proposal has been calculated as follows :

Waste Management :	£ 50
Sustainable Transport :	£3,610
Education :	£1,660
Lifelong Learning :	£ 470
Greenspace and recreation :	£2,370
Total	£8,160

Less 5% for an up front payment £408

The agent confirmed that the applicant is willing to pay the contribution up-front.

Conclusions

The proposed dwelling has been sympathetically designed, it will sit quite comfortably within the site and will not have any adverse impact on the character or appearance of the Conservation Area.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until a bat survey has been carried out on the site which has subsequently been approved by the Local Planning Authority and if necessary a European Species Licence obtained.

Reason: To meet the criteria of Policy NC5 (Protected Species) and also to comply with the Wildlife and Countryside Act 1981 (As amended)

02. Prior to the development being occupied, or at such other time as may be agreed in writing by the Local Planning Authority, a sustainable drainage solution

such as a soakaway, shall be installed and the system should be maintained effective at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off, in accordance with PPG25 "Development and Flood Risk" and policy EP11 of the Saved Adopted Torbay Local Plan 1995 – 2011.

03. The development hereby approved shall not commence until the following additional details have been submitted to and approved by the Local Planning Authority :

- a) A methodology to allow passage over the RPA of offsite Lime OS3.
- b) A schedule of arboricultural works
- c) A detailed landscaping plan which should pay particular importance upon screening trees and shrubs and appropriate replacement of all trees to be removed.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy BE 2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. The development hereby approved shall be carried out in full accordance with the contents of the approved arboricultural report dated 16th July 2012, its plans and methodologies and shall not involve any grade changes to the identified root protection areas.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. 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, which is the sooner, or at such other time as agreed by the Local Planning Authority in writing. 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 local area and in accordance with Policies BES, BE1 and H2 of the Saved Adopted Torbay Local Plan 1995 – 2011.

Informative(s)

01. The proposal has been assessed against the criteria of Policies, HS,H2,H9,H10,CF2,CF6,CF7,L6,L8,EPS,EP1,BES,BE2,BE5,TS,T1,T2,T25,T26, and T27 of the Saved Adopted Torbay Local Plan 1995 to 2011 and it is considered to be an acceptable form of development.

Relevant Policies

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- CF2 Crime prevention
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- L6 Urban green spaces
- L8 Protection of hedgerows, woodlands and o
- EPS Environmental protection strategy
- EP1 Energy efficient design
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway
- T27 Servicing

Application Number

P/2012/1155

Site Address

Dainton Self Store Ltd Torre Station Yard
Newton Road
Torquay
Devon
TQ2 5DD

Case Officer

Mr John Burton

Ward

Cockington With Chelston

Description

Change of use from B8 storage to C3 dwelling houses and formation 8 townhouses with 3 storeys and 3 bedrooms with integrated garages and off street parking and 1 single storey bungalow with 3 bedrooms with pedestrian access

Executive Summary/Key Outcomes

The application site and adjoining land in the same ownership has a B8 (storage or distributions) use permission, which has been implemented. The application site itself is at the margins of the storage use and other commercial/business uses that exist at Torre Station and so is not considered to be integral to the function and performance of the area's business prospects. The site has been untidy and under utilised for some time now and would benefit from being brought back into a good use.

Residential use is considered to be acceptable because the site is immediately adjacent to the long established residential development at Crownhill Rise. The proposed design is in keeping with local scale and appearance, and is shown to a high standard including thought having been given to energy efficiency. The proposal takes advantage of the ability to have a relatively high density of development, but still fits within national and local guidance in this respect. The development will provide the size and type of accommodation which is needed in the Torbay housing market.

It is not considered that the development would substantially prejudice the future development of the wider site, if this were proposed. In fact, the intended improvement of the access under the railway bridge will enhance the vehicular access to serve the site. In any event, it is not considered given the circumstances, that the development of this site could be held in abeyance given that there are no current plans or projects on the wider site and given the presumption in favour of sustainable development.

It is considered that there are no interests of acknowledged importance that

would be adversely impacted by this proposal, and issues which have arisen can be handled by use of conditions. The proposal qualifies for a Planning Obligation in order to defray the costs that would arise from the development.

Recommendations

Site Visit; Conditional Approval (conditions at the end of the report); subject to the further views of the Environmental Health Officer (with respect to potential land contamination), and the successful signing of a Planning obligation under s106 of the Act within 3 months of the date of this committee meeting or the application be refused for lack of a s106 agreement.

Site details

Site of approximately 0.23 hectares in size, accessed off Cleveland Road (a small access road off Avenue Road), immediately on the western side of the Newton Abbot/Paignton railway line. The land slopes from the east to the west of its width by approximately 3 metres.

The land is currently owned by Dainton Group Services Limited who acquired the land from Network Rail, but who reserved rights of access over part of the site. The land had previously been railway sidings. The Dainton Group also owns a lot of land to the north of this current application site, from where they currently operate a self-storage business. This business has been at this site since approximately 2003.

There is a narrow strip of land immediately due south of the site which is in the Council's ownership and links to the Rowcroft land further up. It is a green corridor that has been used as a footpath in the past, although has now been closed for some time and is currently overgrown. On the other side of this strip are the properties on Crownhill Rise.

The site is not within a designated Conservation area, but does lie adjacent to the Torre Conservation Area. Torre Station is a listed building, primarily for its historic connections with I. K. Brunel.

Detailed proposals

Full planning permission is sought to change the use of this land from B8 storage use (as defined by the Town and Country Planning, Use Classes Order) to a C3 residential use, in order to facilitate the development of a terrace of 8 dwelling houses and a free-standing bungalow, making 9 units in total. The plans show the terrace to be 3 storey dwellings with integrated garaging and driveways at the front for additional car parking. The plans indicate a minimal amount of soft landscaping at the fronts of the dwellings, but each property would have rear gardens running down to the Council owned footpath behind.

The dwellings are shown arranged with a stepped terrace footprint, with the land cut and filled to negate the existing slope of the land. The material palette shows

predominantly rendered elevations with contrasting timber effect and plain pre-coloured fibre-cement panels, painted timber windows, and interlocking plain grey concrete tiles for roofing.

Access to the site is under the existing railway bridge and this will remain the case. Pedestrian access to the Crownhill Rise alley way in between nos. 8 and 9 is shown provided by a new foot and cycle path off Cleveland Road running down to the Council owned 'green corridor'. This new footway/Council footpath system would also provide access to the rear of the proposed properties. Access to the rear gardens from within the new dwellings themselves would be via the first floor living room (ground floor at the rear, first floor at the front, due to the level of the land).

The site would have close proximity to public transport links (buses and trains), and good access to local amenities and services.

Summary of consultation responses

Network Rail Observations awaited.

Highways Officer No objections in principle, but would need to see the highway (Cleveland Road) improved to bring it up to adoptable standard.

Strategic Transportation No objections in principle. Seeks s106 monies to enable a cycle path to be formally provided down from the Rowcroft Land around this site and up to Avenue Road (as part of a wider Council scheme to eventually link the sea front to Torbay Hospital).

Arboricultural Officer The site contains no trees of merit and only smaller self set trees and scrub bound the site which offer little potential. There is a large TPO woodland to the north-west which does not form part of the proposal site and which will be unaffected by the proposed development.

Environmental Health Officer (Community safety) The site may contain underground storage tanks in situ associated with the former use of the land as a train sidings. A previous use as a coal merchant's depot also has the capacity to make the land contaminated. Therefore, the observations of the Environmental Health Officer regarding potential pollution and any required clean-up are required. These are still awaited.

Summary of representations

Letters of representation have been received and are reproduced at page T.206. The gist of the comments made can be summarised as follows:-

- Objections to the footpath between the site and Crownhill Rise being re opened;

- Objection to the bungalow, believes this to be an additional dwelling to the previous proposal and as such would have greater traffic impact upon the junction with Avenue Road;
- Concerns that this proposal may lead to more applications by Dainton for housing at their Torre Station site;
- Will obscure views from properties in Crownhill Rise;
- Noise and light pollution during construction and afterwards;
- 3 storey nature of the proposal would impact upon privacy and light to the properties in Crownhill Rise;
- The comments made in the 'Statement of Community Involvement' are not an accurate reflection of neighbours' concerns
- Do not need any more families in this rural area;

Relevant planning history

P/2011/1158	Change of use from B8 storage to C3 dwelling houses; formation of 10 town houses with 3 storeys and integrated garages and off street parking. Application eventually withdrawn by applicant due to on-going contractual difficulties with Network Rail - understood to now be resolved.
P/2008/0754	Removal of condition 2 (ref app no P/2008/0293/PA) re temporary permission for use of land for containerised self storage, Refused permission 26/06/2008 but allowed on appeal by decision notice dated 15/05/2009
P/2008/0293	Use of land for containerised self storage. Approved 16/04/2008 for a temporary period not exceeding 1 May 2013
P/2002/2014	Use of land for containerised self storage 20.02.2003 (condition 2 stating that the use shall be temporary up to 1 March 2004).

Key issues/material considerations

Principal and planning policy

Employment Land

The land is zoned in the Saved Adopted Torbay Local Plan as being a Business Investment Area (policy E3.5), in which employment uses should be retained and developed. However there are no employment uses on this parcel of land or any of the Dainton Group land of which this is a part. Although there is a limited amount of management and security associated with the storage use, this cannot be considered to be an employment generator.

Policy E3 does go on to say that small scale warehousing uses (B8) will be

permitted in the Business Investment Areas, and the Council has authorised such a use at this site on a temporary basis. Attempts to make the containerised storage use permanent were resisted by the Council, but allowed on appeal (see Inspector's decision reproduced at page T.206). Therefore the site has little employment benefit, and it is difficult to see how this could be changed given that the site is in private ownership and operating a lawful B8 use. It therefore has to be concluded that it would be very difficult to enforce the terms of policy E3 on the current proposal site, without making a Compulsory Purchase Order. This is unlikely to be part of the Council's thinking.

Housing Policies

In housing policy terms the proposal is clearly consistent with the aims of the housing chapter of the Saved Adopted Torbay Local Plan. There is no conflict with policy HS (Housing Strategy), because the proposal would be providing open market family housing of the type needed in Torbay, securing a balance between new housing and the protection of environmental quality, maximising the re-use of urban brownfield land, resulting from a sequential approach to housing provision.

Likewise, the proposal meets the terms of policy H2 (New housing on unidentified sites) because the proposal promotes sustainable development, contributes to the provision of a full range of house types, re-uses urban 'brownfield' land in a sequential and sustainable manner, has good public transport accessibility, has good access to infrastructure and community provision, and promotes good design and energy efficient dwellings.

The proposal is also considered to be in accordance with policy H9 (Layout design and community aspects) because a strong emphasis has been given to the design of the new dwellings. The proposal does not breach the requirements of policy H10 (Housing densities) because it would be developed at a medium density (equivalent to 35 dwellings per hectare of land) but consistent with key environmental objectives. This is in accordance with National Planning Policy Framework. The scheme makes little provision for amenity open space, play areas, wildlife areas and landscaping in accordance with policy H11 (open space requirements). However this can be overcome through appropriate provisions within the Planning Obligation (under s106 of the Act).

The proposal will need to show compliance with policy CF6 (Community Infrastructure Contributions), but this can also be achieved.

Ecology

A small portion of the proposal site in the east is part of a larger wildlife site. However, given the B8 use that could lawfully operate at the site, the nature of previous uses of the site, the fact that there is no evidence of any important species on site, the openness of the site, potential historic pollution at the site and the amount of hard surfacing within the site, it is not felt appropriate to invoke

policy NC3 (Locally important protected sites).

Energy Efficiency

The proposed dwellings have an energy efficient design (see 'Environmental Impacts' below) and so meet the terms of policy EP1. Although this site has a B8 permission controlling its use, it has not been used as such. The site used to be overgrown, was subject to fly tipping and has most recently been used for the storage of vehicles. It does still contain some remnants of former structures, and is generally in an untidy state. On this basis, the proposal would accord with the provisions of policy EP6 (derelict and under-used land).

Contamination

It is likely that the risk of the site being contaminated is low, and it is noted that there are residential properties in the immediate area (to the south) anyway. However, given previous uses for the site, the applicant has undertaken a desk top study and intrusive ground investigation to establish the likelihood of contamination and to suggest mitigation and remediation measures. This still needs to be checked and authorised by the Environmental Health Officer. His views will be reported to members in order to check compliance with policy EP7 (contaminated land) of the Saved Adopted Torbay Local Plan.

Design

The design and choice of materials is considered appropriate, providing a continuation of the design themes established in Crownhill Rise. Overall the scheme will enhance the existing character of the area. The design and appearance is typical of many developments throughout Torbay, but by adding colour and interest to the street scene will create its own sense of place. The site is not within a Conservation Area, and far enough removed from Torre Station itself so as not to impact upon the setting of this listed building. It is therefore considered that the proposal would meet the requirements of policies BES and BE1.

Highways and Parking

The proposal includes off-street parking to standard and has a suitable access, although this will need to be upgraded in accordance with the comments provided by the Highway Authority. It is noted that the Highway Authority is not objecting to the proposal and Strategic Transportation are in general agreement. It has been suggested that the proposal should be accompanied by a Planning Obligation that makes provision for a sustainable contribution to assist in improving local footpaths and cycle ways. With all of these factors in mind, it is concluded that the proposal would be in accordance with Transport and accessibility policies T3 (cycling), T10.1 (Torre Station transport interchange), T25 (car parking) and T26 (access).

Impact on future opportunities

This site was identified in the 'Action Framework Plan' supporting the previous

Mayor's Vision as a development site. It was seen very much as a gateway site for Torbay and remains as such in current thinking as the Local Plan and Neighbourhood Plans progress. It is not considered that this scheme would prejudice the potential for the redevelopment of the wider site for a mix of uses and in any event, given the presumption in favour of sustainable development set out in the NPPF, a refusal on that basis would be unlikely to succeed at appeal.

In conclusion, the proposal is not considered to be in breach of any of the relevant adopted policies and can therefore be considered to be acceptable in principle, notwithstanding the policy designation over the site.

Impact on neighbouring properties

The southern elevation (rear) of the terraced properties proposed are only two storeys in height, plots 1 to 8 being more than 20 metres away from the nearest neighbouring houses in Crownhill Rise. The bungalow (plot 9) would be 12.5 metres away from the nearest part of the dwelling behind, but by its single storey nature has a lesser impact. This is considered to be acceptable in terms of potential for any overlooking and loss of amenity.

Some of the representations received have made objection on a perceived loss of outlook that would arise if this application were to be approved, but Members will be aware that no one individual or property has a right to a view in planning law. Whilst the general outlook will change, it is not considered, given the distances and relative heights involved, that the impact would be to the detriment of the living conditions of the adjacent occupiers. It should also be noted that the visual amenities of the site would be improved by the proposal, as currently the site consists of uneven ground covered in stone chippings and the remains of demolished buildings.

Economy

Although the site benefits from planning permission for B8 storage use and more recently permission for containerised self storage use, this is a very low employment generator. The main containerised storage area of the Dainton Group is utilised by local businesses and so does impact obliquely upon employment and business. Furthermore, given the lawful consent that has been established, it is unlikely that the whole site would go to employment uses in the future and far more likely that a mix of appropriate uses would be established. The application site itself is subsidiary to the main trading and container site, storing vehicles and caravans. As such, it is considered that there are no implications to the economy of Torbay in converting this part of the wider site to residential use.

Environmental impacts

The proposal is a redevelopment of a brownfield site currently consisting of uneven ground covered in stone chippings with the remains of some demolished buildings scattered around. This can be considered a sustainable solution to

fulfilling local housing need, and is certainly making full and effective use of urban land in a manner, that is sequentially more preferable to building on 'greenfield' land or countryside.

The proposed layout and configuration of the houses on the site with south facing gardens, living and bedroom spaces will help to improve the energy efficiency of the houses through natural solar gain and ventilation.

The application is accompanied by an 'Environmental Noise Statement'. This takes on board the proximity of the proposed dwellings to the Paignton/Newton Abbot railway line. The statement concludes that there could be some impact and so the design of the dwellings has been developed to take this into account as mitigation measures have been incorporated into the design. It is considered that these measures are sufficient to ensure that the amenity of any future residents will be protected and a good standard of acoustic environment can be delivered. This would meet with the terms of Saved Adopted Torbay Local Plan policy EP4 (Noise). However, its implementation will be largely down to the Building Regulations.

The site is not within an identified flood risk area.

Planning Obligation

It is the Council's policy to seek appropriate financial contributions from developers under s106 of the Town and Country Planning Act 1990 and the legislative requirements of Part 11 of The Community Infrastructure Levy Regulations 2010, towards community infrastructure stemming directly from development and in terms of the resultant pressures on local social, physical and environmental infrastructure.

The Council has decided in line with Central Government legislation and advice from the (former) Government Office for the South West that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. This is made quite clear in policies CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March of last year (2011), and stipulates that contributions due for residential proposals are now based on floorspace to be created. The terraced units (P1 - P8) have a floor area of approx. 136.5 sq. metres and so would fit into category 5. The single storey bungalow has a floor area of approx. 77 sq. metres and so falls within category 3.

Category 3 (75 – 94 Sq. M.)

Municipal waste and recycling	£ 50
Sustainable transportation	£2350
Education	£ 830
Lifelong learning	£ 300

Green space and recreation	£2050
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TOTAL (unit bungalow)	£5580
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Category 5 (120 Sq. M. +)

Municipal waste and recycling	£ 50
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Sustainable transportation	£3610
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Education	£1660
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Lifelong learning	£ 470
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Green space and recreation	£2370
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TOTAL £8160 x 8 units	£65280
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This gives a total combined developer contribution of £70860.

However, the applicant would need to do a lot of off site works along Cleveland Road in order to make the access acceptable to the Highway Authority. The improvements to the access will provide improvements that will benefit the wider site and as such in practice these physical improvements will amount to both a site acceptability matter and an off site contribution to mitigate the transport impact of the development. Site acceptability measures are usually given precedence over other obligations and on this basis it is not felt appropriate to also charge a 'Sustainable Transportation' contribution.

This would bring the figure due down to £55230. Officers are also currently in negotiations with the Head of Schools Commissioning to see whether or not the education contribution is applicable. This could bring the amount down even further. It is important that the amount sought relates to actual requirements in order to prevent a successful challenge on appeal.

The Strategic Transportation Group have recommended that the 'Green Space/recreation' contribution should be used as a contribution to improve the adjacent National Cycle Route NCN28, which would eventually link Shiphay Lane along the path at the rear of the site to the town and beach via Avenue Road and Newton Road. Funding for the remainder of the NCN project will be from a mix of similar SPD contributions in areas local to the route supported by LTP funding and the Local Sustainable Transport Fund secured by this Council. It is in line with LTP Policy to improve cycle routes in the town centres, promote more sustainable travel and reduce reliance upon the car for site users. Focus has traditionally been on improving bus stops, infrastructure and services, however, this has been at the expense of cycling which now needs to be rectified, especially from the point of view of helping the tourist economy, improving the environment, and reducing traffic congestion. This particular scheme is also advantageous in terms of not affecting any parking and should be implemented within 5 years of receipt of funding. It is considered that in this instance, it would be appropriate to use the greenscpae contribution to improve this recreational

corridor.

Conclusions

The proposal is considered acceptable in policy terms. The land is not used for employment purposes despite its zoning as a Business Investment Area, and the Council has little control over its future use given that it is in private ownership. The site is currently deleterious to the local environment and would benefit from investment and development. There are no wildlife or tree issues that would prevent development. The applicant has agreed to a Planning Obligation to defray costs that will arise from the proposal, this will include the provision of the cycle route to the side of the site, the improvement of the route to the rear of the site, off-site contributions and off-site highway improvements. The application will provide housing of the sort required by the local housing market. The proposal does therefore appear to be acceptable in principle, in policy and in detail. However, there have been a number of objections to the proposal and it is therefore appropriate for members to undertake a site visit to assess these concerns for themselves.

Condition(s)/Reason(s)

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

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

02. The development hereby approved shall not be used or occupied until all of the garages, driveways shared surface parking zones and access thereto shown on the approved plans have been provided and made available for use. These areas shall be kept permanently available for parking and access purposes to serve the development at all times thereafter.

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

03. The development hereby permitted shall not commence until the applicant (or any future successors in title to the land) has entered into an agreement with the Highway Authority pursuant to s278 of the Highways Act 1980, providing for

resurfacing of Cleveland Road, an extension to the shared use path, a turning head, and other highways works required to make Cleveland Road adoptable. These works shall be provided in full and made available for use before any of the dwellings hereby granted permission are used or occupied.

Reason: The permission hereby granted would only be acceptable if Cleveland Road is made up to an adoptable standard in accordance with policies T1, T3, T20 and T27 of the Saved Adopted Torbay Local Plan. However, the land upon which these works would be required is not within the applicant's ownership. Therefore the Council requires assurance through the provisions of such a legal agreement that the works will be carried out.

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

Reason: To ensure that there is no risk from land contamination in accordance with EP7 of the Saved Adopted Torbay Local Plan.

05. Any activities that are likely to negatively impact upon the woody scrub at the site, particularly where involving vegetation clearance, should occur outside of the accepted bird nesting season (1st March to 30th September). If this is not practicable, activities should be preceded by a thorough inspection for nesting birds undertaken under an Ecological Watching Brief with a suitably qualified competent professional advising on the works on site and such clearance works shall only take place where there are no nesting birds present. If nesting birds are discovered, activities must be halted until nested chicks have fledged.

Reason: In order to avoid damage to any breeding bird or its nest thereby avoiding any potential conflict with the Wildlife and Countryside Act 1981, policy NC5 of the Saved Adopted Torbay Local Plan, and to accord with the findings of the 'Extended phase one habitat survey' (conducted for the site in August 2012).

Informative(s)

01. The applicant is hereby reminded that he/she is responsible for any negotiations with Network Rail that may be required for works in the vicinity of the bridge. This must include assurances that permission to adopt any land as public highway is possible over a Network Rail easement. The bridge will at the very least need to be checked and signed with the height restriction.

Relevant Policies

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Application Number

P/2012/1086

Site Address

Lincombe Hall Hotel
Lower Woodfield Road
Torquay
Devon
TQ1 2JX

Case Officer

Matt Diamond

Ward

Wellswood

Description

Erection of a new 11 bedroom hotel accommodation building, with glass link to existing villa (NB. Access _ car parking already have pp)

Executive Summary/Key Outcomes

The application is for a new hotel accommodation building comprising 11 bedrooms at Lincombe Hall Hotel, Lower Woodfield Road, Torquay. This building would be sited behind the existing villa building – which is separate to the main hotel building – and connected to it by a new glass link. Internal alterations to the villa building would necessitate the removal of one of the existing bedrooms, resulting in a net gain of 10 bedrooms. The application also incorporates a new car park with 20 spaces on the existing disused tennis court towards the front of the site and new vehicular access to the car park from Meadfoot Road. The car park was already approved under planning permission ref. P/2010/0738 to convert the villa building into residential flats, but a condition on this permission withdrew consent for the access until an arboricultural survey had been carried out. The site is located within the Lincombes Conservation Area and Meadfoot Road Principal Holiday Accommodation Area. It is covered by a blanket TPO (1973.17).

The principle of the development is acceptable and would generate economic growth, and create 5 full time jobs and 1 part time job. Pre-application discussions led to the original design of the building being amended to preserve and enhance the character of the Conservation Area, by pulling it back from the visible garden area to the west of the site and re-siting it further behind the existing villa building. This retains the swathe of greenery to the west, which contributes to the setting of the existing buildings and thereby the character of the Conservation Area. The building has a high quality, contemporary design with materials that help it blend into the existing landscape, including a 'green' roof. The design of the vehicular access to the car park has been resubmitted taking into account a Tree Constraints Plan and both the Highways department and Arboricultural Officer have raised no objections. The number of parking spaces in the car park complies with the Council's parking standards taking into account the number of existing spaces and total number of bedrooms. The proposals

would result in the removal of one apple tree, but a replacement apple tree would be planted in the grounds of the hotel. A sustainable transport contribution of £12,458.00 would ordinarily be required, but it is considered in this instance that this should be mitigated by investment in tourism within the PHAA, specifically through the number of jobs created.

Two public representations have been received from local residents in Torwood Close raising concerns with the proposed soakaway to deal with surface water drainage. This is because of problems with surface water drainage in the area that has led to flooding at properties in Torwood Close. An appropriately worded pre-commencement condition has been drafted accordingly, which has been agreed with the Council's Drainage Engineer.

Recommendation

Conditional Approval; with conditions to be delegated to the Executive Head of Spatial Planning (a list of conditions is provided at the end of this report, but more conditions might be required).

Site Details

The site is located in the Meadfoot area of Torquay, on the corner between Meadfoot Road and Lower Woodfield Road. The area of the site is 1.06 ha. The site abounds Meadfoot Road and Lower Woodfield Road to the south, Sydore Hotel to the west and residential properties to the north and east. The site is located within the Lincombes Conservation Area and Meadfoot Road Principal Holiday Accommodation Area, and is covered by a blanket TPO (1973.17). Sydore Hotel is Grade II listed.

The site comprises Lincombe Hall Hotel, with the main hotel building to the east and separate villa building to the west. These buildings are connected by a covered, raised walkway. Both buildings are used for hotel accommodation. The grounds are well landscaped and include areas of lawn and many mature trees and shrubs. The main site entrance is off Lower Woodfield Road next to the junction with Meadfoot Road. Adjacent to the site entrance is a tennis court and behind the covered walkway there is an outdoor swimming pool and pool building. Car parking is available on an area of hardstanding adjacent to the tennis court and villa building, and in front of the covered walkway as you enter the site. Some additional car parking is available off the driveway leading up to the main hotel building. In total, there are 28 car parking spaces and 1 coach space, which doubles as 6 car parking spaces.

Detailed Proposals

The proposal is to erect a new hotel accommodation building comprising 11 bedrooms behind the existing villa building on an area of grass. The new building would be connected to the villa building by a new glass link. The new building would have a contemporary design, with a flat roof. It would be single storey and largely hidden from view behind the villa building, except for a small section to

the west. It would be built partly sunken into the existing landscape. It would be made from timber cladding, local stone and painted render, with a sedum roof. The windows and doors would be powder coated aluminium.

Six of the bedrooms in the new building would have private patios. New landscaping would be carried out around the new building, including new stone retaining/boundary walls and a new pathway leading around the swimming pool to the restaurant. An existing timber store to the rear of the villa building would be removed. Some minor alterations would be carried out to the interior of the villa building to enable the proposed development. This would result in the loss of one bedroom in the villa building.

The application includes the conversion of the existing tennis court into a car park with 20 additional spaces and a new vehicular access onto Meadfoot Road. This necessitates the removal of a section of the stone wall along the front boundary to create the access, with new rubble stone walls and piers created to frame the access. The car park already has planning permission under ref. P/2010/0738, but the access does not due to a condition requiring a detailed scheme of access which has regard to the findings of the arboricultural survey.

Summary Of Consultation Responses

Environment Agency: No objections to the proposal as the Flood Risk Assessment advises it is the intention to drain surface water runoff to a soakaway and the proposed use of sedum roofs, both of which are examples of good practice.

South West Water: No comments, as no apparatus will be affected.

Drainage Engineer: Contradiction between information on the application form stating surface water drainage will be to the mains and the flood risk assessment which states that it will be dealt with via a soakaway. No details provided of trial holes and infiltration tests to confirm the ground is suitable for a soakaway. No detailed design of soakaway or surface water system to the soakaway provided, which must show how they will cater for the 1 in 100 year storm event plus an allowance for climate change. The applicant must also demonstrate how the soakaway will not increase the risk of flooding to surrounding buildings, roads and land, and, if flooding is predicted, how the floodwater/overland flow will be dealt with in order not to increase the risk of flooding to surroundings buildings, roads and land.

Agreed to a planning condition requiring the submission of these details prior to commencement of development.

Highways/Strategic Transportation: Requires a sustainable transport contribution of £1,329.44, following mitigation for employment. 20 new car

parking spaces for a net gain of 10 additional hotel bedrooms exceeds the parking standards in Policy 25 of the Adopted Torbay Local Plan. The parking levels should therefore be reduced to accord to the current proposals. Opportunities to undertake trips by sustainable transport modes should be provided; in this case the bus stop on Meadfoot Sea Road within approximately 30-40m of the site should be enhanced.

Highways Raise no objection to the access to the proposed car park, as it was agreed on the previous application. As before though, they request that improvements are made to the Lower Woodfield Road/Meadfoot Road junction to improve safety. This would be via a Section 278 Agreement or financial contribution of £10,000 secured by a Section 106 Agreement.

English Heritage: Stated it has no comments on this occasion. Recommended the application should be determined in accordance with national and local policy guidance, and on the basis of [Torbay Council's] specialist conservation advice.

Arboricultural Officer: The proposals are likely to require the removal of at least one mature apple tree, which is one of a number of trees un-plotted in the tree report. The tree report is out of date and was prepared to support the previous application. This plan does not detail any tree protection measures for the mature trees to the west. However, the scheme is suitable for approval, subject to the following conditions:

1. Prior to any recommendation for approval a detailed submission in line with B.S5837 2012 Trees In Relation to Design, Demolition and Construction Recommendations should be submitted to define an area for root protection.
2. A landscaping plan should be submitted that addresses the loss of the Apple tree.

Building Control: Stated the proposal will require building regulations consent. At this stage, the architects should consider the following issues:

- How this extension will be accessed in line with the guidance in Building Regulation Approved Document Part M, specifically paragraphs 0.5 to 0.8 incl. This requires compliant access to the extension as a stand alone building if full compliant access cannot be achieved through the existing building. This may affect external landscaping/access provisions.
- The internal walls separating bedrooms will need to satisfy Part E for Sound Insulation as they are classed as "rooms for residential purposes". This may affect room sizes slightly.
- The size of the extension may require consequential improvements in the

existing hotel building. This is to help aid the conservation of fuel and power as required by Part L2a/b of the Building Regulations. Unlikely to affect Planning though.

- Access and facilities for Fire Service Access needs to be considered in accordance with Building Regulation requirements B5, specifically Section 16. May affect external landscaping/access provisions.

Community Safety: Stated no formal comments.

Summary Of Representations

Two public representations received from neighbours in Torwood Close raising the following issues:

- The owners of Lincombe Hall Hotel have removed boundary protection between the hotel and 9 Torwood Close, which is considered a safety issue by the owners of 9 Torwood Close and the proposed development would increase the risk associated with this safety hazard.

- Object to proposed soakaway, as it would increase existing flooding problems to properties in Torwood Close.

- Welcome appropriate development that provides jobs in the area, but concerned by increased surface water runoff from the proposals.

- Will planning conditions be imposed to ensure water runoff does not add to existing run off problems in Torwood Close? If so, this will require appropriate studies to be carried out and submitted to Torbay council. This needs to consider re-emergence of water run off if soakaways are used.

These are re-produced at Page T.200.

Relevant Planning History

ZP/2008/0614: Demolition of Old House and Redevelopment to Provide Apartments (pre-application enquiry): Split decision 22.07.2008

ZP/2008/0738: Annexe (pre-application enquiry): Split decision 13.08.2008

ZP/2008/0822: Annexe (pre-application enquiry): Refuse 13.10.2008

ZP/2009/0545: Refurbish main hotel, convert villas into apartments (pre-application enquiry): Approve 12.10.2009

ZP/2010/0331: Redevelopment of annexe and new build dwellings in

grounds (pre-application enquiry): Split Decision 09.06.2010

P/2010/0738: Demolition works; alterations and conversion of 19 hotel rooms within an existing villa to 8 residential units; formation of additional 4 residential units; replace tennis courts with car park and new vehicular access: Approved 01.02.2011

P/2010/0739: Demolition works: Approved 12.11.2010

P/2011/0675: Erection of owner's accommodation: Refused 28.07.2011: Appeal dismissed 07.03.2012

ZP/2012/0224: Extra Bedroom Accommodation (pre-application enquiry): Approve 12.09.2012.

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Impact on Character and Appearance of the Conservation Area
3. Impact on Biodiversity
4. Impact on Highways
5. Parking
6. Surface Water Drainage
7. Trees
8. Fire Service Access

1. The principle of the development is acceptable. The proposed development would result in a net increase in hotel accommodation on the site by 10 bedrooms. It would therefore support the existing business and help maintain the Principal Holiday Accommodation Area in which it is located. The proposed development would provide new employment and generate economic growth in accordance with the NPPF. Five full time jobs and one part time job would be created.

2. The site is located in the Lincombes Conservation Area. Policy BE5 of the Local Plan only permits development within a Conservation Area where it will preserve or enhance the character or appearance of that area. In addition, the NPPF states the desirability of new development making a positive contribution to local character and distinctiveness (Para 131) and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (Para 132).

In this case, the special character of the area is defined by large buildings set in dominant landscape settings. The proposal preserves the character of the Conservation Area by siting the new accommodation building behind the villa

building to the west, so that it is largely not visible from the public realm in Meadfoot Road. This retains the swathe of greenery to the west of the site, which is important as it contributes to the landscape setting of the buildings and thereby the character and appearance of the Conservation Area. The original proposals incorporated a building that extended into this area effectively urbanising this part of the site, but following pre-application discussions, the building was re-sited and redesigned and is now considered acceptable.

The proposed design of the building is contemporary. It would be set into the landscape behind the villa building and incorporate local materials and a 'green' roof. It is considered to represent high quality architecture reflecting the current time period. Whilst stylistically it is different to the existing buildings, it is considered that this would contrast successfully with the existing buildings highlighting their own quality. Therefore, it is considered that the proposals would make a positive contribution to local character in line with the NPPF and also enhance the character and appearance of the Conservation Area.

3. Whilst the site is not located in a designated nature conservation/wildlife site, the NPPF encourages opportunities to incorporate biodiversity in and around developments (Para 118). The proposed development would lead to the loss of an area of grass behind the villa building, but this would be mitigated by the proposed sedum roof. The sedum roof is likely to have more ecological value than grass; therefore, the proposals have taken the opportunity to incorporate and enhance biodiversity in accordance with the NPPF.

4. The application includes the conversion of the existing tennis court into a car park with 20 additional spaces and a new vehicular access onto Meadfoot Road. The car park already has planning permission under ref. P/2010/0738, but the access does not due to a condition requiring a detailed scheme of access which has regard to the findings of the arboricultural survey.

The Highways department does not object to the proposed site access, which has been designed taking into account the submitted Tree Constraints Plan. However, they have made a request that the development pays £10,000 for improvements to the Meadfoot Road/Lower Woodfield Road junction to improve safety. The applicant has stated that this amount seems unreasonable when the development would result in a net gain of only 10 bedrooms, and it would also make the scheme financially unviable when taking into account the repair works required to the existing buildings, which were conditioned on the previous planning permission. In addition, it is officers considered view that, as the works are not necessary to make the development acceptable in planning terms, they cannot be imposed as a planning condition or sought as a planning obligation because this would fail the tests in the NPPF and the CIL Regulations. The proposed development is therefore acceptable in highways terms in the absence of a contribution.

It is noted that access to the car park is not possible from within the site, due to a 1.5m level change that would require a ramp of some 18m. This would use up most of the space in the car park and have a detrimental impact on the character and appearance of the conservation area.

Strategic Transportation has calculated a sustainable transport contribution of £1,329.44 following the methodology in the Council's Planning Contributions and Affordable Housing SPD Update 3 and applying mitigation for jobs created. However, this was calculated based on an incorrect floor area for the development and has been recalculated below.

5. Strategic Transportation has raised an objection to the number of car parking spaces in the proposed car park, as 20 spaces exceeds the maximum standards set out in Policy T25 of the Local Plan for the new accommodation. Notwithstanding that the car park already has permission under the previous consent, the applicant has confirmed that the intention is the car park would be used by all guests of the hotel, not just the guests of the new accommodation. Therefore, the proposals comply with Policy 25, which requires a maximum of 1 space per letting bedroom and 1 coach space per 15 bedrooms, as there would be a total of 54 bedrooms and the applicant has confirmed that there would be a total of 48 car parking spaces and 1 coach space. The applicant confirmed that the information on the application form stating there are 40 existing car parking spaces was incorrect and approximated when the application was submitted. They have submitted a drawing showing the existing car and coach spaces demonstrating the proposals comply with Policy T25.

6. The applicant has confirmed that surface water drainage shall be dealt with via a soakaway. Public representations have been received expressing concerns with this due to local flooding problems in Torwood Close. The Council's Drainage Engineer has requested further information demonstrating that the ground conditions are suitable for a soakaway and requesting details of the design of the soakaway and surface water drainage system to cater for the 1 in 100 year storm event plus an allowance for climate change. The applicant has requested that this information is conditioned. The Council's Drainage Engineer has agreed to this and a suitably worded condition has been drafted.

7. The site is covered by a blanket TPO. The proposals would result in the removal of an apple tree, but the drawings show a replacement apple tree in the area to the west of the villa building. The proposed site access has been designed taking into account the submitted Tree Constraints Plan. This shows the access sited at the point which would have the least impact on trees along the front boundary. The arboricultural officer has raised no objections, but recommended two standard conditions covering tree protection during construction and landscaping.

8. Building Control raised a number of issues that the architects should consider

at this stage. The applicant took these points into consideration and as a result amended the car park layout and landscaping slightly to allow for fire engine access to the proposed new building, in order to comply with Part B of the Building Regulations.

S106/CIL -

In accordance with the Council's Planning Contributions and Affordable Housing SPD Update 3, a sustainable transport contribution of £12,458.00 is required. However, it is considered in this case that this should be mitigated by the tourism investment and particularly the jobs created to the sum of £12,370.00. This leaves a residual sum of £88.00. As this amount is negligible, a sustainable transport contribution will not be sought and a S106 Agreement is not required.

Conclusions

The principle of the development is acceptable, as it is in a Principal Holiday Accommodation Area, and would support economic growth, creating 5 full time jobs and 1 part time job. Following pre-application discussions, the proposal has been designed to a high quality and would not have a detrimental impact on the character and appearance of the Conservation Area. The proposal incorporates a 'green', sedum roof, which, subject to detailed design, is likely to have more ecological value than the area of grass that would be lost to the development. Therefore, the proposals have taken the opportunity to incorporate and enhance biodiversity in accordance with the NPPF. An apple tree would be removed, but a replacement apple tree would be planted in the grounds of the hotel. There are no highways issues and the proposed car park would serve the hotel as a whole meaning it complies with the Council's parking standards. Local residents have raised concerns with the proposed soakaway due to problems with surface water drainage in the area that has led to some localised flooding. To address this, a suitably worded condition has been drafted in agreement with the Council's Engineer. The application is recommended for approval subject to conditions.

Condition(s)/Reason(s)

01. The development hereby permitted shall be carried out in complete accordance with the approved drawings, listed at the end of this decision notice.

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

02. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. Samples of materials shall be agreed on site by the Local Planning Authority as required.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

03. The development hereby permitted 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 in relation to an agreed fixed point or O.S. datum.

Reason: To safeguard the Local Planning Authority's rights of control over these details in the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

04. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (1) the parking of vehicles of site operatives and visitors
- (2) loading and unloading of plant and materials
- (3) storage of plant and materials used in constructing the development
- (4) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (5) wheel washing facilities
- (6) measures to control the emission of dust and dirt during construction
- (7) a scheme for recycling/disposing of waste resulting from construction works

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on residential amenity and in the interests of the convenience of highway users.

05. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 are submitted to and approved in writing by the Local Planning Authority. This shall include location and details of protective fencing, which must be erected before development commences and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and in order to comply with saved Policies L9 and L10 of the Adopted Torbay Local Plan 1995-2011.

06. The new hotel accommodation building hereby permitted shall not be brought into use until details of the replacement apple tree, proposed hedge planting and all hard landscaping, including retaining walls and replacement front boundary wall, have been submitted to and approved in writing by the Local Planning Authority. In regard to the soft landscape, this shall include: planted size, method of staking, watering volumes and management post planting. The replacement front boundary wall must be made from materials that match the existing to create a seamless transition between the existing and replacement wall. Detailed drawings of the stone piers either side of the new access shall also be submitted to and approved in writing by the Local Planning Authority before the new hotel accommodation building is brought into use.

Reason: In the interests of design, the Conservation Area and the amenities of the area, and in order to comply with saved Policies L10, BE1, BE2 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

07. All new planting shown on the Proposed Site Plan (Drawing No. 4320.02E) hereby permitted shall be carried out in the first planting season following the occupation of the hotel accommodation building or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable; 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. All hard landscaping and means of enclosure shall be completed before the hotel accommodation building is brought into use.

Reason: In the interests of the amenities of the area and in order to comply with saved Policies L10 and BE2 of the Adopted Torbay Local Plan 1995-2011.

08. No development shall take place until a scheme for the planting and future maintenance of the green roof on the hotel accommodation building hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The roof shall be completed and thereafter maintained in accordance with the approved details.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

09. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(1) Evidence that trial holes and infiltration tests have been carried out in the location(s) of the proposed soakaway(s) demonstrating that the ground conditions are suitable for a soakaway(s). Trial holes and infiltration tests must

be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of soakaways at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway and will not result in an increased risk of flooding to surrounding buildings, roads and land:

(a) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

(b) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway or will result in an increased risk of flooding to surrounding buildings, roads and land:

(a) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land.

The above details shall be carried out as approved before construction commences on the building hereby permitted and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to comply with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

10. The new hotel accommodation building hereby permitted shall not be brought into use until the car park and access thereto shown on the approved drawings has been built and made available for use. The car park shall be kept permanently available for parking to serve the hotel at all times thereafter.

Reason: To ensure that adequate off-street parking in the interests of highway safety and the amenities of the area, and in order to comply with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011.

Relevant Policies

TUS Tourism strategy

TU5 New holiday accommodation
CF6 Community infrastructure contributions
IN1 Water, drainage and sewerage infrastructure
L9 Planting and retention of trees
L10 Major development and landscaping
EP1 Energy efficient design
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE5 Policy in conservation areas
BE6 Development affecting listed buildings
T25 Car parking in new development
T26 Access from development on to the highways

Agenda Item 19

Application Number

P/2012/1029

Site Address

Warberry C Of E Primary School
Cedars Road
Torquay
Devon
TQ1 1SB

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Formation of single storey four classroom extension with toilets and corridor

Executive Summary/Key Outcomes

The proposal seeks permission for a single-storey classroom extension that will provide four additional classrooms within an established primary school site.

The fundamental principle of extending over the footprint identified on what is currently an area of hard play is broadly considered acceptable. The school has sufficient outdoor play space elsewhere, notably to the North, and the recent permission P/2012/0778 provides suitable alternative hard play space.

The scale and design of the proposed extension is considered to sit comfortably within both the residential and wooded context, offering a clean modern interpretation of a Villa wing extension from the South, but appearing more recessive to the North, where it addresses the adjacent greenspace.

There are highway and arboricultural matters outstanding, however Officer's consider that there is scope for both of these matters to be resolved through the submission of further information and negotiation to reach an appropriate outcome.

Recommendation

Site Visit; Conditional Approval (conditions delegated to the Executive Head of Spatial Planning); Subject to (i) resolution of arboricultural matters to the satisfaction of the Authority's Arboriculture Team, (ii) resolution of highway and transportation matters, in regard to the likely implications of additional vehicular movements and the suitable mitigation thereof, being to the satisfaction of the Authority's Sustainable Transport Officer.

Site Details

This is a primary school site that sits to the North of Cedars Road, close to Warberry Copse. It currently holds a small cluster of one and two-storey

buildings set off a central access with limited parking to the front of the buildings. The setting of the buildings is of parking to the front with further areas of landscaping and hard play space. Associated outdoor play space is offered on playing fields sited to the North of a dissecting public footpath that runs along its northern border.

The surrounding area is largely residential in character and in terms of designation the site lies within the Warberries Conservation Area.

Detailed Proposals

A four classroom extension which is offered within a linear single-storey mono-pitched wing that is to be sited along the Northern border of the site.

In regard to physical detail the main body of the wing covers a footprint of approximately 31 metres in length by 11 metres in depth that offers four classrooms and a link corridor. This is supplemented by a recessed link to the existing building that is 6.5metres in length by 8 metres in depth. The elevations rise to an eaves level of 3.1 metres (from the ground level) off its northern aspect and 4.4 metres off its southern aspect, the difference being the result of a natural drop in ground level across the site towards the South. The mono-pitch element is set to a 17 degree pitch that rises a further 2.8 metres in height from the eaves.

In regard to materials the base elevation finish will be of white rendered masonry. Within the southern elevation this will remain the dominant wall finish, broken up by a linear run of aluminium windows framed within a 'box' detail. The northern elevation is clad with randomised wood effect planks at ground floor with render rising above towards the apex of the mono-pitch. The end elevation is again rendered with an external covered area protruding. The pitched element of the roof is to be finished in lead-coloured seamed aluminium, with flat elements finished with a grey membrane.

The scheme has developed through a bay-wide resource review that is seeking expansion to primary school numbers in order to respond to rising demand.

Summary Of Consultation Responses

English Heritage: The application should be determined in accordance with national and local advice, and on the basis of the Authority's specialist advice.

Conservation Officer: Recommends approval, the scheme responds positively to the comments offered by the Torbay Design Review Panel.

Arboricultural Officer: Further detail is required in order to provide a

recommendation.

South West Water: No objection to the application, foul and surface water drainage proposals as submitted have been agreed.

Drainage Department: Further to SWW's comments the drainage strategy is accepted. There is however no details of the system data used in the design, which would need to be submitted and approved. Surface water drainage system should be designed in order that no flooding to property is predicted for the critical 1:100 year design storm event (plus an allowance for climate change). Further detail should therefore be submitted before planning permission is granted.

Highway/Sustainable Transport Officers: No objection in principle, however the increase in staffing and pupil numbers will result in an impact upon the transport infrastructure if left unmitigated. Further information on the existing and proposed school staffing and pupil numbers, together with existing measures that are in place to encourage a modal shift away from car use and the proposed complementary measures that are expected to mitigate the additional pressures from such an expansion, should be provided for consideration.

Torbay Design Review Panel: The panel comments were broadly supportive of the project with minor suggestions in regard to:-

- reconsideration of the roof pitch
- over-sail roof beyond the gable end
- explore ramps between levels within landscape rather than in the gap behind the building
- consider using timber cladding on toilet block elevations

It is considered that the revised scheme has responded to these issues for the most part and that the scheme is acceptable in design terms.

Summary Of Representations

Five letters of representation have been received, a summary of the salient points are as follows:-

- overdevelopment of what is a small school site
- traffic associated with the site is already a problem locally and expansion to increase school numbers will only exacerbate the issues
- there already appears to be a high number of children attending the school from a wider area. Schools nearer to where there is true need should be expanded.

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

Relevant Planning History

P/2012/0778	New hard play area, outdoor PE store and connecting access path – permitted
P/2004/1188	2 Storey Extension To Form Classrooms With Entrance, Lobbies, WC'S Lift And Plant Rooms (As revised by plan received 8/9/04) - permitted
P/1998/1196	Erection Of Extension To Form Classroom – permitted
P/1991/1204	Extension To Nursery, Addition To Provide School Office - permitted
P/1988/0420	Extension To School Building, Formation Of 2 Hard Play/ Parking Areas And Siting Of Mobile Classroom – permitted
P/1986/1439	Single Mobile Classroom - permitted

Key Issues/Material Considerations

The most directly relevant Local Plan Policy is that of CF10 *New schools and improved school facilities*. The policy provides for the improvement and expansion of existing school facilities providing the following four criteria are met:

- 1) The sites for new schools are well related to residential areas
- 2) School sites are of a sufficient size to accommodate the design and layout
- 3) Proposals have regard to the need to safeguard existing playing fields
- 4) Proposals can be accommodated without undue detriment to surrounding residential areas

Considering the context of the site and policy guidance the key issues in respect of this application are:

- 1) Design and Visual Impact
- 2) Layout and Land Use
- 3) Neighbour Amenity
- 4) Highway Implications
- 5) Arboricultural Implications

Each of these matters is addressed in turn below.

1. Design / Visual Impact

The proposed building is sited to the northern part of the site and the development area appears to sit as a natural extension to the existing cluster of buildings. Its location is considered to be a pragmatic solution given the site's

constraints.

The scale of the proposed block is considered appropriate when considering the bulk and massing of the existing school buildings and the extent of the plot that they sit in. The linear form is considered to be a successful solution as to how to offer the required classroom numbers within what is a narrow linear site with a varied topography. Its mono-pitched design maintains the low-lying character of the school and keeps the actual and perceived bulk to a minimum. The detailed finish is suitable when considering the wider character of the school, with white render and the metal seamed roof sitting as a modern contextual reference of the surrounding Villa form. The treatment of the northern elevation, where it introduces timber effect cladding, offers a more visually recessive finish that responds to its framing of and relationship to the adjacent playing fields and woodland. All matters considered the proposal is a positive solution that would sit comfortably within the site and wider context, thus conserving or enhancing the character and appearance of the Warberry's Conservation Area inline with key design-based policy guidance.

2. Layout and Land Use

The proposal seeks to provide a classroom extension on an outside hard play area. Although the site of the school to the South of the adjacent public footpath is relatively constrained the school does also encompass a relatively extensive area of greenspace immediately adjacent to the North of the footpath. This is currently fully grassed and contains formal and informal sports play. This area offers high quality play space and there is a concurrent scheme that has now been approved to replace the area of hard play in this area and provide improved playing pitch provision. Given the concurrent improvement proposed in the quality of outdoor play space to the north, suitable mitigation is provided for that which is lost to make space for the new classrooms.

3. Neighbour Amenity

The siting of the proposed block is fairly central within the plot and hence there is some considerable distance to adjacent residences to the East and to the South. When considering the scale of the building in conjunction with the distance to adjacent residential plots, local amenity would remain unaffected, with no loss of privacy, light, or any feeling of an overbearing nature. Noise associated with the use is likely to be commensurate with the established use and hence the impact upon neighbours in this regard is likely to be diminimus.

4. Highway Matters

The scheme offers no alterations to access or parking and thus the key issue is whether the likely increase in staff and pupil numbers will affect highway safety and/or local occupants. An up to date green travel plan has been submitted with the application which highlights what is currently being done by the school to promote a modal shift towards more sustainable modes (walking, cycling etc). It does not however explore the implications of the proposal upon school numbers,

the likely affect of this upon the highway network / locality, and a strategy to mitigate this. As matters stand greater understanding of this is imperative and as such a positive recommendation would be subject to further information about the school's transportation strategy and appropriate mitigation for any transport impacts that arise from the proposed expansion.

5. Arboriculture

The site sits within a Conservation Area and hence all tree specimens are protected. The scheme has been accompanied by a tree survey and impact assessment that covers the site in question and the adjacent playing fields site. The proposal requires the removal of a small number of trees, however as matters stand they have not been categorised. Until their arboricultural value is known in order to offer understanding towards acceptability / levels of mitigation, the Council's Arboricultural Officer withholds comment. Further information will be provided at the committee meeting in this regard.

S106/CIL -

The expansion of the school facility may offer a requirement for planning contributions in respect to sustainable transport, relative to the new floor area. However, the Authority's Sustainable Transportation Officer has responded that in this case on-site mitigation is the preferred option to offset the likely impact.

Conclusions

The fundamental principle of expansion is considered acceptable as the site is considered to have the attributes to comfortably accept the scale of development whilst maintaining adequate outdoor play space.

The scale and design of the proposed wing sits comfortably within the locality and offers a clean-lined modern interpretation of a Villa extension, which also relates well to the verdant character to the North through the use of materials.

There appears scope to offer mitigation towards transport and tree impacts, this matter will be updated for Members at the committee meeting.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- CFS Sustainable communities strategy
- CF10 New schools and improved school facilities
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T26 Access from development on to the highways

- LS Landscape strategy
- L9 Planting and retention of trees

Application Number

P/2012/0630

Site Address

Westella
Tor Vale
Torquay
Devon
TQ1 4EB

Case Officer

Miss Alix Cathcart

Ward

Tormohun

Description

Erection of 16no. 250W Solar Pv panels on A-Frames on residential garage roof of Westella.

Executive Summary/Key Outcomes

The installation of solar panels is supported by Local Plan policy. The panels would be in the public view. It is considered that the impact of the proposal on the neighbouring property and on the wider public would not result in material detriment to amenity, sufficient to justify refusal of the proposal.

Recommendation:

Approval.

Site Details:

Semi detached Victorian villa on east side of Tor Vale, which is a cul de sac ending in Clarendon Close. The site of the application proposal is the flat roof of a double garage which has been constructed at the side of the property at its north west corner.

A site review meeting was held on 5 November 2012, attended by Councillor Excell, where the outcome was that the application should be determined under delegated powers, provided that screening, such as a parapet, was fixed at the side of the garage roof, to screen the panels from view from the objector's side. The applicant has declined to make this revision to the scheme, with the following response:

"Erecting screening is likely to cause shadowing to the panels late in the afternoons/evenings and reduce the productivity of the panels (which is why they are being raised in the first place.

"A Parapet is likely to be caught by the wind, unless a more solid parapet is installed which is likely to add significant cost the Applicant's project.

"We feel that the main views from Clarendon are at the front and rear of the property and not at the side where there are bedroom views towards the proposal.

"As per Peter Robert's letter dated 5th November 2012 he considers the visual impact of raising the panels to be "limited", as do we.

"The Applicant feels that the request for screening to be erected in an area which is not a Greenbelt, Conservation Area, AONB or on or within the curtilage of a listed building is unreasonable and not a standard/expected mitigating measure for applications of this type outside of sensitive areas. In addition there are other solar panel installations on nearby properties and are therefore not completely alien to the area."

The application is therefore being referred to the Development Management Committee for decision.

Detailed Proposals:

The fixing of solar panels at a raised, elevated, angle facing towards the south west. The solar panels have already been installed with the benefit of Permitted Development Rights, lying flat on the garage roof. Planning permission is required to raise them above 200mm from the surface of the roof. The submitted plan shows that the maximum height of each panel would be 0.72 of a metre.

Additional details have been provided by the applicant confirming the glare reducing properties of the cells which make up the panels.

Consultation Responses:

No comments.

Representations:

One letter of objection has been received from 5 Clarendon Close, the neighbouring property to the north. Points raise include:

- The panels, as installed, result in glare and an unsightly view.
- The panels will spoil the area
- Alternative siting possible
- Loss of value

This has been re-produced at Page T.207.

Relevant Planning History:

2012/0490 Installation of 16 250w Solar PV panels on flat roof and all associated works. Withdrawn, due to inaccurate plans.

Key Issues/Material Considerations:

The installation of solar panels is supported in principle by Policy EP2 Renewable Energy of the Local Plan. The main issues in this case are the impact of the development on residential amenity and on the character of the area.

It is acknowledged that the panels have an ungainly appearance and that their appearance from neighbouring houses, particularly to the north, would be unattractive. The issue is whether their size, siting and design is such that planning permission ought to be refused.

It is accepted that the panels need to be sited at an angle in order to perform their function, so requiring them to be laid flat is not considered to be a realistic option.

The panels are not considered to have an overbearing impact, the main issue is their ungainly appearance. While it is accepted that they would be in the public view, the number of neighbouring properties with views from their properties or on travelling along Tor Vale and Clarendon Close for the purposes of access would be relatively limited due to the cul de sac location.

Response to points raised by the objector:

The objections raised by the neighbouring occupier are understood. It is noted that their house is occupied as a single dwelling house, where the principal outlook is to front and rear with smaller windows facing to the side. While the objector considers that there may be potential for an alternative siting, the application falls to be determined as submitted. Loss of value is not a material planning consideration.

Section 106/CIL:

Not applicable.

Conclusions:

While concern of the objector regarding the visual appearance of the installation is acknowledged, there is a strong policy context supporting the installation of renewable energy systems. Given the relatively secluded location of the proposal, not on a main thoroughfare, it is considered that the harm to visual amenity is not so great as to warrant refusal of the proposal.

The applicant's reasons for not wishing to include a side screen in the scheme are considered to be reasonable and the proposal is supported as submitted.

Accordingly, the application is considered to reflect Local Plan policy criteria and is recommended for approval.

Condition(s)/Reason(s)

01. The PV panels hereby approved shall be removed when no longer required for the purpose for which they were installed.

Reason: In the interests of amenity and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because of its size, siting and design. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies

EP2 Renewable energy
H15 House extensions