



Friday, 4 April 2014

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 14 April 2014

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:

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087537

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 3)
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 March 2014.
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/2014/0160/RM - Former Day Nursery, Barum Close, Paignton** (Pages 4 - 8)
Approval of appearance, landscaping, layout and scale in relation to construction of a pair of semi detached dwellings. Reserved Matters for P/2013/0745.
6. **P/2010/1080/MPA - Conway Court Hotel, Warren Road, Torquay** (Pages 9 - 15)
Demolition of hotel and formation of 14 residential apartments with car parking and vehicular/ pedestrian access.

7. **P/2014/0028/MPA - Burley Court Apartments, Wheatridge Lane, Torquay** (Pages 16 - 21)
Change of use of 13 apartments from holiday to residential use; including demolition of existing Victorian bay on NE elevation and replacement with 3 storey bay extension and replacement of second floor vertical hanging tiles with a render finish.
8. **P/2014/0095/PA - Pine Lodge, Sladnor Park Road, Torquay** (Pages 22 - 28)
Provision of a dwelling on adjacent land (Resubmission of P/2013/0979).
9. **P/2014/0193/PA - Princess Gardens, Off Torbay Road, Torquay** (Pages 29 - 34)
Temporary erection and operation of a 50m observation wheel with ticket booking office to the west (front of wheel), adjoining coffee and crepe unit within a timber decked seating area to the south (facing out to the harbour) and secure panelled service, ride control and generator compound area to the east (pavilion side) March - October 2014.
10. **P/2014/0198/PA - Old Maids Perch, Shedden Hill Road, Torquay** (Pages 35 - 37)
Temporary change of use from public open space to restaurant seating area to serve adjacent A3 restaurant use, maintaining existing public rights of way, and in association with external works as shown.
11. **Annual Spatial Planning Performance Report** (Pages 38 - 55)
To note the above report.
12. **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.
13. **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, 9 April 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Development Management Committee

10 March 2014

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Bent, Lewis, Richards and Pountney)

105. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 February 2014 were confirmed as a correct record and signed by the Chairwoman.

106. P/2014/0045/OA Land at Waterside Road, Paignton

The Committee considered an application for three detached dwellings and associated access/parking provision.

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

Resolved:

That subject to the completion of a Section 106 Legal Agreement, and receipt of satisfactory revised plans to attend to the need for adequate visibility for plot 3; outline planning permission be granted with conditions as set out in the submitted report.

107. P/2013/1179/VC Yalberton Tor Quarry, Yalberton Road, Paignton

The Committee considered an application for the variation of Condition 3, 5, 27 and 28 (P/2010/0638 Phased approach to recovering and disposing of in-situ and imported waste, the progressive land filling of the quarry void with inert waste and the construction of an appropriate geological barrier in conjunction with waste recycling operations and restoration and ceasing of mineral extraction).

Prior to the meeting, written representations were circulated to members.

Resolved:

Subject to a deed of variation to the legal agreement, approved.

108. P/2013/1282/MRM Land At Brixham Road, Yannons Farm (Area A), Paignton

The Committee considered an application for the erection of retail building (Use Class A1), with associated access, parking, service yard and plant; health centre (Use Class D1/A1/A2), with associated access and parking; mixed use building comprising 6 no. 2-bed flats (affordable) and 2 no. commercial units (Use Class B1/A1/A2/A3/D1), with associated access and parking; 4 no. 2-bed dwellings (affordable) and 5 no. 3-bed dwellings (affordable), with associated access and parking; associated roads, parking, play area, amenity space, landscaping and substation to form a Local Centre (reserved matters relating to P/2010/0289/MOA)..

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Tracey Clark addressed the Committee against the application and Michael Newman addressed the Committee in support of the application.

Resolved:

Approved, with conditions delegated to the Director of Place subject to the signing of a Section 106 supplemental agreement to control the delivery of the Local Centre, including provisions to ensure it is delivered in full within 30 months of its commencement.

109. P/2013/1209/MPA Palace Hotel, Babbacombe Road, Torquay

The Committee considered an application for the erection of single and two storey roof level hotel bedroom extension. Reconstruction of west wing of hotel. Reconstruction of existing three storey wing on north east elevation to provide 4 storey block of additional guest accommodation. New spa and gym facilities to south east elevation and replacement Orangery. Redevelopment of existing garage building to provide 73 car parking spaces and an additional 40 spaces to hotel frontage. Construction of 137 flats with leisure facilities on tennis court site with 181 covered car parking spaces and 24 visitor spaces. Restoration of gardens, woodland management, including limited felling of TPO trees and improvements to local footpaths.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Andrew Benellick and Robbie Jones addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Lewis addressed the Committee.

Resolved:

Approved subject to the conditions set out in the submitted report and the conclusion of a Section 106 Legal Agreement, at the applicant's expense within 3 months of the date of this decision to secure:

- i) details of a mechanism to ensure a staged relationship between the construction of the proposed flats and the delivery of the hotel refurbishment including safeguards in relation to letting of contracts, bonds, etc (as appropriate) and restrictions on occupation of the final tranche of 30 flats until hotel restoration is fully complete;
- ii) payment of the agreed affordable housing and community infrastructure contributions;
- iii) the inclusion of a deferred contributions mechanism related to block 4, in order to secure further contributions up to the total SPD amount in the event that additional profit is realised; and
- iv) improvements to the Walls Hill Scheduled Ancient Monument/Site of Special Scientific Interest via a Conservation and Ecological Management Plan including the provision and maintenance of dog foul bins.

110. P/2014/0030/MPA The Pines, 78 St Marychurch Road, Torquay

The Committee considered an application for re-submission of P/2013/1070 for a new four storey residential apartment block comprising 14 units with associated car parking St Marychurch Road, Torquay. Amendments comprising relocation of building forwards in the plot and revised roof design.

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

Resolved:

Subject to the conclusion of a Section 106 Legal Agreement to secure the agreed £20,000 sustainable development contributions and a deferred contributions mechanism to account for the reduction in relation to the Council SPD. Approved with the conditions set out in the submitted report.

Chairwoman

Application Number

P/2014/0160

Site Address

Former Day Nursery
Barum Close
Paignton
Devon
TQ3 2AX

Case Officer

Mrs Helen Addison

Ward

Roundham With Hyde

Description

Approval of appearance, landscaping, layout and scale in relation to construction of a pair of semi detached dwellings. Reserved Matters for P/2013/0745

Executive Summary/Key Outcomes

The application seeks permission for the appearance, landscaping, layout and scale in relation to construction of a pair of semi detached dwellings. The principle of the proposed residential development on the site, along with access, was approved under planning application P/2013/0745; this is the related reserved matters application.

Subject to revised plans to revert to a hipped roof form and reduce the height of the boundary fence to the front/side adjacent to No. 15 Barum Close; the proposed dwellings are considered to be of an appropriate appearance, layout and scale so as to maintain the general character and appearance of the area.

The scale and siting of the proposed dwellings has an acceptable impact on the privacy and amenity of the occupiers of neighbouring properties.

The applicant has paid the required planning contribution, in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery, via an upfront payment.

Recommendation

Conditional Approval; subject to revised plans to revert to a hipped roof arrangement and to reduce the height of the boundary fence to the front adjacent to No. 15 Barum Close. This is also subject to a condition to ensure that the side window facing No. 15 Barum Close is obscure glazed to protect privacy.

Statutory Determination Period

The eight week target date for the application is 18th April.

Site Details

The application site is situated on the east side of Barum Close. On the site is a single storey building that was most recently used as a children's nursery and is currently vacant. The existing building is sited close to the road. There is a garden that is part hard surfaced at the rear of the site.

Barum Close is a cul-de-sac and has no footpaths. To the south and west of the site is modern residential development. To the north is the car park of the Polsham Arms pub which is a Listed Building. In the Torbay Local Plan 1995-2011 there is no specific allocation relating to the site. The boundary of the Polsham Conservation Area runs along the north and east boundaries of the site.

Detailed Proposals

The application seeks permission for the appearance, landscaping, layout and scale in relation to construction of a pair of semi detached dwellings. This is the reserved matters application for P/2013/0745.

Summary Of Consultation Responses

Highways No objection

Summary Of Representations

Four objections have been received including a petition. These have been copied and provided electronically for Members reference. The following material planning considerations have been raised;

- Scale
- Overdominant
- Out of character with the area and Listed Building at 35 Lower Polsham Road
- First floor windows to site will result in overlooking.
- Lack of privacy

One objection referred to the site being within a Conservation Area, for clarity the site borders the Polsham Conservation Area but is outside of it.

Relevant Planning History

P/2013/0745	Construction of a pair of semi detached dwellings and associated parking- in outline - approved by DMC 05.07.2013
P/1993/1036	Formation of additional classroom with toilet facilities and staff/office area approved 19.10.93
P/1990/0107	Extension to form staff room approved 9.3.90

Key Issues/Material Considerations

The key issues to consider in this application are;

1. Impact on the character of the area (design & scale)
2. Neighbouring Occupiers Amenity

1. Impact on the character of the area (design & scale)

i) The existing single storey building on the site has no design merit and is not worthy of retention. Its demolition would provide an opportunity to improve the appearance of the site and the surrounding area.

ii) The principle of constructing two dwellings on the site has already been deemed appropriate through planning approval (P/2013/0745) and is deemed to be consistent with Policies H2, H9 and H10 in the saved adopted Torbay Local Plan 1995-2011.

iii) The predominant character of this part of Barum Close is that of two storey residential dwellings and the proposed design would be in keeping with the character of the area. The resulting form of development would have a narrow plot width but this would be fairly consistent with the form of development in Barum Close and would not, therefore, harm the character of the area.

iv) It is considered that, given the relatively long plot size, the scale of the dwellings would make effective use of the land and this would be an appropriate size of development on the site. Although they would be longer than their neighbours it is considered that they would not constitute an overdevelopment of the site. The principle elevations would be in keeping with the scale of neighbouring properties and are considered to be of a suitable height. The first floor has a reduced plot length owing to the single storey element to the rear of each dwelling.

As highlighted in the objections, the deep plot results in a large gable to the side of both properties. Given the plot depth this is considered to be an overly dominant feature in the area. The architect has been asked to look at reducing the impact of these gables, by reverting to a hipped roof arrangement. Subject to this design change the impact on the character of the area and on neighbouring living conditions is likely to be acceptable.

v) The proposed boundary treatment includes a 1800mm high timber fence running right to the road edge of the front curtilage of the property. Whilst this is acceptable to the boundary with the pub car park, this would not be acceptable along the boundary with No. 15 Barum Close where the residential estate has a more open character. As such a reduced height has been requested of the architects where the boundary fence runs to the front and side of the properties adjacent to 15 Barum Close.

2. Neighbouring Occupiers Amenity

i) In relation to 15 & 17 Barum Close, although the addition of the two storey dwellings would be more dominant than the existing single storey nursery, the siting of the dwellings would not cause a substantial loss of light as the side elevation would be south facing and therefore not eclipse the path of the sun. Subject to the revisions requested in relation to the boundary fence and the hipping of the roof, the relationship of buildings will be acceptable and will not harm the living conditions of the neighbouring occupiers.

ii) There may be potential for overlooking into the rear conservatory of 15 Barum Close through the first floor side window on the South facing elevation of the proposed dwellings. As this is to be a bathroom it is considered that obscure glazing this window would be an acceptable compromise and overcome any potential issues relating to overlooking.

iii) The relationship to properties on the opposite side of Barum Close would be a front elevation to front elevation and it would be reasonable to expect windows facing each other. The distance between properties would be in excess of 18 metres. The front elevation of the building opposite the site is already visible from Barum Close for this reason the proposal would not have a detrimental effect on residential amenity.

iv) The Listed Building on Lower Polsham Road (Polsham Arms) is some 36 metres away. Given the distance, and subject to reverting to a hipped roof arrangement, the proposed dwellings would have an acceptable relationship to the setting of the Listed Building. Whilst this would have the effect of moving the residential development closer to the Listed Building, there would be no significant impact to the established setting of the building.

v) The proposed residential use would cause less of an impact through noise and vehicular movement than the nursery or a commercial use. The addition of residential units here is therefore deemed to have an acceptable impact on the privacy and amenity of the occupiers of neighbouring properties.

S106/CIL -

Section 106 contributions in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery is required as follows;

Planning Contributions Summary Contribution Early Payment

Waste Management (Site Acceptability)	£ 100.00	£ 95.00
Education (Sustainable Development)	£1,992.67	£1,893.03
Lifelong Learning (Sustainable Development)	£ 332.67	£ 316.03
Greenspace & Recreation (Sustainable Development)	£4,252.67	£4,040.03
South Devon Link Road	£1,462.00	£1,388.90

<u>Total</u>	<u>£8,140.00</u>	<u>£7,733.00</u>
Administration charge (5%)	£ 407.00	£ 386.65
Total with Admin Charge	£8,547.00	£8,119.65

The applicant has paid the required contribution via an upfront payment.

Conclusions

In conclusion, the proposed design, scale and layout of the proposed pair of semi detached dwellings is considered to be acceptable, subject to a change to a hipped roof in place of the gabled sides and a reduction in height of the front boundary fence.

Condition(s)/Reason(s)

01. Before the first occupation of the dwelling hereby permitted the window at first floor level on the south facing side elevation shall be fitted with obscured glazing to, or to the equivalent of, or to a level in excess of Pilkington Level 5. The window shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; and in accordance with the requirements of policies BES and BE1 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- H10 Housing densities
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects

Agenda Item 6

Application Number

P/2010/1080/MPA

Site Address

Conway Court Hotel
Warren Road
Torquay
TQ2 5TS

Case Officer

Mrs Ruth Robinson

Ward

Cockington With Chelston

Executive Summary/Key Outcomes

This application, to construct 14 flats on the site of the former Conway Court Hotel, Warren Road, has been considered on 2 previous occasions by Members.

Firstly on the 29.11.10, when the scheme was agreed in principle subject to the conclusion of a S106 agreement to secure Community Infrastructure Contributions, revised plans which set the building back by a metre and the height down by 200ml and greater clarity about design details, materials, landscaping and land stability.

It was considered again on the 10.12.12 as an objection was received in relation to the revised plans. The minutes confirmed that Members wanted the S106 determined within 6 months or the application to be reconsidered by Members.

The minutes also record that Members wanted renewable energy options to be discussed with the developer and the submission of satisfactory details in relation to design, materials, landscaping and land stability.

The previous committee report is appended below for information.

The applicant is now ready to sign the S106 and the additional details referred to have been submitted.

In terms of design detail and materials, there are some minor changes to the scheme which have been recently introduced.

These are:

- i) The inclusion of a central glass balustrade at the penthouse level contained within the depth of the projecting gable structure,
- ii) An increase in roof height of the apartment above the car park level. This is around .6 of a metre.
- iii) 'Grounding' of the plinth by extending the gable feature to the terrace level,

- iv) Extension of the rendering down to the street level along Warren Road to ground this elevation
- v) Inclusion of natural stone face to the lower 2 storeys of the seaward elevation,
- vi) Use of timber hit and miss screens to divide the fenestration along the SW elevation and to provide ventilated screening to the car park. The zinc panelling originally proposed is now shown to be fibre cement.

The use of timber hit and miss screens does need to be demonstrated to be a visually acceptable option as does the replacement of the zinc panelling with the fibre cement panels. The applicants have been asked to address this before the Decision is issued.

The floor levels have been rationalised. This involves no increase in height of the main part of the building but some minor adjustment in relation to the unit above the car park deck as explained in ii) above. This is still however within the level set by the original scheme for redevelopment of the site.

An Engineer's Report has been submitted, but is dated 2006 and pre dates the demolition of the building. This indicates the need for some further site investigation. It is proposed to deal with this additional investigation by condition.

A Landscape scheme provides a conceptual strategy for the site and is, subject to detail, an acceptable response. A condition is needed to ensure that appropriate detail is submitted and the scheme implemented.

This application is now nearly 4 years old. It was submitted on the 22nd September 2010. An urgent resolution was considered imperative when last considered by Members as the original hotel building had been largely destroyed by fire and the site was covered with debris which had attracted much complaint from neighbours to the site. It was cleared satisfactorily following service of a section 215 notice in January 2013.

However, there is a need to resolve the future of this site and it is therefore recommended that a further 3 months be allowed for the S106 to be signed and the minor outstanding design matters resolved.

Conditions are recommended in relation to 1:20 details of key features, samples of materials, implementation of bike and bin storage, species and density details to supplement conceptual landscape strategy for the site and further investigative study of ground conditions to inform foundation design.

Recommendation

Conditional Approval: subject to the conclusion of a S106 agreement within three months of the date of this meeting to achieve SPD Community Infrastructure Contributions of £31, 260, clarification of the acceptability of hit and miss timber

screening and use of fibre cement board in place of zinc panelling and conditions in relation to:

- i) 1:20 details of key features,
- ii) samples of materials,
- iii) implementation of bike and bin storage,
- iv) species and density details to supplement the conceptual landscape strategy for the site; and,
- v) further investigative study of ground conditions to inform foundation design.

Previous committee report

Site Details

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

Relevant Planning History

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

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

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

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

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

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

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

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

Relevant Policies

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

Saved Torbay Local Plan 1995-2011

HS Housing Strategy.

H2 New Housing on unidentified sites.

H6 Affordable Housing on unidentified sites.

H9 Layout, Design and Community Aspects.

H10 Housing Densities.
CF6 Community Infrastructure Contributions.
L8/L9 Retention of trees
TU7 Retention of Holiday accommodation outside PHAAs
BES Built Environment Strategy
BE1 Design of new development.
BE5 Policy in Conservation Areas
BE8 Historic Parks and Gardens.
T25/T26 Access/ car parking.

Proposals

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

Consultations

English Heritage Advise that they do not object to the loss of the building and are content with the scale and design of the latest proposals but stress that success will depend on attention to detail and materials. Their comments in relation to this, and the previously submitted scheme P/2010/0233 are attached as T.200.

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

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

Strategic Transport Request £37,580 sustainable transport contribution.

The scheme was considered by the Design Review Panel at its meeting of the 4th June 2009 and their comments broadly support redevelopment of the site if it secured a replacement building that allowed the historic grain of the area to be re-established. The comments are appended at T.200.

Representations

2 letters of objection raising strong concerns about the loss of the existing building, the scale, height and appearance of the replacement building and the lack of care exercised by the current owners resulting in its current dilapidated condition. The method of car parking it is thought could be noisy and disruptive to traffic. Both would prefer to see the existing permission implemented. The letters are reproduced at T.200.

Key Issues/Material Considerations

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

Loss of the existing Building

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

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

Quality of the Replacement Building

The existing building has been much extended over the years and occupies the entire width of the plot. This runs counter to the original pattern of development which involved the villas being set centrally within landscaped plots producing gaps and vistas between buildings and a distinctive townscape character. The approved scheme for the site did involve retention of the historic core and redevelopment of the more recent wings to a greater height than existing which further eroded gaps. The guiding principle for redevelopment was therefore to seek to reintroduce the historic grain and this has strongly informed the design approach.

The Design Review Panel considered an early conceptual scheme and as can be seen from their comments were supportive of the approach and the benefits that could accrue. A more developed scheme was then submitted as an application which English Heritage thought was lacking in contextual sensitivity. This was subsequently withdrawn and revised proposals evolved which drew more strongly on the character of surrounding buildings. In broad terms, the design echoes the villa form in terms of features and proportions but is executed with contemporary details and materials. It comprises a 2 storey plinth level which will be in limestone and

timber and will thus read as a garden feature providing the details are properly resolved. The upper level, comprises an additional 4 stories, and introduces a more locally distinctive roof treatment with a strong gable in place of the flat roofed approach embodied in the withdrawn proposal. The seaward elevation exploits the views with a glazed façade with balconies and terraces. The windows and doors are to be in aluminium that will allow a slimmer profile to be adopted. The solid elements of the façade are to be in render with zinc cladding and metal shingles. The height and depth of the structure has been raised as a concern by neighbours. It will be taller than the existing building and will be similar in height to the adjacent Rock Walk Heights. This attracted much criticism when built as it exceeded the height of the original villa on the site and ran counter to the gradual scaling down in height of buildings in line with the topography. It will be deeper than the existing building and this will have the effect of making the new building look more imposing than the existing. However this will be offset to some degree by the reduced footprint and the gaps between this and adjacent buildings.

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

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

Practicality Of Car Parking Arrangements

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

Developer Contributions

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

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

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

Crime and Disorder –No observations received

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

Conclusions

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

Recommendation

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

Application Number

P/2014/0028

Site Address

Burley Court Apartments
Wheatridge Lane
Torquay
Devon
TQ2 6RA

Case Officer

Mrs Ruth Robinson

Ward

Cockington With Chelston

Description

Change of use of 13 apartments from holiday to residential use; including demolition of existing Victorian bay on NE elevation and replacement with 3 storey bay extension and replacement of second floor vertical hanging tiles with a render finish.

Executive Summary/Key Outcomes

Burley Court Apartments comprises a block of 14 holiday flats with owners accommodation located on Wheatridge Road, Torquay. The application seeks a change of use to 13 residential flats. The area is primarily residential and the change of use is acceptable when judged against the criteria in policy TU7 of the Saved Adopted Local Plan.

The building has been poorly extended over the years and the Adopted SPD 'Revised Guidance on the Interpretation of Policy TU6 and TU7' and paragraphs 6.1.19-21 of the Proposed Submission Version of the Local Plan require improvements to the building. These have been secured and comprise the replacement of the hanging tiles to the Mansard Roof with weatherboarding, remodelling of the Victorian side bay window to a more contemporary appearance, removal and rationalisation of waste/drain pipes and replacement of the existing windows throughout the building on a phased basis with grey UPVC to a consistent pattern.

The property will otherwise be redecorated in line with an agreed schedule of works. Works to improve the appearance of the grounds are also included.

It has been demonstrated through an IVA which has been assessed by the TDA that the improvements to the visual appearance of the building affect the viability of the project to the extent that it cannot deliver the £32,000 S106 Community Infrastructure Contributions required by the adopted SPD 'Planning Contributions and Affordable Housing'.

The applicants have agreed to deferred contributions in the event that sales values are higher than anticipated. Discussions are continuing in relation to the

trigger for this, as the TDA has identified a potentially higher profit margin arising from the scheme than included in the applicant's appraisal.

The change of use is to be implemented on a phased basis as the applicants wish to continue with the holiday business over part of the building in the short term. The window replacements will be carried out on a phased basis in line with the change of each flat to residential use. The rest of the works will be carried out prior to occupation of the top floor flats.

Recommendation

Site Visit: Conditional Approval; subject to conclusion of S106 agreement to secure deferred contributions in the event that the sales value of the flats is greater than anticipated; subject to conditions as detailed at the end of this report to ensure that the works are implemented in a phased manner, that their detailed appearance is satisfactory and that bin and bike storage facilities are in place. S106 to be completed on or before 30 April 2014 or the application be refused for the lack of a s106 agreement.

Statutory Determination Period

This is a major application and should be determined within a 13 week period. This date is the 30th April.

Site Details

Burley Court Apartments comprises a block of 14 holiday flats with owner's accommodation. It is located in an area that is otherwise in residential use. The rear of the building faces Wheatridge Lane and the front overlooks new homes at Broadley Meadow.

The site originally comprised a Victorian Villa but has been extended over the years to the extent that all that remains of the original structure is a 2 storey bay window to the north east elevation.

The building sits centrally in this spacious site. It has landscaped gardens with a pool to the front of the site with extensive car parking areas to the rear. An indoor pool is located adjacent to the southern boundary of the site. The original building has been extended on all sides and is topped by a mansard roof with hanging tiles. It is a particularly unattractive building which looks incongruous in its more sedate residential surroundings.

Detailed Proposals

The proposals are for the change of use of 14 holiday flats to provide 13 residential units and improvements to the appearance of the building.

Summary Of Consultation Responses

Highways: No objection.

Police Architectural Liaison Officer: No objection to the scheme but raises a number of detailed points to improve security.

Summary Of Representations

Concern expressed by a close neighbour regarding the impact of balconies being introduced in terms of loss of privacy and noise nuisance. The design has now been amended to an enclosed window which has satisfied the neighbour.

Relevant Planning History

Most of the major extensions to the building were carried out in the 1950's and 60's. The building was further extended and converted from a hotel to holiday flats in 1991.

Since that time the only applications of relevance are:

P/2002/1198 Works to create new access: Approved 7.11.02

P/2013/0630/VC Variation of tile cladding: Pending

P/2013/0801 Change of use of 4 flats to residential: Withdrawn.

Key Issues/Material Considerations

There are 3 key issues. These are 1, the principle of the change of use, 2, the scale of improvements to the building and 3, the level of community infrastructure contribution delivered by the scheme.

1. Principle of the change of use (loss of the holiday accommodation)

An application was originally submitted for the change of use of the top floor flats only. This was withdrawn following Officer advice that it was not appropriate to consider changes to the building on an incremental basis given the clear policy requirement to deliver enhancements to the appearance of the building as a whole.

An application was subsequently submitted to cover the whole building. The flats are of a reasonable size, are mostly 2 bed and average about 55m². Two of the smaller flats are to be amalgamated to create one larger unit.

The site is not within a PHAA and so policy TU7 applies. This states that such changes of use will be permitted providing the holiday character of the area would not be undermined, the site is of limited significance and the new use would be compatible with the character of the area. Having considered these tests, in this case there are no policy reasons to resist the loss of holiday accommodation.

2. Scale of Improvements to the Appearance of the Building

The SPD, Revised Guidance on the Interpretation of Policies TU6 and TU7,

adopted in 2010, includes at paragraph 4.10 a requirement for the 'removal of unsightly features' such as dormers and large porches and explains that these should be removed and buildings restored to their original character.

This requirement is picked up and expanded in the Proposed Submission Torbay Local Plan which, at paragraph 6.1.2.19-21 explains that the removal of large 20th extensions, which were allowed because of the need to underpin tourism, should be removed or substantially modified to produce a more sympathetic appearance in the event of a change of use being acceptable.

Paragraph 6.1.20 does allow for a relaxation of S106 contributions in the event that the scale of improvements required undermines the viability of the project.

This building is so far removed from its original form that attempts to restore the original villa building would be destined to fail due to the scale of demolition required.

Adaptation of the existing building to produce a more pleasing appearance provides a more sensible route forward.

A number of options have been considered and detailed costings produced to determine what the scheme can reasonably be expected to afford.

The applicants have agreed to replace the hanging tiles to the Mansard Roof with weatherboarding, to remodel the Victorian side bay window to a more contemporary appearance, to remove/ rationalise waste and drain pipes across the rear facade and to replace the existing windows throughout the building on a phased basis with grey UPVC to a consistent pattern. The property will otherwise be redecorated in line with an agreed schedule of works. Works to improve the appearance of the grounds are also included.

The intention is to carry out the works to the building on a phased basis as the applicant wishes to continue with the holiday business in the garden facing apartments. It is likely that the top floor, which comprises 4 flats, will be remodelled first. The new windows will only be installed in line with the progression of the scheme through the building.

Level of Community Infrastructure Contribution Delivered

This scheme comprises the change of use of 14 holiday flats to 13 residential units and should deliver a S106 contribution of £32,000 in accordance with the SPD 'Planning Contributions and Affordable Housing'.

The applicant contends that the scheme cannot afford to deliver improvements to the building and meet the full SPD contribution.

For this reason the applicants have asked for the S106 contributions to be set aside in the first instance but they have agreed to deferred contributions in the event that higher values are achieved on sales than anticipated.

An IVA has been submitted which has been assessed by the TDA. This confirms that the scale of works, particularly the costs of replacing all the windows with a more appropriate style does affect the profit margin and undermine the schemes viability if required to meet the full S106 contribution.

The TDA has identified the possibility of a higher profit margin than that identified in the applicants assessment and has suggested that a trigger for deferred contributions is set at a lower level than the applicants originally suggested. A response on this is awaited and progress will be reported verbally.

As the change of use is likely to be implemented on a phased basis, this presents some difficulties in terms of monitoring sales values and costs in order to establish at what point the scheme should be re-assessed and the mechanism for deferred contributions should be triggered. This requires some further discussion with the applicant and it would seem appropriate to include a sum for monitoring in the S106 agreement.

Conclusions

The change of use of these holiday flats to residential use complies with Local Plan policy TU7. The adopted SPD 'Revised Guidance on the Interpretation of policies TU6 and TU7' and the Proposed Submission Version of the Torbay Local Plan paragraphs 6.1.19-21 is satisfied in that improvements to the building are secured. An IVA has been submitted and assessed which confirms that this scale of improvement is only affordable if the level of developer contribution required by the adopted SPD 'Planning Contributions and Affordable Housing' is initially set aside. The applicants have agreed to deferred contributions in the event that sales values exceed that anticipated. Discussions continue in relation to the trigger for this and how it is to be monitored. Progress will be reported verbally.

Recommendation

Site Visit: Conditional Approval; subject to conclusion of S106 agreement to secure deferred contributions in the event that the sales value of the flats is greater than anticipated; subject to conditions, as detailed below to ensure that the works are implemented in a phased manner, that their detailed appearance is satisfactory and that bike and bin storage facilities are provided.

1. Prior to the commencement of development on site, a schedule of works shall be submitted to and agreed in writing by the LPA which incorporates all the works agreed as part of this application and as itemised in the applicants letter of the [date to be inserted when final document received] These works shall all be complete prior to occupation of any of the proposed flats for residential purposes.

2. Prior to the commencement of development on site, a window schedule shall be submitted to and agreed in writing by the LPA which includes details at a scale of 1:5 and 1:20 of all the proposed replacement windows. This shall show glazing bars, profiles, relationship to the façade, colour and means of opening. The new windows shall be installed in each flat prior to occupation of that dwelling unit for residential purposes.

3. Prior to the commencement of development, details of the proposed weatherboarding shall be submitted to and agreed in writing by the LPA. It shall be in place prior to occupation of any of the proposed flats for residential purposes.

4. Notwithstanding the detail shown on Plan No BC 001 and as illustrated in the Design and Access Statement, full details of the proposed bin store and bike storage facilities shall be submitted to and agreed in writing by the LPA prior to the commencement of development on site. Thereafter the facilities shall be constructed in accordance with the agreed details prior to occupation of any of the proposed flats for residential purposes.

5. Notwithstanding the detail shown on Plan No. BC 009, details at a scale of 1:50 shall be submitted to and approved in writing by the LPA of the proposed bay extension prior to the commencement of construction of this part of the scheme. Thereafter, the extension shall be implanted in accordance with the agreed detail prior to occupation of any of the proposed flats for residential purposes.

6. Implementation of landscape scheme.

Relevant Policies

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Application Number

P/2014/0095

Site Address

Pine Lodge
Sladnor Park Road
Torquay
Devon
TQ1 4TF

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Provision of a dwelling on adjacent land (Resubmission of P/2013/0979)

Executive Summary/Key Outcomes

This application involves the construction of a dwelling within a domestic garden area. The site lies within the defined Countryside Zone and within a Coastal Preservation Area and Area of Great landscape Value.

Similar applications in the locality have been consistently refused in the past and appeals routinely dismissed, as they are contrary to Local Plan policy which restricts the introduction of new dwellings in the Countryside zone.

In 2012 planning permission for a dwelling in the garden at Allways, Teignmouth Road was granted by the Development Management Committee, contrary to officer advice. This property is next door to the application site.

This led to the submission of an application for a similarly sized 2 storey dwelling in the northern portion of this adjacent garden plot. This was recommended for refusal on planning policy grounds which Members supported.

A revised scheme for a single storey 'sunken' dwelling, with a minimal impact on landscape character and designed to achieve high standards of energy efficiency, has now been submitted which seeks to resolve any concerns about possible visual impact on the surrounding countryside.

Officer's opinion is that the application, whilst representing a good standard of design and an improvement on the previous scheme in terms of visual impact, is still unacceptable when judged against local plan policies which seek to restrict the introduction of new dwellings within the countryside zone.

In view of the decision on Allways and the history of the site it has been agreed with the applicant that the decision should be referred to DMC for consideration.

Recommendation

Refuse, as the development is contrary to Local Plan policy L4 as the site is within the defined Countryside Zone and the precedent set by approval would result in sporadic residential development within the countryside zone which would impact on the special landscape character of the area contrary to policies L2 and L3 of the saved Adopted Local Plan.

Statutory Determination Period

8 week statutory determination period expires on the 4th April.

Site Details

The application site comprises a large domestic garden and dwelling accessed from Sladnor Park Road. It forms part of a small group of similar suburban style properties laid out in spacious plots which merges with the post war ribbon development along the Teignmouth Road.

The existing dwelling is substantial and the garden very large. This is typical of many properties around the Maidencombe area.

Allways, which won approval for the inclusion of an additional dwelling within its garden in 2012, is sited next door and the existing dwelling on the site is located some 2-3 metres from the south eastern boundary of the application site.

The garden is relatively level and is defined by mature hedgerows and sporadic tree growth.

Detailed Proposals

The application proposes the construction of a large single storey 4 bed domestic dwelling with a new vehicular access onto Sladnor Park Road. It aims to achieve level 5 in the Code for Sustainable Homes.

Summary Of Consultation Responses

Highways Have no objection to the proposal subject to an acceptable visibility splay being achieved.

Summary Of Representations

None

Relevant Planning History

P/2012/0743: New Dwelling in grounds of Allways, Teignmouth Road: approved contrary to Officer advice.

P/2013/0979: New dwelling in the grounds of Pine Lodge: Refused

There is a long history of applications for dwellings within domestic gardens within the Maidencombe area. These have been consistently refused primarily as they are contrary to Local Plan policy L4 which resists sporadic residential development within the defined Countryside Zone. Appeals have been routinely dismissed due to non compliance with the adopted local Plan.

These are:

P/2008/0121: The Barn Teignmouth Road: Additional dwelling Refused as contrary to policy, overdevelopment, highways and impact on trees. Appeal dismissed.

P/2005/0936: Langley Manor Teignmouth Road: Additional dwelling: Refused as contrary to policy and highways. Appeal dismissed.

P/2004/1578: Curtilage of Combe Mount Teignmouth Road: Additional dwelling: Refused as contrary to policy, highways and residential amenity. Appeal dismissed.

P/2004/1351: Land curtilage of West Winds Teignmouth Road: Additional dwelling: refused as contrary to policy: Appeal dismissed.

P/2003/0754: Brantfell Ridge Road: Additional dwelling: Refused as contrary to policy and impact on landscape character. Appeal dismissed.

Key Issues/Material Considerations

The key issues are design and the location of the dwelling within the defined Countryside Zone.

The design of the proposed dwelling has been much improved. It now comprises a single storey 'sunken' structure with a green roof which sits comfortably within the landscape character of the site.

The structure is screened from view by the reinforced boundary planting and the construction of an earth bank along its northern boundary. It is to be constructed of recessive 'garden' materials such as stone and timber. It is designed to achieve a level 5 in the Code for Sustainable Homes and waste water and

surface water are dealt with in a sustainable manner.

The landscape proposals aim to improve the biodiversity of the site by the creation of new habitats for wildlife.

The low level and character of design ensures that there will be little impact on the wider landscape character of the area. No trees of value are affected.

However, it still represents a new dwelling in the countryside zone which is contrary to local plan policies. The improvement to the design and sustainable construction of the dwelling does not overcome these policy objections.

The Local Plan is quite clear in seeking to resist residential development within the defined countryside zone unless it meets strict criteria.

Policy L4 only allows dwellings for which there is a proven agricultural need and infill development within the existing areas of settlement.

The justification to the policy makes it clear that new residential development would only be considered acceptable within the existing village settlements. In this case, within the boundaries of Maidencombe village.

The reasons for this are that such development, outside village boundaries, will alter the face of the countryside by creating sprawl that will ultimately erode its open, rural character and lead to merging of existing settlements. The guidance makes it clear that new homes should be located in the existing urban area which is a more sustainable option due to the proximity of shops and services.

It cannot be argued that Sladnor Park Road, which is a small suburban estate of post war dwellings qualifies as an existing village settlement. It more properly forms part of the sporadic post war ribbon development that occupies both sides of Teignmouth Road for most of its length between the outskirts of Torquay and the boundary with the neighbouring authority.

This ambition to protect the character of the countryside is picked up in the NPPF policy 55 which suggests; similarly that new development within existing villages may be acceptable to support services but that new isolated homes in the countryside zone should be avoided.

If a design is truly outstanding or innovative or reflects the highest standards in architecture or significantly enhances its setting and is sensitive to the defining characteristics of the area, Paragraph 55 of the NPPF does allow an exception to be made. However, this is aimed at exemplar schemes of national significance as is clear from the guidance that was contained in the precursor to the NPPF, PPS7 'Sustainable Development and the Rural Economy'. It is not intended to provide a route to populating the countryside with new dwellings simply by

improving design quality.

The Maidencombe area is predominantly rural and characterised by large properties, often fringing through routes, many of which have large expansive gardens, and many of which could, in functional terms, easily accommodate new houses.

That this has not happened is largely due to the local plan designation which has successfully acted to prevent inappropriate new dwellings which cumulatively would have had a profound effect on the rural character of the area.

It is necessary to apply this policy consistently if the protection of the countryside character is to continue. The fact that this building will not be readily visible from any public vantage points is immaterial in terms of the rationale of the policy.

Decisions that set the policy framework aside for no good reason will create a precedent for new residential development within garden plots throughout the area that will ultimately erode its special, open character.

Applications for 2 new dwellings at Rock House, Rock House Lane were approved by DMC at the September 2013 meeting. Their location in the countryside zone renders them contrary to established policy however, an exception was argued as the dwellings would replace existing structures within the grounds of the plot, and profit from the sale of the dwellings will be secured through a S106 agreement for restoration of Rock House. As a Grade II listed building, in a poor state of repair, this can qualify as 'enabling development' which allows, under guidance in the NPPF, the relevant policies to be set aside.

If this application is allowed, in the absence of any material reason to set aside the policy, it will make it difficult to defend similar applications for infill development in the plots that range along this part of Teignmouth Road and beyond.

This will result in the more open character of development which does exist being eroded and the boundaries between urban Torquay and its more rural hinterland will become increasingly blurred.

Thus, in policy terms the creation of a new dwelling in this location is contrary to policy L4, L2 and L3 of the Adopted Local Plan.

S106/CIL -

Based on the SPD the scheme should deliver £50 waste, £3610 sustainable transport, £470 Lifelong learning and £2370 Greenspace contributions. The applicants have agreed that in the event of approval being secured, they would meet this obligation via a Unilateral Obligation before the expiry of the 8 week date.

Conclusions

Great efforts have been made to reduce the impact of this dwelling on the landscape character of the area through good design and landscaping. In terms of sustainability, the aim is to deliver a dwelling which achieves level 5 in the Code for Sustainable Homes. These efforts are admirable.

However, due to its location within the defined Countryside Zone the scheme is contrary to Local Plan policy L4 and new dwellings are precluded unless within existing settlements or for proven agricultural need.

Similar applications over recent years have been consistently refused due to the failure to conform to Local Plan policies in relation to the location of new homes in the countryside and the impact that such development will have on the protected landscape character of the area.

Many of these cases have been tested on appeal and dismissed.

Members considered that in relation to Always an application to construct a dwelling within the Countryside zone was acceptable despite the objectives of policy L4.

Whilst that dwelling does not adversely affect the applicant's amenity, it is in close proximity to their property and does affect their views across open countryside.

The applicant, considers they have been dealt a 'double whammy' in that they are to some degree affected by the adjacent development yet not able to carry out an altogether more discrete and better designed scheme.

It is necessary however to be diligent about professional policy based recommendations, which accounts for the Officer recommendation.

Recommendation

That Planning permission should be refused for the following reasons:

1. The site is within a defined countryside zone where protecting rural character is an identified priority. Policy L4 of the Saved Adopted Local Plan indicates that new dwellings are only permissible within existing settlements or where there is a proven agricultural need. The inclusion of an additional dwelling in this domestic garden outside a defined settlement would be contrary to this policy and result in a more urbanised character of development which would act to erode the sporadic, more sparsely laid out 'ribbon' form of development along Teignmouth Road and in the wider L4 area.

It would also make it more difficult to resist similar infill schemes which would

cumulatively erode the open rural character of the area and act to blur the distinction between urban Torquay and the more rural hinterland.

This would be harmful to the special landscape character of the Area of Great Landscape Value and Coastal Preservation Area. As such the proposal is contrary to policies L4 L2 and L3 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- L8 Protection of hedgerows, woodlands
- L9 Planting and retention of trees
- L4 Countryside Zones
- L2 Areas of Great Landscape Value
- L3 Coastal Protection Areas
- T26 Access from development onto the highway

Agenda Item 9

Application Number

P/2014/0193

Site Address

Princess Gardens
Off Torbay Road
Torquay
Devon
TQ2 5EQ

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Temporary erection and operation of a 50m observation wheel with ticket booking office to the west (front of wheel), adjoining coffee and crepe unit within a timber decked seating area to the south (facing out to the harbour) and secure panelled service, ride control and generator compound area to the east (pavilion side) March - October 2014

Executive Summary/Key Outcomes

This application is for a further temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit.

It is proposed to begin construction from the 22nd March and for the Wheel to be dismantled by the 31st October 2014. The Wheel is proposed to be operational for a 7 month period from the 4th April 2014 until the 26th October 2014. The application was received on the 4th March which means Members have not had an opportunity to consider the application in advance of implementation.

The Wheel is to be sited adjacent to the Pavilion in Princess Gardens. The former is a Grade II listed building. The latter, a Grade II entry on the Register of Historic Parks and Gardens.

Temporary consent for an Observation Wheel was initially granted by the DMC on the 13th August 2012. This was for a 3 month period between the 13th August and 7th November 2012. It was removed from site within the prescribed time period and the site was restored as agreed. A further temporary consent was granted for a 5 month period between the 24th May and the 5th November 2013 at the DMC meeting of the 8th April 2013.

Again, it was removed from the site and the land restored as agreed. This application seeks a longer 7 month period for operation.

The wheel has been generally well received and popular with locals and tourists

alike. However a number of residents who directly overlook the site raised concerns about loss of privacy and light pollution once the wheel was in place. It was concluded that privacy was not a sustainable objection to the scheme but that the level of light pollution could constitute a nuisance.

A condition was imposed on the previous consent requiring a Light Impact Assessment (LIA) to be carried out prior to operation of the use and mitigation measures to be put in place to reduce any identified light nuisance.

The Lighting Engineer was not appointed until the end of August and by the time the report was received on the 1st October the Wheel was close to being removed.

The LIA concluded that whilst the light did not contravene the guidance levels set by the Institute of Lighting Engineers, it had a moderately negative impact on adjacent properties and made a number of suggestions to mitigate this. These measures are not included in the current application.

It was noted in the original report to Committee that a permanent permission for an Observation Wheel in this location would not be considered acceptable due to the impact on the Pavilion, which is a Grade II listed building, on its setting and on the character of the wider Princess Gardens, which is a Grade II entry on the register of Historic Parks and Gardens.

This report however recommended that a short term occupation of the site should be welcomed as it would enhance the tourist attraction of the area and any adverse impacts would be short lived and reversible. This has proven to be the case.

The key issue is whether a further period of temporary use is acceptable and whether the amenity concerns of near neighbours to the wheel can be mitigated.

Previous concerns relating to the ability of the site, which is reclaimed land, to bear the weight of this structure have been shown to be unfounded.

The landscaping of the site needs to be reinstated following expiry of the temporary consent.

Recommendation

Approval, Subject to the response from the applicants in respect of mitigating the fluorescent cabin lighting, temporary consent be granted until 31st October 2014. Conditions are required to reduce light nuisance, restrict hours of operation and achieve reinstatement of the affected part of the gardens.

Statutory Determination Period

This application should be determined within an 8 week period as it only qualifies

as minor development. The target date for determination is the 30th April 2014.

Site Details

The observation wheel is proposed to be sited on the garden area immediately adjacent to the Pavilion. This is a sensitive location; it is prominent within the Torquay Harbour Conservation Area, is adjacent to a Grade II Listed building and set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. The Fountain and War Memorial, which are located close by are also Grade II listed.

Detailed Proposals

This application is for temporary consent for the erection of a 50m observation wheel with ticket office and ancillary coffee and crepe unit from the 22nd March 2014 until the 31st October 2014. It is proposed to be operational between the 4th April and the 26th October.

Summary Of Consultation Responses

English Heritage: Observations awaited: However it is worth noting that EH previously considered that the introduction of the Wheel would cause substantial harm to heritage significance and if required on a permanent basis would have attracted considerable objection. Given that the proposal was temporary and the harmful impact short term and transitory a more pragmatic approach was taken. EH did stress that if the proposal was to become more permanent in nature, then a better assessment of its impact on Heritage Significance should be made.

Environment Agency: Raises no objection to the scheme.

Environmental Health: Observations awaited: It is worth noting that the EHO previously requested a Light Pollution Impact Assessment in order that the degree of light nuisance could be understood and mitigation, if appropriate introduced.

Summary Of Representations

Two letters of objection from close neighbours have been received concerned at light nuisance, loss of privacy, overbearing impact, noise intrusion and the fact of its erection prior to the consideration of the application. In relation to the previous applications for temporary consent, several letters of objection were received from near neighbours to the site raising in addition to amenity concerns traffic implications and effect on the listed building, Princess Gardens and the wider conservation area. These have been copied and sent electronically for Members consideration. Any further comments received will be forwarded to Members.

Relevant Planning History

P/2012/0690: Temporary consent for Observation Wheel between 13th August and November 2012: Approved 15.08.12.

P/2013/0167: Temporary Consent for period 24th May- 5th November:
Approved 8.04.13.

Key Issues/Material Considerations

Due to the sensitive location of this proposal, the effect on the listed buildings, the Registered Gardens and the wider conservation area is a key issue. It is also important to examine whether the impact of the scheme on near neighbours in terms of light nuisance can be mitigated.

A permanent occupation of the site by the wheel would be, in the long term, harmful to the architectural and historical character of the site.

In granting the previous temporary consent, Members agreed with Officer advice that a temporary use of the site by the wheel was welcome as it would enhance the attractiveness of the wider area for tourists and residents alike and the impacts on the heritage features of the site were short term and reversible.

This has proven to be the case, the wheel has been immensely popular, has attracted tourists, created a dramatic and striking feature within the townscape and once removed the site was quickly and satisfactorily reinstated to its former condition.

A permanent use of the site for this purpose however is still considered unacceptable due to its impact particularly on the Pavilion and its setting. However, until the works to restore the Pavilion begin, it would seem reasonable to allow temporary uses such as this to continue as they do add to the tourist offer and enhance vitality, compensating to some degree for that lost following the closure of the Pavilion.

An informative was added to the previous decision notice to request that any further applications for temporary consent address the issues raised by English Heritage in terms of demonstrating the impact on heritage assets. A short statement has been supplied. Planning and Listed Building Applications addressing the future of the Pavilion have been recently submitted so it is likely that the opportunities for temporary use of the site are coming to an end.

The amenity concerns of neighbours to the site in Delmonte, Rock Road and Eden Roc, Warren Road are relevant particularly in relation to light nuisance.

Members previously carried out a site visit to the affected homes and supported the EHOs request that a Light Impact Assessment be carried out before the Wheel was operational.

A Lighting Engineer was not appointed until the end of August 2013 and by the time the report was received; on the 1st October it was too late to act on.

It concluded that whilst the light spill did not contravene the guidance levels set by the Institute of Lighting Professionals, it did have a Moderate Negative Impact which could be reduced to Minor Negative through the implementation of 'simple measures'.

These were:

- i) The removal of the fluorescent lighting to the cabin exteriors
- ii) The dimming of the fluorescent cabin element.
- iii) The dimming of the decorative elements on the central circle.

The applicants have declined to do any of these things but have requested whether 'branded vinyls' could be applied to the exterior of the cabins or gondolas to reduce light nuisance.

The site is within an Area of Special Advertisement Control so the option of branded vinyls is not acceptable but they have been asked to look at the possible use of plain or translucent vinyl to mitigate light nuisance and a response is awaited.

It is necessary to restrict hours of operation to protect the amenity of nearby residents.

The structure poses no threats to the structural integrity of the Pavilion or the Gardens, which comprise reclaimed land. This is due to the fact that the load of the structure is to be spread by increasing the size of the load bearing plates. This has all been agreed and verified by the Councils structural engineers. Matting, sleepers and boards will be used to minimise the impact of footfall on the ground around the wheel. The wheel will not operate in winds of over 40 mph.

It is important that the site is reinstated following occupation and this needs to be secured by condition.

Conclusions

There is an impact on the amenity of neighbours to the site through light spill. This has been assessed by a Lighting Engineer through a Light Impact Assessment which was required as a condition pursuant to the previous application for temporary occupation of the site. This concluded that whilst it did not contravene light nuisance guidance, it did have a moderate negative impact which could be mitigated particularly through dimming the fluorescent cabin lighting. The applicants have not taken these suggestions on board but they have been asked to reconsider what can be done to reduce the impact of the fluorescent cabin lighting.

The hours of operation of the Wheel should be restricted to protect amenity.

However, subject to the response from the applicants in terms of mitigating the florescent cabin lighting, it is recommended that a further period of temporary permission is granted subject to restriction on the hours of operation and reinstatement of the site following the expiry of the use.

Recommended: Approval; subject to a satisfactory response in terms of mitigating the fluorescent cabin lighting, a condition to secure implementation of the agreed measures and the following conditions.

01. The permission, allowing occupation of the site by the observation wheel, shall be for a temporary period only, and shall not commence until the 22nd March 2014 and shall expire on or before the 31st October 2014. Following removal of the observation wheel on or before this date, the gardens shall be reinstated in accordance with details that shall have previously been submitted to and agreed in writing with the LPA. The agreed scheme of reinstatement shall be implemented in the first planting season following the removal of the wheel.

Reason: The use of the site by the Wheel is only acceptable on a short term basis and more lengthy occupation would be harmful to the setting of the listed buildings, to the character of the Registered Gardens and the wider Torquay Harbour Conservation Area contrary to policies BE6, BE8 and BE5 of the saved Torbay Local Plan 1995-2011.

02. The Observation Wheel and associated ancillary catering facilities shall only operate between the hours of 10.00 hours and 22.00 hours daily.

Reason: To ensure that nuisance to residents who overlook the site is minimised.

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
BE6 - Development affecting listed buildings
BE8 - Historic parks and gardens
EP5 - Light pollution

Agenda Item 10

Application Number

P/2014/0198

Site Address

Old Maids Perch
Shedden Hill Road
Torquay
Devon
TQ2 5HD

Case Officer

Mr Robert Pierce

Ward

Description

Change of use from public open space to restaurant seating area to serve adjacent A3 restaurant use, maintaining existing public rights of way, and in association with external works as shown.

Executive Summary/Key Outcomes

The application seeks permission to change the use of a small area of public open space into an ancillary outdoor dining area in association with a new A3 Restaurant. The restaurant will form part of the Abbey Crescent (Former Palm Court Hotel) seafront development currently under construction.

The proposal would lead to the loss of a small area of public open space, however, it will improve the restaurant's amenities to the benefit of the public, whilst at the same time maintaining existing public rights of way and an existing landscaped planting bank.

The application is deemed to be acceptable for planning approval.

Recommendation

Approval

Statutory Determination Period

Eight weeks expires 2nd May 2014

Site Details

The site is known as "Old Maids Perch" and comprises a raised terraced area above a covered shelter fronting Torbay Road and backing onto Shedden Hill Road. The terrace has a tarmac surface and accommodates several memorial/commemorative benches set behind railings which are positioned across the Torbay Road frontage above the shelter below. To the rear of the site along the Shedden Hill Road frontage there is a raised landscaped bank.

Detailed Proposals

The application seeks permission to change the use of the existing terrace from an area of public seating/open space to an outside eating area in association with the new first floor restaurant currently under construction as part of the Abbey Crescent development.

The plans indicate that the terrace will be decked over to provide a split level eating area with the levels adjusted in order to provide a direct pedestrian link into the restaurant. Tables and chairs will be set out to provide "al fresco" dining for at least 58 customers. The tables to the higher decking at the rear will have removable or semi - permanent canopies over the tables. A timber store is also shown which will protect the tables and chairs when not in use. The railings across the frontage will remain and glass safety guarding will be positioned behind them. The planting bank will be retained as will the existing public right of way.

Summary Of Consultation Responses

The proposal was the subject of pre application discussions and consultations as follows:

1st October 2013 Pre Application Discussions with Spatial Planning, TDA and Parks

6th October 2013 Proposal presented to the Torre and Upton Community Partnership at the Town Hall

9th December 2013 Site meeting with Community Partnership.

Summary Of Representations

One objection received - main issue concerned with the loss of public seating. This has been copied and sent electronically for Members consideration.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issue to consider in relation to this application is the loss of existing public open space and its impact on the character and appearance of the Belgravia Conservation Area.

Loss of Public Open Space

The proposal would lead to the loss of a small area of public open space. This area is used informally and periodically for sitting out during the warmer months of the year.

The proposal will improve the facilities offered by the new restaurant and this would be of considerable benefit for the business. In addition, it will provide residents/visitors with an outdoor dining area in a prime elevated position with views across the bay. This is an important planning gain for the tourist economy which is considered to mitigate the loss of the seating/viewing terrace.

Relating the use of the space to the adjacent development and active use, will revitalise the space and enable it to be more regularly used by visitors and residents. Active use of the space will enhance the character of this part of Torquay.

The applicants have confirmed that existing public rights of way will be maintained and the plans indicate the retention of the planted bank to the rear.

Impact on the Conservation Area

The scheme retains the landscaped planting to the rear and therefore the verdant backdrop to the site will not be affected. The use of modern materials are considered to be appropriate in the context of the new development being constructed and will sit quite comfortably within the street scene. The character and appearance of the Conservation Area will not be adversely affected.

Conclusions

The proposed change of use to an outside dining area is considered to be appropriate for planning approval, 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
RS Recreation and leisure strategy
R5 Protection of public open spaces
TUS Tourism strategy

Spatial Planning (Strategic Planning and Implementation Team) Performance Report **2013-2014 Annual Report**

Exec Summary

This report provides a summary of the performance of the Strategic Planning & Implementation Team (Spatial Planning) over the 2013-2014 financial year. The report gives members of the Development Management Committee an opportunity to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and producing a Local Plan is vital to investment in the Bay. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications and how quickly those decisions are made, along with the extent of ambition in Local Plans.

The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans. This performance is particularly impressive given the continued economic downturn (and therefore reluctance to invest) and the Council's budget reductions, which have directly impacted on staff resources.

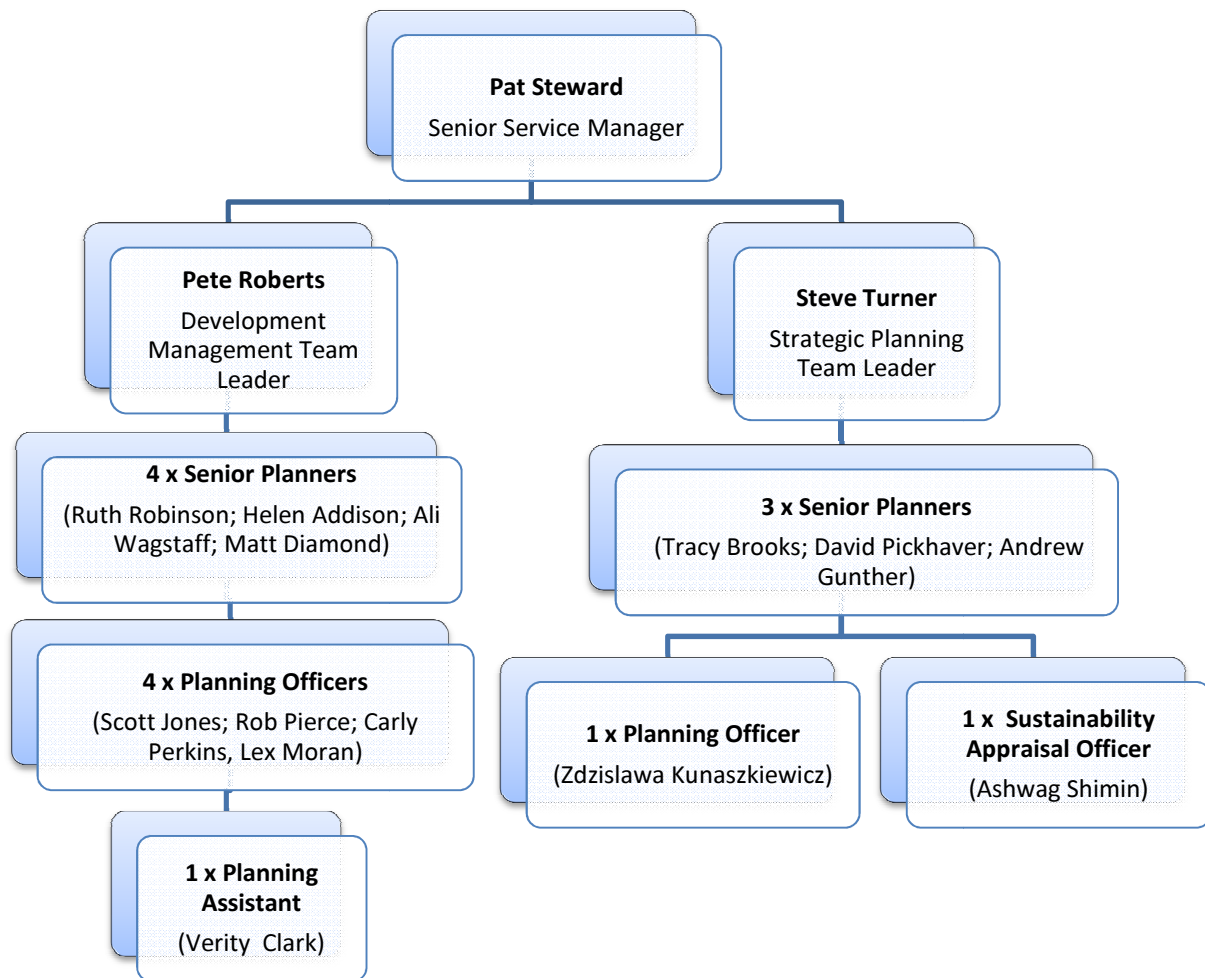
The headlines below set out what has been achieved to date.

Headlines

Performance is good and continuing to improve. Following restructure and staff redundancies in April 2013 a raft of changes have been made to improve the performance of the Development Management Team. Overall this has resulted in:

1. A one-team approach to Development Management (with a total of 9 officers handling planning applications across the Bay). The single team approach has provided opportunity for much greater flexibility and has enabled the backlog of work that was left over from 2012-13 to be completed. In addition, the team now provides much greater consistency for customers, through team peer review meetings, regular reviews of appeal decisions, team meetings and in-house officer guidance.

- The continued integration of Strategic Planning and Development Management helps achieve consistency and clarity, as well as robust policy development and decision making.



- As well as having a positive approach towards sustainable development and economic regeneration, the Development Management Team is commercially driven. For the past 2 years (2012-2013 and 2013-2014) the Development Management team has significantly exceeded its targets for ‘one-off’ application fee receipts (fees over £4,000). This year and last the team received over £300k in one-off fees for Major applications. This is well in excess of the previous 5 year average of £229k per year. This is a result of a project management approach, seeking to bring forward applications and engage positively with investors and developers.
- The Spatial Planning team is outcome driven and in the past year has negotiated positive outcomes in relation to (amongst others) the following major investments in Torbay:

- A. Palace Hotel, Babbacombe (approved at committee in March 2014 – P/2013/1209) – providing 130 jobs, around £100M investment, £4.5M visitor spend and 137 apartments, along with a total s106 contribution in excess of £1.5M.



Elevation of proposed improvements to Palace Hotel, Babbacombe (Application P/2013/1209)

- B. White Rock, Paignton (Reserved Matters approvals in 2013 and 2014 - P/2013/1009 + P/2013/1229) – providing around 1135 jobs, 350 homes (20% affordable) and an estimated £60M investment.
- C. Palm Court / Abbey Crescent , Torquay (amendments - P/2013/0470) – providing around 70 jobs, £10M investment, public realm improvements and an iconic development.
- D. Continued development at Yannons Farm & Parkbay, Paignton (P/2013/1282 + P/2013/0856) – which included £2.5M investment in Western Corridor improvements and a new Pharmaceutical Manufacturing Unit.
- E. Alfriston Road (Phase 2) Great Parks, Paignton ((Application P/2012/1074 issued on 20 March 2014)) – helping bring forward development on a long standing allocated site and a new community park.

- F. Devon Studio School (development on-site following fast track pre and post application process with officers - P/2013/0369) – providing around 35 jobs and £2.5M investment.



Perspective drawing and photo of ongoing development, Devon Studio School, Newton Road (Application P/2013/0369)

- G. Brixham Hospital (new care home), Brixham (approval followed positive negotiation and has resulted in a vastly improved scheme - P/2013/1342) – providing much needed bed spaces and improved care facilities.
- H. School extensions at Cockington, Coombe Pafford, Roselands and more – providing much needed new classroom space.
5. The new Local Plan is advancing towards Examination and Adoption. The Submission Version of the Plan has been published for consultation (until 7th April). The Plan will then be submitted to the Secretary of State, in July. The intention is to hold an Independent Examination in Autumn 2014, with the Inspector's report expected in late 2014 / early 2015 and formal adoption of the new Local Plan before the end April 2015.
6. Three community-led Neighbourhood Plans are in production, with support from the Strategic Planning Team. The intention is to take these Plans through Independent Examination and Referendum in mid 2015.

7. A masterplan has been completed for Great Parks Phase 2 and four masterplans are underway, covering Torquay and Paignton town centres, West Paignton and Torquay Gateway.
8. In terms of the key indicators (for the Government's special measures provisions) 100% of Major Planning Applications in this quarter were determined within 13 weeks. In the most recent statistics produced by the DCLG Torbay has an annual performance (to September 2013) of 71% for the determination of Major applications within 13 weeks. This is well above the national average according to DCLG statistics for the year to September 2013 (62%). There were only 35 other Authorities (out of 369) who had dealt with as many or more Major applications as Torbay and achieved as high a percentage within the 13 week target.

This is a significant achievement since Torbay was previously (in 2012) being highlighted as an Authority at risk of special measures (with less than 30% of Major applications being determined in time).

9. **Minor and Other applications.** There are no penalties for failing to achieve the Government targets of 65% for Minor and 80% for Other determinations within 8 weeks. However, Torbay is still seeking to meet customer and Government expectations and is aiming to achieve these targets. This has proven difficult over the past 2 years given competing priorities, staff cuts and the desire to obtain s106 contributions for smaller schemes such as individual dwellings.

That being said progress continues to be made against these targets. For the final quarter of 2013-2014 we have achieved 60% for Minor applications and performance continues to increase. Performance for this quarter is around 84% for Other applications, which is above the national target.

10. **Appeals performance** – Torbay had a dismissed appeal rate of 77% in the last Annual Statistical Report from the Planning Inspectorate (2012-2013). The national average was at the time 65% dismissed. As such Torbay was well above that average. In addition, it is noted that there were only 26 Authorities who had dealt with the same number of appeals or more which had a higher percentage than Torbay. That is out of a total of 369

authorities. Recent data from 2013-2014 shows a current dismissed rate for Torbay of 70% and 75% of appeals heard in this quarter report period (21 January to 16 March) were dismissed.

11. **Officer/Member consistency in decision making** – there remains a strong consistency between Officers and Members. Overall consistency of decision making is very high, with Members agreeing 94% of officer recommendations to Development Management Committee.

This annual report now covers in more detail **(1)** Local and Neighbourhood Plans, **(2)** masterplanning, **(3)** planning appeal decisions, **(4)** performance on Major, Minor and Other planning applications, **(5)** performance on Minor and Other applications **(6)** the consistency between officers and the committee in decision making, **(7)** changes to government policy and procedures, and **(8)** approved, commenced and forthcoming (pipeline) projects.

1. Local and Neighbourhood Plans

Local and Neighbourhood Plans have been produced, to date, in parallel. The Local Plan has been informed by Neighbourhood Plans and Neighbourhood Forums, whilst the evidence behind and policies within the Local Plan have informed Neighbourhood Planning. This should ensure significant consistency between Plans, but much depends on the response from Neighbourhood Forums to the latest version of the Local Plan.

In general terms, those parts of the emerging Local Plan that receive support from consultees (or little / no objection) will automatically carry a fair degree of weight in the decision making process. Those policies that are subject to objection / concerns will be fully tested at Examination and will not carry weight, in the decision making process, until the Inspector has published a report and/or the Council has adopted the Plan.

2. Masterplanning

Whilst the Council has commissioned the four masterplans (see Para 7 above), the production of each masterplan will include a strong element of community engagement.



Great Parks Masterplan, Paignton

The town centre masterplans will focus on key sites within town centres and delivery of development to help secure high quality town centres fit for the 21st Century. The masterplans for West Paignton and Torquay Gateway will focus on place making, infrastructure delivery and delivering a mix of jobs and homes.

All four masterplans will be completed before, and will inform, the Local Plan Examination. They will also be used to help secure investment, in sites and infrastructure, and will – it is anticipated – form key elements of Neighbourhood Plans.

3. Planning Appeal Decisions

The Public Inquiry into the decision of the Local Planning Authority to refuse permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019) will be held on 25th March. The appeal is scheduled to last for 6 days.

In addition an appeal has been lodged against the Council's decision to refuse consent for up to 175 dwellings on land at Collaton St Mary (REF: P/2013/0572). The Public Inquiry is likely to be heard in late summer 2014. It is also very likely that an appeal will be lodged against the Council's decision to refuse consent for a Tesco superstore and associated developments at Edginswell in Torquay (REF: P/2013/0677). That Inquiry will likely be held in late summer.

As to Torbay' appeal performance, the Council had a dismissed appeal rate of 77% in the last Annual Statistical Report from the Planning Inspectorate (2012-2013). The national average was at the time 65% dismissed. As such Torbay was well above that average.

In addition, it is noted that there were only 26 Authorities who had dealt with the same number of appeals or more which had a higher percentage than Torbay. That is out of a total of 369 authorities. Recent data from 2013-2014 shows a current dismissed rate for Torbay of 70%, and 75% of appeals heard in this quarter report period (21 January to 16 March) were dismissed.

In relation to appeal decisions, since the last appeal report in February 2014 there have been 4 appeal decisions. All of these were dealt with by the Written Representations method. Of the appeal decisions reported here, 3 were dismissed, a **75%** success rate over the last quarter.

Torbay remains above the national average for its appeal performance during this financial year (April 2013 to 16 March 2014) at **70%** when compared to the last year's (2012-2013) national average of 65%.

There now follows a brief summary of the appeals determined in this quarter (21 January to 16 March).

Appeals Dismissed (3)

Site:- Land off Penn Lane, Adj 19 & 21 Penn Lane, Brixham

Case Officer:- Scott Jones

LPA ref:- P/2013/0302

Ward:- St Marys with Summercombe

Proposals:- Single dwellinghouse

Issues:- Impact on neighbouring living conditions and the character of the area

Site:- 102 Sandringham Drive

Case Officer:- Helen Addison

LPA ref:- P/2013/1094

Ward:- Preston

Proposals:- Proposed extensions incorporating raising the roof ridge height, plus associated alterations (Re Submission of P/2013/0811)

Issues:- Impact on character and appearance of the host property and on living conditions of the neighbouring occupiers

Site:- Cary Cottage, Cockington Lane, Torquay

Case Officer:- Alexis Moran

LPA ref:- P/2013/1060

Ward:- Cockington with Chelston

Proposals:- Proposed double garage and log store

Issues:- Impact on character of the Conservation Area and over provision of parking

Appeals Allowed (1)

Site:- Thatch Croft

Case Officer:- Alistair Wagstaff

LPA ref:- P/2013/1171

Ward:- Wellswood

Proposals:- Redevelopment of existing house to replace roof, to construct a two story extension with undercroft to the South East and single story extension North West.

Issues:- Impact on host property and the character and appearance of the area and impact on trees

4. Performance on Major, Minor and Other Planning Applications

Major Applications - determination within 13 weeks

Major applications are those for 10 dwellings or more, for 1,000sqm or more of floorspace or for 1 hectare (0.5 hectare for residential development) or more of land.

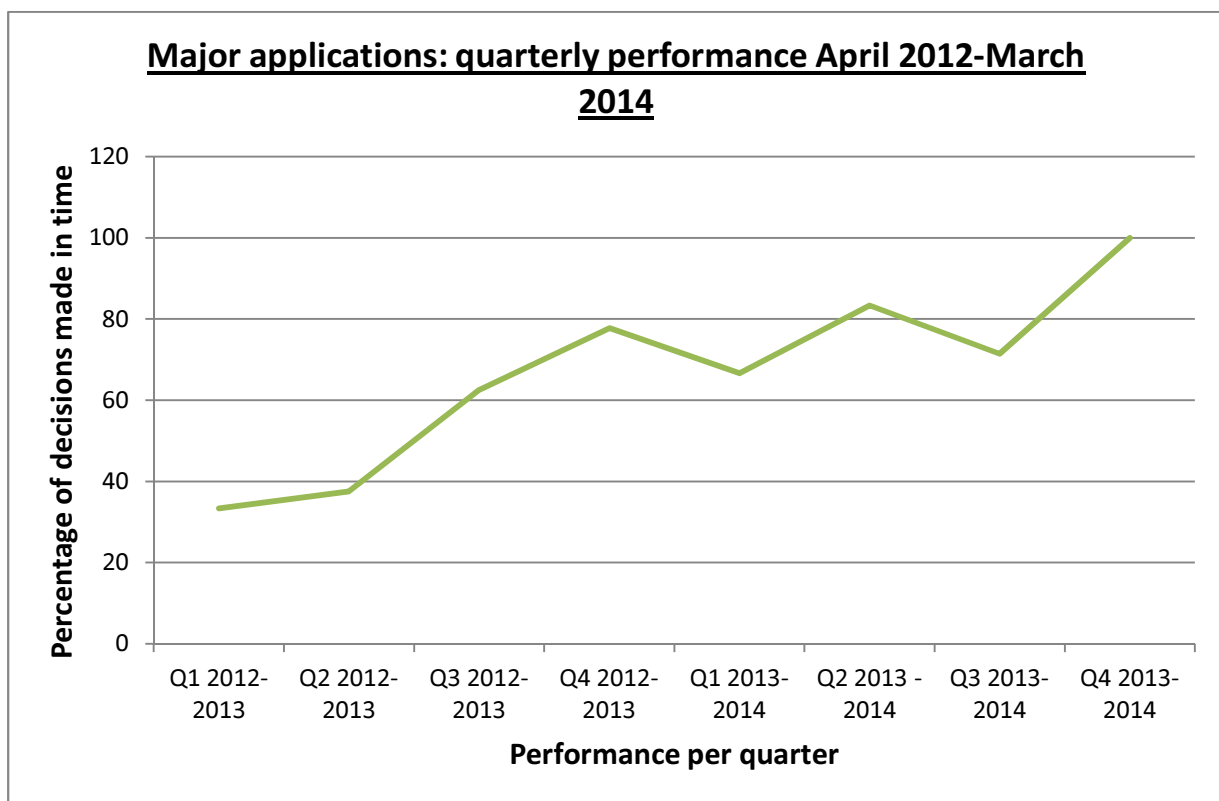
Following the enactment of the Growth and Infrastructure Bill, the Government has made its position in relation to the determination of Major Planning Applications very clear. Namely, Councils are expected to determine at least 30% (likely rising to 40%) of major planning applications within 13 weeks and be able to successfully defend at least 80% of those Major decisions at appeal.

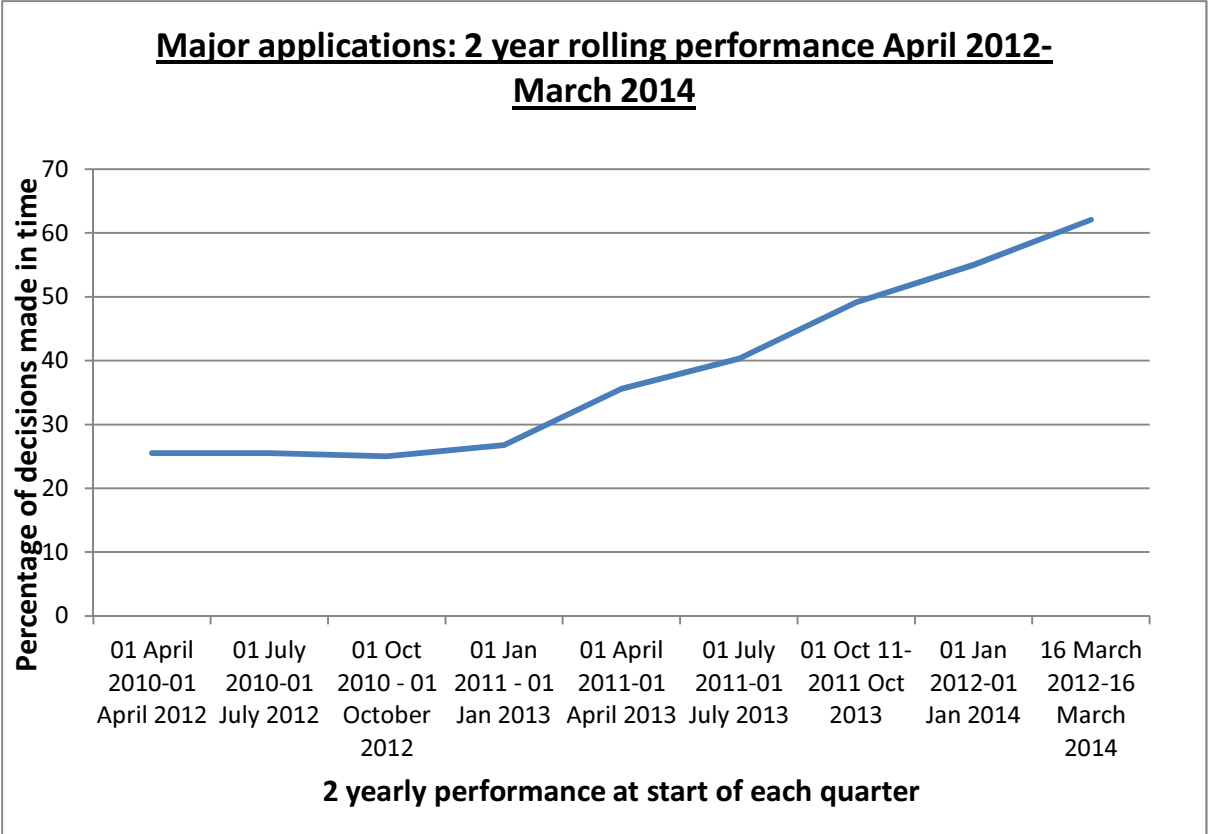
This has resulted in a change of approach across the Planning Service, determining applications within 13 weeks wherever possible whilst also securing high quality outcomes.

The change in approach has led to last quarter's performance on Major Planning Applications improving to 100% determined in time (4 out of 4 Major applications). The overall performance on a rolling 2 year period (16 March 2012 – 16 Mar 2014) is now up to 63% and improving very steadily, with the 12 month performance to September 2013 being up at 71%.

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.

The following graphs illustrate clearly this improvement in both quarterly returns and 2-yearly performance figures:





Major Applications Approval Rate

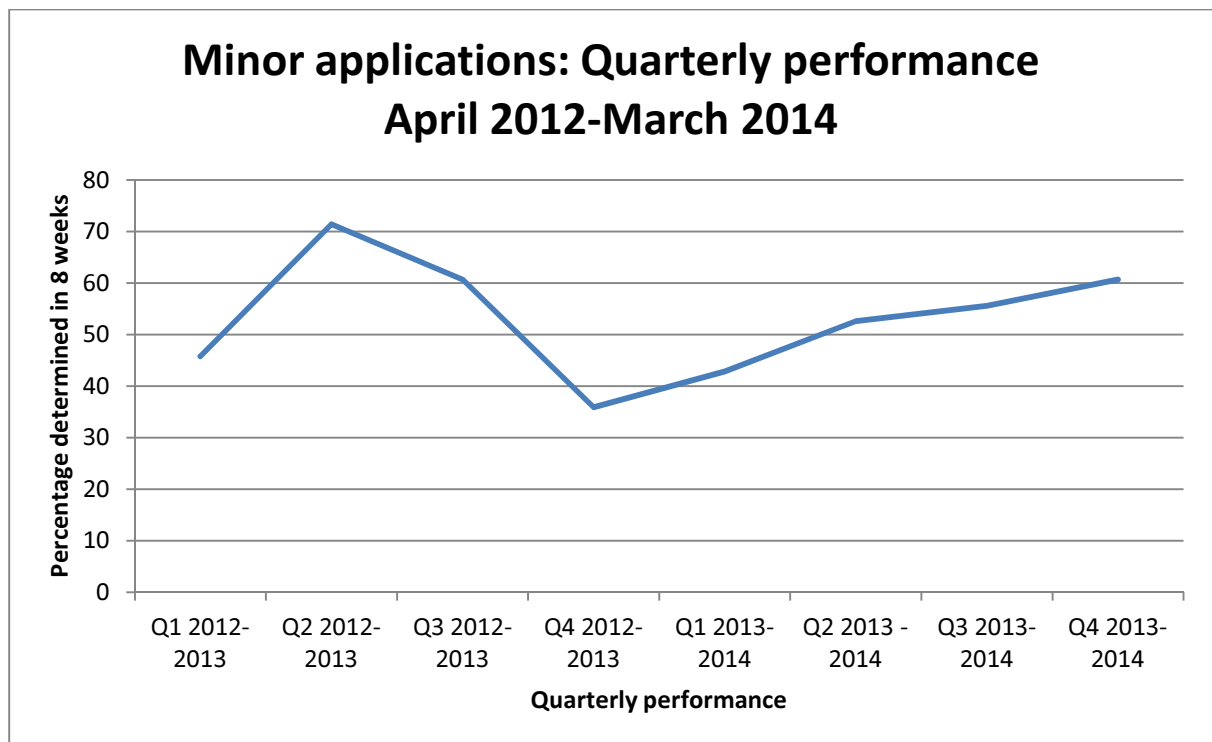
Over the 2 year period (16 March 2012 - 16 March 2014) Torbay has maintained an approval rate on Major Planning Applications of 83%. Over the last quarter (01 January to 16 March) all 4 of the Major Planning Applications determined were approved (100%).

Minor Applications

Minor applications are for small scale commercial development (under 1,000sqm / 1 hectare of land), and for residential schemes of less than 10 dwellings (under 0.5 hectare of land).

There are no penalties for failing to achieve the Government target of 65% determinations within 8 weeks for Minor Applications. However, Torbay is still seeking to meet customer and Government expectations and is aiming to achieve at least 65% for Minor applications determined in time. This has proven difficult over the past 2 years given competing priorities, staff cuts and the desire to obtain s106 contributions for smaller schemes such as individual dwellings. These applications are therefore often difficult to determine in 8 weeks, especially if there are objections or there is a need to draw up a s106 legal agreement.

That being said progress continues to be made towards the 65% target. The graph below shows how the team has responded following a dip in performance that is attributable to the redundancies and sickness absence that took place between August 2012 and April 2013. For the final quarter of 2013-2014 we have achieved 60% and performance continues to increase. Whilst it has taken longer than hoped to get towards the 65% target (due to out of date applications having to be issued to preserve levels of customer satisfaction), it is envisaged that within the 2014-2015 year, the 65% target will be reached and exceeded.



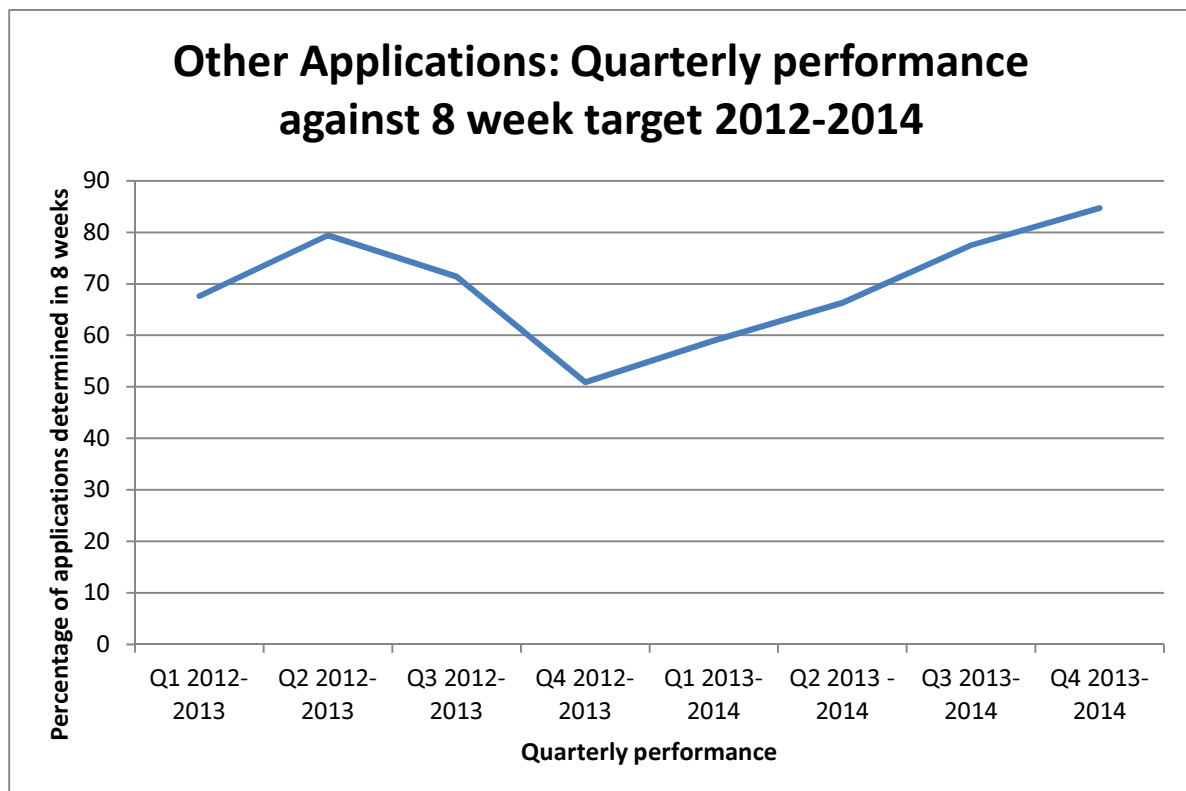
A number of changes have now been introduced to speed up decision making on Minor applications. These include encouraging more upfront payments, securing s106 information before validation and seeking withdrawal and resubmission of applications where revisions are needed to the plans. With these and further process improvements combined with a continual reduction in the number of out of date applications being determined, the team is confident about achieving the 65% target mid-year.

Other Applications

The remaining application types fall within the 'Other' category set by DCLG. These include, for example, householder applications (for extensions etc), changes of use, advertisements and listed building alterations.

Torbay has always performed well in determining these application types within 8 weeks. Recent figures show that, following a drop in performance attributable to staff losses at the end of 2012 and early 2013, the quarter to April 2014 is likely to reach more than 84%, which is now above the national target of 80% for Other applications.

The graph below shows Torbay's performance against this measure. The graph shows how the team has responded following a dip in performance that is attributable to the redundancies and sickness absence that took place between August 2012 and April 2013. For the final quarter of 2013-2014 we have achieved over the national target of 80% and performance continues to increase.



4. Committee Decisions and Officer Recommendations

Decisions made at committee are in the majority of cases consistent with the officer's recommendation. That consistency and strong working relationship with the Members has continued over the last quarter (21 January to 16 March), where 16 decisions have been made at the Development Management Committee. Of that total number 15 have been determined in accordance with the recommendation of officers and only 1 has been deferred by the committee. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions. Consistency over the past 12 months is now at over 94%.

5. Planning law and policy update

Nick Boles MP, has made it clear that the undersupply of housing does not, in itself, trump other policies in the NPPF. He made it clear that Green Belt policies continue to stand irrespective of a lack of 5 year housing supply. Paragraph 49 of the NPPF indicates that "relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites". As such, the other policies of the Local Plan and the NPPF remain relevant to a decision even in the event of an under supply of housing land.

The Government has also announced further changes to permitted development and a full review of the General Permitted Development Order. This came out in the 2014 Budget speech. The intention is to provide a clear 3-tier system, where certain types of development are permitted, others are permitted subject to prior notification and the remainder (large scale applications) will need consent. In addition, changes are being considered that would enable shops outside of key retail areas to be converted to residential use without the need for permission. The same is suggested for warehouses and light industry structures. It is also stated that agricultural buildings could be converted to residential use without the need for planning permission.

6. Approved, commenced and forthcoming (pipeline) projects

The Spatial Planning team is outcome driven and in the past year has negotiated positive outcomes in relation to the following major investments in Torbay:

1. Palace Hotel, Babbacombe (approved at committee in March 2014 – P/2013/1209) – providing 130 jobs, around £100M investment, £4.5M visitor spend and 137 apartments, along with a total s106 contribution in excess of £1.5M.



2. White Rock, Paignton (Reserved Matters approvals in 2013 and 2014 - P/2013/1009 + P/2013/1229) – providing around 1135 jobs, 350 homes (20% affordable) and an estimated £60M investment.



3. Palm Court / Abbey Crescent , Torquay (amendments - P/2013/0470) – providing around 70 jobs, £10M investment, public realm improvements and an iconic development.



- Continued development at Yannon's Farm & Parkbay, Paignton (P/2013/1282 + P/2013/0856) – which included £2.5M investment in Western Corridor improvements and a new Pharmaceutical Manufacturing Unit.

Local Centre in Context



1112 Yannon's Farm, Brixham Rd., Paignton



- Alfriston Road (Phase 2) Great Parks, Paignton ((Application P/2012/1074 issued on 20 March 2014)) – helping bring forward development on a long standing allocated site and a new community park.
- Devon Studio School (development on-site following fast track pre and post application process with officers - P/2013/0369) – providing around 35 jobs and £2.5M investment.



- Brixham Hospital (new care home), Brixham (approval followed positive negotiation and has resulted in a vastly improved scheme - P/2013/1342) – providing much needed bed spaces and improved care facilities.



8. School extensions at Cockington, Coombe Pafford, Roselands and more – providing much needed new classroom space.

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

Site Address	Summary proposal	Status
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Live application
Pavilions, Torquay	Hotel, car park, residential apartments	Pre-application
Riviera Bay, Brixham	Redevelopment to form new holiday lodges	May committee
Jewsons, Torquay	Redevelopment to provide 30 flats	Live application
Torwood Street	Revised scheme for hotel, offices and A3 uses	Pre-application

7. Conclusion

The Strategic Planning & Implementation team has demonstrated continued improvements over the past year in relation to Development Management. This has seen 100% of Major applications approved in time during the last quarter, a strong performance on drawing in planning fees (over £300k per year for the last 2 years), along with a strong (comparative to other Authorities) appeals performance. The team has played a pivotal role in the delivery of major investment in Torbay and continues to strive towards economic regeneration through the delivery of sustainable development.

Similarly, the Strategic Planning Team has made significant progress on the Local Plan, at a time when the sands of national policy are shifting. The robustness of the Local Plan has been backed by new evidence, commissioned and managed by the team. Real progress is also being made on Neighbourhood Plans, although the response of Neighbourhood Forums to the Local Plan will provide a true assessment of the conformity between neighbourhood plans and the Local Plan. The production of masterplans has enabled progress to be made on delivery at Great Parks and will support delivery of high quality outcomes in other areas of significant change within the Bay.

What are we doing to continue to improve the service?

- Further changes to support business growth and job creation in the Bay
- Procedural improvements to reduce the time taken to determine applications
- Forthcoming changes to the Local Validation List to make submitting a valid planning application easier

Report Authors: Pat Steward (Senior Service Manager) and Peter Roberts (Team Leader, Implementation Team)