



Friday, 28 June 2013

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 8 July 2013

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Torquay

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Councillor Brooksbank

Working for a healthy, prosperous and happy Bay

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

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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 3)
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 June 2013.
3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **P/2013/0524/PA Chiseldon House, Chiseldon Hill, Brixham** (Pages 4 - 10)
Detached Dwelling with Garage, Detached Annexe to Existing Dwelling.
6. **P/2012/1074/MPA Land Off Alfriston Road, Paignton** (Pages 11 - 40)
Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works.
7. **P/2013/0066/VC The Arboretum, West Lane, Paignton** (Pages 41 - 44)
To regularise the conditions attached to P/2008/1217/PA and P/2009/0479/PA Planning Approvals, the 2008 & 2009 Section 106 agreements with the content of the 2012 Section 106 amendment.

8. **P/2013/0450/HA 52 Preston Down Road, Paignton** (Pages 45 - 49)
Alterations and extensions to provide additional accommodation (Re-submission of P/2013/0198).
9. **P/2013/0105/HA Cary Cottage, Cockington Lane, Torquay** (Pages 50 - 54)
Conversion of existing barn into habitable accommodation.
10. **P/2013/0275/LB Cary Cottage, Cockington Lane, Torquay** (Pages 55 - 57)
Conversion of existing barn into habitable accommodation.
11. **P/2013/0254/MPA County Hotel, 52/54 Belgrave Road, Torquay** (Pages 58 - 66)
Change of use from former hotel to 8 holiday letting apartments and 2 full residential use apartments on top floor.
12. **P/2013/0369/MPA Former Finance Building, Torbay Hospital Annexe, 187 Newton Road, Torquay** (Pages 67 - 78)
Partial demolition of existing buildings, refurbishment & extension to remaining to create 300 pupil 'Devon Studio School' and associated parking & landscaping. Change of use of existing C2 (Hospital office/stores) to D1 (School) use.
13. **P/2013/0512/PA Le Papillion, 18 Vansittart Road, Torquay** (Pages 79 - 82)
Extension of time for implementation of P/2008/1256 comprising alterations, extensions and conversions to form 8 apartments Plus 1 existing owners flat) with car parking.
14. **P/2013/0565/VC 48 Torwood Street, Torquay** (Pages 83 - 86)
Variation of condition reference P/2012/0099, Condition 1 - Alterations to frontage.
15. **Spatial Planning (Strategic Planning and Implementation Team) Performance Report** (Pages 87 - 96)
To note the report.
16. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
17. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 3 July 2013. 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

10 June 2013

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillor Thomas (D))

168. Election of Chairman/woman

Councillor McPhail was elected as Chairman/woman for the 2013/2014 Municipal Year.

169. Apologies for absence

An apology for absence was received from Councillor Stockman.

It was reported that, in accordance with the wishes of the Non-Coalition Group, the membership of the Committee had been amended for this meeting by including Councillor Ellery instead of Councillor Stockman.

170. Minutes

The Minutes of the meeting of the Development Management Committee held on 13 May 2013 were confirmed as a correct record and signed by the Chairwoman.

171. Appointment of Vice-Chairman/woman

Councillor Morey was elected as Vice-Chairman for the 2013/2014 Municipal Year.

172. Urgent Items

The Committee considered the items in Minute 178, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

173. P/2013/0302/PA - Land Off Penn Lane, Adj. 19 And 21 Penn Lane, Brixham

The Committee considered an application to provide a dwelling within a redundant site to the rear of 19-21 Penn Lane, Brixham, sunken below the existing ground level and served via a long graduated access that runs between No. 19 and 21 Penn Lane.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Rose Scott addressed the Committee against the application and Roger Richards addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Thomas (D) addressed the Committee.

Resolved:

Refused for the reasons set out in the submitted report.

174. P/2012/1074/MPA - Land Off Alfriston Road, Paignton

The Committee considered an application for minor revisions to layout and reduction in number of dwellings: Residential development to form 92 dwellings, creation of new vehicular and pedestrian accesses and associated works

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting David Matthews addressed the Committee for the application. In accordance with Standing Order B4.1 Councillor Thomas (D) addressed the Committee.

Resolved:

Consideration deferred for further officer negotiations with the Developer in relation to an Section106 legal agreement.

175. P/2013/0259/PA - Birds Haven, Avenue Road, Torquay

The Committee considered an application for the formation of a new dwelling on land adjacent to No. 1 Birdshaven.

Prior to the meeting written representations were circulated to the Committee and members of the Development Management Committee undertook a site visit. At the meeting Andy Marshall addressed the Committee for the application.

Resolved:

Approved subject to the receipt of upfront payment or the signing of a Section 106 legal agreement within 3 months of the date of this decision or the application be refused for reason of the lack of a s106 obligation and an an extra condition for the planting of additional screening

176. P/2013/0470/PA - 3 - 10 Palm Court Hotel, Torbay Road, Torquay

The Committee considered an application for amendments to the previously approved application P/2011/1080/MPA as follows: the addition of residential and self-catering entrance to level 0 east core, omission of 1 bedroom self-catering apartment and increase in size of 1st floor commercial unit, reduction in construction to north west corner, additional floor make up to levels 01, 02 03 04 and 05 and revision of northern and north west fenestration.

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

Resolved:

Approved in accordance with recommendation set out in the submitted report.

(Note: prior to consideration of minute no. 176 Councillor Ellery declared a non-pecuniary interest as a member of his family has a contract for work on the development).

177. P/2013/0395/PA - 44 Mead Road, Torquay

The Committee considered an application for alterations and extensions at ground and first floor and construction of timber deck at rear.

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

Resolved:

Subject to no adverse representations being received from neighbours, approved with the conditions set out in the submitted reports schedule.

178. P/2012/1155/PA Dainton Self Store, Torre Station Yard, Newton Road, Torquay

The Senior Planning Officer explained that further to the Development Management Committee held on 8 April 2013 (Minute 152) P/2012/1155/PA that the signing of a Section 106 Legal Agreement had been extended for an additional month.

Chairman/woman

Agenda Item 5

Application Number

P/2013/0524

Site Address

Chiseldon House
Chiseldon Hill
Brixham
Devon
TQ5 9QS

Case Officer

Mrs Helen Addison

Ward

St Marys With Summercombe

Description

Detached Dwelling with Garage
Detached Annexe to Existing Dwelling

Executive Summary/Key Outcomes

The application is for the construction of a detached dwelling and new garage to serve it, and for a detached two bedroom annex. There is concern that due to the siting and size of the annex it would be detrimental to the appearance and character of the area and as such would fail to comply with Policy H9 of the Torbay Local Plan 1995-2011 and Para.64 of the NPPF which requires development to be of good design and to improve the character and quality of an area.

Recommendation

Refusal (see end of report for reason)

Statutory Determination Period

The eight week target date for the application is 13th July 2013. The decision should be issued within the target determination period.

Site Details

The application site relates to a detached two storey house situated on the east side of Chiseldon Hill opposite the junction with Golden Close. Chiseldon house is finished in render with a slate roof. There is a stone wall along the boundary

with Chiseldon Hill. The property is visible in the street scene. Chiseldon Hill slopes in a southerly direction adjacent to the site. To the south of the site are properties in Upton Hill Road. There are also residential properties to the north, east and west. The ground levels on the site slope both from south to north by approx. 3.5 metres and from west to east by a similar amount. There is no specific designation relating to the site in the Torbay Local Plan 1995-2011.

Detailed Proposals

The application is submitted in full for the construction of a detached dwelling, a detached two bedroom annex and a single garage on the site. In addition it is proposed to move the position of the driveway within the site.

The proposed dwelling would be sited on the northern side and slightly to the rear of the existing dwelling. It would comprise a lounge, kitchen dining room, utility room and study at ground floor level and four bedrooms with three bathrooms at first floor level. In order to construct this dwelling it would be necessary to demolish the existing garage on the site. Due to the changing ground levels on the site the proposed dwelling would have a lower floor level than Chiseldon House. The ridge level of the proposed dwelling would be 1.6m lower than the ridge level of Chiseldon House. The footprint of the dwelling would follow the site boundary and would have a cranked section at the rear. The proposed materials would be rendered walls, white upvc windows and doors and a natural slate roof.

In front of the proposed dwelling a single garage to serve the dwelling is proposed. It is proposed to alter Chiseldon House to provide an integral garage at ground floor level.

A separate detached single storey annex is proposed to the east of Chiseldon House on the site of the existing swimming pool. This would have a pitched roof over. Materials would be rendered walls, white upvc windows and doors and a natural slate roof.

The proposal also involves moving the entrance to the site to the south and providing visibility splays of 13m in both a north and south direction.

Three trees in the rear curtilage are proposed to be felled.

Summary Of Consultation Responses

Brixham Town Council Recommends refusal on the grounds of overdevelopment, loss of privacy and access issues, especially the visibility splay of the entrance.

Highways Seeks additional improvements to visibility to the south of the site. Requests a S106 contribution of £417.50

Arboricultural Officer The scheme is suitable for approval on arboricultural merit subject to conditions requiring submission of a detailed landscaping plan and tree protection plan.

Summary Of Representations

Two letters of objection that raise the following issues;

- Loss of privacy
- Overbearing effect
- Overdevelopment of the site
- Annex would not be physically linked to main dwelling
- The proposal would cause flooding in the area

These representations have been sent electronically for Members consideration.

Relevant Planning History

- 2005/1550 Alterations, ground and first floor extensions approved 7.10.05
2000/0244 Alterations and erection of first floor bedroom extension approved 5.6.00
1997/0682 Erection of conservatory approved 3.7.97

Key Issues/Material Considerations

The main issues to be considered are the principle of constructing the proposed development on the site, the impact on the visual amenity of the area, highways, impact on the amenity of adjoining occupiers and landscape.

This application has been included on the agenda because a positive pre application response has been given by the Council to the development. However on mature reflection following a significant period between the earlier discussions and the submission of the application, there are concerns about the proposed development, particularly the proposed annex. In this case, therefore, it is appropriate for the application to be considered by the Development

Management Committee.

Principle and Planning Policy -

The size of the curtilage of the application site is considerably larger than that of the majority of nearby properties. In principle the subdivision of the curtilage would not be harmful to the amenity of the area and would result in a form of development that would be similar to the established character of the area. This would be consistent with Policy H9 in the Torbay Local Plan 1995-2011 which requires new residential development to take account of the defining characteristics of the existing environment.

The siting of the proposed 2-storey dwelling would be adjacent to 4 The Drive and in this location would relate to the established layout of buildings in the area. As such the principle of siting a dwelling in this location is considered to be acceptable. However, there are some concerns that given the cranked nature of the footprint and the number of blank facades to avoid overlooking, the siting and size are not ideal in relation to the relationship of buildings.

The proposed annex would be sited forward of the existing dwelling. It would be set back a similar distance from Chiseldon Hill as the adjoining property to the south at 17 Upton Hill Road. Although the siting would reflect the location of 17 Upton Hill Road there is concern that the proposal would fail to be consistent with Policy H9 in the Torbay Local Plan 1995-2011, which requires new development to respect the existing environment and where possible enhance it.

The proposed annex would project in front of Chiseldon House and, when combined with the existing and proposed dwelling houses, would result in an uncoordinated layout of buildings that would detract from the appearance of the area. The annex building would have an adverse effect on the setting of Chiseldon house by reason of its siting, height and size. The position of the adjoining dwelling in Upton Hill Road would not justify the siting of the annex in this location. There is a difference between the proposed annex and dwellings in Upton Hill Road in that Upton Hill Road is a planned layout of buildings of similar scale and plot size, whereas the application site has a characteristic of a larger dwelling house in a more spacious setting.

It could be acceptable to construct a smaller ancillary building such as a garage on the site of the proposed annex but, because of the size of the annex and its appearance as a separate detached dwelling it is considered that it would be detrimental to the visual amenity of the area and would detract from the setting of

Chiseldon House.

The proposed annex would be a separate detached building that would not have a physical link to Chiseldon House. It appears that it would also have its own car parking space. In the design and access statement the applicant has advised that the annex is proposed for family members to live in with a degree of independence. In order to control the use of the annex as ancillary accommodation it would be necessary to control this by means of a S106 agreement. However even with a legal agreement there is concern that in the future there would be pressure for the annex to be used as a separate dwelling house. The gross floor area of the annex would be 57m² and this would be of an adequate size for a dwelling.

Highways -

The proposal involves moving the vehicular access to the site and realigning the boundary walls to improve the visibility at the junction with Chiseldon Hill. The highway engineer has advised that he considers the visibility should be improved further by reducing the height of the boundary walls to 600mm and removing a fence panel on the return section of the boundary wall. A S106 contribution would be required towards sustainable transport.

Impact on the amenity of adjoining occupiers -

An objection has been received to the height and relationship of the proposed dwelling and new garage with the adjoining property at No. 4 The Drive. In order to improve this relationship of buildings it would be possible to site the garage off of the boundary with between the two properties. As the proposed dwelling would be adjacent to the side of the adjoining property it is considered that the relationship would not be overbearing. The neighbour has raised concern about overlooking of their garden. There would be an obscure glazed and first floor bedroom window in the west elevation of the proposed dwelling that would result in visibility over the adjoining garden. It would be difficult to argue that this relationship would be sufficiently harmful to justify refusal on this ground.

Notwithstanding concerns about the relationship of buildings and the cumulative impact of the whole proposed development, the 2-storey dwelling has been designed to protect neighbouring living conditions and this is seen to be successful to an acceptable degree.

Landscape -

The proposal involves the felling of three trees in the rear garden of Chiseldon

House. The Arboricultural Officer has advised that these trees are not protected by a Tree Preservation Order or designation of a Conservation Area and it would be reasonable for them to be felled. He has requested submission of a landscaping plan to enable replacement planting.

S106/CIL -

In accordance with the Council's SPD Planning Contributions and Affordable Housing the following contributions for the proposed dwelling would be required to off set the effect of the development on existing infrastructure;

Waste Management	£ 50.00
Sustainable Transport	£3354.00
Lifelong Learning	£ 213.00
Greenspace and Recreation	£2113.00
South Devon Link Road	£ 770.00
5% admin charge	£ 325.00
Total	<u>£6825.00</u>

If this payment was made upfront by a Unilateral Undertaking it would be reduced to £6484.00.

No contribution would be payable for the annex as it would be used ancillary to the main dwelling and not as a separate dwelling house.

Conclusions

In conclusion, the proposal is for the construction of a detached dwelling and a detached annex on the site. The proposed dwelling would be situated to the rear of Chiseldon House. The adjoining property has raised concerns about an overbearing relationship from the dwelling and new garage and loss of privacy. The dwelling has been designed to protect adjacent living conditions and as such is cranked and has a number of blank facades. The proposal also includes construction of a two bedroom detached annex on the site that is intended to be used ancillary to the main dwelling. There is concern about the effect of this building on the visual amenity of the area. The driveway to the site would be moved to the south to improve visibility, although the highway engineer has requested further revisions to make it acceptable.

In conclusion, by reason of the size of the proposed annex and its siting in a position that would be physically separate to Chiseldon House, it is considered that the proposed development would result in a poor layout of buildings that would fail to respect the established character and form of development in the locality and would be harmful to visual amenity.

Condition(s)/Reason(s)

01. The siting, large size and scale of the proposed annex would result in a visually dominant form of development in relation to the existing dwelling, which would alter the character and setting of the property to an unacceptable degree. As such the proposal would be contrary to Policy H9 in the Torbay Local Plan 1995-2011 which seeks to encourage a high level of layout and design and ensure that new development takes account of the defining characteristics of the existing environment and where possible enhances it, and paras.61 and 64 of the NPPF that seek high quality design in new development that integrates into the built and historic environment.

Relevant Policies

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Agenda Item 6

Application Number

P/2012/1074

Site Address

Land Off Alfriston Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Description

Revisions to Layout and Reduction in Number of Dwellings: Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works

Executive Summary/Key Outcomes

The application is a full application to develop a site on part of the land known as Great Parks Phase 2, which is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'). A masterplan is currently being prepared for Great Parks Phase 2 and this application has been submitted before the masterplan principles have been established for the site and wider area. However, the proposal would result in early delivery of housing on the site, helping the Council to meet its 5 year land supply, and could help to 'pump prime' the overall development.

The original proposal was for 98 dwellings on the site, but following two sets of revisions the proposed number of dwellings is now 92. However, there are still a number of issues to be resolved with the design of the scheme, which could be attributed in part to the fact that too much development is trying to be squeezed onto this steeply sloping site. The amount of development on the site in terms of building footprint has not decreased in the reduction to 92 units, as the reduction has been achieved by removing the second storeys of three blocks of flats.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road can be closed to all but pedestrians, cyclists and buses, which can be secured in a S106 Agreement. Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling closer to the time.

Officers are still negotiating with the applicant over the acceptable amount of contributions for the development and mix and tenure of affordable housing. The applicant has stated that it is able to make contributions up to £450K, but, due to a number of site acceptability issues needing to be dealt with, the full suite of contributions normally required to make the development acceptable would exceed this amount. The updated position in respect of s106 obligations will be reported at Committee.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to overcoming the remaining design issues (through a moderate reduction in the number of dwellings, resultant improvements to the layout, revisions to the general architecture, materials, parking layout and hard and soft landscaping), and; subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

If members consider that the resolution of outstanding matters should be reviewed by the committee then the application will be returned to a future committee for further consideration.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Local Plan as part of Great Parks Phase 2. The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The proposals have been revised twice since the application was originally submitted, following comments from the Design Review Panel and planning officers. The latest plans are for a residential development with a total of 92 dwellings, comprising: 30 no. 2-bed dwellings (1 coach house, 20 flats and 9 terraced houses); 37 no. 3-bed dwellings (1 maisonette, 22 terraced houses and 14 semi-detached houses); and 25 no. 4-bed houses (8 terraced houses, 10 semi-detached houses and 7 detached houses).

The number of dwellings has reduced by 6 from the plans originally submitted, this has been achieved by reducing the heights of three of the blocks of flats from 3 storeys to 2 storeys, resulting in the loss of 2 flats in each block. This has been carried out in order to provide enough parking for these blocks of flats with reference to the Council's parking standards. Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced houses and split 2/3 storey semi-detached and detached houses also.

28 (30%) of the dwellings are proposed as affordable housing (12 no. 2-bed flats, 7 no. 2-bed terraced houses, 7 no. 3-bed terraced houses and 2 no. 4-bed semi-detached houses). The mix of affordable housing is 68% 2-bed, 25% 3-bed and 7% 4 bed. This compares to the total mix of dwellings of 33% 2-bed, 40% 3-bed and 27% 4-bed. About two thirds of the affordable housing would be located to the north of the site, with a smaller cluster in the centre and 3 affordable dwellings to the south.

Vehicular access to the site would be from Alfriston Road. This would continue through the site by looping to the north before turning through 90 degrees and meeting the northwest boundary more-or-less directly opposite Alfriston Road to provide a future vehicular connection to the rest of Great Parks Phase 2. This connection is annotated as a bus link on the plans. A stepped pedestrian footpath would be built directly up the slope from Alfriston Road to the new connection to provide a more direct and shorter route for pedestrians. An access road would be built to provide access to the southern part of the site. This would be block paved instead of tarmac to indicate a more pedestrian friendly environment and to slow traffic. Three parking courtyards would also be built, one in block paving in the northern corner of the site and two in permeable paving to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats. A footpath would connect the end of the parking courtyard to the north with

Luscombe Road.

The buildings would have fairly simple standard designs, with pitched roofs and render and brick elevations. The amount and patterning of brickwork to render varies across the site according to unit type, although the amount of brickwork has been reduced on some of the units following comments from planning officers in order to try and enhance the character of the scheme. Some of the larger dwellings would have integral garages. Buildings would generally be arranged back-to-back with new and existing properties.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as a limited number of street trees and hedgerows. No public open space would be provided except for a small area of low maintenance grass either side of the bottom part of the proposed public footpath up the slope.

The majority of the proposed housing has 2 parking spaces in accordance with the Council's maximum parking standards, either within the curtilage of the proposed dwelling or within unadopted parking bays adjacent to the street, or in a few cases a combination of both. However, 12 houses only have 1 parking space (plots 33, 34, 58-61, 69-71 and 85-87). The proposed flats have 1 parking space per dwelling, provided within parking courtyards and unadopted parking bays adjacent to the street. However, the required amount of visitor's parking to comply with the Council's parking standards would only be provided for the three blocks of flats to the north of the site. The larger 'L' shaped block of flats would have no visitor's parking.

The plans show that the main vehicular route through the site would be adopted by the Local Highway Authority, as would the access road to the south, pedestrian footpath up the slope and parking courtyard and footpath connecting to Luscombe Road to the north. The parking courtyards to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats would be private, as would the end part of the access road to the south.

Summary Of Consultation Responses

Given the current position with this application and the recent receipt of further amended plans, the following provides a substantive summary of current consultation responses.

Torbay Design Review Panel:

Original Scheme (application drawings presented by officers)

- Notwithstanding the lack of the masterplan, a connection across the site will be desirable in creating a well connected enlarged neighbourhood with good internal permeability and this is likely to be fairly high in the

- masterplan 'street hierarchy'.
- The slope is a considerable challenge, but it is not clear that this is the only solution in highway terms and further investigation of alternative ways of dealing with the contours is desirable.
 - Taller blocks of flats located on the higher part of the site should be of exceptional architectural quality due to their prominence, otherwise they might be better located lower down.
 - A pedestrian link to the adjoining public footpath (Luscombe Road) should be provided and properties should adopt a positive posture towards the route as it passes the site.
 - Several disadvantages with the road layout not least because resulting rear gardens are likely to be very difficult for residents to use in many locations. Unattractive retaining structures may be necessary. Potential overlooking and loss of privacy.
 - Integration with Alfriston Road is good – orderly posture of houses and gardens opposite seem good devices, but this is lacking elsewhere, e.g. opposite the future western connection. Large building on corner presents gable to street. Poor groupings of buildings forming less than ideal spaces between them to the south.
 - The large building on the 'hairpin' bend is supported, but this needs to be a bespoke piece of design due to special location.
 - The planned on-street parking provision is good, especially perpendicular spaces with tree planting as it helps create a distinct place. This should be repeated elsewhere.
 - The parking strategy elsewhere, particularly to the south, is weak and double banked spaces carries inherent risks for success. Lines of vehicles parked in front of front facades should be avoided.
 - Cul-de-sacs should be designed as shared spaces and possibly Home Zones to promote the social use of street spaces. The change in road surface in the southern area needs to be part of a larger design ambition for the space.
 - Even if the form of the main street is compromised by the slope, a more direct pedestrian route should be included within the layout. This would help support inclusive design principles.
 - The character of the existing neighbourhood is very weak and should not provide a benchmark for the new development. Hope to see architectural compositions and detailing that represents a significant improvement. There are landscape possibilities in dealing with the slopes that might make the development more distinct, e.g. 'raised pavements' are characteristic of South Devon.
 - The slope on this site is a serious constraint and the proposed street layout does not fully overcome the challenge and leaves the development with some clear weaknesses.
 - The quantum of development proposed (similar to what might be expected on a flat site) are bound to lead to a living environment for the residents that is less satisfactory – increased over-looking, sloping private

- gardens, awkward stepped accesses prevalent, etc.
- There may be alternative solutions available once the Great Parks masterplan has been completed and a clearer understanding of the role of this land within that wider framework is identified.
- Perhaps the grading of the main street could commence further west (off site) to allow it to become a straight route with secondary streets running perpendicularly along contours? Alternatively, if the Great Parks masterplan proves that this link is less significant (although we doubt it) then perhaps the site could be split into an upper portion and lower portion separately accessed by vehicles from above or below with only pedestrian and cycle routes connecting the two?
- The Panel does regret not having the opportunity to explore these and other ideas with the applicants but nevertheless hope that alternatives might still be explored, preferably in conjunction with the wider master-planning exercise.

Draft First Revision (presented by applicant)

- We are pleased to see some areas of strong improvement to the earlier scheme, but would now offer the following guidance some of which re-iterates our earlier findings where we detect little change.
- This sloping site is a considerable three-dimensional challenge; certain relationships within the site appear still untested and clearer information is required re over-looking/privacy and the utility of rear gardens.
- Encouraged the local character of the existing development is not being used as a precedent for the proposed architectural language. Needs to be a step change in the aesthetic quality of the neighbourhood, with more restricted palette of materials and greater consistency of detailing.
- A clearer idea driving the appearance needs to be developed that might give the place an identifiable and distinct character, rather than an assembly of individual housing units/types.
- Would like to see a stronger pattern of urban form developing in the layout – random changes in building line are unhelpful.
- Pleased with connection to Luscombe Road now, but this needs to be simplified to avoid conflicts between the route and private space. There needs to be a consistent building line along the northwestern edge, with the final block of flats turned to face southeast.
- The pedestrian route across the site is welcomed and this has potential with careful landscape design.
- Parking might be too dominant in the lower shared space.
- Support focal shared spaces as ‘incidents’, but find these amorphous – need more careful urban design of building masses and trees to create more ‘legible’ places. 3D representations of these spaces should be constructed and tested. Perhaps a clearer/stronger geometry should be employed?
- Still a lack of a coherent idea to the grouping of buildings in the far south of the site – perhaps they should be better organised around a

- further 'place' created here?
- The architecture of the 3 storey building on the higher ground should be very strong. The appearance of this and neighbouring buildings should be tested in a landscape and visual impact assessment of the proposals, as they will be visible from further west and existing streets/houses to the east.
 - The larger building commanding the inside of the corner to the northern end of the site is still not at ease with the site layout – this point was noted in our previous guidance.
 - There is a general improvement in parking, but still several errant spaces in different parts of the site. Parking needs to be integrated with the streetscene and/or places created, e.g. with street trees.
 - There have been some good improvements since the initial review. A more rounded exploration of the three-dimensional appearance of the neighbourhood still has the capacity to improve the scheme dramatically. We would like to see further refinement of place making that has been attempted and the formation of integrated streetscapes which have a logic and an order to them capable of combining street trees, parking, etc. with stronger urban form.
 - The pedestrian route eastwards connecting with Luscombe Road should be simplified and strengthened.
 - The architectural character and language has been barely presented or discussed but we have noted that the existing context sets a very low standard and must be significantly improved upon.

South West Water:

Original Scheme

No objection. Any on site drainage surface water drainage requiring connection to the existing public surface water sewer network must be designed in accordance with and meet the requirements of Sewers for Adoption to qualify as public sewers.

First Revision

Having reviewed the revised flood risk assessment the majority of the domestic surface water flows from the development are to now be directed to soakaways with the proposed highway generating the majority of surface water to be discharged to the public sewer in Alfriston Road.

This being the case South West Water will not adopt the on site surface water drainage as it will not qualify as a public sewer, or allow such a connection to the public sewer until confirmation is obtained from the Highway Authority that they will adopt the proposed highway drainage and application being made under S115 of the Water Act for its subsequent connection.

Second Revision

Comments awaited.

Engineering – Drainage:

Original Scheme

- The preliminary drainage strategy within the FRA appears satisfactory, however further detailed design works are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- All the above details must be submitted before planning permission is granted.

First Revision (Draft Flood Risk Assessment V2 received 17/12/12; Flood Risk Assessment V2 received 20/12/12)

- Comments based on Draft FRA V2.
- Flood risk mitigation measures for Clennon Valley in Great Parks development were only designed for Great Parks Phase 1, with no allowance for Phase 2.
- Drainage strategy included within the FRA appears satisfactory, however the detailed design works in Section 4.4 are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The lowest infiltration rate identified from the three trial pits undertaken to

date should be used in the sample soakaway designs, i.e. 0.087m/hr not 0.125m/hr.

- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- The proposed box culverts for the surface water attenuation tank have a storage volume of 196.6 cubic metres, assuming there is no dry weather flow channel or benching within the box culverts. The required storage volume identified is 193.9 cubic metres. The applicant must confirm if there is a dry weather flow channel within the box culvert and how the box culvert has been designed to remove the risk of siltation during low flows. Normally box culverts of this nature are benched and hence there would be a significant reduction in storage volume due to the benching.
- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.
- All the above details must be submitted before planning permission is granted.

Second Revision
Comments awaited.

Environment Agency:
Original Scheme

- Support the principle of the surface water drainage strategy proposed, but object to the current design. Confident our concerns can be overcome by an amended redesign.
- There is a history of flooding downstream of this site and further development should not add to this. Aware that a drainage strategy was developed, and measures put in place, to deal with surface water runoff

- from the Great parks Phase 1 development, and this took into account the Phase 2 aspect. However, this strategy was based upon old, superseded hydrology, which didn't take the effects of climate change into account. It would not therefore be unreasonable to state that it is very important that runoff from this site and other sites within Great Parks Phase 2 is managed in accordance with current guidance.
- The proposed management of surface water runoff for the development site includes much best practice, including allowance for climate change. However, we raise concern with the intent to discharge 'all events up to the 100 year return period plus 30%' at what in effect would be the existing 30 year greenfield runoff rate. This approach would not mimic greenfield performance and in particular circumstances waters would drain off the site at rates over and above existing. This would inevitably risk an increase in both surface water and fluvial flooding.
 - It would appear that the provision of a hydrobrake control, which would better manage the lower return period events, in conjunction with providing more attenuation storage would resolve the issue and we advise this approach be appraised.

First Revision

- No in principle objection subject to the inclusion of a condition and contribution towards the upkeep of an existing flood risk management asset.
- The proposed strategy for the management of surface water runoff, as shown on Drawing 'Proposed Surface Water Drainage Strategy 19896-905-SK01 P4', includes infiltration and attenuation arrangements. The features shown would better mimic current surface water runoff rates and represent an improvement over the original proposal. The use of soakaway features should very much take priority over other techniques, in particular hard attenuation features, because such offer the best way to limit inflow to the existing surface water drainage system and watercourse downstream. However, despite the provision of soakaways it is clear that a large proportion of the site would be drained downstream into the existing piped system and watercourse.
- Therefore, the following condition is required and a contribution towards the upkeep/upgrading of the existing attenuation lagoon that is situated on the Clennon Valley watercourse off Old Widdicombe Lane.

"CONDITION

No development approved by this permission shall be commenced until such time that a scheme for the management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority. Priority should be given to the use of infiltration features, such as soakaways, given it has been proven that ground conditions are favourable.

REASON

To ensure that surface water is managed in line with best practice with a view to ensuring there is no increase in flood risk downstream of the site.”

- A financial contribution towards the maintenance and future upgrading of the existing attenuation lagoon situated on the Clennon Valley watercourse should be secured. The existing lagoon is an important strategic asset and failure to maintain it risks an increase in flood risk occurring downstream of the site, including residential properties, parts of the A380, A3022, A379 and parts of Torbay Leisure Centre. Upgrading the existing flood attenuation lagoon would help reduce flood risk downstream and the NPPF very much advocates using development opportunities to achieve such.

Second Revision
Comments awaited.

Highways & Engineering:

Original Scheme

- The small section of road immediate left, when entering the site outside plots 93 and 94 has inadequate turning facilities.
- The on street parking outside plots 5 to 8 would not be acceptable protruding into the adoptable highway.
- From the Long section drawing the bend outside plots no 12 to 20 has a vertical alignment of 1:12 which if correct is acceptable, but the drawing shows an 8m horizontal radius with an inner radius of 5.25 which is far too tight and this radius would not work.
- This bend would require widening to make it work with forward visibility required as well. The length and width of the widening would depend on the transport assessment of the road.
- Highways would not accept designated on street parking spaces on an adoptable road.
- The bend leading into the future Development is also too tight.
- The final drawings would require technical approval on layout and materials before a section 38 Agreement is entered into.

First Revision

- Top junction adjacent to Plot 41 is not acceptable as a right angle and needs to be a radius (minimum 10m, preferred 12m radius), the width of the road is not annotated but looks narrow with poor visibility. The trees cannot be placed on the junction as again this causes problems with visibility. The bus link also looks insufficient for future use in terms of width as you drive out of the site at the top.
- On street designated parking is not acceptable as previously advised.
- The forward visibility is obscured by the block of flats and the proposed hedge on block 48-55 which causes an almost blind corner.

- Echelon parking for plots 91–94 does not work as there is not enough room to be able to turn and drive out.
- Tree is obscuring visibility adjacent to Plot 1, again the radius needs to be a minimum of 10m or the preferred 12m.
- Bus tracking is very tight and on all the corners needs the whole road to make the manoeuvre leaving no room for opposing traffic, if there are any visitors parking or residents who leave the vehicles on street, the bus will have difficulty and possibly no chance of getting round the loop. For information we do not as a rule put yellow lines in residential areas. Should the bus go up through the middle, the loop would be more usable for residents assuming all the points have been addressed.
- All the information is given from plan only as there are no annotated drawings to make observations from.

Second Revision (initial comments)

- 0455-105 Tracking Drawing ... None Shown?
- Adoption Plan – Bend adjacent to parking spaces 48/49 has not been widened and should be widened. Radius adjacent to plot 68 is not sufficient should be 10m. Plot 77 has parking on the highway? We have stated many times that we will not accept designated parking on the highway. Shape of road layout adjacent to plot 57 does not look very good. None of the plans are annotated and therefore widths are not shown of footpaths and carriageways. I cannot see any provision for cyclists, which was mentioned as being important if this were to be viewed as a main street type layout.
- 0455-105. 1B – Tracking only shows one vehicle and turning looks very tight adjacent to plot 74. The road looks too narrow adjacent to plot 24 as tracking is showing an override of the kerb by the bus; the tree adjacent to plots 20 -23 look vulnerable. It would be helpful if the tracking was colour coded, i.e. green one way and red the opposite to better view the opposing lines. On street parking by visitors and residents would severely restrict movement.
- 0455-105.3B – Refuse tracking not shown?
- Torbay Council will adopt the highway drainage as long as it is only highway water and South West Water allow the connection or an alternative drainage strategy will be required.
- Whilst Alfriston Road is wide enough for two buses to pass in accordance with Manual for Streets, it should be noted that it is not designed as a major street nor is Cotehele Drive.
- The visibility for the parking access for plots 33, 34 and 35 look poor. The developer needs to look to see if he can get the appropriate X and Y distances for visibility, which I feel being so close to such a tight junction and with a building line so close to the road is almost impossible. The minimum X distance should be 2.4m; for a distributor road Y distance should generally be 33m each side. There are other parking areas on the main route that are also vulnerable to this, which need to be checked.

Strategic Transportation (based on Transport Assessment submitted with the application and Addendum Transport Assessment submitted 14/12/12):

- Review of TA and Addendum TA set within context of Council's TA by Jacobs.
- There is currently some spare capacity at the Cotehele Drive/King's Ash Road junction. The applicant shows that the junction is reaching capacity (although not exceeding) with the introduction of 100 dwellings up until 2018 when King's Ash Road north arm saturates. Its opposite arm is close to saturation at this point in time.
- The proposal to introduce MOVA traffic signals might provide a further year's worth of capacity before going over capacity, but that cannot be modelled with any certainty at this point in time.
- The Jacobs work focused on a higher number of dwellings, therefore showing the junction to exceed capacity.
- The applicant's analysis has not taken into account future traffic growth from developing the rest of Great Parks Phase 2, which is why the traffic growth from the proposed development is shown to be accommodated within the capacity of the Cotehele Drive/King's Ash Road junction.
- Unless the new access from the northwest of the site is delivered before 2018, without improvements to maintain free flow along King's Ash Road the Cotehele Drive/King's Ash Road junction will exceed capacity in 2018; MOVA traffic signals could potentially provide another year's worth of capacity.
- With reference to the original TA and modal split, the applicant has extracted modal split estimated percentages from TEMPRO for the Paignton area, and as a result it includes a low car/van driver proportion of 49%. This is not considered to be representative because 2001 Census data for the Blatchcombe Ward is 72% car/van driver. The site is not located in the centre of Paignton, so there are fewer alternative modes of transport to the car available.

Torbay Local Access Forum:

Original Scheme

No comments.

First Revision

No comments.

Arboricultural Officer:

Original Scheme

- Comments based upon review of the following supporting documents/plans:
- Arboricultural Constraints Report D34 03 05
- Arboricultural Plan D34 03 P1

- Landscape scheme plans 5130-L-01 and 02
- Ecological impact assessment (ead) September 2012
- Study of the landscape plan indicates a tree planting programme of 23 Heavy Standard trees. The site has an area of approximately 1.81ha and therefore a greater number of trees can be accommodated to both comply with the requirements of the present Local Plan, NPPF, Torbay Green Infrastructure Delivery Plan, etc.
- Use of cellular type rooting systems should be used where verges or garden areas are not available for tree planting, and a suggestion of a staggered planting to spine roads would create an avenue type theme giving local identity. Significant sized trees should be planted to quickly soften the highly visible built environment from elevated topography to the East and South East and long range views to other aspects from the wider countryside. The entrance to the new estate could be marked visually by a pair of flanking large canopy sized trees to create a sense of arrival and local distinctiveness to the new build contrasting with the present form of Great Parks.
- A brief study of the Ecological Impact Assessment finds that it informs a need for hedgerow management. This has not been detailed as yet and its creation should be conditioned as part of any permission. Given the sensitive nature of the site adjacent to the County Wildlife Site this should be undertaken by an ecologist supported by a landscape architect.
- The tree survey has no detail of tree and hedgerow protection methodology which should be both approved and installed prior to any commencement.
- In other phases of the Great Parks development hedges have become isolated by private residencies either side of a strip of highway land. This has placed an ongoing management burden on the authority. To prevent this situation all hedge banks should be within the ownership of the associated dwelling; fence lines may be placed within the hedge line for aesthetic or privacy/security reasons, but ownership should encompass the hedge and exclude the Local Authority. Trees of merit can be subject to a TPO and the conditioned ecological management plan will protect species within.
- 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. Tree protective fencing should be installed in line with BS 5837 2012: Trees in Relation to Design, Demolition and Construction Recommendations (plan required).
 2. Detailed landscaping plan to be submitted and approved that is attentive to the wider landscape context and ecological requirements of the site.
 3. No grade changes to root protection areas to hedgerows to be retained.
 4. Detailed hedgerow management plan to be submitted.

First Revision

- Comments based upon review of the following supporting documents/plans:
- Landscape plans 5130-L-01 B and 2. Rev B
- Study of the revised layout plan and supporting documents indicates that recommendations 2 and 4 have not been addressed.
- Study of the tree planting schedule notes that 1 less tree is proposed than that within the original plan. This is contrary to officer recommendation 2 which requires greater contextual planting in terms of numbers, species and strategic positioning.
- The species selected are not of long term landscape scale benefits, and will not serve to integrate the scheme into the wider landscape.
- It is of note that a Tree Preservation Order was served in 1974 which serves to protect all trees and hedgerow trees within the local area and indicates the importance of the landscape at this time.
- It is likely that minor amendments to the highways layout may occur but in terms of overall implications this will not greatly restrict planting opportunities. I have marked the attached plans loosely indicating planting opportunities which may be forwarded to the landscape architect. It indicates options in private and shared public spaces where trees may be planted. Not all have enough space to be large trees but given the site a mixture of higher and lower canopy sized trees is necessary to again soften the site when viewed from external view receptors.
- Where engineered surfaces exist proprietary soil rooting systems are available that allow paved surfaces above that would allow pedestrian and vehicle passage.
- Recommendation: That the reduction in the number of trees to be planted serves to prevent any integration of the scheme as it exists into the local and wider landscape. Until comments made within this and earlier emails are addressed no recommendation for approval on arboricultural merit could be made.

Second Revision

Comments awaited.

RSPB:

Original Scheme

- Have concerns relating to the adequacy of mitigation for the loss of part of the Ramshill County Wildlife Site (CWS) that supports farmland habitats and species, including ciril buntings, and also forms part of the sustenance zone/strategic flyway for greater horseshoe bats, designated features of the South Hams Special Area of Conservation, and urban biodiversity provision.
- Seek confirmation how this application relates to strategic ecological mitigation for masterplanned area, including the level and timings of financial contributions, in the form of enhancements to the Ramshill CWS,

- including habitat for cirr buntings.
- The extent of proposed loss of existing habitat arising from this development means mitigation via enhancement of off-site habitat (e.g. on the remainder of the CWS) is in our view necessary. However, there is scant information in the application regarding off-site mitigation provision and, in our view, an insufficient level of confidence that effective mitigation would be delivered in an appropriate location within an acceptable timescale. Financial contributions for the management and enhancement of habitats, including for cirr buntings, should be required as part of the any planning permission, and payments made before development occurs. Without such provision, the impact of the proposed development on part of the Ramshill CWS will not be adequately mitigated and there will not be any 'biodiversity gain'.
 - There is inadequate on-site provision for 'green infrastructure' and therefore a need for disproportionate provision within the larger Great Parks development. Such provision should not adversely affect the biodiversity value of the CWS or the enhancements to the habitats of the CWS that are proposed via financial contributions as part of a Section 106 Agreement relating to this application. There is no information on how the potentially conflicting requirements of enhancing the habitats and wildlife interest of the CWS and providing accessible areas of greenspace for future residents will be resolved.
 - Welcome provision of bat and bird boxes on trees, and wildlife friendly planting schemes, but there is no mention of maximising opportunities for birds associated with built development by incorporating nesting sites for species such as swift, house sparrow, starling, house martin and swallow within the proposed new housing. Designing in such nest sites should be a condition of any planning permission.
 - Welcome recommendations for mitigation and enhancement in the Ecological Impact Assessment. These should be secured as appropriate via planning conditions or via adequate financial contributions as part of a Section 106 Agreement. This is in accordance with Local Plan Policies NC3 and NC5.
 - Our recommendations are supported in the NPPF (paragraphs 9, 109 and 118).

First Revision

No further comments and our original comments are still relevant.

Second Revision

Comments awaited.

Natural England:

Original Scheme

- Support RSPB comments dated 23/10/12. In particular, how the proposals

- fit with the Great Parks masterplan and measures to safeguard Ramshell County Wildlife Site.
- The proposals will need to demonstrate that there is no detrimental impact upon the strategic flyway and sustenance zone associated with the South Hams SAC. Avoidance of light spillage from the proposed development will ensure that potential habitat is effectively safeguarded.
 - In accordance with national legislation and the NPPF, the ecological assessment should provide clear detail on appropriate mitigation and adequate enhancement measures that deliver net gain for biodiversity. The ecological assessment should provide details relating to area of new/enhanced BAP habitat. It should include an effective mitigation strategy (based upon an up-to-date biodiversity budget that provides a breakdown by habitat of losses/gains (in hectares/metres) and considers impact at the various stages of the proposed development).
 - Where on-site mitigation opportunities are restricted, off-site compensation should be considered – the Torbay biodiversity offsetting pilot might be a good mechanism for this. One of the benefits of biodiversity offsetting is that it provides a clear and transparent mechanism to evaluate biodiversity impacts and allows the applicant to successfully demonstrate that the proposals deliver sustainable development.
 - Keen that green infrastructure is integrated into the proposals.
 - The proposals should consider potential impact upon the landscape and visual context (Landscape Visual Impact Assessment).
 - The potential mitigation strategy will only be considered sufficiently robust where delivery mechanisms are explicitly identified and secured in perpetuity through appropriate planning condition/obligation. The mitigation strategy should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities. A Construction Environmental Management Plan (CEMP) and landscape and Environmental Management Plan (LEMP) are useful mechanisms towards ensuring sufficient certainty for delivery of environmental outcomes.
 - Our standing advice for protected species is a material consideration.

First Revision

- The plans need to be cross referenced to supporting text to show how the matters that we raised in our previous letter (dated 7th November) have been addressed.
- Cotoneaster should not be used as part of the planning proposals.
- Locally sourced native plants should be used as part of the proposed planting scheme to maximise biodiversity value.

Second Revision

Comments awaited.

Housing Services:

Original Scheme

- Whilst we appreciate the current proposals are providing the required number of affordable units which is to be commended, Torbay Council's affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 2 bedroom flats and houses and although a number of 3 bedroom houses are being provided, this number does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority for us as there is currently a very long wait for these types of units.
- Delivering accessible units suitable for wheelchair access is also a policy requirement and a strategic priority; it is not clear from the current plans if accessible accommodation is being provided, but we would also expect to see 5% of the rented provision to be wheelchair accessible.
- The affordable housing is currently clustered in one area of the site, however we would want to see the affordable housing distributed throughout the scheme in more than one area.
- To date we have received insufficient information as to why this scheme is unable to provide the policy requirement and without this information we are unable to support this application.

First Revision

- Although it is to be commended that the revised scheme is providing 30% affordable housing and the required tenure split, the affordable provision is not proportionate to the development and without further information to justify these proposals, Housing Services would not be able to support this application.

Second Revision

Comments awaited.

Torbay Coast and Countryside Trust: No response.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

The application has been publicised twice, once for the original scheme and once for the first set of revised plans amending the proposed development layout. Following the submission of a second set of revised plans on 25/01/13 reducing the proposed number of dwellings from 98 to 92 and minor revisions to the layout, the application is currently being publicised for a third time. Any further

representations from statutory consultees or members of the public will be provided as late representations or reported verbally at Committee. On the date of Committee, the second set of revised plans will have been publicised for 11 days.

There were 27 objections to the application following the first publicity, including an objection from Paignton Heritage Society. Two more representations were received, one raising no objection provided another vehicle access to the site could be found, which does not go through the existing road network, and another raising significant concerns with the impact of the proposal on local highways. The following material considerations were raised:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings
- Few detached houses – not in keeping with existing surrounding properties
- 3 storey buildings on top of slope will cause visual impact – buildings should be no more than 2 storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value

- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage

There were 6 further objections following the second publicity, 5 of whom had already objected and 1 changing from no objection provided another vehicle access to the site could be found to objection. The following issues were raised:

- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme

The representations mentioned have been sent electronically for Members consideration.

Relevant Planning History

- ZP/2007/0714: Residential Development (pre-application enquiry): Split Decision 30.08.2007
- ZP/2012/0151: Housing development (pre-application enquiry): Refuse 20.08.2012
- P/2012/0660: Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Impact on biodiversity/loss of part of CWS

7. Surface water drainage
8. Affordable housing

1. The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Until March 2013, full weight may be given to the policies in the Local Plan even if there is a limited degree of conflict with the NPPF. After this, weight should be given according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time. Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in

2018/2019, the rest of Great Parks Phase 2 will have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

Whilst the above does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road, which might realistically be built before the access road to the site from the northwest has been completed, it allows the delivery of housing on the site now rather than waiting, which is a material consideration given the Council's lack of a 5 year land supply. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2.

The proposed development would not have an impact on other local highways on the estate or in the area. The acceptability of the internal configuration of highways on the site will be discussed as part of 'Design' in the next section. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

3. To date, the proposed design layout of the scheme has been revised twice. The first was in response to two Torbay Design Review Panels, one presented by officers and the other by the applicant. The main changes were to the structure of the scheme, in particular providing a pedestrian route up through the middle of the site and providing a pedestrian connection to Luscombe Road. These changes provided a significant improvement in terms of pedestrian

permeability and therefore sustainability. However, planning officers felt that nothing had been done to respond to the DRP's comments in terms of place making and adding character and identity to the scheme. This was reiterated by the Arboricultural Officer who noticed that even fewer street trees were proposed than before, when too few had been proposed in the first place.

Planning officers provided further design comments to the applicant raising these issues, as well as confirming that the main street through the site needs to be designed as a 2 way bus route and the streets need to be designed according to an appropriate street hierarchy (as recognised by the DRP, the main street is likely to form a primary route through the whole of Great Parks Phase 2). In addition, a number of blank 'inactive' elevations were identified, most notably facing onto the junction at the top of the slope, as well as other details, and inadequate provision of car parking in relation to the Council's parking standards and poor relationships of some of the spaces to the proposed dwellings.

At the time of writing, the applicant has just submitted a second set of revised plans responding to some of these comments. The main changes are to the streets, so they fit in with an appropriate hierarchy, loss of 6 flats on the second storeys of three of the blocks of flats to accord with the Council's parking standards (these blocks are now 2 storeys instead of 3 storeys), provision of windows on blank elevations, and minor changes to the materials to provide more render instead of brick to create a more distinctive identity. There has also been a concerted effort to ensure that as many of the proposed dwellings as possible have 2 parking spaces to accord with the Council's parking standards.

At first glance there are still issues with the design of the scheme: There is still little attempt at place making and creating local character, the generic building typologies and lack of local distinctiveness in materials and design are still evident. The attempt to comply with the Council's parking standards has resulted in even more parking bays along streets and beside dwellings that detracts from place making principles and would lead to a car dominated environment.

There is also little room on the plan for landscape features that might enhance the quality of the streets. There is also still no provision of visitor's parking for the large 'L' shaped block of flats, which raises significant concerns with potential overspill parking on the street. 12 of the houses also still only have one parking space. This all points to the view that the applicant is seeking to provide too much development on the site to the detriment of good design and sustainability.

At least one of the blocks of flats to the north should be removed due to inadequate provision of private amenity space for the future occupants of the flats. This may provide an opportunity to improve the pedestrian route to Luscombe Road, which is through a parking courtyard and not well overlooked. The removal or reconfiguration of the 'L' shaped block (perhaps through its replacement with a dwelling house) would provide scope for a more policy

compliant parking provision and would allow the development room to breath.

As mentioned, the design of the main street through the site must be designed as a 2 way bus route, so that it is 'future proofed' for this when the rest of Great Parks Phase 2 is built. Highways officers have raised concerns with the geometry of the street, as the bus would override the kerb at certain points. Other highways issues have been raised (see consultation responses above), including poor visibility related to some of the parking spaces. The parking space for plot 35 adjacent to plot 35 looks particularly dangerous on this bend.

There is still no public open space on the site or provision of green infrastructure, whilst a contribution towards providing this elsewhere on Great Parks Phase 2 would be acceptable, this does not obviate the need to provide a 'place' with sufficient openness.

Based on the above, it is considered that the proposal does not accord with Policies H9, H10, H11, CF2, BE1, BE2 and T26(1) of the Local Plan or Section 7 of the NPPF. However, officers are continuing negotiations and believe that acceptable design is achievable, subject to a moderate reduction in the number of dwellings to allow an improved layout and taking place making opportunities through revisions to the general architecture, materials, revised parking layouts and streetscape enhancements through hard and soft landscaping.

4. The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

As stated previously, 12 of the houses (plots 33, 34, 58-61, 69-71 and 85-87) only have 1 car parking space, with no visitors parking, and the 'L' shaped block of flats (8 flats) has no visitors parking. There is a significant risk that visitors to these plots will park on the street to the detriment of highway safety and function, and the quality of the streetscene.

Therefore, the proposal does not accord with Policy T25 of the Local Plan. However, as above, officers are confident that acceptable parking provision can be achieved subject to a moderate reduction in the number of dwellings to allow an improved layout and place making opportunities.

5. The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers will be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal will mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation will relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's Green Infrastructure Coordinator has used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement.

Therefore, the proposal accords with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission is granted. Following the submission of the revised Flood Risk Assessment (V2), the Environment Agency has confirmed that it would be happy with a condition to deal with these details. This has yet to be discussed and agreed with the Council's Engineering – Drainage department.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance. This is necessary because it currently only caters for the phase 1 development and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing

The proposal would provide 30% affordable housing in accordance with Policy H5 of the Local Plan. However, the applicant proposes a tenure split of 75% affordable rent and 25% shared ownership. As stated in the Planning Contributions and Affordable Housing SPD (LDD6), the Council usually seeks 75% social rent and 25% intermediate; however, the SPD Update 3 states that as an interim measure affordable rent will be sought as an element of development and treated as social housing for planning purposes. The emerging preference is for 33% social rent, 33% affordable rent and 33% shared ownership/intermediate. Since this will still provide social rented accommodation to meet local needs.

The Council also seeks a proportionate mix of affordable housing to the overall development. In this case the affordable housing mix proposed is disproportionate to the mix of dwellings across the site, with a greater number of smaller 2-bed units instead of larger family housing.

Housing Services has objected to the proposed mix of affordable housing and formal comments are awaited on the proposed tenure split of 75% affordable rent and 25% shared ownership. Negotiations are ongoing and the latest position will be reported at Committee.

S106/CIL -

The following contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD Update 3:

- Waste Management (Site Acceptability)
- Sustainable Transport (Sustainable Development)
- Stronger Communities (Sustainable Development)
- Education (Sustainable Development)
- Lifelong Learning – Libraries (Sustainable Development)
- Greenspace and Recreation (Sustainable Development)

Figures have not been calculated for the latest set of plans, which changed the number of units from 98 to 92. The applicant must also confirm which units are social rent, affordable rent and shared ownership, as this will have a bearing on the calculations.

In addition, the following further site acceptability contributions are required:

- Bond for contribution towards Great Parks Phase 2 access minus cost of MOVA traffic signals
- Biodiversity/CWS offsetting (works and maintenance)
- Upgrading and maintenance of Great Parks storage lagoon

Again, the above contributions have to be recalculated for the reduced number of dwellings in the latest set of plans.

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report.

A contribution is also required towards the provision of a Local Centre elsewhere on Great Parks Phase 2.

30% affordable housing is also required, as previously discussed.

The total sum of contributions for 98 dwellings was in the region of £1 million. The applicants have stated that they are able to make contributions up to £450K, whilst including 30% affordable housing. Therefore, planning officers are continuing to negotiate with the applicant over the required contributions, taking into account the tests in paragraph 204 of the NPPF. The updated position will be reported at Committee.

It is likely that, given the Council's s106 priorities, the site acceptability matters, the SDLR contribution and the affordable housing provision will take precedence over the other sustainable development contributions in this case.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-

4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6 and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards the Local Centre is justified, as the development site

forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Conclusions

Whilst the principle of the development is acceptable and the main constraint in developing the site, namely the capacity of the Cotehele Drive/King's Ash Road junction, can now be overcome through a bond in the S106 Agreement, there are still some issues with the design of the scheme that need to be resolved before planning permission can be granted.

In particular these relate to the integration of the required amount of car parking in the scheme and the provision of place making principles that are currently lacking, as well as a safe and functional highway layout incorporating a two way bus route. The scheme needs to be amended accordingly, which may result in the loss of further dwellings. It is considered that the applicant is trying to squeeze too much development on the site at present leading to the problems identified and a much better development is achievable if the number of dwellings was reduced. This does not necessarily mean that a significant number of dwellings need to be lost though.

In addition, negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions need to be recalculated for the reduced number of dwellings as a result of the latest set of plans and would need to be recalculated again should the number of dwelling reduce further. In addition, negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising the design and number of dwellings accordingly and agreeing the contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

Relevant Policies

- HS Housing Strategy
- H1 New housing on identified sites
- H5 Affordable housing on identified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing

CFS Sustainable communities strategy
CF2 Crime prevention
CF6 Community infrastructure contributions
CF7 Educational contributions
CF14 Health Centre, Great Parks
INS Infrastructure strategy
IN1 Water, drainage and sewerage infrastructure
LS Landscape strategy
L2 Areas of Great Landscape Value
L8 Protection of hedgerows, woodlands and o
L9 Planting and retention of trees
L10 Major development and landscaping
NCS Nature conservation strategy
NC1 Protected sites - internationally import
NC3 Protected sites - locally important site
NC5 Protected species
EPS Environmental protection strategy
EP1 Energy efficient design
EP3 Control of pollution
EP5 Light pollution
EP10 Water supply
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE9 Archaeological assessment of development
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development on to the highway
T27 Servicing

Agenda Item 7

Application Number

P/2013/0066

Site Address

The Arboretum
West Lane
Paignton
Devon
TQ3 3YG

Case Officer

Mrs Helen Addison

Ward

Blatchcombe

Description

To regularise the conditions attached to P/2008/1217/PA and P/2009/0479/PA Planning Approvals, the 2008 & 2009 Section 106 agreements with the content of the 2012 Section 106 amendment.

Executive Summary/Key Outcomes

The application is to vary the S106 agreement in respect of the approved tourism development on the site. The variation would a) delay the payment of sustainable transport and monitoring contributions until after the conversion of the existing building on the site, but before construction of the new build units, and b) allow provision of a longer leasehold interest and for the holiday units to be subject to a mortgage.

It is also proposed to revise conditions relating to the provision of the Leisure Facilities Building, Phasing and Drainage.

These revisions are required to enable the main building to be converted initially, in order to kick start the development. The variations will still provide for the completion of the leisure building, which will be linked to the provision of the new build holiday homes, and for the new building on site to accord with previously approved conditions.

Recommendation

The S106 agreement and conditions be varied as requested by the applicant.

Statutory Determination Period

The eight week date is 28th June. The decision on this application will be made outside the 8 week target date. The reason for the delay is that the requirement to bring the matter of the variation of the 106 agreement to members of the committee.

Site Details

Site of Barton Pines, which is situated about 2 kilometres to the north west of Collaton St. Mary on the edge of Torbay's administrative boundary with South Hams.

The site was most recently used as for holiday purposes. There is a substantial main building on the site and there were a number of pitches within the grounds.

Detailed Proposals

The application is submitted to make the following revisions to the S106 agreement relating to the development of 'holiday village to form lodges; cottages; apartments and leisure facilities' (Ref: P/2008/1217/MPA) on this site;

- Revise the trigger for payment of the Sustainable Transport contribution from prior to the commencement of development to prior to the commencement of units 2-41 on the site.
- Revise the trigger for payment of the monitoring contribution from prior to the commencement of development to prior to the commencement of units 2-41 on the site.
- Amend the restriction on the sale of the site.
- The application also includes the following revisions to conditions on applications P/2008/1217PA and P/2009/0479:
 - The leisure facilities to be provided and made available for use within 20 months of the commencement of development of units 5-20 or 34-41 and before the occupation of units 2-4 or 21-33
 - The phasing of the development to accord with drawing reference 1489.1.7.3P
 - The implementation of the approved Foul and Surface Water Management Strategy not to apply to units 42-50.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received

Relevant Planning History

- P/2008/1217/PA Formation of holiday village to form lodges, cottages, apartments and leisure facilities. Conditionally approved on 25/11/2008, subject to a Section 106 Agreement to ensure, inter alia, that the cottages, flats and lodges are used for holiday use only. A maximum of 59% of the approved units were to be sold on long leaseholds and the remainder retained within the ownership of the developer to be let for holiday purposes only. 25.11.88
- P/2009/0479 Amendments to previous approval (ref application P/2008/1217/PA)- enhanced leisure facilities building; additions to lodges and cottages; extensions to existing main building Approved 10.08.09
- P/2012/0461 Variation of S106 on application approved 11.10.12
- P/2012/1105 Alterations to roof terrace to become enclosed extension with patent glazed roof light; provide lift tower at roof level behind conical tower; insert roof lights and amendments to fenestration approved 22.11.12

Key Issues/Material Considerations

The main issue is the effect of the proposed revisions to the S106 agreement and conditions on the character of the development and the necessity to deliver and maintain a tourism offer at the site.

At paragraph 28, the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Policies TUS, TU3 and TU5 in the plan support the provision of new tourist facilities. The expansion of tourist and visitor facilities is supported at this site and the delivery of the scheme is currently unlikely to come forward in the absence of a revised s106.

The proposed revision to the S106 agreement would enable the existing main building on the site to be converted prior to the payment of sustainable transport and monitoring contributions. A flexible approach to the initial conversion of the main building has previously been allowed by the Council under application reference P/2012/0461 (which allowed work to commence on conversion of the main building prior to the delivery of the Leisure Facilities Building) and the proposed revision to payment of these contributions would be consistent with this decision.

The proposed extension to the lease period on the site and acknowledgment that the holiday units may be leased with a mortgage would not affect the character of

the development, since freehold would remain intact.

The proposed revisions to the conditions relating to the provision of Leisure Facilities and Phasing are to regularise the position previously agreed under application reference P/2012/0461 (that work can commence on conversion of the main building prior to the delivery of the Leisure Facilities Building).

The proposed revision to the drainage conditions would allow the conversion of the existing main building without complying with the approved Foul and Surface Water drainage strategy. As this building already exists its conversion would not place additional demands on drainage on the site and as such this too would be acceptable.

Conclusions

In conclusion, the proposed variation to the S106 agreement would be acceptable, as it would still ensure sustainable transport and monitoring contributions would be paid prior to the completion of the majority of the development on the site. The proposed revision to the lease period would not change the character or form of development on the site.

The proposed revisions to the conditions would continue to ensure that the Leisure Facilities Building would be delivered prior to the completion of the majority of development on the site and that the approved drainage strategy would be implemented for all new build units on the site.

It is now hoped that with these changes in place the development can begin to take shape, providing the desired tourism outcomes for the economy of Torbay.

Relevant Policies

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Agenda Item 8

Application Number

P/2013/0450

Site Address

52 Preston Down Road
Paignton
Devon
TQ3 1DU

Case Officer

Mr Alistair Wagstaff

Ward

Preston

Description

Alterations and extensions to provide additional accommodation (Re-submission of P/2013/0198)

Executive Summary/Key Outcomes

The application proposes a series of extensions and alterations to the host property including two, two storey extensions, the key considerations are the site constraints, impact on the street scene, the impact on the living conditions of the neighbouring occupiers and highways considerations. In these regards the application is considered acceptable and as such is recommended for conditional approval.

This application is brought before Committee due to concern expressed by two ward Councillors, that the matter could not be address by a Site Review Meeting.

Recommendation

Approval; subject to Committee Site Visit.

Statutory Determination Period

8 weeks 27th June

Site Details

52 Preston Down Road is a 3 bedroom residential property, it has its principle elevation facing seaward with a side elevation facing the road. The property does not sit squarely within the plot and is instead on an angle, in order to gain sea views from principle rooms. It is located on a section of Preston Down Road which is one-way. The site slopes down to the North, the East and the South giving it an elevated appearance, however, this is largely masked in the wider street scene due to other buildings and foliage.

The property has a single story element on the west side comprising a garage, breakfast room and garden room.

Detailed Proposals

It is proposed to demolish the existing single story element of the property and

build a two storey extension to the West side, this element will come forward at ground floor level (towards the road) by approximately 1.8 m, but be set back to the rear by approximately 3m, the two storey element of this extension is more limited in mass with a maximum depth of 6m compare to the ground floor element which is 9.5m, this element has a hipped roof, reducing the impact on the neighbour.

A new terrace is proposed at ground floor level to reduce the steepness of the rear garden, with a frameless balustrade enclosing it.

An additional two story extension is proposed to the north, to the rear of the site, this will replicate the existing double bay feature on the west elevation creating three bays in total.

Summary Of Consultation Responses

Highways: Providing a vehicle can turn around on site and exit in a forward gear, Highways would not object.

Arboriculture: No objection; the only constraining arboricultural feature is the mature Birch tree, which is a relatively short lived species and its light canopy rarely contributes significantly to other than visual amenities. The terrace will cut into a portion of the root plate but the tree appears vigorous enough to cope with this if it is intended for it to be retained by the applicant.

Summary Of Representations

5 objections have been submitted, the key points of planning merit raised are:

Highways issues, loss of light to neighbouring properties, overlooking / loss of privacy, set precedent for other developments, impact on trees, over development, could be subdivided in future.

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2013/0198 Alterations and extensions- withdrawn

Key Issues/Material Considerations

The Key issues in this scheme are the site constraints, the impact on the street scene, the neighbouring occupier's living conditions and highways considerations.

The site of 52 Preston Down Road is a substantive plot, the proposed development will occupy approximately 1/3 of the site set back approximately 12 metres from the highway and 10 metres from the rear boundary. In relation to the side boundaries the proposal is no closer than the existing built form, with the exception of the rear extension, which does draw closer to the boundary but is

still over 1 metre from the boundary. On this basis the proposed extensions are not considered to over develop the site.

In relation to the streetscene there is a wide variety of property styles both bungalows and houses of a variety of designs offering no overriding character in terms of appearance. There is, however, a pattern of dwellings being set back from the highway with mature front gardens and also a degree of separation between dwellings.

The proposal will retain the set back pattern of development and while an enlarged driveway is proposed, this retains a grassed area over the proposed soak away and the highway boundary vegetation is also retained.

A landscaping condition is proposed to ensure a satisfactory landscaping is provided to the front and also the rear of the site. In relation to the separation of dwellings within the street scene, this application does pull away part of the existing dwelling from the boundary to the neighbouring property on the west, but it also introduces a new two story extension on this side. This does close the gap with the neighbouring property to a degree, however given that there is a degree of separation provided by the neighbouring property's driveway, it is, on balance, considered that this is not substantively out of character with the street scene.

The proposed street fronting elevation also provides a more traditional front elevation to the dwelling compared to the existing elevation, which reads more as a side elevation. The upper floor is proposed to be clad in cement fibre boarding, this will be a new treatment to an elevation in the streetscene, however, there is a wide variety of designs and finish to the properties in the vicinity. Therefore on balance this is not considered a detrimental addition. There are however no details of the exact finish and colour, this will therefore need to be the subject of a condition to ensure its visual appearance is acceptable.

The impact on the neighbour's residential amenity is a key consideration in this case and a number of residents have expressed concern. The most substantive impact of the scheme is on the neighbour to the west. A more substantive built form would be created abutting the boundary of this property, however the two properties are separated by a distance of approximately 6 metres. While this relationship is more substantive than the status quo, relationships of this nature are common in residential areas. On balance it is considered that the resultant relationship is not so detrimental to the neighbour's residential amenity that it would warrant the refusal of the application.

A number of new windows are proposed as part of the extension at first floor level, a revised plan has been submitted showing that all but two of these are to be obscure glazed. This ensures that no overlooking will take place to the west and north, the window to the south will over look the street and is in excess of 25

metres from the property across the street and is also in part obscured by the boundary foliage of the two properties. As such this relationship is deemed acceptable.

In relation to the new bay window to the east, this has been designed to provide seaward vistas. It will provide views of the properties below, however, this is only a marginal increase on the existing relationship. Given that there is a distance of between 15 and 25 metres to the adjoining properties (depending on which property you are looking at) and also considering the surrounding boundary treatments and topography of the area, this will not create a harmful relationship.

Given the elevated nature of the site, particularly in relationship to the properties to the North to North East, consideration is given to whether the development will have an over bearing relationship to these properties. The rear extension is under 4 meters in outward extent with hipped gables. The extension will create an additional impact, however, given the distances involved the relationship is not considered detrimental and replicates many situations in Torbay due to the undulating topography of the area.

In conclusion, in relation to the impacts of the scheme on the surrounding residents' amenity, the impacts are considered acceptable in this case.

There is a mature Birch tree in the rear garden, the arboricultural officer has reviewed the scheme and advised that the root plate the tree appears vigorous enough to cope with this if it is intended for it to be retained by the applicant. It is also noted that the tree is not protected by either a TPO or the virtue of being located in a Conservation Area, as such it could be felled at any time.

In highways terms, as an extension to an existing dwelling, it is not envisaged that additional trips would be generated by the development. The highways department have confirmed that they raise no objections to the application providing vehicles can exit the site in a forward gear. An additional plan has been provided by the applicant showing that this is possible due to the enlarged driveway being provided. As such while there have been objections from local residents concerning highway safety the application is considered acceptable in that regard.

S106/CIL -
Not applicable

Conclusions

Having considered the impact of the development and considered it against the relevant local and national planning policy the scheme is recommended for conditional approval.

Condition(s)/Reason(s)

01. Prior to the commencement of the development details of the cement fibre board cladding shall be submitted to and approved by the LPA. The extension shall then be completed in accordance with the approved details. Reason: To ensure the form and appearance of the extension is acceptable and in accordance with policies BES, BE1 and H15 of the Saved Adopted Local Plan 1995-2011.

02. Prior to the commencement of the development a detailed landscaping plan showing boundary treatments and other landscaping proposed on site shall be submitted to and approved by the LPA. All landscaping shall be carried out within the first planting season following the completion of the development, unless otherwise agreed in write with the LPA. Reason: To ensure a satisfactory form of development and in accordance with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The proposed first floor windows, shown as obscure glazed on plan 7006.05D, shall be obscure glazed and be permanently retained as such.

Reason: To preserve the residential amenity of the neighbouring occupiers and in accordance with the Saved Adopted Torbay Local Plan 1995-2011.

04. No trees or shrubs retained or planted as part of the landscaping scheme required by condition 2 shall be cut down, felled, uprooted, removed, destroyed, lopped or topped without the prior written consent of the Local Planning Authority. If within a period of 5 years from completion of the development any of the approved landscaping, whether it be retained or planted, is destroyed, dies or is seriously damaged or defective, another tree or shrub of the same species shall be planted at the same location in the first planting season following death, damage, removal etc.

Reason: To ensure that landscaping as approved and implemented is allowed to become established and to comply with the objectives of Policy L9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

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

Agenda Item 9

Application Number

P/2013/0105

Site Address

Cary Cottage
Cockington Lane
Torquay
Devon
TQ2 6XA

Case Officer

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Conversion of existing barn into habitable accommodation

Executive Summary/Key Outcomes

The application seeks permission for the conversion of a barn, adjacent to Cary Cottage and attached to Lanscombe Lodge Cottage, to residential accommodation.

The key issues are whether the principle of the development and the external alterations have a significant impact on the character and setting of the Listed Building. The principle of the conversion of the barn is acceptable as it would not detrimentally affect the character of the area and would ensure the upkeep of the building, which is a heritage asset. The external alterations are sympathetic to the original property and are deemed to be appropriate developments.

Three letters of objection have been received, the issues covered in these involved the impact the development would have on the Listed Building, flood risk and covenants.

The Local Authority's Senior Heritage and Design Officer has confirmed that the proposed works are acceptable and comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011.

The applicant has submitted a flood risk assessment which includes mitigation to alleviate the results of flood risk and which has agreed with the Environment Agency. The recommendations of the flood risk assessment can be conditioned.

Covenants are not a planning issue and therefore will not be considered as part of this application.

The proposal is therefore considered to comply with policies BES, BE1, BE5, BE6 & H9 of the saved adopted Torbay Local Plan 1995-2011.

The applicant has paid the required SPD contribution for the development via a

unilateral undertaking.

The application is considered to be acceptable and is recommended for approval.

Recommendation

Approval

Statutory Determination Period

8 weeks - this application has exceeded the statutory determination period as a planning contribution was required and as it was requested to be put to the development management committee.

Site Details

The site relates to a Grade II Listed barn adjacent to Cary Cottage, Cockington Lane, Torquay. The barn is within the Cockington Conservation Area.

Detailed Proposals

The application seeks permission for the conversion of the existing barn into habitable accommodation with the addition of conservation style roof lights, which will be flush to the existing roof plain.

Summary Of Consultation Responses

Senior Heritage and Design Officer No objection to the principle of conversion of the barn or the proposed works.

Highways Officer No objection

Summary Of Representations

3 letters of objection have been received for this application, these relate to:

- Impact on Listed Building and Conservation Area
- Out of keeping with the area
- Restrictive covenants
- Flood Risk
- Overdevelopment

These representations have been sent electronically for Members consideration.

Relevant Planning History

ZP/2012/0131 Conversion of existing barn into habitable accommodation. Formation of detached double garage. Officer support was given to the principle of the conversion, however the addition of a detached garage was advised against.

P/2002/1157 Alterations and installation of replacement windows, enlargement Of 2 Door Openings To Form Timber Garage Doors At Rear And Replacement Opening Infill To Front Elevation (As Revised By Plan Received 3 December 2002). Approved by committee 20.10.2002.

Key Issues/Material Considerations

The key issues to consider in relation to this application are, i) the impact it would have on the Listed Building and the character and appearance of the Conservation Area, and ii) the impact on the amenity and privacy enjoyed by the occupiers of neighbouring properties. Both iii) flood risk and iv) the impact of the proposed use on the character of the village are also important considerations

i) The principle of the conversion of the barn is considered to be acceptable, ensuring the retention and upkeep of the building as a heritage asset.

This building dates from between 1830 and 1870 and sits within the Cockington Conservation Area. It is designated in the Churston Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. It is identified as having an unspoilt frontage. It is also designated as a grade II listed building. NPPF Paragraphs 131 and 132 are relevant as are Local Plan policies BE5 and BE6.

In accordance with guidance in the NPPF (para 131), the proposed use is considered to provide the necessary viability to retain the building in the longer term. In terms of the works themselves, they are considered on balance to retain the character of the building and its setting.

In terms of the interior changes, planning application P/1995/1469 shows that the staircase is a modern addition. In terms of fenestration, the majority utilise existing openings. In this case the road elevation is very important to the wider setting of the conservation area. Accordingly the number of roof lights on this elevation is only three, which would not be sufficient to provide natural light to the rooms, therefore two new openings on the courtyard side and a further three roof lights on that side of the building are considered a reasonable compromise to retain as far as possible the more prominent roadside façade. Therefore the works as a whole will provide a suitable balance between the desire to retain the building's character and setting, whilst providing the building with a viable long term future.

ii) The proposal will not have a significant impact on the privacy and amenity of neighbouring properties to the extent of warranting a refusal. The change of use and works to convert the barn will be in keeping with the character of the

immediate area which has a mix of both holiday and residential accommodation. The additional windows and doors are not considered likely to result in substantive additional overlooking.

Furthermore, given the scale and nature of the use of the barn for residential purposes, it is not considered that the conversion will create such additional levels of noise or disturbance as would generate concerns about harmful impacts on neighbouring living conditions.

iii) A flood risk assessment has been submitted with the application and the Environment Agency have confirmed that, provided alleviation measures mentioned in the assessment are adhered to, they would not object to the proposal.

iv) There is potential for this accommodation to also contribute towards the village as a tourism hub, particularly if it were used for holiday purposes. Although it should be made clear that no mention of this has been made in the application. Concerns have been raised about the potential impact of a holiday use on the village. However, given the open residential nature of the use and the payment of the relevant s106 contribution for permanent residential use it would be entirely in the hands of the owners as to whether to use the barn for holiday or residential purposes. It is considered that both residential and holiday use are acceptable uses for the building in this case.

Finally, in relation to parking and access, the site is served by an existing access and parking courtyard that is sufficient to provide space to serve the additional dwelling. The issue of covenants is not a material planning consideration.

S106/CIL -

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

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

	Total	Less 5%
Waste Management (Site Acceptability)	£ 50	£ 48
Sustainable Transport (Sustainable Development)	£2,385	£2,266
Stronger Communities (Sustainable Development)	£-	£-

Education (Sustainable Development)	£-	£-
Lifelong Learning (Sustainable Development)	£ 85	£ 81
Greenspace & Recreation (Sustainable Development)	£2,045	£1,943
South Devon Link Road	£ 975	£ 926
Total	£5,540	£5,263
<u>Total with Admin Charge</u>	<u>£5,817</u>	<u>£5,526</u>

The applicant has paid the planning contribution by upfront payment (cheque), as such the s106 obligations in respect to this scheme have been discharged.

Conclusions

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

Condition(s)/Reason(s)

01. Prior to the first residential occupation of the barn, the recommendations set out in the flood risk assessment, hereby approved, shall be undertaken. These measures shall be adhered to at all times thereafter. Reason: In order to protect against flood risk and to comply with advice contained in chapter 10 of the NPPF.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
BE5 Policy in conservation areas
BE6 Development affecting listed buildings
H2 New housing on unidentified sites

Agenda Item 10

Application Number

P/2013/0275

Site Address

Cary Cottage
Cockington Lane
Torquay
Devon
TQ2 6XA

Case Officer

Mr Alexis Moran

Ward

Cockington With Chelston

Description

Conversion of existing barn into habitable accommodation

Executive Summary/Key Outcomes

The application seeks permission for the conversion of a barn, adjacent to Cary Cottage and attached to Lanscombe Lodge Cottage, to residential accommodation. This is the Listed Building Consent application for the works to convert the building to the proposed use.

The key issue is whether the principle of the development and the external alterations have a significant impact on the character and setting of the Listed Building. The principle of the conversion of the barn is acceptable, as it would not detrimentally affect the character of the area and would ensure the upkeep of the building, which is a heritage asset. The external alterations are sympathetic to the original property and are deemed to be appropriate developments.

Three letters of objection have been received, the issues covered in these involved the impact the development would have on the Listed Building, flood risk and covenants. Matter of flood risk and covenants are dealt with in the sister planning application report P/2013/0105.

The Local Authority's Senior Heritage and Design Officer has confirmed that the proposed works are acceptable and comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011.

The application is considered to be acceptable and is recommended for approval.

Recommendation

Approval

Statutory Determination Period

8 weeks - this application has exceeded the statutory determination period as a planning contribution was required and as it was requested to be put to the

development management committee.

Site Details

The site relates to a Grade II Listed barn adjacent to Cary Cottage, Cockington Lane, Torquay. The barn is within the Cockington Conservation Area.

Detailed Proposals

The application seeks permission for the conversion of the existing barn into habitable accommodation with the addition of conservation style roof lights, which will be flush to the existing roof plain.

Summary Of Consultation Responses

Senior Heritage and Design Officer - No objection to the principle of conversion of the barn or the proposed works.

Summary Of Representations

3 letters of objection have been received for this application, these relate to:

- Impact on Listed Building and Conservation Area
- Out of keeping with the area
- Restrictive covenants
- Flood Risk
- Overdevelopment

The matters relating to flood risk and covenants are dealt with in the sister planning application report P/2013/0105. This report covers the proposed works to the Listed Building only.

The representations have been sent electronically for Members consideration.

Relevant Planning History

- | | |
|--------------|--|
| ZP/2012/0131 | Conversion of existing barn into habitable accommodation. Formation of detached double garage. Officer support was given to the principle of the conversion, however the addition of a detached garage was advised against. |
| P/2002/1157 | Alterations and installation of replacement windows, enlargement Of 2 Door Openings To Form Timber Garage Doors At Rear And Replacement Opening Infill To Front Elevation (As Revised By Plan Received 3 December 2002). Approved by committee 20.10.2002. |

Key Issues/Material Considerations

The key issue to consider in relation to this application is the impact it would have on the Listed Building and the character and appearance of the Conservation

Area.

i) The principle of the conversion of the barn is considered to be acceptable, ensuring the retention and upkeep of the building as a heritage asset.

This building dates from between 1830 and 1870 and sits within the Cockington Conservation Area. It is designated in the Churston Conservation Area Appraisal as a key building of architectural importance which makes a significant contribution to the townscape. It is identified as having an unspoilt frontage. It is also designated as a grade II listed building. NPPF Paragraphs 131 and 132 are relevant as are Local Plan policies BE5 and BE6.

In accordance with guidance in the NPPF (para 131), the proposed use is considered to provide the necessary viability to retain the building in the longer term. In terms of the works themselves, they are considered on balance to retain the character of the building and its setting.

In terms of the interior changes, planning application P/1995/1469 shows that the staircase is a modern addition. In terms of fenestration, the majority utilise existing openings. In this case the road elevation is very important to the wider setting of the conservation area. Accordingly the number of roof lights on this elevation is only three, which would not be sufficient to provide natural light to the rooms, therefore two new openings on the courtyard side and a further three roof lights on that side of the building are considered a reasonable compromise to retain as far as possible the more prominent roadside façade. Therefore the works as a whole will provide a suitable balance between the desire to retain the building's character and setting, whilst providing the building with a viable long term future.

Conclusions

The proposed development is considered to be appropriate for Listed Building consent, having regard to all national and local planning policies and all other relevant material considerations.

Relevant Policies

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

Application Number

P/2013/0254

Site Address

County Hotel
52/54 Belgrave Road
Torquay
Devon
TQ2 5HS

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Change of use from former hotel to 8 holiday letting apartments and 2 full residential use apartments on top floor

Executive Summary/Key Outcomes

The proposal seeks the change of use of the building from a 24-bed hotel with residential accommodation at lower ground floor, to that of 8 holiday letting apartments and 2 full residential apartments.

The intention is to provide 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. Physical changes are also proposed, which include removing later additions to the building, replacing the windows, and altering access at lower ground floor level.

The site lies within the 'red core' area of the Principle Holiday Accommodation Area (PHAA), where the retention of serviced holiday uses is the clear objective of both the policy and the revised guidance on PHAAs.

In terms of use, the proposal is considered to provide an acceptable alternative to the current holiday offer provided by the site. This is subject to viability findings, the continuation of sole ownership and management, and restricted occupancy of the 8 units as holiday accommodation.

The visual alterations are largely considered acceptable, subject to the improvements set out in this report. As such, subject to revised plans that incorporate the addition of appropriate window openings within the ground floor side elevation, an improved boundary treatment, improvements to the roofscape and revised signage for the new holiday offer, the impact upon the wider built environment is acceptable.

Sustainable development planning contributions should be attained as per the sums outlined within this report, to offset the impact upon local infrastructure.

Recommendation

Site Visit; Conditional Approval; Subject to the further improvements to the building set out in this report (additional windows, roofscape changes, signage and boundary treatment); subject to the findings of the viability assessment; subject to planning conditions to include those laid out within this report, and; subject to a S106 Legal Agreement to achieve planning contributions, a holiday use monitoring contribution and clauses pertaining to holiday occupancy and ownership.

The application is to be refused for lack of a s106 agreement, if the agreement is not completed and signed by or before 24 July.

Statutory Determination Period

13 weeks / 24.07.2013

Site Details

The site is 5-storey hotel set in a prominent corner plot at the junction of Belgrave Road and Falkland Road, with 3 principle storeys and additional rooms at lower ground floor and roof level. The building is Victorian, double width (being the combination of buildings 50 and 52), with stucco/rendered elevations. Modern mansard and flat-roofed dormer additions are present in the roof and lean-to additions sit at ground floor adjacent to Falkland Road.

The site sits within the Belgravia Conservation Area and is identified as a key building and part of an important building group within the associated character appraisal.

The building is also within the Belgrave Road PHAA (Principal Holiday Accommodation Area) and the "Red Core Area" as detailed within the 2010 revised guidance of PHAAs. It also sits close to the Belgrave Road / Lucius Street Local Centre and at an axis junction with good links to Torquay Town centre and Torre Abbey Sands and the wider promenade.

Detailed Proposals

Change of use from a 24-bed hotel with residential accommodation at lower ground floor to 8 holiday letting apartments and 2 residential apartments.

The submission is for 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. The scale of the apartments is a mix of one and two bedroom.

Aside the change of use a number of physical changes are proposed, which include the removal of two lean-to structures at ground floor level adjacent to Falkland Road, removal of the stainless steel flue that runs up the corn of the building, formation of doorways at lower ground level to the front and rear, and the replacement of timber sash windows with Upvc sliding sash windows throughout.

Summary Of Consultation Responses

Highways/ Strategic Transport Pending Comments

Conservation Verbal advice offered that the removal of the lean-to structures and flue are positive enhancements, however window openings should be (re)formed within the exposed areas to either side to reinstate balance and detail to the side elevation. The replacement of timber sash windows with Upvc on a like-for-like basis sits comfortably with Policy guidance. Endorse improvements to the roofscape if at all possible.

Summary Of Representations

One letter of representation detailing that the existing plans fail to show a mutual fire escape shared with the adjacent 'Lancaster Flats' and the proposed plans fail to show how this facility is to be maintained as the owners/occupiers benefit from a easement over for emergencies. The implications upon the adjacent property should be considered.

This representation has been sent electronically to Members for consideration.

Relevant Planning History

Applications:

P/1988/2078 Alterations and Construction Of Pedestrian Bridge Between Front Terrace And Lounge Areas - PER - 03/11/1988

Pre-Applications:

ZP/2005/0678 Conversion from Hotel to Residential - REF - 29/07/2005
ZP/2012/0379 Use as holiday lets and residential use on top floor - REF - 21/11/2012

Development Enquiries:

DEP/2012/0310 Change of use to HMO - WDN - 03/08/2012
DEP/2012/0343 Change to use away from hotel - REF - 03/08/2012
DEP/2012/0378 Use as long term hotel - over 28 days to 1 year plus - REF - 31/10/2012

Key Issues/Material Considerations

Impact upon the PHAA -

As a hotel located within a defined PHAA where there is a change of use proposed, Policy TUS (Tourism Strategy) and TU6 (Principal Holiday Accommodation Areas) of the Saved Local Plan apply.

Policy TUS identifies the broad aspiration that holiday accommodation within PHAAs should be retained.

Policy TU6 seeks to resist changes of use of existing holiday accommodation which are to the detriment of the character and function of the PHAA. The policy states that the loss of holiday accommodation or important tourism-related facilities may, however, be permitted within PHAAs 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 accommodation) 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.

Revised guidance on the interpretation of Policy TU6 (2010) and “Red Core” areas, offers more specific guidance. The review outlined that the “Red Core” areas were the foundation of the holiday areas and it is essential that holiday use and character is maintained and enhanced. In such areas the Authority is to seek to encourage and retain serviced accommodation and the conversion of serviced accommodation to residential apartments should only be permitted where viability has shown a holiday/leisure use not to be viable. In all events replacement uses should be compatible with the tourism character.

The proposal, in this instance, seeks the conversion of a 24-bed hotel with one integral residential unit to 10 residential units, albeit that 8 of the units are proposed to be restricted by a holiday occupancy clause as they are described in the proposal as “holiday apartments”. In regard to policy the key test is whether viability shows that the current hotel use cannot be sustained, and whether the revised holiday use sustains or enhances the role or character of the holiday area.

The applicant has supplied information in respect to viability. At present confirmation is being sought for agreement to pay for viability testing of this information and it is hopeful that agreement will be provided and that a report can be provided to members on the day in respect to this issue. On face value the information provided concludes that bringing back the hotel to a usable standard is not viable. On this assumption the merits of the proposed use will be discussed below.

The conversion of the building to predominantly offer holiday apartments is considered a suitable alternative use supportive of the holiday character and role of the area. The provision of 2 unrestricted residential units (one net additional unit) on the uppermost floor is considered aligned with pump-priming advice contained within the 2010 update guidance for PHAAs. In both cases this is on the assumption that maintenance of the hotel is not viable.

The downside of holiday apartments is that they are principally residential units with a restricted occupancy clause and as such offer a degree of difficulty in establishing and maintaining a vibrant ongoing holiday offer. This is because there is the potential for the flats to be used as second homes or to be used for residential by the “back door” through breach of the condition.

However, from a planning perspective a restrictive occupancy condition offers a 10 year safeguard against unlawful established uses such as full residential. In addition, the agent has indicated that the business plan is that the building is to be maintained in sole ownership and the holiday flats retained as a single enterprise.

From a planning perspective retaining the units as a single commercial enterprise is far more preferable to the sale of the individual flats. As a single enterprise there is a commercial imperative to develop the business and keep the flats occupied, it is also easier to monitor marketing and occupancy of the units. The agent has been requested to provide a business management statement to that effect, that could be engrained within a planning condition should the proposal be acceptable. A further safeguard that the flats are not to be sold, let or otherwise disposed of can also be written into an accompanying S106 Legal Agreement.

Provided that the continued hotel use is proven to be unviable (this to be confirmed following the assessment of the viability submission), the proposed uses are considered to sit comfortably with tourism policy.

This is subject to restrictions on occupancy, sole ownership of the holiday flats as a single owned/run apartment block, and submission of a revised signage scheme aligned to the revised business. The use restriction should be maintained through conditions and similar clauses engrained within a S106 legal agreement.

Neighbour impacts

The submitted public representation states that the scheme would impact upon the adjacent business due to no reference being shown to the maintenance of a shared escape route. The layout is one commonly established by mutual arrangement and largely born from the need to meet with building regulations for fire access/egress. The matter of easement is considered a civil matter and not one that the planning system can seek to maintain or protect in this instance.

Visual -

The proposal seeks a number of physical alterations, which are discussed in turn below.

Firstly the removal of the two lean-to additions on the side elevation fronting Falkland Road is considered a positive move, as the structures are incongruous and visually detrimental to the building's character and appearance. Notwithstanding this, the scheme proposes to render and make good the resulting elevation and offer a blank finish, which would remain visually harmful. Considering the wider elevation treatment, it is strongly recommended that the scheme provides window openings to each side of the porch detail, to run the detail through from the floors above. This aspiration has been outlined to the agent and there is broad agreement that revised plans will show the reinstatement of windows within this area.

The proposal also removes the prominent and unsightly stainless steel flue that sits on the outer rear corner elevation. This is a positive outcome for the building's visual character and results from the removal of the commercial kitchen.

On floors lower-ground to the second, it is proposed to replace the original timber sliding sash window stock with Upvc sliding sash windows. Considering Authority planning policy guidance the move is considered acceptable, with limited visual impact and positive thermal and maintenance improvements.

Lower ground floor amendments involve the addition of two doors and the provision of a rear access. Subject to detail on the doors and the steps/railings the proposal are unlikely to offer any discernible visual harm.

The proposal does not deal with the matter of any revised signage. The current hotel sign is in poor repair and would not reflect the use that is sought as holiday apartments. In order to update the building and ensure that a revised signage scheme is suitably detailed it is advised that a condition be imposed to implement a revised signage scheme for holiday apartments.

Although no change is offered, the existing roofscape is visually harmful to the

building's character and its contribution to the wider Conservation Area. The matter has been raised with the agent in respect to whether enhancements can be brought into the scheme. Observations are awaited. However, given the nature of the proposed change of use it is advised that a positive enhancement should be sought if at all possible, in order to obtain positive Conservation Area benefits as a result of the acceptance of a more viable use for the site.

Finally, reinstatement of a suitable border treatment to define the curtilage is considered vital, as presently the definition of public and private space aside Falkland Road has been lost. This desire has been outlined to the agent and observations are awaited.

All matters considered, subject to revised plans that include the introduction of windows within the Falkland Road elevation and restatement of the border treatment, together with improvements to the roofscape and revised signage via condition, the visual implications are acceptable.

Highways / Parking / Movement -

The building sits on a restricted site with little curtilage and parking presently for 6 cars. It does however sit in a central location close to facilities, the town centre and seafront area, which offers ease of movement for occupiers, be they holidaying or resident.

The current hotel use should, under policy guidance, have 23 associated parking spaces to serve it. It is therefore presently massively undersupplied in regard of parking for the present use. The proposed use should, again under policy guidance, provide 11 spaces, which is again an undersupply for the 6 offered.

Observations of the highway and movement implications from the highway department are awaited however, on face value, the proposed use appears to be a less trip-generating use and thus it would appear to offer betterment over the existing arrangement in parking and highways terms.

S106/CIL -

The matter of viability has been discussed separately above. Aside this, the change of use has been assessed against Council policy pertaining to Planning Contributions and Affordable Housing.

In-line with policy, with mitigation for the current use, the proposal should provide the following obligations for community infrastructure:-

South Devon Link Road: £2290.00
Waste: £ 50.00
Monitoring Fee: £1600.00
Admin Charge: £ 197.00

Total Payable via a S106 Legal Agreement: £4137.00 + Legal Fees Approx £500.00

The matter has been raised with the agent and a response is awaited.

Conclusions

In terms of use, subject to viability findings and attainment of sole ownership and management of the units as a holiday package, the change from hotel to holiday apartments is considered a pragmatic revision of the holiday package offered by the site.

The visual alterations are largely considered acceptable and subject to revised plans that incorporate appropriate window openings within the ground floor side elevation, improvements to the roofscape, an improved boundary treatment, and revised signage reflective of the new holiday offer (potentially by condition), the impact upon the wider built environment is acceptable.

Sustainable development planning contributions should be attained as per the sums outlined within this report to offset the impact upon local infrastructure.

Draft Conditions

1. Agreed management plan
2. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis
3. Register of visitors to be maintained
4. Holiday flats not to be a person's sole or main residence
5. Signage and any other relevant details for the external works to the building to be submitted and agreed and completed prior to first occupation

Relevant Policies

BES Built environment strategy
BE1 Design of new development
BE5 Policy in conservation areas
H2 New housing on unidentified sites
H9 Layout, and design and community aspects
CFS Sustainable communities strategy
LDD6 Affordable Housing Contributions

TS Land use transportation strategy
T25 Car parking in new development
TUS Tourism strategy
TU6 Principal Holiday Accommodation Areas

Agenda Item 12

Application Number

P/2013/0369

Site Address

Former Finance Building
Torbay Hospital Annexe
187 Newton Road
Torquay
Devon
TQ2 7BA

Case Officer

Mrs Helen Addison

Ward

Shiphay With The Willows

Description

Partial demolition of existing buildings, refurbishment & extension to remaining to create 300 pupil 'Devon Studio School' and associated parking & landscaping. Change of use of existing C2 (Hospital office/stores) to D1 (School) use

Executive Summary/Key Outcomes

The application is for refurbishment and extension of existing buildings on the hospital annex site (on Newton Road) to form a new school that would focus on developing skills for a career in health, early years or social care, for pupils aged 14 to 19. The school would accommodate 300 pupils and would employ the equivalent of 35 full time staff.

The principle of providing the school on this site would be consistent with guidance in the NPPF and policies in the Torbay Local Plan 1995-2011. It would encourage a good link between the school and the hospital. The design of the new extensions would be contemporary, which would contrast with the historic appearance of the existing buildings on the site. This design strategy would be innovative and would result in an exciting, dynamic and high quality environment for the new school.

The site constraints would restrict the availability of on-site parking, necessitating a zero parking strategy for staff and students, and also providing a limited amount of open space.

Further information has been requested in respect of highways, ecology, the design of the building and S106 contributions. Subject to the receipt of this information the proposal is considered acceptable in principle and would constitute an acceptable form of development on this site.

Recommendation

Subject to the payment of the S106 contribution towards sustainable transport, receipt of the consultation response from Natural England and further information relating to the detailed design of the building and highways; Site Visit; Conditional Approval (conditions at the end of the report)

Statutory Determination Period

The 13 week period for determination expires on 24th July. Subject to receiving the highway contributions, by means of a Unilateral Undertaking, prior to this date the application could be determined within the target date.

Site Details

The application relates to the north western quarter of the existing Torbay Hospital Annex site, situated on the north side of Newton Road.

The site comprises a number of buildings that are predominantly brick and single storey. Newton Road runs along the southern boundary of the annex site, the railway runs along the northern boundary of the site and there is a footpath link from Riviera Way to Newton Road along the western boundary of the site. There is a mature hedge and tree screening along the boundary with the railway line and the western footpath.

There are currently a number of uses on the annex site; including the Rainbow lodge, which is used for out-patient oncology, the pre-school Rainbow nursery, John Parkes unit (a children's developmental nursery care), the Winnicott Centre and Child guidance buildings.

The application site includes the oldest building on the site that dates from 1882 and was originally built as an isolation hospital. It is a two storey building that is currently largely vacant. It is however partly occupied by the hospitals' computer services as a back-up IT communications server space and storage. This

computer server facility is critical to the hospitals IT functioning and because of this and the very large costs that would be involved to relocate it, this service must be retained in-situ. There are a very limited number of parking spaces on the annex site.

The surrounding area is in mixed use. There are a variety of commercial uses along Newton Road including food retail, garages and banks, in addition to the fire station and residential properties. To the south of Newton Road is the main Torbay Hospital campus and buildings complex, which is influential to the character of the area in terms of being the principle employer and activity generator. There is no specific allocation relating to the site in the Torbay Local Plan 1995-2011. The land along the railway line has a wildlife designation.

Detailed Proposals

The application is for partial demolition of buildings on the site together with refurbishment and extension of existing buildings to form a new school to provide places for 300 pupils aged between 14 and 19 years.

The pupils would be split 50/50 between the ages of 14 to 16 and 16 to 19 years. The students would be taught by the equivalent of 35 full time staff. The applicant advises that the proposed school would follow a new state school model and would be the first of its kind in the South West. It will be funded by the Department of Education and South Devon College.

The model seeks to address the gap between what young people require to succeed in life and the skills that the current education system provides. The aim is to support the transition between school and work and to prepare the students to be work ready. The school will focus on developing skills for a career in health, early years or social care. Integrated into their vocational and technical studies will be the national curriculum. The 16-19 year old students will spend 2 days per week off campus doing work experience. The working day will be 9am to 5pm.

The principle of the design of the proposal is to refurbish and extend the existing historic buildings on the site. The main two storey building and large single storey extension to the east would be retained. The existing single storey rear extensions to the main building on the site and the link would be demolished. The Hospital IT Server Hub building would be retained. The outbuilding used for the generator would be retained and three other outbuildings would be demolished.

A new principle entrance would be formed in the single storey building. This entrance building would be of double height, projecting out of the existing building, making it visible from Newton Road. The management suite would be provided adjacent to the entrance to allow visitors and parents immediate access without needing to enter the main body of the school. A large two storey extension would be constructed on the northern side of the main building to form a refectory/multi function space and classroom space. The applicant advises that due to the width constraint of the existing buildings, generally larger classrooms and laboratory space would be provided in the new build element of the two storey extension and single storey link between the two existing buildings. The main plant space would be at roof level.

Parking provision of 8 spaces would be accessed from the main campus site road. A small hard and soft landscaped area would be provided to the north of the refectory.

The design of the new extensions would be contemporary and would contrast with the historic appearance of the existing buildings on the site. They would incorporate modern materials, which would produce a bold and striking appearance. The most striking features would be the new entrance in the east elevation and the external details of the refectory in the north elevation. These both use modern vibrant coloured materials.

Summary Of Consultation Responses

SWW No objection

Natural England Requests submission of further information relating to bats.

Environment Agency Advises the application should be considered against the Best Practice Guide for the disposal of surface water.

Senior Transport Planner Requests additional information and contributions of £2.5k for a no loading Traffic Regulation Order and £3.5k for shared use paths to be extended either side of Cadewell Lane.

Network Rail No objection in principle but provides advice on requirements for the safe operation of the railway.

Arboricultural Officer The proposal includes felling of a mature Monterey Cypress tree. Whilst this tree is important within the grounds of the facility it does not significantly contribute to visual amenities to allow a TPO to be served.

When understood in the context of the benefits of the new facility will contribute to the end user it should not serve to constrain this element of the build. Recommends conditions relating to submission of a landscaping scheme and submission of a detailed arboricultural methodology for changes within the root protection zone.

Devon and Cornwall Police Architectural Liaison Officer- suggests general design principles that are recommended for new schools.

Summary Of Representations

Two letters of objection received that raise the following points;

- Increased amount of traffic on Newton Road
- New cycle lane will be compromised by additional traffic
- Not a suitable place for a school with the present access
- Noise disturbance in a residential neighbourhood
- Objectors house will be unsaleable

From the school consultation event a list of 8 people that attended and 4 comment sheets which raise the following points;

- Excellent opportunity for local young people
- Likes integration of old buildings and new extensions
- More grass needed
- Exciting and innovative concept

The representations have been sent electronically for Members consideration.

Relevant Planning History

Extensive previous planning history relating to the site. Most recent applications are;

P/2012/0385 Construction of raised deck/balcony approx 6.2m
Longx1.4mdeep - including stainless steel and glass railings.

Height to top of hand rail from ground 2.3m, Rainbow Day Nursery approved 1.6.12

P/2006/0203 Formation of access for disabled persons to John Parkes Unit approved 19.4.06.

The following applications relating to premises on the opposite side of Newton Road are relevant;

P/2013/0389 Change of use from Car Showroom and Residential Flat to Temporary School (A1 Use), Torquay Car Centre 126 Newton Road Torquay Temporary consent until 29.8.14 granted 11.6.13

P/2013/0329 Temporary 1 year change of use from C2 (Hospital Administration) to D1 (School). Devon Studio School temporary accommodation, Temporary consent until 29.4.13 granted 15.5.13

Key Issues/Material Considerations

The main issues to be considered at the principle of forming a school for 300 pupils in this location, the design and form of the new building, highways, ecology, landscape and impact on residential amenity.

Principle and Planning Policy -

Paragraph 72 in the NPPF encourages Local Planning Authorities to take a proactive, positive and collaborative approach to the provision of sufficient choice of school places. It advises that great weight should be given to the creation of schools. In this case the proposed school would offer a different form of education to that currently provided in Torbay, being specifically linked to the health service and offering a significant proportion of vocational training. It is consistent with the objectives of Para.72 of the NPPF.

The proposal would also be consistent with Policies CF1 and CF10 in the Torbay Local Plan 1995-2011 that supports the provision of new schools, subject to complying with a number of criteria relating to design and layout, accessibility and impact on the surrounding area.

Policy CF13 in the Torbay Local Plan 1995-2011 relates to development at Torbay Hospital. On the proposals map it is not shown as applying to the annex site. In this Policy expansion, redevelopment and improvement of facilities is

supported with a restrictive criteria that the campus should be used only for development related to the hospital's primary function of providing health care. As the proposed school would provide education specifically linked to health care it is considered that the proposed use would be consistent with this Policy.

Design and Layout -

The design approach of retaining a number of the historic buildings on the site is considered appropriate and will provide a clear identity to the new school and preserve its historical context. The new extensions to the building would have a modern contemporary appearance in contrast to the existing building. The use of modern architecture and materials would offer a contemporary and innovative approach that would be appropriate in a secondary school.

It is important in a new school to provide well designed buildings that are fit for purpose. A well designed school will lift the spirits and aspirations of everyone that uses it. Our immediate environment influences our mood and behaviour and it is important that the quality of a school environment is high to encourage high values of self esteem in both pupils and teachers. Both staff and pupils will have increased motivation and morale when working in a good quality environment that works well.

The school has been designed to have a simple layout and plan which will result in clear legibility within the school. From the new reception building a clear linear link will lead directly to the multifunction/refectory space which will be the social core of the school with access to all parts of the school including vertical circulation to the first floor. Radiating around the refectory are the teaching spaces and support facilities which the applicant advises will be very visible with simple way finding.

The new entrance building would be of double height and would visually dissect the existing single storey building. It would project forward of the existing building and by reason of its height would be clearly visible. By reason of its scale, height and use of modern materials and form it would provide a immediate, legible and fitting approach to this innovative new school. Functionally it would provide a dramatic, lofty and well lit reception space.

Behind the entrance building and the existing two storey building a new single level link would be provided. The existing two storey building would be retained and extended with a new two storey rear extension. The new extension would link to the main building by means of a transition section. Sitting at first floor and projecting forward in the middle third of the north elevation (facing the railway line) would be a 'floating box' supported on columns. This feature would have a

synergy and language similar to the main entrance feature and would address the external play space. It would extend in height above the roof of the new two storey extension to provide a roof top plant room. This element of the proposed building would be most prominent from Riviera Way. In the summer when the existing trees are in full leaf there would be only glanced views which would increase in prominence in the winter. The distinctive modern appearance of this box structure would enhance the legibility of the school in the surrounding area and would reinforce the modern identity of the school through the use of bright coloured materials and modern signage.

The applicant has been asked to consider reducing the height of the 'box' structure at the rear as there is some concern that it would be visually dominant in terms of height. In addition the applicant has also been asked to look at providing a glazed structure at the rear of the refectory to provide increased light to this room and provide an improved quality of space.

The contemporary design approach to the extensions on the site would be an appropriate strategy for a school in this location and would result in a distinctive building that would be both functional and innovative. Only distance views of the building would be visible in the street scene. It is considered that the proposal would not have an adverse impact on visual amenity in the area and would be consistent with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011.

Accessibility -

In support of the application a Transport Statement and Framework Travel Plan have been submitted. In the Transport Statement it is stated that it is intended that the school would be accessed via the roundabout that currently serves the Annex site from Newton Road. The school will have a zero parking policy for staff and student car parking. A total of eight on-site parking spaces would be provided, with 2 of these being for disabled use, 1 for a pool car and 1 for a minibus, the remainder will serve as non-staff and student visitor spaces.

A drop/off pick up area would be provided on the site, which would be managed by a Marshall. The drop/off pick up area would be capable of accommodating three cars at any one time and signage would be installed to ensure cars move forward as soon as possible. Eighteen cycle stands to accommodate 36 cycles would be provided close to the entrance to the site. Shower, changing and locker facilities would be provided in the building for both staff and students.

The site benefits from a good level of public transport provision, particularly from bus routes. Bus stops on Newton Road benefit from bus shelters and up to date

timetable information. In addition there is a bus service that connects Torre Station with the site. The Travel Plan contains details of how the school will encourage sustainable journeys and monitor and review trips to and from the school.

The Senior Transport Planner has requested the submission of further information about the existing and proposed movements on the site. He has requested provision of a pedestrian link through the site to the nearest bus stop, a direct link to the footpath on the western side of the site and contributions of £2,500 for a no-waiting road traffic order and £3,500 for improvements to the cycle routes in Cadewell Lane.

The Council is currently working with Network Rail and other partners on the potential for the delivery of a new rail halt in the vicinity of the application site. This is likely to either be provided at Edginswell or closer to the site near to Brown's Bridge. In either event the location of the proposed school will work well with a proposed rail halt. The school will provide increased demand to improve the potential for the delivery of the rail halt and in the event that it is delivered the rail halt would provide improved accessibility for the users of the school.

Ecology -

A phase 1 habitat survey identified the need for further Phase 2 surveys to determine if Reptiles and Bats are present on the site. From the Phase 2 reptile survey a maximum of one slow worm was found during any one visit, which equates to a low slow worm population. The bat survey found common pipistrelle bats foraging on the site, and one lesser horseshoe bat was recorded commuting along the woodland in the north of the site. No bats were recorded entering or exiting any of the buildings. The submitted Ecological Impact Assessment proposes a methodology and mitigation strategy to address the impact of the development on reptiles and bats. To mitigate for the potential loss of features by roosting common pipistrelle bats the following would be provided;

- four bat tubes/bricks would be incorporated into the new two storey extension
- two bat boxes would be attached to the western façade of the retained two storey building
- three bat boxes would be installed on retained trees
- A new bat roost would be created in the generator building
- A false floor would be created in the generator building to form a roof void which would have two bat boxes

- A letterbox entrance would be formed in the northern end of the generator building which would allow direct passage of bats into the building.
- Four swift boxes would be provided in the two storey extension.

Natural England's consultation response to the Ecological Impact Assessment is awaited and will be reported at the committee meeting. Following this, conditions should be imposed to ensure that the appropriate ecological mitigation is incorporated into the development.

Landscape -

The northern boundary of the site is made up of Laurel and indigenous shrub and tree planting with a mature Monterey Cypress tree. To the western side of the site the public footpath is flanked with mature limes. On the remainder of the site there is little foliage or trees. Due to the proximity of the Monterey Cypress to the new building it will be necessary to fell it.

The Council's Arboricultural Officer has advised that whilst the Monterey Cypress tree is important within the grounds of the facility, it does not significantly contribute to visual amenities to allow a Tree Preservation Order to be served. When understood in the context of the benefits of how the new facility will contribute to the end user, it should not serve to constrain this element of the build. A proposed landscape schedule has been submitted which includes the planting of a replacement mature oak tree on the site. The landscape schedule also indicates a tree protection barrier will be provided along the western boundaries to protect the existing trees along this boundary.

The proposed development offers very limited open space on the site, which would be on the northern side of the building. It is proposed that this would include stepped free standing concrete benching covered in hardwood cladding to offer a physical edge to the space and it would also offer an informal amphitheatre type structure. Beyond this, additional planting is proposed to reinforce the natural edge of the site and merge with the railway embankment green corridor.

The applicant has been asked to clarify how the school would provide off site sports teaching for pupils given the space constraints on the site.

Residential amenity -

Two local residents have raised concerns about the impact of the activity associated with the school on the amenity of residents in the area.

It is accepted that the site would generate activity and movement. However this should be considered within the context of the character of the surrounding area as a mixed commercial area where there is already a considerable level of activity.

To the east of the site is a supermarket and to the south along Cadewell Lane is one of the main entrances to the hospital. In terms of the proportional increase in vehicular movements in the area, the proposal would be likely to result in a relatively low increase, and it would be difficult to substantiate an objection to the proposal on the grounds of loss of residential amenity given the prevailing context and existing uses at the Annex site.

S106/CIL -

It would be appropriate to seek a contribution towards sustainable transport. Additional information is awaited from the agent to calculate this contribution, which will be based on floorspace and will also include mitigation given the proposed creation of employment (teaching and ancillary staff).

The Senior Transport Planner has requested £2,500 for a no loading Traffic Regulation Order on Newton Road and £3, 5000 for shared use paths to be extended either side of Cadewell Lane.

Conclusions

In conclusion, the proposal constitutes an investment in a new education facility of a type that is not currently provided in Torbay. It is an innovative concept that would make an important and significant contribution to both the social and economic well being of the community.

The proposal would make effective use of a brownfield site and, by reason of its location close to the hospital, would foster close links to the major healthcare provider in the locality. The site is in a sustainable location that has good public transport provision. The Transport Statement and Travel Plan address implementation of the zero parking strategy including how it will be monitored and enforced.

The scale and design of the proposed extensions would be appropriate on this site and would be consistent with Policies BES and BE1 in the Torbay Local Plan 1995-2011. The contemporary design strategy for the extensions would result in a high quality and robust form of development that would foster a positive working environment for both staff and pupils.

A number of bat and bird boxes are proposed to ensure that the proposal would enhance biodiversity on the site.

In order to implement the proposal it would be necessary to fell a mature Monterey Cypress tree. Although this tree is visible within the site it makes a limited contribution to the wider visual amenity of the area. A landscape scheme has been submitted which includes a replacement mature oak tree.

Subject to the receipt of further information relating to highways, ecology, the detailed design of the building and S106 contributions it is recommended that conditional planning permission should be granted.

Condition(s)/Reason(s)

01. Samples of materials
02. Parking provided and kept available to serve development
03. Detailed plans of windows/doors and window reveals
04. Provision of bat and bird boxes as per Ecological Impact Assessment
05. Landscape implementation

Relevant Policies

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Agenda Item 13

Application Number

P/2013/0512

Site Address

Le Papillion
18 Vansittart Road
Torquay
Devon
TQ2 5BW

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Extension of time for implementation of P/2008/1256 comprising alterations, extensions and conversions to form 8 apartments Plus 1 existing owners flat) with car parking

Executive Summary/Key Outcomes

This is an application to extend the time for implementation of P/2008/1256, which is a scheme to extend and convert this property to provide for 9 units. It was approved in 2008 following a long period of negotiation to achieve an acceptable scheme.

Neighbours have objected to the scale of development on the site however, these issues were fully considered by Members in 2008 when a decision was reached to approve the scheme. There has been no material change in circumstances since the decision was made on the 2008 submission and as such it is considered that a different decision would not be justifiable in this instance.

The property has had a varied planning history including commercial use as offices, hotel and day nursery. This factor was relevant in reaching a decision to approve the scheme for 9 flats.

An important issue to emerge from consultation was the capacity of the sewerage system and this is not a matter amenable to planning control.

Recommendation

Approve, subject to conclusion of the S106 legal agreement and conditions as detailed below.

Statutory Determination Period

This is an 8 week application and, subject to the completion of the 106 variation agreement, it should be determined within 8 weeks with an expiry date of the 11th July.

Site Details

This Victorian Villa is prominent within the Torre Conservation Area and is designated as a key building of architectural importance which makes a significant contribution to the townscape. It occupies a spacious plot with a large area of hardstanding to the rear, providing extensive car parking and vehicular access onto Vansittart Road.

It has been used variously as offices, a hotel and a day nursery in the past. It is currently used as residential accommodation. Adjacent to the application site are villas of a similar character in equally spacious plots, the opposite side of Vansittart Road is characterised by much more close grained densely developed terrace properties. Vansittart Road is generally quite a narrow, congested and heavily trafficked route.

Detailed Proposals

The application is for an extension of time for the implementation of approval P/2008/1256, which involves extensions to the building and conversion into 9 flats.

Summary Of Consultation Responses

Highways: Obs awaited.

Summary Of Representations

7 letters of objection have been received at the time of writing. The letters raise concerns about traffic, overdevelopment, noise, impact on amenity, loss of family home, adverse effect on character of the area, which comprises mainly family homes and the impact on the sewerage system.

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2007/1910. Alterations and extensions to form 8 residential apartments and owners flat: Refused: 7.1.08. Subsequent appeal dismissed.

P/2008/1256: Alterations and extensions to form 8 residential apartments and owners flat: Approved – 03 June 2010.

Key Issues/Material Considerations

This is an application for an extension of time for P/2008/1256. This became time expired on the 3.06.13, however the application to extend it was validated on the 15th May, prior to its expiry. The proposal was approved following a long period of negotiation to try and agree an acceptable scheme.

The neighbours to the site have expressed concern at the scale of development

on the site; they have raised concerns about overdevelopment, traffic, noise, disturbance and impacts on amenity and impacts on the sewerage system.

The scheme comprises a single storey garden level extension which accommodates 2x 2 bed flats and includes 2x 2 bed flats in the current basement level. The ground floor is converted to provide 2x 2 bed flats and the first floor and roof level are converted to provide 3x2 bed flats. To the front of the property is a large hard surfaced car park, which provides car parking for around 15 vehicles.

In terms of extensions and alterations, this requires the inclusion of a dormer window to the gable end and velux windows to provide light and ventilation. It also involves the retention of an existing unattractive fire escape to access the upper floor flats, which is remodelled to present a more visually acceptable appearance. There are also a range of minor improvements, which collectively enhance the overall appearance of the building.

In design terms the scheme is acceptable. The main extension is to the rear of the property and is designed as an 'undercroft' with stone facing and recessed windows.

The density is high and whilst it would be preferable if the scheme to convert the building was confined to the existing un-extended building, the applicant has been requested to reconsider the number of units on the site and is quite clear that this is the required scale of development to achieve a viable scheme. The property has had a varied planning history including commercial use as offices, hotel and day nursery. This factor was relevant in reaching a decision to approve the scheme for 9 flats.

In policy terms, there has to be a material change of circumstances to justify reaching an alternative decision on the site. Whilst the provisions of PPG3 'Housing', which sought to maximise densities on urban brownfield sites, has been revoked, there is no fundamental change of approach emerging from revised advice in NPPF. Given the urban brownfield nature of the site making the most efficient and effective use of the building is still very much the desired objective of planning policy and guidance.

It is therefore recommended that the application be extended for a further 3 years, subject to the conclusion of a S106 agreement and to the same conditions imposed on P/2008/1256.

An important issue emerging from consultation is the capacity of the sewerage system to cope with the increased scale of development. However, this is not a planning matter and the drainage requirements of the scheme will be subject to Building Control Approval.

S106/CIL -

A deed of variation is required to incorporate the revised application number.

Conclusions

There has been no material change in circumstance to justify reaching an alternative decision on this scheme and the extension of time should be agreed.

Recommendation

Approval; subject to the conclusion of a S106 Deed of variation and subject to the conditions as imposed on P/2008/1256.

The conditions imposed relate to 1:20 details, landscaping scheme, bin stores, cycle parking, samples of materials and a privacy screen to the garden extension.

Relevant Policies

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Agenda Item 14

Application Number

P/2013/0565

Site Address

48 Torwood Street
Torquay
Devon
TQ1 1DT

Case Officer

Mr Alistair Wagstaff

Ward

Wellswood

Description

Variation of condition reference P/2012/0099
Condition 1 - Alterations to frontage

Executive Summary/Key Outcomes

The application seeks consent to vary condition 1 of planning application P/2012/0099 'change the use of the premises from A1 (Retail/Shop) to A3 (Restaurant/Café)'. To read:

'The existing lockable metal security gate, or a replacement gate details of which shall be submitted to and approved by the Local Planning Authority, shall be retained. This gate shall be kept locked closed outside of restaurant opening hours'.

The key issues are considered to concern the impacts on the residential amenity of nearby occupants, the impacts on the commercial ground floor unit and the impact on the Conservation Area.

As set out within the report, the proposed variation of condition is on balance considered to be acceptable on planning merit.

Recommendation

Approval

Statutory Determination Period

8 Weeks, expires 26th June 2013

Site Details

The site contains an existing retail unit that is currently being converted to A3 use under planning application P/2012/0099. The site is situated just up from the junction of Torwood Street, The Terrace and Parkhill Road. The site lies within

the Town Centre boundary, is within the Torquay Harbour Conservation Area and is designated in the Saved Adopted Torbay Local Plan 1995-2011 as secondary shopping frontage.

Detailed Proposals

It is proposed to substitute condition 1, which currently reads:

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

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

with the following proposed condition:

‘The existing lockable metal security gate, or an replacement gate details of which shall be submitted to and approved by the Local Planning Authority, shall be retained. This gate shall be kept locked closed outside of restaurant opening hours.

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

Summary Of Consultation Responses

None received

Summary Of Representations

None received at the date of writing the report. Submitted with the application are signed letters of support from the residents of the flats in the wider building, for the retention of the door in its current location, 1 resident has not signed, as the flat is currently for sale.

Relevant Planning History

P/2012/0099	Change of use of ground floor and basement from class A1 to class A3. Approved. 08/05/2012
P/2012/1032	Variation of condition 4 to application P/2012/0099/PA use hereby approved shall only be operational between the hours of 08:00 and 00:00 Sunday-Thursday and between the

hours of 08:00 and 00:30 Friday and Saturday. Approved.
13/11/2012

CN/2012/0069 Discharge of conditions to application P/2012/0099

Condition 1 - Frontage details

Condition 2 - Noise insulation

Condition 3 - Waste and recycling

Key Issues/Material Considerations

The key issues are considered to concern the impacts on the residential amenity of occupants of the building and nearby occupants, the impacts on the commercial ground floor unit and the impact on the Conservation area.

Before considering the impacts of the variation it is first important to consider what the change in condition will do. The existing condition has been discharged by an elevation photo and a floor plan. This shows the existing residential flats' entrance being blocked up and a new entrance to the flats provided immediately next to this (approximately 1 metre). This ensured that there was a reduction in conflict between the people using the entrance to the flats and those people visiting the restaurant.

The impact of the variation of the condition is that the existing situation with the restaurant door and the entrance door to the flats opening in to the same space will remain. It would also ensure that the entrance gate and any future entrance gate being locked shut outside the restaurant opening hours.

In terms of the impact on the Conservation Area this variation of condition results in no physical change and as such there is no impact on the Conservation Area.

In terms of the impact on adjoining occupiers there will be no change and as such there is no impact.

In term of the commercial use, the key consideration is whether the conflict between their customers and the 7 flats residents' would cause substantive impact. Previous to application P/2012/0099 this was the status quo. Due to the limited number of residents the impact of the situation remaining is not felt so substantive as to warrant the refusal of the application.

The concern therefore relates to the impact on the residents of the building. The only impact of the change is that the two doors remain in the same location rather than being approximately a metre apart. It was the concern of this relationship that lead to the imposition of the condition on the original application.

It is clear from the letter provided in support of the application that the vast majority of residents of the building are in favour of the status quo remaining. In

terms of the residents' living conditions there is an additional benefit to the residents, in that the existing gate would, in accordance with the proposed condition, now be locked outside the restaurants opening hours. This would ensure that any potential anti- social behaviours which could take place in the recessed porch area from the night time economy, are excluded from this area.

On balance given the additional benefit to the residents and given that all but 1 of the residents would prefer the existing arrangement to remain (and with the addition of the lockable gate), it is considered suitable for planning approval and resulting in an acceptable relationship between the users of the flats and the restaurant.

S106/CIL -
N/A

Conclusions

Having considered the impacts of the proposed variation of condition against the relevant planning policies, on balance the scheme is recommended for approval.

Relevant Policies

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

Agenda Item 15

Spatial Planning (Strategic Planning and Implementation Team) Performance Report

Quarter 1 2013 (April – June)

1. Exec Summary

This report provides information on the performance of the Strategic Planning & Implementation Team (Spatial Planning), giving an opportunity for members of the Development Management Committee to oversee performance against a number of indicators.

Headlines: In a number of areas performance is good. This is especially pleasing given that new team structures and processes are still bedding in, following significant loss of staff and changes as a result of restructuring during Q4 2012/13, and more recent changes in legislation (see below). For example:

66% of Major Planning Applications were determined within 13 weeks (most of these incorporating a s106 legal agreement)

91% of appeals have been successfully defended since January 2013.

The performance regarding Major Planning applications represents a significant improvement in performance, when measured against the last 24 months, and has helped ensure the Council is not considered as poorly performing by the Government.

Income: Furthermore, the work of the department is seen in developments on the ground, which are delivering jobs and houses and securing s106 and New Homes Bonus revenue to the Council.

Liaison: This success is due, in large part, to Member: Officer liaison. This includes fortnightly meetings between the Executive Lead (David Thomas) and the Executive Head Spatial Planning (Les Crump); regular member briefings on major development proposals, such as Tesco, Edginswell and Wall Park, Brixham; regular discussions with Members about the new Local Plan; Chair, Vice Chair and Executive Lead briefings before each DMC.

Ongoing Improvement: Strategic Planning & Implementation continues to consider ways of improving performance. As such the conclusion to this report sets out a number of forthcoming actions that are intended to further improve the performance of the team.

Quality of outcomes: It is noted that Members and Officers consider the quality of the product (that is the outcomes from the department for the peoples and places of Torbay) to be the number one priority above quantitative measures of performance. However, customers also need to be assured of efficiency and as such a balance of measures is included in this report.

The report covers measures in relation to (2) Local and Neighbourhood Plans, (3) housing delivery, (4) the creation of jobs, (5) planning appeal decisions, (6) performance on Major planning applications, (7) the consistency between officers and the committee in decision making, (8) changes to government policy and procedures, and; (9) forthcoming (pipeline) projects.

2. Local and Neighbourhood Plans

Following a well attended (24 Members were present) meeting of the Place Policy Development Group (on 18 June 2013) and a Council resolution on levels of growth (on 15 May 2013), the Local Plan is now moving towards consultation on the submission version of the Plan in August / September 2013, with a view to submitting the Plan to the Inspectorate in October 2013.

The production of Neighbourhood Plans, led by the community, is also progressing very well. Torquay Neighbourhood Forum has secured £7,000 of Government funding to help produce a draft Neighbourhood Plan. Paignton Neighbourhood Forum has also secured £7,000 of Government funding to enable consultation on a draft Plan. Community Partnerships in Paignton are each developing sections of the Plan, with activities including a very well attended consultation event, on Paignton Town Centre, in a shop in the town centre.

Brixham Neighbourhood Forum has recently produced a cohesive draft Plan, which will be refined over the next few months. Every effort is being made to ensure a strong correlation between the Local Plan and Neighbourhood Plans.

3. Housing delivery

5-Year Housing Supply

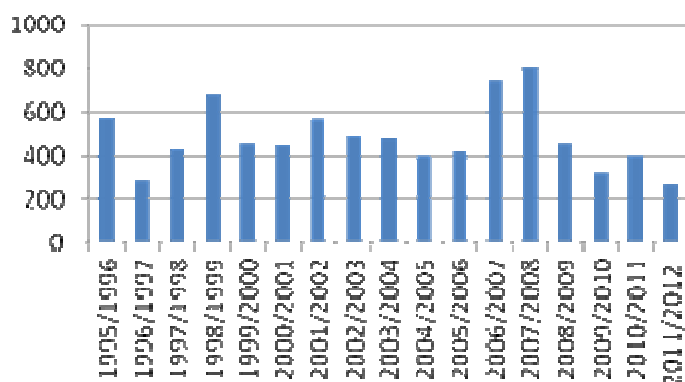
Recent DCLG interim household projections (2013) can be used to show the need to provide for at least 2,200 new homes over the next 5 years. These projections carry a lot of weight, as shown by the Wall Park and Area 4 South Public Inquiries.

We have outstanding planning permissions for around 1950 homes (e.g. White Rock; Yannons; Oldway). There are around 225 units that can be delivered, in the next 5 years, on sites with a pending planning permission (such as Tesco, Brixham) and other sites, such as Great Parks Phase 2, which have yet to submit for planning permission. There are also windfall sites, which generate around 130 units per annum, totaling approximately 650 units over the next five years. Consequently there is land available for around 2825 new homes.

The long term (20 year) average for housing completions is 450 per annum. In the last 3 years (2009/10 – 2011/12) this has dropped to an average of 390 – as shown in the graph below. It is expected that completion of new homes in 2012/13 will be much lower than the average for the three previous years. Delivery rates on major sites have

dropped by about 2/3rds, from 70 homes per annum to 25 homes per annum. This reflects demand in the housing market and is not a consequence of a lack of supply or choice of deliverable housing land.

Table 1: Housing completions in Torbay (195/96 – 2011/12)



Consequently Torbay Council has at least a 5 year housing land supply. This will no doubt be tested at the next public Inquiry. However, the Council is confident of defending an appeal on the basis of existing and emerging evidence.

New Homes Bonus

The following New Homes Bonus (NHB) figure for 2013/14 (i.e. the amount we’ll receive this financial year) is a ‘rolled-up’ figure. In other words it is cumulative, that is to say that a house built in the first year of NHB (2011/12) will have attracted NHB for the last three years and therefore will count in each year to date.

Torbay received approximately £ 600,000 in 2011/12; £1.1M in 2012/13 and £1.6M (£1,623,254) for 2013/14. As established in the comment above on 5 year housing supply, the Council maintains that the lack of a more significant increase in NHB reflects a downturn in building rates (due to market conditions) rather than a lack of deliverable planning permissions.

4. Jobs and investment

Appendix 1, attached to this report, demonstrates that, through projects that the planning department has been involved with, around 3700 FTE jobs and around £139M in construction value has been or will be generated through delivery of those projects in the Bay.

It should be noted that some projects have been implemented (e.g. homes built over the last 5 years), some may not be implemented at all and that others, e.g. White Rock, could take 10 years to complete.

However, the picture overall is of an Authority granting consent for employment led developments. Examples such as Yannons Farm (where the £2million junction has been completed and the new NHS PMU building is being constructed on site) demonstrate that delivery ambitions are being realised.

5. Planning Appeal Decisions

Since the last appeal report in January 2013 there have been 11 appeal decisions made. All of these were dealt with by the Written Representation method. Of the appeal decisions in this period, 10 were dismissed and 1 was allowed, this results in a percentage dismissed of some 91%. This is well above the national average. Success at appeal is a key indicator for the quality of decision making and this most recent period demonstrates again the consistency and quality of the Council's decisions.

A brief summary of the appeals dismissed is set out below, followed by the details of those appeals allowed. If Members require greater detail, please contact the case officer.

Appeals Dismissed (10)

Site:- Craig, Ilsham Marine Drive
Case Officer:- Scott Jones
LPA ref:- P/2011/1343/PA
Ward:- Wellswood
Proposals:- Erection of 5 apartments with pedestrian access
Issues:- Impact on the character and appearance of the area

Site:- 118 Westhill Road
Case Officer:- Scott Jones
LPA ref:- P/2008/1486/PA
Ward:- St Marychurch
Proposals:- Conversion of house to house and cottage with rear extension -two flats (4 units in total)
Issues:- Lack of 106 agreement, Inspector agreed with our justification for the requirement

Site:- Flat 3, 171 Westhill Road, Torquay
Case Officer:- Adam Luscombe
LPA ref:- P/2012/0261/PA
Ward:- St Marychurch
Proposals:- Change of windows from wood to PVCu
Issues:- Impact on character and appearance of the Conservation Area

Site:- Land adjacent to 29 Havelock Road, Torquay
Case Officer:- Adam Luscombe

LPA ref:- P/2012/0484/PA
Ward:- St Marychurch
Proposals:- Proposed new dwelling on site adjacent to 29 Havelock Road
Issues:- Impact on character and appearance of the Conservation Area

Site:- 56 Trelassick Road, Paignton
Case Officer:- Alexis Moran
LPA ref:- P/2012/0460/HA
Ward:- Blatchcombe
Proposals:- Alterations and extend garage by 1.8m and formation of extension over garage to form 2 bedrooms
Issues:- Impact on the character and appearance of the area

Site:- 10 Brantwood Crescent, Paignton
Case Officer:- Robert Pierce
LPA ref:- P/2012/1043/HA
Ward:- Goodrington with Roselands
Proposals:- Extension to existing garage
Issues:- Impact on the character and appearance of the area

Site:- 10 Langford Crescent, Torquay
Case Officer:- Jamie Staples
LPA ref:- 2010/0117/EN
Ward:- Watcombe
Proposals:- ENFORCEMENT CASE: Creation of a front dormer not approved and raising the roof line.
Issues:- Impact on the character and appearance of the streetscene

Site:- 20 Marcombe Road, Torquay
Case Officer:- Alix Cathcart
LPA ref:- P/2012/0505/PA
Ward:- Cockington with Chelston
Proposals:- Change of use from single dwelling house to dwelling house and independent ground floor flat - (retrospective)
Issues:- Whether satisfactory living conditions exist in terms of the accommodation provided, the daylight entering the rooms and the outlook from the flat and whether adequate 106 is provided

Site:- 2 Gillard Road, Brixham
Case Officer:- Robert Pierce
LPA ref:- P/2012/1291/HA
Ward:- Berry Head with Furzeham
Proposals:- Formation of a garage within driveway to the front of the existing property
Issues:- Impact on the character and appearance of the area

Site:- Beecroft Lodge, 10 St Andrews Road, Paignton
Case Officer:- Robert Pierce
LPA ref:- P/2012/0776/PA
Ward:- Roundham with Hyde
Proposals:- Replace existing wooden framed windows and doors to white UPVc double glazed windows and doors
Issues:- Impact on the character and appearance of the Conservation Area

Appeals Allowed (1)

Site:- 47 The Terrace, Torquay
Case Officer:- Alix Cathcart
LPA ref:- P/2012/0785/VC
Ward:- Tormohun
Proposals:- Variation of condition 3 - for the terrace to be used until 01:00hrs for the consumption of alcohol and until 02:00hrs for smoking.
Issues:- Impact on neighbouring living conditions (noise and disturbance)

6. Performance on Major Planning Applications Determinations within 13 weeks

Following recent changes upon the enactment of the Growth and Infrastructure Bill, the Government has made its position in relation to the determination of Major Planning Applications very clear. Namely, Councils are expected to determine at least 30% of major planning applications within 13 weeks and be able to successfully defend at least 80% of those decisions at appeal.

This has resulted in a change of approach across the department, reverting from a flexible approach to determination time periods and instead determining applications within 13 weeks wherever possible. Developers have very quickly caught up to this changed position and the new process is working well.

The change in approach has led to **last quarter's performance** on Major Planning Applications improving to **66%** determined in time (4 out of 6 major applications). In addition, the **overall performance for the 2 years period** under which the Government will measure Authorities (30 June 2011 – 30 June 2013) is now at **37%** for Torbay. This **takes Torbay above the 30% threshold**.

This has been as a result of significant team effort on the part of officers, developers and Councillors and it is a position which we intend to continue to improve upon. We cannot afford for Major Planning Applications to be determined over time unless there are exceptional circumstances and only where we have written agreement from the developers (in which case the negative statistic will not be counted against us).

Approval rate for Major applications

Over the same 2 year period (**30 June 2011 – 21 June 2013, date of report**) Torbay has maintained an **approval rate on Major Planning Application of 84%**. Over the last quarter (**01 April – 21 June, date of report**) all of the 6 Major Planning Applications were approved (**100%**). These statistics give developers confidence that in working with the Council and entering into negotiations to deliver investment in Torbay, they are likely to obtain a favourable outcome except in circumstances where the development is clearly contrary to the Council's policies.

7. Committee Decisions and Officer Recommendations

Over the past 2 years (30 June 2011 - 21 June 2013, date of report) 269 decisions have been made at the Development Management Committee (include decisions to repeat acceptance of 106 terms and to extend approval time periods). Of that total number, 258 have been determined in accordance with the recommendation of officers and 11 have been overturned by the committee. This means that as much as **96% percent of committee decisions went with the recommendation**. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

This once again provides all applicants with a high level of certainty that their scheme will be dealt with consistently and that the officers involved in detailed negotiations and in preparing recommendations are also able to provide a clear steer as to the likely direction of members given the understanding between the committee and its officers.

8. Planning law and policy update

The following headlines from the DCLG confirm the most pertinent recent changes in planning legislation. In addition to this, changes that came into force on 25 June will make it easier for applicants to submit valid planning applications by reducing the requirement to include a Design and Access Statement (now only to be required for major development or development within Conservation Area s/ affecting Listed Buildings). In addition, validation changes from the 25 June will enable applicants to challenge an Authority's failure to validate an application.

The following summary text from the DCLG sets out the changes to permitted development that came into force on 30 May 2013:

“Communities Secretary Eric Pickles said the measures would ensure the very best use is made of empty and underused buildings, to provide much needed homes and businesses.

Home extensions

The measures include increasing the size of single-storey rear extensions which can be built under permitted development for a period of three years between 30 May 2013 and 30 May 2016. These larger extensions will be subject to a 'light-touch' neighbour consultation scheme.

Agricultural Buildings

Other measures will allow High Street premises to be used for new types of business without permission and existing agricultural buildings, under 500 sq m, will be able to be utilised for a range of new uses such as shops or offices, to provide more chances for rural businesses to diversify.

Businesses

People looking for premises to test new business ideas and other pop up ventures will find it easier to identify sites and open quickly: new retail ventures, financial and professional services, restaurants, cafes and businesses will be able to open for up to 2 years in buildings designated as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly).

Thresholds for permitted development rights for change of use from B1 (business) or B2 (general industry) to B8 (storage and distribution) classes and from B2 (general industry) or B8 (storage and distribution) to B1 (business) will increase from 235m² to 500m².

Schools

And in a move to assist the government's free schools agenda, a series of measures will also facilitate the conversion of existing buildings to become new state-funded schools."

9. Forthcoming (pipeline) projects

The following is a list of forthcoming Major projects and their current status:

Site Address	Summary proposal	Status
Pgn Police Station	57 sheltered housing units	Live application, Aug DMC
Bishops Court	7 apartments and 18 houses	Live application, Sept DMC
Tesco Edginswell	Revised submission	Submitted 21 June
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Pre-application
White Rock	Details for 350 homes & employment buildings	Pre-application

In addition to the above live and imminent projects, there are a good number of Major projects in pre-application discussions. For reasons of commercial sensitivity we are not able to discuss these publicly at the present time, but progress on other Major development schemes will be updated for members at the earliest opportunity.

10. Conclusion

Torbay is in a stronger position in relation to 5 year housing land supply than it was at the recent appeals at Wall Park and Scotts Meadow. Jobs are being delivered through planning consents and the flexible way in which schemes are being dealt with.

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, 91% of appeals were dismissed for the period from Jan 2013 to end May 2013, well above average. The percentage of Major Planning Application determined within the 13 week statutory period is now above the 30% measure set out in the Growth and Infrastructure Bill. This demonstrates a strong team effort, reverting from a wholly flexible approach to determination periods on Major Developments to one which encourages more front loaded discussions and incentivises developers to sign legal agreements quickly in time to deliver a 13 week consent.

What are we doing to continue to improve the service?

- Spatial Planning has advertised for 2 new planning posts to fill positions in the agreed new structure. This follows recent redundancies and moves within the department and is required in order to return to satisfactory levels of performance in terms of delegated decision making and customer service.
- The local validation list for planning applications is proving important in securing 'right first time' submissions and has proven successful in its use to date
- The restructure of the department and the creation of a single team dealing with applications has provided a flexibility in approach to enable work to be completed in a more timely fashion. Once vacant posts are filled it is envisaged that the department will be in a strong position to perform well against all relevant measures of performance.
- In relation to s106 agreements, a new s106 calculator has been designed and implemented. Incentives to pay by card or bank transfer aim to avoid delays against 8 week determination dates on smaller applications
- The Development Management team continues to hold regular peer review meetings to ensure consistency in decision making across the Bay

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Appendix 1: Estimated Economic benefit, Jobs and Homes through Planning Permissions

Place	Site	Specifics	FTEs	Construction value
Torquay	GA Building, St Marychurch	Retail, commercial units and residential	50	5,000,000
	Torwood St	Hotel and commercial space	203	15,000,000
	Palm Court Hotel Site	Apartments and commercial units	70	10,000,000
	Devon Studio School		35	2,600,000
Paignton	White Rock	Commercial, residential, POS	1135	60,000,000
	Part of Yannons Farm	Pharmaceutical manufacturing unit	15	1,000,000
	Oldway Mansion	Hotel and residential	70	14,000,000
	SDC Energy Centre	Education	416	5,000,000
	White Rock Innovation Centre	Business growth	220	6,000,000
	Sutton Seeds		10	250,000
Brixham	Tesco, Brixham	Retail, residential and parking	130	20,000,000
Torbay	New homes built	Approx 2400 homes over last 5 years	1150	
Total			3704	138,850,000