



Friday, 11 May 2012

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 21 May 2012**

commencing at **2.00 pm**

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

### **Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

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**Working for a healthy, prosperous and happy Bay**

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

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

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



# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

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 30 April 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/2012/0181/PA - Brampton Guesthouse, 11 Beach Road, Paignton**

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

(Pages 5 - 11)

6. **P/2012/0283/VC - 26 Broadpark Road, Paignton** (Pages 12 - 15)  
Variation of condition to application P/2011/0990/HA - condition 2 - trellis panel in place of Leylandii.
7. **P/2012/0349/PA - The Blue Seafood Company, Unit 15 South Quay, The Harbour, Paignton** (Pages 16 - 18)  
Continue siting of 40ft container on allocated parking area; continue siting of 20ft blast freezer on allocated parking area.
8. **P/2010/1397/PA - Sunnyvale, 31 Loxbury Road, Torquay** (Pages 19 - 26)  
Formation of single detached dwelling within curtilage; demolition of garage and form 2 new garages and vehicle access (revised scheme)(As revised by drawings submitted 01-08-11).
9. **P/2012/0017/PA - 1 Birds Haven, Avenue Road, Torquay** (Pages 27 - 33)  
Formation of 1 dwelling on land adjacent to 1 Birdshaven.
10. **P/2012/0191/HA - 2 York Crescent, Torquay** (Pages 34 - 39)  
Alterations and formation of ground and first floor extension; retrospective fence.
11. **P/2012/0211/PA - 72 Kenwyn Road, Torquay** (Pages 40 - 43)  
Formation of extension at rear with pitched roof and demolish existing rear extensions.
12. **Appeal Decisions** (Pages 44 - 49)  
To note the outcomes of appeals.
13. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
14. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let the Governance Support know by 5.00 p.m. on Wednesday, 16 May 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

30 April 2012

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Butt, Davies, Hernandez, Lewis, Richards, Thomas (D) and Scouler)

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### 652. Apologies for absence

An apology for absence was received from Councillor Barnby.

### 653. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 April 2012 were confirmed as a correct record and signed by the Chairman.

### 654. P/2011/0035/MPA - Former Royal Garage Site, 4-24 Torwood Street, Torquay

The Committee considered amendments to some of the conditions previously considered and approved by Members in respect of demolition works; formation of mixed use development to form hotel, A3 units, 2 external purpose units ( D2 use for fitness centre and B1 use for office suite) and 14 apartments with vehicular and pedestrian access.

Resolved:

- (i) the amendment of some of the conditions previously considered and approved by Members to be delegated to the Executive Head of Spatial Planning
- (ii) the Committee renewed the authority to the Executive Head of Spatial Planning to issue the formal Decision Notice

### 655. P/2011/0925/MR4 - Oldway Mansion Site And Fernham Nursing Home, Torquay Road, Paignton

The Committee considered an application in respect of construction within grounds of Oldway Mansion to form 46 three and four bedroom townhouses. Construction of new orangery, wedding room and cafe. New 4 rink indoor bowling centre, reconfiguration of 6 hard surfaced tennis courts, alterations to access and works to

provide new public parking and improvements to existing. Restoration of selected areas of historic landscape. Construction of 64 assisted living apartments on the site of Fernham Nursing Home. THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Prior to the meeting written representations were circulated to the Committee. At the meeting Keith Johnson and Mr Corps addressed the Committee against the application and James Brent and Paul Hawthorne addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Lewis, Councillor Butt and Cllr Thomas (D) addressed the Committee.

Resolved:

Approved subject to:

- (i) Further views of English Heritage
- (ii) Receipt of revised and supplementary plans of the Fernham scheme to the satisfaction of the Executive Head of Spatial Planning
- (iii) Readvertisement of the Fernham scheme and subject to no new matters being raised in any representations
- (iv) Revised plans showing the changes to the Zone C housing, clarifying the works to the existing road access, including sections and confirmation that trees are to be retained. To the satisfaction of the Executive Head of Spatial Planning.
- (v) Receipt of an acceptable conceptual indication of the approach to be taken of details in relation to retaining structures/drives and boundary treatments in Zone A and clarifying relationship to the development on Fernham.
- (vi) Receipt of an acceptable conceptual indication of the approach to be taken of specific landscape proposals to mitigate the interface between the proposed housing and the historic park to reintroduce a greater sense of enclosure and achieve greater softening and screening.
- (vii) Satisfactory resolution of conditions as set out in the submitted report to be delegated to the Executive Head of Spatial Planning and to also include upgrading the pedestrian access to the wedding venue from the car park ,and improvement of vehicular access to the wedding venue via Little Oldway
- (viii) The Executive Head of Residents and Visitor Services and the Chief Executive of the TDA to be advised of views expressed at the Development Management Committee meeting in respect of the business case for only 6 new tennis courts at Oldway for their response and action as appropriate.

**656. P/2011/0926/LB - Oldway Mansion Site And Fernham Nursing Home, Torquay Road, Paignton**

The Committee considered the construction of new orangery, wedding room and cafe, restoration of selected areas of historic landscape, works to listed wall to facilitate vehicular access. Demolition of existing indoor bowls centre. Works to existing car parking area. THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Resolved:

Approved subject to:

- (i) on receipt of revised plans in respect of alterations to boundary wall, to advise the NPCU that the Authority is minded to approve the application subject to referral to the Secretary of State and:
- (ii) the inclusion of conditions as set out in the submitted report be delegated to the Head of Spatial Planning to resolve.

**657. P/2011/1020/MR4 - Oldway Mansion, Torquay Road, Paignton**

The Committee considered an application in respect of change of use of Oldway Mansion, Rotunda and stables from Council Offices to 57 bed hotel with ancillary spa, conference and banqueting facilities, external alterations, formation of entrance foyer to stables and restoration/refurbishment of existing glass conservatory structure. Demolition of squash courts. Improvements to car parking area. THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Resolved:

Approved subject to:

- (i) the submission of detailed plans delineating the extent of the stables to be withdrawn from the current applications.
- (ii) the resolution of conditions in the submitted report to be delegated to the Head of Spatial Planning.

**658. P/2011/1021/LB - Oldway Mansion, Torquay Road, Paignton**

The Committee considered an application in respect of change of use of Oldway Mansion, Rotunda and stables from Council Offices to 57 bed hotel with ancillary spa, conference and banqueting facilities, external alterations, formation of entrance foyer to stables and restoration/refurbishment of existing glass conservatory structure. Demolition of squash courts. Improvements to car parking area. THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT.

Resolved:

Approved subject to:

- (i) advising the NPCU that the Authority is minded to approve the application subject to the referral to the Secretary of State and;
- (ii) the conditions set out in the submitted report be delegated to the Head of Spatial Planning.

Chairman

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# Agenda Item 5

**Application Number**

P/2012/0181

**Site Address**

Brampton Guesthouse  
11 Beach Road  
Paignton  
Devon  
TQ4 6AY

**Case Officer**

Mr John Burton

**Ward**

Roundham With Hyde

**Description**

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

**Executive Summary/Key Outcomes**

The application seeks to change the use of a small mid-terraced guesthouse that is located between Paignton Seafront and the Victoria Park Multi-Storey Car Park. The change of use proposed is to a residential use for a scheme that will provide three flats within the main building.

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

Despite the fact that the site is within a primary tourism designation area, the proposal, which is for three residential units in place of the 9-bed guesthouse, is considered acceptable. This judgment has been formed on the basis that, following the criteria in policy TU6; a) the tourism offer of the existing hotel is limited and there is little scope or potential for improvement, b) the number of rooms and bed-space is limited, c) the loss of the premises, within a wider area where there are numerous guesthouses and larger hotels, would not be detrimental to the holiday character, and d) the residential occupancy of three flats would not harm the holiday character or atmosphere of the area.

**Recommendation**

Subject to revised plans showing the upper floors having access to the rear for waste disposal purposes; and subject to the payment of planning obligations inline with adopted policy, via an upfront payment or a formal S106 Legal Agreement within 6 months of the date of this committee; Conditional Approval.



### **Site Details**

The site holds a three-storey mid-terraced building that is currently in use as a guesthouse. Internally the building features an owner's residential flat to the rear of the ground floor, with a communal room to the front. In the two upper floors there are a number of small bedrooms and washing facilities.

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

In regard to land designations the plot sits within a PHAA and within a 'Green Zone' as identified in the supplementary *Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan*. The site also sits within a flood risk zone.

### **Detailed Proposals**

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

### **Summary Of Consultation Responses**

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

*Environment Agency:* No objection to the proposal subject to the Council being satisfied that the occupants of the ground floor residence would be safe from the risks that flooding poses over the lifetime of the development.

### **Summary Of Representations**

No representations received.

### **Relevant Planning History**

P/2011/0910 No. 9 Beach Road (next door but 1), 3 flats and 1 maisonette (giving 4 residential units in total), approved 3/01/2012

following consideration by Members at their meeting in November 2011.

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

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

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

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

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

a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;

b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);

c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and

d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

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

Following recent similar proposals elsewhere in the Bay, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and subsequently presented to Full Council on July 13th 2011. The revised guidance on PHAA's (March 2010) placed this part of the PHAA in a green zone where residential use would be likely to be allowed.

Since that time, determination has been made of several appeals where it was proposed to convert holiday accommodation to residential use, following the Council's resolution to refuse planning permission. These appeals have all been allowed effectively over turning the Council's objection. In reaching the various decisions, the Inspector concluded that the Revised Guidance on PHAA's should be given considerable weight in determining the appeals. He also concluded that allowing the appeals "would be very unlikely to have any perceptible impact upon the holiday atmosphere of the wider PHAA or the locality, and that there was nothing to demonstrate that it would harm the character or function of the PHAA". It is considered that this phrase is applicable to this property.

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

It is also relevant that the conversion of no. 9 Beach Road was approved at committee in November 2011. Nevertheless, that conversion did allow for

access to the rear courtyard for each of the residential properties to allow for external bin storage. As such, it is considered that this should be sought in this instance too.

**Visual enhancement -**

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

**Neighbour amenity issues -**

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

**Flood Risk Issues -**

The proposal does not introduce a 'more vulnerable' use and therefore due to the 'maintenance of the status quo', the risk of flooding does not raise any new concerns that should require addressing. The Environment Agency has confirmed that it has no objections, provided there is safe refuge for the ground floor flat in the event of a flood. This is provided for within the plans as the ground floor flat will also incorporate a second bedroom at first floor level.

**Highway Matters -**

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

**S106/CIL -**

This proposal is liable for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the



## **Relevant Policies**

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# Agenda Item 6

## **Application Number**

P/2012/0283

## **Site Address**

26 Broadpark Road  
Paignton  
Devon  
TQ3 2QD

## **Case Officer**

Miss Alix Cathcart

## **Ward**

Clifton With Maidenway

## **Description**

Variation of condition to application P/2011/0990/HA - condition 2 - trellis panel in place of Leylandii

## **Executive Summary/Key Outcomes**

The proposed alterations to the approved boundary screening are considered, in the particular circumstances of this case, to be acceptable and to meet Local Plan policy criteria.

## **Recommendation**

Approval

## **Site Details**

Semi-detached bungalow, standing in line with the other houses on the east side of Broadpark Road, all set back from the road up steeply sloping front gardens. The applicant's house is stepped up a little, relative to its attached neighbour. The front gardens contribute to the pleasant character of the road. Some have a parking bay or garage at road level. There is a variety of terracing and balconies.

The decking structure which was the subject of approval decision P/2011/0990 has not yet been completed.

The application is being brought before the Committee at the request of Councillor Pentney.

## **Detailed Proposals**

Permission ref P/2011/0990, for decking at the front of the applicant's house (see below), provided for a margin and boundary screening for the benefit of the attached neighbouring property, 24 Broadpark Road.

The applicant is now requesting to change the details of the boundary screening, so as to be able to use the decking as soon as it has been constructed, instead of having to wait until the planting has grown to the 2m height required by Condition 2.

The proposal is (1) to form a 2m high temporary screen on the boundary which would have immediate screening effect, using a product described as an artificial hedge, constructed of wire netting and artificial ivy. This is a one-sided product. The intention is that the “good” side would face towards the neighbour and the reverse side towards the applicant’s garden. (2) A planter would be sited within the 0.8m margin, along the foot of the fence, in which evergreen plants would be established. These plants would, in time, form the permanent screening feature and the temporary artificial hedge would be removed.

The application has been revised since its original submission, to clarify the reasons for wishing to change the condition and to clarify the details of the proposal.

### **Summary Of Consultation Responses**

No comments

### **Summary Of Representations**

One letter of objection has been received, from the attached neighbouring property 24 Broadpark Road. Points raised include: Fence panels were earlier considered unsuitable; fencing and small plants would not occupy the whole 0.8m margin; and querying the need for for changing the condition.

One letter of support has been received from the neighbour on the other side, 28 Broadpark Road.

These are reproduced at Page P.202.

### **Relevant Planning History**

P/2011/0990            Formation of decking at front of dwelling; leylandii screening between property boundary and 400mm fencing along front (part retrospective). Approved.

The permission was subject to two conditions:

1. The decked surface of the terrace, hereby approved, shall not be constructed closer to the boundary with 24 Broadpark Road than 0.8m, this margin to be used for the boundary hedge as shown on the approved plan.
2. The terrace, hereby approved, shall not be brought into use until the screen hedge, shown on the approved plan on the boundary with 24 Broadpark Road has been established to form a continuous screen with a height of 2m, measured from the level of the decking, such hedge to be retained at, or about, that height at all times, including replacement as may be necessary from time to time.

The reason for the conditions were “in the interests of privacy”, and “privacy and



amenity” respectively.

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

Family circumstances continue to be relevant to this proposal. The decking will improve the outside amenity area available for family members and they wish to be able to take advantage of it this coming summer.

While artificial planting would, in many instances, not be considered an appropriate material, in the circumstances of this case it is considered that the proposal represents a practical solution to the timing issue, which would also safeguard the reasonable privacy and amenity expectations of the neighbouring occupiers. The submitted details show the ivy material to be densely made, restricting views through; the planter would maintain the 0.8m margin; and the evergreen planting would, in due course, grow to the thickness and height envisaged in the original condition. It is considered reasonable to specify that the artificial hedge is to be installed on a temporary basis only and that it be removed when no longer needed to fulfil its function.

Response to points made in representation/s: As discussed above, the fencing would be temporary only; shrub planting is proposed, not flowers, and would have a suitable thickness; the principal reason for the change is to meet the personal needs of a family member.

**S106/CIL** - Not applicable

### **Conclusions**

For the reasons discussed in this report, the proposal is considered to address adequately privacy and amenity considerations and to meet Local Plan policy criteria.

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

01. The terrace approved under permission ref. 2011/0990 shall not be brought into use until boundary screening on the boundary with 24 Broadpark Road, comprising an artificial hedge 2m high with the good side facing towards 24 Broadpark Road, and planter containing evergreen hedging plants, all as shown on the approved plan, has been installed and the hedge planting shall be established to form a continuous screen with a height of 2m, measured from the level of the decking, such hedge to be retained at, or about, that height at all times, including replacement as may be necessary from time to time.

Reason: In the interests of privacy and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Unless otherwise agreed in writing by the Local Planning Authority, the artificial ivy hedge hereby approved, together with the outermost supporting

fence post, shall be removed when the evergreen planting, shown on the approved plan has reached a height of 2m or by two years from the date of this decision, whichever is the sooner.

Reason: In the interests of amenity and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The 0.8m margin adjacent to the boundary with 24 Broadpark Road shall not be used other than for the siting of a planter containing hedge plants and for the temporary siting of an artificial hedge, as shown on the approved plan, and, for the avoidance of doubt, shall not be used as an amenity area for sitting out etc.

Reason: In the interests of privacy and 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**

# Agenda Item 7

**Application Number**

P/2012/0349

**Site Address**

The Blue Seafood Company  
Unit 15 South Quay  
The Harbour  
Paignton  
Devon  
TQ4 6DT

**Case Officer**

Mr Alexis Moran

**Ward**

**Description**

Continue siting of 40ft container on allocated parking area; continue siting of 20ft blast freezer on allocated parking area

**Executive Summary/Key Outcomes**

The application seeks to gain an extended temporary permission for the siting of two containers one of 12m and one of 6m within the Roundham and Paignton Conservation Area. Previously retrospective permission for the temporary siting of these containers had been granted with the period ending 31st May 2012.

The key issue to consider is the impact the containers have on the character and appearance of the Conservation Area and associated tourism uses of the area. The containers do have a detrimental impact on the character and appearance of the Conservation Area and as such their continued presence in this area would be contrary to policy BE5.

However the detrimental affect on the Conservation Area should also be considered against the potential impact on the overall business and number of people the facility currently employs.

On balance it is considered that allowing the siting of the units in this location until December 2014 would be unacceptable due to the negative affect their continuous siting has on the Conservation Area and associated uses in the area including tourism.

**Recommendation**

Refusal

**Site Details**

The site is the South Quay of Paignton Harbour which is within the Roundham and Paignton Conservation Area; more specifically the allocated parking area to the front of the Blue Sea Food Company. This allocation is retrospective.

### **Detailed Proposals**

The proposal is to extend the temporary siting of a 12m (40ft) container for the preparation of crab prior to cooking and a 6m (20ft) blast freezer until December 2014; the originally approved application allowed temporary siting until May 2012. The containers are sited on the allocated parking area outside of the existing factory building. The larger container is for the operation of opening and cleaning the crab in preparation for cooking, they are then placed in the smaller container which is the blast freezer. The company's factory burnt down in November 2008 and the use of these containers is required to continue the operation and maintain the current workforce of approximately 80 people.

### **Summary Of Consultation Responses**

Environmental Health – Comments awaited

### **Summary Of Representations**

A total of 9 representations have been received, 8 of which were objections and 1 was in support. The key issues raised from the objections are as follows..,

- Congestion
- Health and safety
- Impact on Conservation Area
- Impact on tourism
- Noise
- Odour
- Overdevelopment of the area

These are re-produced at Page P.201.

### **Relevant Planning History**

P/2010/0682 - Siting of 40ft container on allocated parking area; siting of 20ft blast freezer on allocated parking area (retrospective). The application was given a temporary permission for up until 31st May 2012 at the Development Management Committee of the 6th September 2010

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

The most significant issue to consider in relation to this application is the impact the containers have on the character and appearance of the Conservation Area. The containers utilitarian appearance does not enhance the character/appearance of this part of the Conservation Area.

The previously approved application stated that the retention of the containers would not be acceptable do to the harm caused to the Conservation Area and associated tourism uses which occur here.

However this issue should be weighed up against the existing number of people

the company employs at the facilities and the potential for this number to increase.

It is considered that, overall the detrimental impact on the Conservation Area and the lack of justification by the applicant as to why the factory has not been fitted out within the previously approved time frame overrides any other issues and as such the application should be refused.

**Economy -**

The applicant states that the current facility employs around 80 people and the application form states that this number could raise to 100.

**Conclusions**

The proposed continuation of the temporary siting of the containers is not 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 siting of the containers, by reason of their size, siting and design, has a detrimental impact on the character and appearance of the Roundham and Paignton Harbour Conservation Area.

The continuing siting of the containers is therefore considered to be contrary to policy BE5 of the saved adopted Torbay Local Plan 199-2011.

**Relevant Policies**

- BES - Built environment strategy
- BE1 - Design of new development
- BE5 - Policy in conservation areas

# Agenda Item 8

**Application Number**

P/2010/1397

**Site Address**

Sunnyvale  
31 Loxbury Road  
Torquay  
Devon  
TQ2 6RS

**Case Officer**

Mr Scott Jones

**Ward**

Cockington With Chelston

**Description**

Formation of single detached dwelling within curtilage; demolition of garage and form 2 new garages and vehicle access (revised scheme)(As revised by drawings submitted 01-08-11)

**Executive Summary:**

The proposal seeks to provide a detached dwelling within a triangular section of garden located to the side of the existing dwelling, which itself sits at the end of a long established residential cul-de-sac.

The proposal is considered to successfully respond to the sites constraints, the most sensitive of which is the visual impact upon the landscape setting of the neighbouring Cockington Valley, which it looks over. The proposal has a reduced scale to previous iterations that have not been supported, and it has been re-orientated to further lessen its impact upon the valley.

The proposal, with appropriate planning contributions secured and conditions that will ensure a suitable detail and supporting facilities, is considered acceptable on planning merit.

**Recommendation**

Site Visit; Conditional Approval (conditions as laid out at the end of this report in respect to landscaping, materials, colours and parking provision delegated to the Executive Head of Spatial Planning; subject to securing planning contributions (as laid out in this report) via an upfront payment or S106 legal agreement (within 6 months of the committee date).

**Site Details**

The site is a portion of an existing residential plot at the end of a cul-de-sac set on the hillside overlooking the adjacent Cockington Valley / Cockington Country Park / and the Cockington Conservation Area, land which is also designated as a

Countryside Zone and Area of Great Landscape Value. The site, which currently holds a single dwelling, does not however sit under any landscape or built designation, other than a tree belt on its south western border that sits under a Tree Preservation Order and forms part of a wider linear protected belt. In terms of physical detail the development plot is a triangular portion of steeply sloping garden land that sits to the side of the current dwelling. Access in to the site is already established via a vehicular driveway in the eastern corner of the site, which is one of a number of driveways that are served off the turning head sited at the end of Loxbury Road.

### **Detailed Proposals**

Through revised drawings submitted 01.08.2011 the proposal seeks to provide a secondary detached dwelling within the existing plot, set to the side of the existing property. The scheme also seeks ancillary works to form a shared garage structure that would be served via a widened access and manoeuvring area, together with retaining walls flanking the new property to each side.

In terms of detail the revised scheme offers a reverse level dwelling, which gives a single-storey form when viewed from Loxbury Road that drops to offer additional ground and lower-ground floor levels to the rear, giving a three-storey form as viewed from the south and west from the valley below. The form of the dwelling is a simple multi-pitched tiled roof set over two floors of render with a lower-ground floor of brick, which sits as a plinth.

The proposed garage is sited near the head of the plot, expanding past the footprint of the current single garage facility. The structure will provide a dual garage with one space per dwelling, over a total area 6metres by 6metres, set off a manoeuvring hardstanding space. This ancillary building features rendered walls and a sedum flat roof.

Further ancillary works include the widening of the existing access on to Loxbury Road, along with the provision of extensive retaining walls to either side of the proposed dwelling to permit the building to be set within the slope and offer the level of accommodation proposed at the two lower floors.

As a point of information the initial proposal offered a larger linear contemporary dwelling set across the site, hugging the contours of the ridge line, which oriented its widest elevation down across the valley. This proposal featured rendered walls with large areas of glazing, finished with flat 'green' sedum roofs. The scale was single-storey to Loxbury Road and two-storey to the rear.

### **Summary Of Consultation Responses**

*Conservation / Landscape Team:* It is concluded that, with an appropriate

landscape condition to secure suitable planting for the long term maintenance of the protected tree belt, which acts as a natural screen, the revised scheme is unlikely to present any significant negative impact on the character and appearance of the conservation area. The above has been concluded with consideration of the likely impact upon close, medium and long views, summarised below;

There are close views of the site from Loxbury Road and neighbouring properties, however the site falls away steeply from these properties and with the amendments to the design the dwelling will assimilate well with the existing mixed residential character.

The site benefits from a dense mature tree screen and off-site scrub planting on the western boundary, which will screen the proposed dwelling, even during the winter months, from medium distance views in the village (Cockington). It is noted that Cockington Lane is flanked by dense hedge banks which will further screen the proposal effectively from such views.

Finally, in regard to long views such as those permissible from high ground within Cockington Court grounds to the south and from the public footpath to the north, at these distances the proposed dwelling will be viewed as a minor element within the existing ribbon development on the hillside.

*Torbay Coast and Countryside Trust:* Object to the revised planning application. The property will add to an already congested skyline overlooking Cockington Country Park and would represent considerable damage to the setting of the Conservation Area and the protected landscapes of the park.

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

Root protection area defined in relation to new layout, with the approved fencing layout to be installed prior to any commencement and to be retained until completion.

Detailed landscaping plan to be submitted and approved which includes appropriate replacement tree for the removed Ash. Any tree surgery works should be undertaken pre-commencement including Ivy removal, minor branch rebalancing, crown raising, etc.

No grade changes to root protection areas.

*Highways Department:* Highways raise no objection to the revised application.



### **Summary Of Representations**

Six letters of public objection have been received in respect to the revised scheme and one further letter received in respect to the original application. The concerns raised are as follows;

- Design not in keeping
- Visual impact of this additional development adjacent to a valued landscape
- Insufficient parking provided and added pressure for on-street parking within a restricted area
- Will set a precedent for further development encroaching around the Cockington valley
- Highway safety through the addition of another dwelling served off a turning head of a tight cul-de-sac
- Impact of more bins on the road
- Impact of additional rainwater run-off to the valley below and flooding implications
- Impact upon wildlife

These are reproduced at Page T.201.

### **Relevant Planning History**

#### *Applications*

- P/1991/1081 Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road - Approved
- P/1992/1252 Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road - Approved
- P/1993/0061 Detached dwelling & integral garage, plot between 27 & 31 Loxbury Road - Approved
- P/2006/0346 Dwelling with combined vehicular/pedestrian access (in outline) - Refused
- P/2009/1129 Single detached dwelling within curtilage; Demolition of existing garage and formation of two new garages and access - Refused

#### *Pre-Application Advice*

- ZP/2005/0650          Erection of dwelling – Not Supported
- ZP/2010/0298          Single detached dwelling in curtilage – Split decision

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

Within this particular context the key considerations are deemed to be;

- (i) the visual implications of the scheme upon the built and landscape settings,
- (ii) the arboricultural implications upon the belt of protected trees on the

- south western border,
- (iii) the likely highway implications borne from the additional unit and the parking and access arrangements, and
- (iv) neighbour amenity issues.

#### *Visual implications*

Although not under any built or landscape designations the plot sits adjacent to and can be viewed from the Cockington valley, which is under a number of such designations. Consideration of the wider visual impact, in addition to the impact of the local streetscene, is therefore a key consideration.

Firstly in respect to the local streetscene it is considered that the proposal would sit comfortably within what is a mixed character that holds a myriad of building types from the mid and late 20th Century. Although absent of a defining character, the proposal is considered to accord with scale, general form, and setting of properties within the street. It is hence likely to sit comfortably within the street with little detriment to the local visual qualities.

In regard to the likelihood of any wider impact upon the visual qualities of the multi-designated Cockington Valley, which it overlooks, it is concluded that the visual impact is likely to be minimal. The Authority's landscape officer has considered the likely impact to medium and long views offered from the village and other public areas in the vicinity, and there is acceptance that the scale of the dwelling, combined with the level of screening presented from the adjacent tree belt, provides scope for either little or no impact upon the setting of this area. It is generally appreciated that the reduced scale of the dwelling over previous iterations, together with its reorientation that offers a slimmer elevation towards the valley, has managed to overcome previous concerns over any likely impact. In addition it is believed that the submission via condition of a colour palette and material finish for the scheme offers the potential to ensure the development comes forward in a recessive finish to further limit any visual impact. Proactive replanting of the protected tree belt is not considered necessary, as the Authority's arboricultural officer has confirmed that the tree belt is healthy and relatively early in its life, and that the TPO will permit management of succession planting in the future.

#### *Arboricultural implications*

The only arboricultural constraint to the scheme is the linear group of protected mature trees orientated north-south at the bottom the steeply falling garden. These trees are highly prominent to the Cockington valley and to parts of the village, serving to soften the built landscape from the historic village below.

The present iteration of the scheme creates a positive relationship with the trees that are present and seems to be outside of any root protection area (RPA).

Further to this the trees are within early stages of growth to the main and are likely to serve as an effective amenity for a considerable period of time. No succession planting is required to these trees as this will be controlled via the TPO.

A stump of a recently felled large Ash tree is present within the unused garden to the north west of the more ornate garden area. Study of the planning database shows no record of any ordinary application that would allow this felling. However study of the remains shows extensive colonisation of decay fungi which would have likely allowed a permission to fell under the exemption by giving 5 days notice to the authority. No replacement tree has been planted.

It is appreciated that the previous application, P/2009/1129, had raised concern that concern that the setting of a large residential unit adjacent to the protected tree belt may give rise unwarranted pressure to fell and the citing of perceived psychological pressure, and possible pressure to undertake significant tree surgery works, both to the loss of visual amenity. These previous comments are considered satisfied through the design and siting.

As a note the present layout, whilst respecting the trees, centres upon the view to the head of Cockington Valley, and therefore it is considered important at this stage that the protected tree is replaced and understood as a constraint to an uninterrupted view. Appropriate species choice and siting should afford a framing of the view rather than an interruption.

#### *Highway / parking access matters*

The proposal utilises the existing vehicular access for the plot, albeit slightly widening the access, and reconfigures the parking facilities to provide dual garage and enhanced manoeuvring within the plot.

The level of parking is considered commensurate for the form of development and the ultimate provision of two dwellings within the plot. The access and egress is considered safe and secure, with the turning facility and widened access possibly giving an improved relationship with the turning head of the cul-de-sac.

The Authority's Highway Officer has confirmed that the arrangements appear satisfactory and no objection is raised due to acceptance to the level of parking proposed and the access and egress arrangements.

#### *Neighbour amenity*

Impacts through loss of privacy and overlooking are somewhat limited as the clearest relationship will be with the host property. The only other adjoining residential border is with that of Numbers 28 and 28a, which are set on higher land. Considering the distances from property to property, along with appreciation of the topography and border screening, the visual links are not to a

degree that would warrant refusal on this matter. Likewise there are no implications in regard to loss of light due to the distance and physical separation.

The proposal is considered acceptable in respect of its likely impact upon local neighbour amenity.

### **S106/CIL -**

The application will provide an additional residential unit that would create additional pressures upon local physical and social infrastructure, costs which can be recouped as sanctioned by Section 106 of the 1990 Planning Act. The Council's adopted SPD *Planning Contributions and Affordable Housing: Priorities and Delivery* outlines the levels for contributions for varying forms of development and current guidance outlines that the following level of contribution is considered necessary.

*Contributions triggered by one residential unit scaled at +120m<sup>2</sup> floor area:*

Sustainable Transport:	£3,610.00
Greenspace & Recreation:	£2,370.00
Lifelong Learning:	£ 470.00
Waste & Recycling:	£ 50.00

**TOTAL: £6,500.00**

### **Conclusions**

The proposal is considered to offer an acceptable form of residential development that would sit comfortably within the immediate streetscene and sit as a natural extension to the existing ribbon development as viewed from further a field from the adjacent Cockington Valley below. With supportive conditions to achieve a recessive form of development, suitable landscaping and parking provision, along with securing suitable levels of planning contributions via an upfront payment or S106 legal agreement, the proposal is recommended for approval.

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

01. Prior to the first occupation of the residential dwelling hereby approved the parking facilities shall be provided and made available for use.

02. Submission of a detailed landscape plan, which shall include the appropriate replacement of the removed ash tree and confirm no grade changes to the root protection areas.

03. Submission of plans confirming the root protection area and details thereof

04. Prior to the commencement of development details of external materials and colour scheme, including all retaining walls, shall be submitted and approved.

### **Relevant Policies**

- HS - Housing Strategy
- H9 - Layout, and design and community aspects
- BES - Built environment strategy
- BE1 - Design of new development
- BE5 - Policy in conservation areas
- TS - Land use transportation strategy
- T25 - Car parking in new development
- T26 - Access from development on to the highway
- LS - Landscape strategy
- L2 - Areas of Great Landscape Value
- L4 - Countryside Zones
- L8 - Protection of hedgerows, woodlands
- L9 - Planting and retention of trees

# Agenda Item 9

## Application Number

P/2012/0017

## Site Address

1 Birds Haven  
Avenue Road  
Torquay  
Devon  
TQ2 5LS

## Case Officer

Mr Alexis Moran

## Ward

Cockington With Chelston

## Description

Formation of 1 dwelling on land adjacent to 1 Birdshaven

## Executive Summary/Key Outcomes

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

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

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

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

## Recommendation

Approval

## Site Details

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

## Detailed Proposals

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

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

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

### **Summary Of Consultation Responses**

*Arboricultural Officer:*

#### **Appraisal**

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

The following constraints apply to the site.

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

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

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

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

Potential will exist during any future occupation for repeated inappropriate requests to fell trees. Ordinarily this would lend weight towards a recommendation to refuse on arboricultural merit. However in this instance the quality of the tree stock left combined with the present detailed tree inspection which reinforces this would allow any tree work application under the TPO to be refused, with a strong likelihood that any appeal against a decision for refusal made by the LA would be dismissed.

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

#### Recommendation

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

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

#### Informative

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

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

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

Council Policy states the need to discourage car trips and promote alternatives



for local trips, and public transport is already well catered for.

One cycle parking space per dwelling should be available. If within a garage, the bike should be accessible even with a car inside. If a new separate store such as a shed is proposed, it should have a secure lock and not be connected to a bin / refuse area.

### **Summary Of Representations**

A total of 11 representations were received in relation to the application 3 supported the application, 6 made comments on the scheme and there were 2 objections the scheme.

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

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

These are reproduced at Page T.202.

### **Relevant Planning History**

P/2001/0246           Erection Of Single Dwelling Unit - Birds Haven – refused and subsequent appeal rejected 21.02.2001

P/2000/0924           Erection Of Single Dwelling Unit - Land Adj 1-4 Birds Haven  
Land Adj – refused 22.06.2000

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

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

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

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

occupiers of neighbouring properties.

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

**Environmental Enhancement -**

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

**Accessibility -**

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

**S106/CIL -**

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

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

Contribution for dwelling:

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

**TOTAL FOR DEVELOPMENT £ 5,540.00**

**Conclusions**

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

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

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

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

02. The recommendations within the tree report, hereby approved (received 10/01/2012) ref 03250 AIA 7.9.10, shall be implemented in full, particularly the need for arboricultural supervision, and all new planting shall be carried out in the first planting and seeding season following the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

Reason: In the interests of the amenity of the area and in order to comply with policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

### **Informative(s)**

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

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

BES, BE1, L5, T25, CF6 & CF7

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

03. The detailed landscaping plan can contain within its tree planting schedule a deviation from the original conditions set within AT/2008/0115 which were made by the LA in absence of any input from the applicant at decision stage. However the intention of the condition was to commence succession tree

planting of landscape scale trees to the mainly single aged trees stock present on site, which should inform the size and species selection.

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

**Relevant Policies**

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

**Application Number**

P/2012/0191

**Site Address**

2 York Crescent  
Torquay  
Devon  
TQ1 3SH

**Case Officer**

Mr Adam Luscombe

**Ward**

St Marychurch

**Description**

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

**Executive Summary / Key Outcomes**

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

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

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

The application is therefore considered acceptable on planning merit.

**Recommendation**

Committee Site Visit, Conditional Approval

**Site Details**

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

**Detailed Proposals**

It is proposed to replace and enlarge the conservatory on the rear and to construct a 1.5 storey extension to the side. The roof above the side extension

will be hipped with gables to the front and rear. The side extension will also extend to the rear by approximately 5 metres, as well as forward by 2 metres. There will be garaging to the ground floor with a living space behind and above will be a study space and en-suite master bedroom. It will also include a terrace on the rear elevation but this will be enclosed under an extension of the roof and built up sides.

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

### **Summary Of Consultation Responses**

No Comments

### **Summary Of Representations**

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

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

These are reproduced at Page T.200.

### **Relevant Planning History**

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

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

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

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

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

In considering whether the resultant development would lead to a cramped site or 'overdevelopment' in this case, whilst a substantial amount of the width of the site would be constructed on, such is the overall size of the plot that it is not considered that the development would lead to overdevelopment in the round. There are many examples in the street and locality where construction takes up the majority of the width of the plots.

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

With regards to the amenity of the neighbouring occupiers the design of the extension, whilst being developed towards the neighbouring dwelling will remain a minimum of 3 metres away from the boundary (increasing to 3.7 metres). The roof eaves is also lowered and although the length is more significant than the existing dwelling it is not considered to be imposing, or cause a loss of light, to a level that would have any adverse impact which would be contrary to planning policies. The enclosure of the terrace space will mean that it is not possible to overlook the neighbouring dwelling.

On visiting the neighbouring property the impact of any such extension was further discussed and considered. It will, somewhat obviously, extend much closer to the property than the existing building. The kitchen to the neighbouring property is located at the front of the house with a driveway between the application site and a glazed porch on the side of the kitchen. Level of light and perhaps more so the outlook enjoyed by the neighbouring occupiers, would be affected by the extension. However, it is not considered that the impact would be so significant so as to cause harm in accordance as described by policy H15.

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

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

The fence at the rear of the site is less than 2 metres high. Whilst it is erected on higher land and therefore has the impression of being much higher, it is considered to be erected on the ground level of the garden and as such would be Permitted Development – not requiring a planning application.

#### **Accessibility -**

Access to the site will remain unchanged. However, there is a new garage created and the existing driveway is shown with separation due to the required change in levels to support the extension. There is an excess of parking space on site and this will remain the case with the proposed development. Given the narrow street however, this is not considered to raise any concerns and will be of benefit to highway safety.

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

#### **Conclusions**

The proposed development is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. The key policies are BES, BE1 and H15 and principally concern the impact of the development in respect of overdevelopment; neighbour amenity; character and appearance. For this reason the application is deemed acceptable and is therefore recommended for approval.

It is recommended that a site visit is undertaken by the members of the committee to allow full consideration of the issues and the associated impacts of the proposed development.

It is important to recognise that the conservatory and fence are not considered to require a planning application and that instead they will be Permitted



Development.

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

01. The windows indicated as obscure glazing on the side (West) elevation of the extension shall be installed as such, to a level of or equivalent to Pilkington level 5, prior to the first occupation of the extension and shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority. Furthermore no additional windows, doors or other openings shall be installed in that elevation without the prior approval in writing of the Local Planning Authority.

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

02. The garage, as hereby approved within the extension, shall prior to the first occupation of the extension and at all times thereafter, be made available for the parking of motor vehicles in relation to the domestic use of the property and shall not be used for any other purpose that would restrict that facility unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that suitable vehicular parking is made available for use by the occupants of the dwelling at all times in accordance with policy T26 of the Saved Adopted Torbay Local Plan 1995-2011.

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

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

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

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

### **Relevant Policies**

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

**Application Number**

P/2012/0211

**Site Address**

72 Kenwyn Road  
Torquay  
Devon  
TQ1 1LY

**Case Officer**

Mr Adam Luscombe

**Ward**

Ellacombe

**Description**

Formation of extension at rear with pitched roof and demolish existing rear extensions

**Executive Summary / Key Outcomes**

It is proposed to extend and replace the existing two storey extension on the rear of the end of terrace property. A further extension at single storey with a mono pitch roof is proposed to wrap around the rear and side.

The application was discussed at a site review meeting but given that the building is in use as a small house in multiple occupation it was considered appropriate to refer the application to the development management committee in this case.

**Recommendation**

Approval

**Site Details**

The site contains an end of terrace property on the junction of Kenwyn Road and Carlton Road. The rear garden continues parallel with Carlton Road. Each property in the street has a two storey rear extension with a further single storey element. There is a stone boundary wall along Carlton Road with a gated pedestrian access and a garage located at the end of the garden. At the rear, adjacent to the terrace on Carlton Road and the garage, is a small access lane servicing the properties on Kenwyn Road.

The property, due to having 6 occupants living not as a single family, is classified under the use class C4.

**Detailed Proposals**

The proposal is to enlarge the rear extension, include a pitched roof over, and enlarge the single storey extension to include an aspect on the side.

The inclusion of the pitched roof will reduce the eaves height by approximately 1

metre. The ridge height will though be around 0.75 metres higher. In terms of the extent of the build, it will extend out further than the existing by 0.8 metres at first floor level. The overall extent at ground floor would be approximately 0.2 metres greater.

### **Summary Of Consultation Responses**

No Comments

### **Summary Of Representations**

Two letters of representation have been received. The issues that were raised in the letters concerned:

- Overdevelopment
- Loss of Light
- Use of the property

These are reproduced at Page T.203.

### **Relevant Planning History**

P/2010/0828	New garage with pedestrian access – PERMITTED - 27.09.2010
P/2010/1248	Formation of a bedroom over the approved garage as part of the existing dwelling – REFUSED 04.01.2011
P/2012/0022	Formation of 2 storey extension at rear with pitched roof and velux roof light and single storey extension at side; demolition of rear extensions – WITHDRAWN - 27.02.2012

#### *Application at 76 Kenwyn Road*

P/1999/1635	Erection Of Bedroom Extension At First Floor Level – REFUSED - 29.12.1999 – Appeal Dismissed
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### **Key Issues / Material Considerations**

The main considerations in relation to this application are the impacts on the amenity of the neighbouring occupiers, on the appearance and character of the area, and on the site itself in respect of cumulative development.

With regards firstly to the neighbouring property and their amenity it is considered that, whilst there will be an additional extent of 0.8 metres, because of the reduction in the eaves height there will be a minimal impact overall. The affect would not lead to a loss of light of such significance so as to cause harm to their amenity. Additionally, given the design of the roof it would be less imposing in respect of the outlook from the neighbouring property.

Whilst overdevelopment is a consideration, and an issue that has been raised by past development, because the proposed extension is not significantly greater in size than the existing extension it is not deemed to contribute in that sense. The

additional wrap around single storey extension does increase the footprint but primarily is constructed on ground which does not contribute to the openness of the plot and isn't used as amenity space specifically relating to the property.

In terms of the appearance and character of the streetscene this property is the end terrace and therefore any change to its appearance does have a more notable impact on the streetscene and wider area because of this. However, the change to the design is not considered to have any adverse impact on the overall appearance and the pitched roof design will reduce the overall bulk and reduce its overall affect.

**S106 / CIL** - Not applicable as the application relates only an extension to an existing residential property.

### **Conclusions**

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

The application has been referred to the Development Management Committee. The reason for this is that there has been a material change to the application type during the process of consideration. The initial submission was a Householder Planning Application, however the application site is not a use Class C3 (Dwelling House) which the householder application forms are for.

This is because in 2010, the previous Government created a new use, Class C4 (Small HMOs). In October 2010 the Coalition Government further amended the Use Classes Order to make the change from a dwelling house (Class C3) to a small HMO (Class C4) permitted development not needing a planning application. As such since this property it is in use as a 6 bedroom House in Multiple Occupation it has automatically changed use to a C4 Small HMO.

A revised Planning Application form has been submitted and the application is now a Full Planning Application not a Householder Application.

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

01. No windows doors or other openings, other than those indicated on the approved plan, shall be created in the North East side elevation of the extension unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity and in particular the privacy of the neighbour is preserved and that no harm is caused to those occupants in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

**Relevant Policies**

BES - Built environment strategy  
BE1 - Design of new development  
H15 - House extensions

## Report to Development Management Committee on Recent Planning Appeal Decisions

### May 2012

Since the last appeal report in January there have been 29 appeal decisions made. All of these were dealt with by the Written Representation method. 28 of the appeals were lodged against a refusal to grant planning permission by Torbay Council, the remaining appeal was against an enforcement notice. Of the 29 appeal decisions reported here, 19 were dismissed and 10 were allowed, this results in a percentage dismissed of some 65%.

It is worthy of note that 8 of the appeal decisions were at the same site (Belvedere, Marine Parade, Preston) and dealt with identical issues in relation to a proposed variation of condition to allow permanent residential occupancy. Given that the site, the issues and the decisions were identical in each case these decisions could be considered as one. Were these appeals combined, then the total number of appeals would decrease to 22, the number allowed decreases to 3 and the **percentage dismissed would increase to 86%**.

There now follows a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

### Appeals Dismissed (19)

**Site:-** FLAT 2-4 & 6, 28 KENTS ROAD, TORQUAY, TQ1 2NL

**Case Officer:-** Scott Jones

**LPA ref:-** P/2010/1336/PA

**Ward:-** Wellswood

**Proposals:-** Formation of extension at rear at first floor level

**Council's decision:-** Delegated refusal

**Issues:-** Poor design and detrimental impact on Lincombes Conservation Area

**Site:-** THE HAWTHORNS, JACKS LANE, TORQUAY TQ2 8QX

**Case Officer:-** Adam Luscombe

**LPA ref:-** P/2010/1367/HA

**Ward:-** Watcombe

**Proposals:-** Installation of shed in front garden

**Council's decision:-** Delegated refusal

**Issues:-** Visual impact on streetscene

**Site:-** SHEDDEN HALL HOTEL, SHEDDEN HILL, TORQUAY, TQ2 5TX

**Case Officer:-** Jamie Staples

**LPA ref:-** 2010/0505/EN

**Ward:-** Tormohun

**Proposals:-** Continued use of the hotel for guests staying for extended periods of time, the appellant argued that the site is not being used as a hostel

Council's decision:- Committee agreed to take enforcement action against change of use to a hostel

Issues:- Inspector agreed that a change of use had taken place and that the site in the PHAA was no longer in use as a hotel, he further agreed that this was in breach of planning and that the enforcement notice should be upheld.

**Site**:- 120 WESTHILL ROAD, TORQUAY TQ1 4NT

Case Officer:- Adam Luscombe

LPA ref:- P/2011/0398/HA

Ward:- St Marychurch

Proposals:- Shed in front garden

Council's decision:- Delegated refusal

Issues:- Visual impact on streetscene

**Site**:- 2 SPRINGFIELD ROAD, TORQUAY TQ1 3QA

Case Officer:- Robert Pierce

LPA ref:- P/2010/1373/PA

Ward:- St Marychurch

Proposals:- Conversion of existing garage to one bedroom dwelling with vehicle access

Council's decision:- Delegated refusal

Issues:- Overdevelopment, leading to town cramming and out of character with established residential pattern

**Site**:- 8 EDINBURGH ROAD, BRIXHAM, TQ5 9PH

Case Officer:- Alison Read

LPA ref:- P/2011/0558/OA

Ward:- St Marys With Summercombe

Proposals:- Demolition of single storey flat roof extension and formation of two storey side addition to form 1 number 2 bedroom dwelling with vehicular and pedestrian access (In Outline)

Council's decision:- Delegated refusal

Issues:- Harmful impact on the character and appearance of the area

**Site**:- 41 SHELLEY AVENUE, TORQUAY, TQ1 4PF

Case Officer:- Alison Read

LPA ref:- P/2011/0073/PA

Ward:- St Marychurch

Proposals:- Change of use of side extension to form new dwelling with 2 bedrooms with parking bay for one vehicle and side access to rear private garden

Council's decision:- Delegated refusal

Issues:- The proposal goes against the prevailing pattern and form of development and as such would be out of character. Furthermore the dwelling would not provide a satisfactory residential environment for future occupiers



**Site:-** 16 SMARDON AVENUE, BRIXHAM, TQ5 8JN

**Case Officer:-** Alison Read

**LPA ref:-** P/2011/0129/PA

**Ward:-** Berry Head With Furzeham

**Proposals:-** Formation of bungalow within curtilage of 2 Cambridge Road and 16 Smardon Avenue

**Council's decision:-** Delegated refusal

**Issues:-** Harmful impact on the character and appearance of the area and detrimental impact on the living conditions of No. 16 Smardon Avenue.

**Site:-** 3 ROUNDHAM ROAD, PAIGNTON, TQ4 6EZ

**Case Officer:-** John Burton

**LPA ref:-** P/2010/0272/PA

**Ward:-** Roundham With Hyde

**Proposals:-** Conversion from 4 flats into 2 dwellings; formation of extensions

**Council's decision:-** Delegated refusal

**Issues:-** The scheme would not preserve the character of the Conservation Area, the windows would be too modern in appearance and unsympathetically proportioned

**Site:-** DEVONSHIRE HOTEL, PARKHILL ROAD, TORQUAY, TQ1 2DY

**Case Officer:-**

**LPA ref:-** P/2011/0221/LB & P/2011/0194/PA

**Ward:-** Wellswood

**Proposals:-** Installation of new aluminium windows to front elevation of conservatory (retrospective)

**Council's decision:-** Delegated refusal

**Issues:-** Detrimental impact on the character and appearance of the Conservation Area

**Site:-** SITE AT 16 RHODANTHE ROAD, PAIGNTON, TQ3 1RD

**Case Officer:-** Alexis Moran

**LPA ref:-** P/2011/0939/HA

**Ward:-** Preston

**Proposals:-** Formation of car hard standing - revised scheme

**Council's decision:-** Delegated refusal

**Issues:-** Detrimental impact on streetscene due to the extent of excavation involved

**Site:-** SITE AT LINCOMBE HALL HOTEL, LOWER WOODFIELD ROAD, TORQUAY, TQ1 2JX

**Case Officer:-** Emma Phillips

**LPA ref:-** P/2011/0675/PA

**Ward:-** Wellswood

**Proposals:-** Erection of owner's accommodation

**Council's decision:-** Delegated refusal

**Issues:-** Impact on the character of the Conservation Area and setting of the main hotel building

**Site**:- SITE AT 3 THE ROUNDINGS, GALMPTON, BRIXHAM

**Case Officer**:- Robert Pierce

**LPA ref**:- P/2011/0711/HA

**Ward**:- Churston With Galmpton

**Proposals**:- Ground and first floor rear extension

**Council's decision**:- Delegated refusal

**Issues**:- Proposal fails to preserve the character and appearance of the Conservation Area

**Site**:- SITE AT 24 NORTH ROCKS ROAD, PAIGNTON, TQ4 6LF

**Case Officer**:- Robert Pierce

**LPA ref**:- P/2011/0697/PA

**Ward**:- Churston With Galmpton

**Proposals**:- Extension and conversion of existing double garage into a dwelling and erection of detached garage

**Council's decision**:- Committee refusal in line with recommendation

**Issues**:- Lack of s106 and detrimental to the character and appearance of the surrounding area

**Costs Decision**:- Cost application was refused

**Site**:- LAND ADJ. OVERSANDS, LIVERMEAD HILL, TORQUAY, TQ2 6QX

**Case Officer**:- Emma Phillips

**LPA ref**:- P/2011/0484/PA

**Ward**:- Cockington With Chelston

**Proposals**:- Construction of new enclosure on existing approved flat roof and use of flat roof as a terrace with balustrading around to dwelling approved on application P/2010/1326

**Council's decision**:- Delegated refusal

**Issues**:- Impact on the character and appearance of the area

**Site**:- SITE AT 46 AILSCOMBE DRIVE, PAIGNTON, TQ3 3QU

**Case Officer**:- Alexis Moran

**LPA ref**:- P/2011/0897/HA

**Ward**:- Clifton With Maidenway

**Proposals**:- Decking to rear (retrospective)

**Council's decision**:- Delegated refusal

**Issues**:- Impact on neighbouring living conditions

**Site**:- SITE AT 10A WOODVILLE ROAD, TORQUAY, TQ1 1LP

**Case Officer**:- Alix Cathcart

**LPA ref**:- P/2011/0928

**Ward**:- Ellacombe

**Proposals**:- Formation of dwelling

**Council's decision**:- Delegated refusal

**Issues**:- Detrimental impact on the streetscene

**Site:-** SITE AT 7 ELBA CLOSE, PAIGNTON, TQ4 7LW

**Case Officer:-** Robert Pierce

**LPA ref:-** P/2011/0893/PA

**Ward:-** Churston With Galmpton

**Proposals:-** Formation of detached bungalow with vehicular access within curtilage

**Council's decision:-** Delegated refusal

**Issues:-** Detrimental impact on the character and appearance of the streetscene in the area

**Site:-** SITE AT RIVIERA MEWS, WARREN ROAD, TORQUAY, TQ2 5TN

**Case Officer:-** Alix Cathcart

**LPA ref:-** P/2011/1177/HA

**Ward:-** Tormohun

**Proposals:-** Alterations and formation of extension to form additional accommodation

**Council's decision:-** Delegated refusal

**Issues:-** Harmful impact on the character and appearance of the Conservation Area

### **Appeals Allowed (10, Belvedere summarised as one)**

**Site:-** SITE AT 20/22 OLDWAY ROAD, PAIGNTON, TQ3 2TF

**Case Officer:-** Alexis Moran

**LPA ref:-** P/2010/0700/OA

**Ward:-** Preston

**Proposals:-** Ground and first floor extension at rear to provide 2 two bed flats with interconnecting entrance hall & associated parking to previously approved development (P/2008/1211/OA) (In outline)

**Council's decision:-** Delegated refusal

**Issues:-** The proposals was refused only for reason of the lack of a s106 agreement to secure appropriate mitigation for the impact of the development. The Inspector did not agree with the Council's case in that regard and found that the scheme was acceptable in the absence of contributions to defray the cost of local community infrastructure. It was concluded that the contributions sought were not reasonable or necessary and therefore failed to meet the appropriate tests.

**Site:-** SITE AT 42 FLEET STREET, TORQUAY, TQ2 5DW

**Case Officer:-** Alix Cathcart

**LPA ref:-** P/2011/0456/PA

**Ward:-** Tormohun

**Proposals:-** Use as A2 licensed betting office

**Council's decision:-** Delegated refusal

**Issues:-** Impact on the vitality and viability of the primary shopping frontage. The Inspector disagreed with the Council's case and found that the change of use would not have a detrimental impact on the high street due to the proposed change of use.

**Site**:- BELVEDERE, 37 MARINE DRIVE, PAIGNTON, TQ3 2NS

**Case Officer**:- John Burton

**LPA refs**:- P/2010/0931/VC, P/2010/0864/VC, P/2010/0947/VC, P/2011/0214/PA,  
P/2010/1023/VC, P/2010/1178/VC, P/2010/1056/VC, P/2010/1236/VC

**Ward**:- Preston

**Proposals**:- Change of use / variation of condition in respect of change to permanent residential occupancy

**Council's decision**:- Committee decision to refuse against officer recommendation of approval

**Issues**:- Impact on PHAA. The Inspector gave weight to the Council's revised PHAA guidance and allowed all of the appeals on the basis that the site is within the green area and that the impact on the PHAA would not be harmful.