



Friday, 4 October 2013

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 14 October 2013

commencing at **2.00 pm**

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

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Councillor Brooksbank

Working for a healthy, prosperous and happy Bay

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

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DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of this Committee held on 9 September 2013.
3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **P/2013/0662/PA Unit 4, Metherell Avenue Industrial Estate, Brixham** (Pages 6 - 9)
Change of use from B1 -B2.
6. **P/2013/0900/HA 1 Milton Park, Brixham** (Pages 10 - 11)
Demolition of existing garage and formation of new bathroom, en suite and walk in wardrobe, new enlarged porch with new pedestrian access to Milton Street.
7. **P/2013/0758/MPA Land Adj To Park Bay & Holly Gruit, Brixham Road, Paignton** (Pages 12 - 18)
Development of 14 dwellings comprising 13 no. houses and 1 no. flat over garage (FOG), with associated roads, garages and parking.

8. **P/2013/1009/RM Land Adjacent to Torbay Business Park, Whiterock, Long Road, Paignton** (Pages 19 - 26)
Reserved matters application for P/2011/0197 including: appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition unit 31, relocation of 10 parking space for units 33-34.
9. **P/2013/0645/PA Land Adjoining 16,17 & 18, Hyfield Gardens, Torquay** (Pages 27 - 34)
Extension of time limit of previously Approved Application P/2010/0278 - Formation of dwelling & detached garage.
10. **P/2013/0690/PA 4 Old Mill Road, Torquay** (Pages 35 - 39)
Change of Use from A1 to A3/5.
11. **P/2013/0698/MPA Snooty Fox, 89 - 91 Fore Street, St Marychurch, Torquay** (Pages 40 - 52)
Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats and associated parking, following demolition of existing buildings.
12. **P/2013/0749/PA Unit 1, Lummaton Quarry, Happaway Road, Torquay** (Pages 53 - 58)
Change of use from (B8)(Storage & Distribution) SEC to a skip firm and waste transfer station (Sui Generis).
13. **P/2013/0775/S106 The Corbyn Apartments, Torbay Road, Torquay** (Pages 59 - 64)
Modification of Section 106 ref: P/1991/0370 to allow four penthouse apartments to be occupied on a permanent residential basis and the remaining 13 apartments to be used for both holiday letting and short term letting.
14. **P/2013/0853/MPA Meadfoot Beach, Meadfoot Sea Road, Torquay** (Pages 65 - 67)
Demolition of existing beach huts and provision of 133 new huts.
15. **P/2013/0876/MPA 52/54 Belgrave Road, Torquay** (Pages 68 - 77)
Change of use from hotel to 8 holiday apartments and 2 residential units.
16. **P/2013/0979/PA Pine Lodge, Sladnor Park Road, Torquay** (Pages 78 - 83)
Provision of a dwelling on adjacent land.
17. **Spatial Planning Performance Report Quarter 2** (Pages 84 - 89)
To note the report above.
18. **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.

19. 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 October 2013. 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

9 September 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Baldrey, Hill, Hytche, Kingscote, Morey (Vice-Chair), Pentney, Stockman and Thomas (J)

(Also in attendance: Councillors Pritchard, Thomas (D), Excell and Lewis)

40. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillors Hytche, Hill and Thomas (J) instead of Councillors Addis, Barnby and Brooksbank.

41. Minutes

The Minutes of the meeting of the Development Management Committee held on 12 August 2013 were confirmed as a correct record and signed by the Chairwoman.

42. P/2013/0438/MPA - Land At Churston Golf Course / Churston Golf Club, North East Of Churston Court Farm

Members noted that application P/2013/0438 had been withdrawn by the Applicant.

43. P/2013/0714/PA - Bishops Place, Paignton

The Committee considered an application for a change of use of a Grade II listed building from education to offices (B1).

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

Resolved:

Approved, subject to a condition requiring parking spaces to be marked out at the front of the building.

44. P/2013/0745/OA - Former Day Nursery, Barum Close, Paignton

The Committee considered an application for the demolition of a vacant children's nursery and construction of a pair of semi detached dwellings and associated parking.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved subject to completion of a Section 106 legal agreement and as per the conditions set out in the submitted report.

45. P/2013/0740/PA - Land Adjacent, 45 Stanley Gardens, Paignton

The Committee considered an application for the construction of a detached dwelling and access to be considered as part of the application.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved subject to the signing of a Section 106 agreement, and as per the conditions set out in the submitted report.

46. P/2013/0630/HA - 42 Broadsands Road, Paignton

The Committee considered an application for a two storey front extension, new integral garage under, new pitched roof with dormer to rear.

This was a revised application to that which had been previously approved by the Development Management Committee (P/2012/0666) which sought retrospective permission for alterations to the previously approved plan. The main alterations included an increase in the width and height of the dormer and gable end on the principle elevation and the addition of a large box dormer to the rear as well as the retention of the existing garage.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Stuart Ruffe addressed the Committee against the application and Roger Swift in support of the application. In accordance with Standing Order B4.1 Councillor Pritchard addressed the Committee.

Resolved:

Refused on the grounds that the retrospective development has a detrimental impact on the visual amenities of the streetscene. In particular, this is due to the combination of the raised ridge-height (above the level of the original dwelling) and the increased dominance of the front gable, the front dormer and the rear box dormer. The development also has a detrimental impact on the living conditions of the neighbouring occupiers.

47. P/2013/0775/S106 - The Corbyn Apartments, Torbay Road, Torquay

Members noted that application P/2013/0775/S106 had been withdrawn by the Applicant.

48. P/2013/0658/PA - 21 Quinta Close, Torquay

The Committee considered a proposal for the erection of dwelling for letting purposes.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved subject to the completion of a Section 106 Agreement, and as per the conditions set out on the submitted report.

49. P/2013/0808/OA - Land Adjacent To 79 Glebeland Way, Torquay

The Committee considered an application for the construction of a pair of split level semi-detached houses with associated parking.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and a written representation was circulated to members.

Resolved:

Approved subject to the completion of a Section 106 Agreement, and as per the conditions set out on the submitted report.

50. P/2013/0720/PA - Artful Dodger, 304 Teignmouth Road, Torquay

The Committee considered an application for a change of use from a Public House (Use Class A4 - Drinking Establishment) to a Pre-School (Use Class D1 - Non-Residential Institution).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Jenny Bailey addressed the Committee for the application.

Councillor Hill declared a non pecuniary interest and left the room for this item.

Resolved:

Approved subject to the completion of a Section S106 Agreement and the addition of a provision within the Travel Plan (to be controlled by condition) whereby on site supervision would be provided at dropping off and picking up times to ensure compliance with Traffic Regulations.

51. P/2012/0566/PA - Rock House, Rockhouse Lane, Torquay

The Committee considered an application for the construction of a new dwelling and kitchen garden to the South of Rock House and the conversion and extension of an existing stable block into a dwelling house to the North of Rock House, including provision of independent access from road to the East.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved subject to the completion of a Section 106 Agreement, additional information on the surrounding trees and as per the conditions set out on the submitted report.

52. P/2013/0677/MPA - Land At Edginswell Business Park, Off Orchard Way, Torquay

The Committee considered an application for the formation of an (A1) Tesco store (inc. customer cafe) and approximately 977 sq.m. B1 office development on plots Vesta and Edesia at Edginswell Business Park associated infrastructure, retaining structures, access, parking and landscaping and outline planning application for the development of a B1 office building of 2090 sq.m on the Sarritor plot , A3/A5 unit with associated access and parking - This is a departure from the Local Plan.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At

the meeting Susie Colley and Barry Dunnage addressed the Committee against the application and Mark Scoot addressed the Committee in support of the application.

Resolved:

Refused for reasons one to six in the submitted report as updated by officers through the further representations submitted prior to the meeting.

Chairwoman

Agenda Item 5

Application Number

P/2013/0662

Site Address

Unit 4
Metherell Avenue Industrial Estate
Brixham
Devon
TQ5 9QL

Case Officer

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Change of use from B1 -B2

Executive Summary/Key Outcomes

The application seeks permission for a change of use from B1 to a B2 Crab processing plant. There are other existing B2 uses in the Metherell Avenue industrial estate at present. It is considered that a B2 use such as this could be acceptable within the estate provided that it was sufficiently well managed by conditions. The applicant states that the operation would employ 4 full time staff and 2 part time staff.

There have been a number of objections to the proposal which generally relate to the change of use having a detrimental impact on the residential amenity of the occupiers of neighbouring properties.

The consultation response from the Environmental Health department states that the level of information submitted is insufficient in detailing how the operation will deal with issues of odour from cooking, waste water contamination, other emissions.

As a result they have objected to the proposal. Notwithstanding the potential acceptability of the scheme in principle and the desire to protect and deliver local job opportunities, in light of the Environmental Health concerns and in the absence of further information, the recommendation is one of refusal.

Recommendation

Refusal

Statutory Determination Period

This is an 8-week application, the statutory deadline for determination has now expired due to time taken in negotiations and in seeking further clarification prior to the decision being made.

Site Details

The site, Unit 4, Metherell Avenue, is a commercial premises located within an industrial estate which is surrounded by residential properties.

Detailed Proposals

The application seeks permission for a change of use from B1 -B2 to form a crab processing plant.

Summary Of Consultation Responses

Senior Environmental Health Officer. Crab processing plants are intrinsically "offensive" operations that create large volumes of offensive odours, steam and contaminated water. This water when disposed of down the drain, frequently contaminates local sewers leading to complaints of smell from sewers and to blocked sewers caused by the amount of grit and dirt generated during the crab processing.

The applicant has provided no details in respect of how they intend to control any of these odours or potential problems. They have not provided any details of odour control methods that will be used, how they intend to ventilate the units and prevent foul air affecting local residents, or how they will prevent the removal of refuse on a daily basis generating complaints.

The proposed plant is within metres of the nearest residential accommodation. This accommodation will be severely affected by odour from the plant and residential amenity in the area will be heavily affected.

Further information has been provided by the applicant however it is not considered to overcome the concerns of the Environmental Health Officer (EHO).

The further comments of the EHO are that:

1. There remains no information as to how odour is to be controlled.
2. Details of a fan and a chemical with no site assessment, or proposed methodology or even operational plan are not sufficient detail to make an assessment of the effectiveness of proposals.
3. Furthermore, there are concerns that any proposed odour mitigation measures would be insufficient given the proximity of the residential accommodation.
4. Odour Control sprays have some effect in situations where there is significant distance between the sensitive residential accommodation and the odorous process.
5. In this situation, the only system that is considered to work effectively would be sealing the building, ensuring all activity takes place inside, then operating an extraction system with specifically designed odour control.
6. A detailed operational plan detailing how the applicant is going to deal with each odour creating problem such as the waste, the odours from cooking, waste water contaminating, the drainage and any other emissions would need

to be provided.

Summary Of Representations

A number of representations have been received which relate to the impact of the proposal with the following reasons given:

- Detrimental to residential amenity
- Not in keeping with the character of the area
- Set a precedent
- Odour

Relevant Planning History

P/2001/1397 Unit 6 Metherell Avenue Industrial Estate- Change Of Use
To Toolmaking/Injection Moulding (B2 General Industrial)
Permitted 17.12.2001

P/1985/0887 Erection of 2 buildings Class 4 Use (now Class B2 Use
General Industrial) Permitted 02.05.85.

Key Issues/Material Considerations

The key issues to consider in relation to this application are the employment implications of the principle of the change to a B2 use and the impact it would have the living conditions of the occupiers of neighbouring properties.

The proposed change of use is considered to be acceptable in general due to the location within an existing industrial estate, the existence of other B2 units on the estate, and the provision of local employment opportunities in Brixham. If the applicant was able to provide a scheme which overcame the issues raised by the Local Authorities Environmental Health department then the scheme could be considered acceptable for planning approval. In all other respects it is considered that the scheme is consistent with the objectives of policy E9 of the Local Plan.

However, the Local Authorities Environmental Health Department have objected to the proposal due to the impact it would have on the residential amenity of the occupiers of the neighbouring dwellings. As such the proposal is considered to be contrary to policies EPS, EP3 & E9 of the saved adopted Torbay Local Plan 1995-2011.

There is the potential, through the submission of further information and the use of conditions, to overcome these odour concerns and the general issues with the disposal of waste including drainage contamination. However, at this time there remains considerable concern about the impact of the development on neighbouring occupiers, the proposal is therefore deemed to have a significant impact on the amenity of the occupiers of neighbouring properties and as such is recommended for refusal.

Economy -

The proposed use would employ 4 full time staff and 2 part time staff. It is deemed that consideration should be given to the potential jobs the proposal would bring to the area and balancing this with the impact the processing plant would have on the residential amenity of the area, including whether this could be reduced by sufficient odour control, the submission of further information as proposed by the Environmental Health Officer and planning conditions.

Conclusions

The proposed change of use is not considered to be appropriate for planning approval due to the potential impact on the residential living conditions of neighbouring occupiers.

Condition(s)/Reason(s)

01. The proposed operation by reason of the increase in general disturbance and most significantly odour, would have a detrimental impact on the amenity of the occupiers of the surrounding residential properties and would, in the absence of suitable mitigation, have polluting impacts on the local environment. The proposal would therefore be contrary to policies EPS, EP3 and E9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

EPS Environmental protection strategy

Agenda Item 6

Application Number

P/2013/0900

Site Address

1 Milton Park
Brixham
Devon
TQ5 0AT

Case Officer

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Demolition of existing garage and formation of new bathroom, en suite and walk in wardrobe, new enlarged porch with new pedestrian access to Milton Street

Executive Summary/Key Outcomes

This application is being referred to the committee because the applicant is an officer within the Council's Building Control Team.

This application seeks permission for the demolition of the existing garage and the formation of a side extension with a new enlarged porch and a new pedestrian access to Milton Street.

The proposed developments are considered to be appropriate additions to the original property and the wider streetscene and have an acceptable impact on the character and appearance of the area.

The application is therefore deemed to be acceptable for planning approval.

Recommendation

Approval

Statutory Determination Period

Eight weeks, expires 12.10.2013

Site Details

The site, 1 Milton Park, Brixham, is a detached residential dwelling which is linked to its neighbour via attached garages.

Detailed Proposals

Demolition of existing garage and formation of a side extension, new enlarged porch and a new pedestrian access to Milton Street

Summary Of Consultation Responses

None

Summary Of Representations

None

Relevant Planning History

None

Key Issues/Material Considerations

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

The proposal is considered to be an appropriate addition to the original property and the wider streetscene.

The proposal is deemed to have an acceptable impact on the privacy and amenity of neighbouring properties.

A suitable level of parking is available to the front of the proposed side extension.

Conclusions

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

Relevant Policies

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

Agenda Item 7

Application Number

P/2013/0758

Site Address

Land Adj To Park Bay & Holly Gruit
Brixham Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Description

Development of 14 dwellings comprising 13 no. houses and 1 no. flat over garage (FOG), with associated roads, garages and parking

Executive Summary/Key Outcomes

The proposals are to develop 14 dwellings on an isolated area of land surrounded by recently approved applications at Yannons Farm/Park Bay on the edge of Paignton. This area was not included in the larger applications.

Notwithstanding the Local Plan employment designation of the site, it is considered that the principle of the development is acceptable and the development has now been redesigned following negotiations with officers to fit in with the character of the adjoining Parkbay development.

A section 106 agreement is required to secure necessary contributions in accordance with the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) and its Update 3, and the adopted Council Report 'Third Party Contributions towards the South Devon Link Road'.

This agreement is currently being drafted.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning to resolve conditions; subject to signing the section 106 agreement within 13 weeks of the valid application being submitted, or the application be refused.

Statutory Determination Period

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 09.08.2013. The 13 week determination date is 09.11.2013.

Site Details

The site is a 0.26ha triangular shaped parcel of land within the area currently

being developed on the edge of Paignton, known as Yannons Farm/Parkbay. Outline planning permission was granted to develop the area surrounding the site in 2011, this was to provide approximately 220 dwellings, 5,600 sq m B1 employment floorspace, a local centre and public open space (ref. P/2010/0289). In addition, outline planning permission was granted in 2012 to develop approximately 95 dwellings on the land adjoining the site to the east, formerly Parkbay garden centre (ref. P/2009/1287). Both these permissions and subsequent minor permissions are in the process of being implemented.

The application site did not form part of either of these permissions and was effectively left over land. The applicants are the same as the developers of the site to the east (Parkbay).

The site is allocated for employment use under Policies E1 and E1.16(C) in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan').

Detailed Proposals

The proposals are to erect 11 no. 3-bed terraced/semi-detached dwellings, 2 no. 2-bed terraced/semi-detached dwellings and 1 no. 2-bed FOG (flat over garage) (14 dwellings in total).

Vehicular access would be provided from the street to the west, passing beneath the FOG through an archway into a central parking area within the block. Each dwelling would have two allocated parking spaces, 7 with garages. With the exception of the FOG, each dwelling would have a rear garden. The parking area would include soft landscaping.

Summary Of Consultation Responses

Housing Services: It would have been preferable for this site to be incorporated as part of the wider development of this area. As a result of it not being included, the current application is for 14 units only, which is below the current affordable housing threshold and therefore not liable for affordable housing contributions, which is not helpful in addressing the housing need of households in Torbay. If for any reason the number of units on the site increases, we would be looking for the policy position of 30% affordable housing to be provided on site.

Highways/Strategic Transportation: Comments awaited.

Engineering: Drainage: The developer has identified that this development will discharge into the surface water drainage system serving the development site covered by planning application P/2013/0165 (reserved matters for Park Bay). There are a number of issues with the proposed surface water drainage for this development which have not been addressed, including potential subsidence. Therefore, further details are required before planning permission can be granted.

SW Water: No objection.

Arboricultural Officer: No trees pose a constraint to the development. The planting plan shows that a bare root specimen of Sorbus aria is to be planted. Bare root plants have low success rates in urban areas as the root system is inadequate to cope with the restricted water available before establishing. No trees size should be below 14-16cm girth at planting to provide robustness against damage and vandalism prior to establishment. The scheme is suitable for approval on arboricultural merit if these two points can be addressed.

RSPB: There may be opportunities to enhance the biodiversity of the site by integrating next boxes suitable for swifts and other building dependent species into suitable locations under the eaves and barge boards of the gable ends. These should be incorporated into a Landscape and Environment Management Plan.

Summary Of Representations

No public representations were received.

Relevant Planning History

None for this site directly. The adjacent sites are of relevance and as such the following permissions are material to this application:

P/2010/0289	Mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floorspace, local centre and public open space with roads and car parking (In Outline). Approved. 04.10.2011
P/2009/1287	Residential development to form approx 95 dwellings with associated vehicle/pedestrian access, roads; footpaths (In Outline). Approved. 06.01.2012

Key Issues/Material Considerations

The key issues are:

1. Principle of Development
2. Design
3. Access
4. Car Parking
5. Drainage

1. Principle of Development

The site is allocated as employment land in the Local Plan (E1.16c). However, the principle of developing this small parcel of land for residential use is considered acceptable in this instance given that:

i) the surrounding land has been granted planning permission for mixed use including residential development in order to deliver infrastructure and to bring forward employment development in the form of the 6257 sqm Pharmaceutical Manufacturing Unit (PMU). As a result of the adjoining permissions the site is

now surrounded by residential uses and is unlikely given its size, location and environs, to come forward for employment use.

ii) policies E1 and E1.16c are no longer up-to-date given the delivery oriented and mixed use approach to employment sites set out in paragraphs 18 to 22 (and paragraph 22 particularly) of the NPPF.

iii) the evidence that went behind the decisions at both Yannons Farm and White Rock demonstrated a need for a flexible mixed use approach to employment allocations in order to ensure that there is not a surplus of employment land in Torbay and in order to bring forward (as is now happening on both sites) the delivery of employment.

iv) consideration as to the likely end use for this triangle of land was part of the decision making exercise in relation to the determination of P/2010/0289 at Yannons Farm, since this land was edged blue and as such its value was a consideration for the viability assessment process

2. Design

The design of the proposed development is now acceptable. This follows discussions with officers, the layout has been revised so that it is more consistent with the residential development to the east and addresses the corner facing the roundabout more directly to enhance legibility and way-finding. The dwellings have been designed to fit in with the character of the adjoining development, so that it reads as part of that development.

Therefore, the proposals accord with Local Plan Policies BES and BE1, and Section 7 of the NPPF.

3. Access

Comments are awaited from Highways/Strategic Transportation and these will be reported as a late representation. However, early discussions with Strategic Transportation have raised the issue of the access overrunning the footway/cycleway adjoining the site. The footway/cycleway should be given priority and a change in surface materials is required to encourage traffic to slow down when entering the site. The requirement for a detailed access design to address these issues should be a condition of planning approval.

4. Car Parking

The proposed level of car parking accords with the Council's parking standards in Local Plan Policy T25. It should be noted that the parking spaces for plot 97 are provided off-site. Cycle parking is also required and details of this should be a condition of planning approval.

5. Drainage

The application indicates that surface water is to drain into the surface water drainage system submitted for Parkbay reserved matters; however, this system has not been approved by the Council. Therefore, a pre-commencement

condition is required to address the outstanding issues in this regard.

S106/CIL -

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

Waste Management (Site Acceptability)	£ 700.00
Sustainable Transport (Sustainable Development)	£31,630.00
Education (Sustainable Development)	£11,180.00
Lifelong Learning - Libraries (Sustainable Development)	£ 4,230.00
Greenspace & Recreation (Sustainable Development)	£26,300.00
TOTAL =	£74,040.00
5% Admin Charge =	£ 3,702.00
TOTAL + Admin Charge =	£77,742.00

In addition, a contribution of £8,543.00 is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report. Therefore, the required contributions would be apportioned as follows, where the SDLR contribution shall be subtracted evenly from the sustainable development contributions which have lower priority:

Waste Management (Site Acceptability)	£ 700.00
South Devon Link Road	£ 8,543.00
Sustainable Transport (Sustainable Development)	£29,494.25
Education (Sustainable Development)	£ 9,044.25
Lifelong Learning - Libraries (Sustainable Development)	£ 2,094.25
Greenspace & Recreation (Sustainable Development)	£24,164.25
TOTAL =	£74,040.00
5% Admin Charge =	£ 3,702.00
TOTAL + Admin Charge =	£77,742.00

A section 106 agreement is currently being drafted to secure these contributions.

Justifications

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

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party

Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards improvements along the Western Corridor. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwelling would generate additional trips and should therefore contribute toward sustainable transport in the area.

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

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at local libraries, including upgrading IT equipment and provision of self issue kiosks. The proposed dwellings would place additional demand on the services provided by local libraries and the contribution will ensure these services are provided with funding to mitigate the proposed development.

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

Conclusions

In conclusion, the proposed development is acceptable, as it would infill an empty parcel of land that was left out of the larger planning applications that have been approved around it. It has been designed to fit in with the character of the residential development adjoining the site to the east. A section 106 agreement is required to secure the necessary contributions.

Relevant Policies

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- H11 Open space requirements for new housing
- E1 New employment on identified sites
- E116C Yalberton Road, Paignton (New Policy)
- CF2 Crime prevention
- CF6 Community infrastructure contributions

- IN1 Water, drainage and sewerage infrastructure
- L8 Protection of hedgerows, woodlands and o
- L10 Major development and landscaping
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway

Application Number

P/2013/1009

Site Address

Land Adjacent To Torbay Business Park
Whiterock
Long Road
Paignton

Case Officer

Mr Alistair Wagstaff

Ward

Description

Reserved matters application for P/2011/0197 including: appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition unit 31, relocation of 10 parking space for units 33-34

Executive Summary/Key Outcomes

This Reserved Matters application seeks detailed consent for:

- 1) the demolition of unit 32 of Torbay Business park to facilitate the new access to the new Employment Site,
- 2) the provision of the access road in to the employment site from Woodview Road with replacement parking for units 33 and 34 of Torbay Business Park, and;
- 3) the provision of two mixed use (B1, B2, B8) industrial buildings (Unit 1, 2412 sqm and Unit 2, 1872 sqm).

The submission is a reserved matters following the granting of outline planning approval for the development under planning reference P/2011/0197.

This is the first phase of development for the proposed employment space within the Western Bowl at White Rock. In effect it will act as an extension to the Torbay Business Park and will provide significant employment floorspace. The determination of this reserved matters application will enable the agreed works (to service and deliver employment on this site) to proceed ahead of the delivery of residential development in the Eastern part of the site. It is important that a decision is made in this case as soon as practicable, in order that work can commence on the development of the employment units, as required under the terms of the s106 legal agreement for the outline consent.

The key matters under consideration are the appearance, scale, access and landscaping for the proposed development. In relation to these matters the proposed building and access route are considered suitable and to comply with the relevant local and national planning policies subject to condition dealing with car park provision and as such the application is recommended for Conditional

Approval.

Recommendation

Conditional Approval; delegated to the Executive Head of Spatial Planning in order to deal with any issues or matters of detail raised in consultation responses, if received after the Committee decision.

Statutory Determination Period

13 weeks expires 8 November 2013, this application must be determine within 13 weeks in order to maintain performance on statutory determination dates.

Site Details

The application site comprises a 39 hectare plot of land bound to the east by Brixham Road and to the north in part by buildings off Long Road and in part by Long Road itself. The southern boundary of the site also comprises the Authority boundary between Torbay and South Hams. At present there are a number of buildings to the east of the site and recently constructed road infrastructure which has been constructed in connection with earlier approvals at the site. The developed and previously developed portions of the site comprise 6.8 hectares. The site comprises two topographical 'bowls' one to the west and one to east of the site, with higher ground towards the centre of the site.

To the south and west are a number of wooded areas; Waddeton Road Plantation, Shopdown Copse and Peter's Copse. A number of hedgerows cross the site.

The eastern section of the site is allocated in the Saved Local Plan for new employment uses surrounded by strategic landscaping. The remainder of the site is within the Countryside Zone and the majority of the site (excluding the area to the north east adjacent to Long Road and accessed via Waddeton Close) is within an Area of Great Landscape Value. Brixham Road, running north/south to the east of the development site, is part of the Major Road Network.

This reserved matters application, while submitted with red line covering the whole site is actually limited in terms of the development proposed, which falls within the Western Bowl area and location of the new access to the site which is gained from Woodview Road.

Detailed Proposals

This Reserved Matters application seek detailed consent for

- 1) the demolition of unit 32 of Torbay Business park to facilitate the new access to the new Employment Site,
- 2 the provision of the access road in to the employment site from Woodview Road with replacement parking for units 33 and 34 of Torbay Business Park, and;

3) the provision of two mixed use (B1, B2, B8) industrial buildings (Unit 1, 2412 sqm and Unit 2, 1872 sqm).

This submission follows the outline approval under reference P/2011/0197 for the following, which was approved on 21 February 2013:

Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping

Summary Of Consultation Responses

Environment Agency: No objections, if the site is developed in parcels the Drainage Strategy must be adhered to.

South West Water: No Objections

Arboricultural: No arboricultural constraints to the removal of the hedge section to allow the formation of the access road therefore we offer no comment on this element of the proposal.

Strategic Transport/ Highways: Information is required upon how car parking will be allocated, including the disabled spaces. A covered cycle shelter should be provided that can be shared between the two units – there is room upon the grass verge between the 2 sites with a shared use path (SUP) at least 3 metres wide that enables cyclists to safely access this shelter from Waddeton Road, and also gives consideration to future linkages beyond the site by ensuring the SUP is extended to the turning head.

Highways: Do not propose to adopt the new road that leads to the new units, nor to the new car park for Units 33-34.

Further Consultation Responses will be provided in advance of or at the Committee meeting if they are received.

Summary Of Representations

None received, any new representation will be provided in advance of or at the Committee meeting.

Relevant Planning History

There is a significant history to the Western Bowl and the wider application site in general, however, the most pertinent history to this application is the outline approval:

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) PER – 21/02/2011

Key Issues/Material Considerations

The key matters under consideration are the appearance, scale, access and landscaping of the proposed development.

Principle and Planning Policy -

Outline consent has already been granted for the development for Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping.

That application had an approved indicative layout scheme, which was the subject of extensive consultation and the agreement of consultees. It was also subject to Habitats Regulation Assessment and had a detailed Environments Statement submitted to support the application.

This application did not have an advance request for EIA screening. As such as part of the determination of this application the Authority has under taken the screening exercise. Part 3, section 8 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is a relevant consideration in this case, since the previous outline application supplied an Environmental Statement and since this application is in accordance with the principle of that earlier EIA application. As such, and following a screening process that included consideration of the likely impacts of the development on the environment, it has been concluded that the environmental information already before the LPA is adequate to assess the environmental effects of the development.

This EIA screening has been provided to the statutory consultees and their response is currently awaited.

An updated Habitats Regulations screening assessment is also being undertaken and the findings will be verbally reported at Committee.

Subject to no new information coming forward from these two process, it is considered that the principle of development is appropriate subject to it being in general conformity with the indicative layout previously approved and that the detailed conditions attached to that permission are adhered to. In this regard the access way in to the site is in the same broad location as shown in the indicative layout, which necessitates the demolition of one of the employment units no. 32 to ensure an adequate access is provided, without the demolition an adequate width of road suitable for large vehicles associated with B2 and B8 cannot be provided.

The proposed industrial units are also located in the same broad location as per the outline application. The current layout plan does not however show the proposed access pathway from the industrial area through the open space to the residential area. A revised plan is expected prior to committee showing its location. There is however adequate space available for the pathways to be provided and if a revised plan is not received this matter is capable of being dealt with by way of a condition.

Appearance -

Two industrial buildings are proposed showing 7 single level units being provided, each with dedicated lorry loading in front of commercial up and over door steel door (dark grey) they also include 2 steel personnel doors one on the front elevation and one on the rear. The walls of both units are to be to be Horizontally laid silver Prisma coated trapezoidal profile cladding with a vertically laid HPS200 embossed Merlin Grey trapezoidal profile clad plinth. The rain water goods are to be dark grey coloured PVC coated galvanised steel. The roof will be slightly concaved. Visually the two building will read as a pair given their proximity and identical treatment. They will form the first buildings visible when entering the new employment park and are considered suitable in their visual appearance given their location and the wider context they will be read in when the business park is fully constructed.

The units will principally be visible from the existing Torbay Business park where they are faced by the backs of industrial units at a higher level as such this impact is considered acceptable.

In considering their wider impact, given their location in a sunken bowl in the topography they will be substantially screened from view aided by the existing vegetation and considering the planting to be agreed as part of both the off-site and on-site Landscape and Ecology Management Plans and as such they will sit comfortably within the wider site and its setting.

Scale -

Unit A is 67 m in length 36 m in depth and is 8.5 m in height, Unit B is 52 m in length, 36m in depth and again 8.5 m in height. The scale of the two units is similar to the unit size of premises in the neighbouring industrial estate and is

considered to be of an appropriate scale.

As no other units are as yet constructed as part of the wider western bowl industrial area it is not possible to judge these building against them. Instead these building will set the scale for surround future buildings. As identified in the Appearance section considering their limited visibility and formation of development within a planned landscaped area they are not considered to be out of scale with the surrounding area.

Landscaping-

This reserved matters application is the first part of the delivery of the wider business park, open space, local centre and residential development. A detailed off site LEMP has been secured through the 106 agreement of the Outline application. The Planning approval contained a condition requiring the provision of a detail 20 year on site LEMP also. These will provide the detail of the wider landscaping scheme for the site and the surrounding area. The submitted site lay out plan shows grassed frontage to both units with a range of tree planting, a more detailed landscaping plan has been requested specifying location, type, species, and size of the proposed landscaping. Subject to this plan being acceptable to members the landscaping scheme would be acceptable.

Access -

As previously stated the new access follows that which was approved in outline. A more detailed location plan and sections have now been provided, from a planning prospective these new routes are given their proposed role and function considered acceptable. Formal responses have been received from Strategic Transport incorporating Highways views, it raise no objections to the scheme however it does require further information in relation to the allocation of car parking spaces and identifies the need for a dedicated cycle store and the need for it to connect to a shared use path way linking to Waddington Road. As stated above a revised drawing showing the location of the proposed pathway should be available prior to committee. A condition has also be included requiring the provision of a cycle store.

The access provided from the new route into the adjoining units is also considered satisfactory with adequate manoeuvrability space for large commercial vehicles and dedicated car parking is provided including disabled spaces. The planning consent is sought for an open B class use and as such the parking level is considered against that of T25 for each use. It is noted that the car parking falls below the level in this policy for B2 and B1 uses how these figures are maximum level of parking and as such given that there is 72 spaces available + 7 lorry bay parking the level of parking is considered suitable with approximately 10 spaces per unit. It is however important to ensure that parking is provided for all units and of a satisfactory level as such a planning condition will be included to require this detail.

S106/CIL -

A detail 106 agreement was entered into as part of the Outline Application and as such it not required for the reserved matter stage.

Conclusions

In relation to the appearance, scale and landscaping of the proposed development, the proposal are at present considered acceptable. Given the early time at which the officer report has been produced prior to the completion of the consultation period further updates will be required at the Committee to update Members of any representations, further consultations and the outcome of both the HRA and the response from consultees on the EIA screening process.

Condition(s)/Reason(s)

01. Prior to the first use of the buildings here by approved details of a cycle store shall be submitted to and approved by the Local Planning Authority, the cycle store shown shall be made available from the first use of the buildings. The proposed cycle store shall have a dedicated Shared use path linking to the proposed pay way link to residential part of the development and Waddington Road.

Reason: to ensure the availability of sustainable transport modes and in accordance with policies BEs, BE1 and T3 of the Saved Adopted Torbay Local Plan 1995-2011.

02. Prior to the first occupation of the building here by approved detail car parking plan showing the allocation of spaces per unit shall be submitted to and approved by the Local Planning Authority, the car parking spaces shall be made permanently available for the use of the unit they are allocated to.

Reason: to ensure satisfactory park for the units and in accordance with policies TS and T25 of the Saved Adopted Torbay Local Plan 1995-2011View Text in Word-Processor

03. The Car Parking shown on approved plan 2139 03 rev c dated Aug 2013 shown for units 34 and 33 shall be for the sole use of those units and no other purposes.

Reason to ensure satisfactory park for the units and in accordance with policies TS and T25 of the Saved Adopted Torbay Local Plan 1995-2011

Informative(s)

01. The applicants attention is drawn to fact that should extraction and

ventilation system be required for any of the units separate planning permission will be required.

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
ES	Employment and local economy strategy
E1	New employment on identified sites
E5	Employment provision on unidentified sit
E9	Layout, design and sustainability
TS	Land use transportation strategy
T1	Development accessibility
T2	Transport hierarchy
T26	Access from development on to the highway
T18	Major Road Network
T22	Western Corridor
NCS	Nature conservation strategy
NC1	Protected sites - internationally import
NC5	Protected species
LS	Landscape strategy
L2	Areas of Great Landscape Value
L4	Countryside Zones
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
L10	Major development and landscaping
EPS	Environmental protection strategy
EP3	Control of pollution
T3	Cycling

Application Number

P/2013/0645

Site Address

Land Adjoining 16,17 & 18
Hyfield Gardens
Torquay

Case Officer

Mr Robert Pierce

Ward

Description

Extension of time limit of previously Approved Application P/2010/0278 -
Formation of dwelling & detached garage

Executive Summary/Key Outcomes

The application is for the extension of the time limit of previously approved application P/2010/0278 for the formation of a dwelling and detached garage. The key issue in considering this application is whether there have been any material changes in circumstance since the approval of the previous application.

The other relevant key issues in determining this application are considered to be the principle of development of this site, whether or not the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, impact on streetscene and Conservation Area, car parking and access.

While there have been a number of changes in relation to the material considerations, they are not considered to result in a different decision being made subject to appropriate conditions. Equally, having considered the proposal again on its merits it is considered that it is suitable for planning approval.

Recommendation

Conditional approval

Statutory Determination Period

8 weeks, the application has been delayed due the site address being incorrect at the submission of the application and the advertisement and consultation period needing to be restarted to ensure that the opportunity to make representation was provided.

Site Details

A garden area to the side of dwellings on an elevated site above Hillesdon Road, at its junction with Grafton Road. Access to the site is through the grounds of

Hyfield Gardens and Grafton Court Flats from Grafton Road. The site is very visible from the north and west.

Detailed Proposals

Extension of time limit of previously approved application P/2010/0278 - Formation of dwelling and detached garage

It is proposed to renew the previous approval for a detached dwelling on the site. The plans indicate a building, which has a width of approximately 10 metres and a depth of approximately 13.3 metres. The design takes advantage of the different levels on the site and is single storey in appearance to the front (southeast elevation) and two storeys to the rear (northwest elevation). The resulting accommodation comprises master bedroom, kitchen and lounge/dining room, with access out onto a terrace and balcony area. A further two bedrooms are to be accommodated within the lower ground floor to the rear of the property. A double garage is also proposed.

Summary Of Consultation Responses

Conservation: Verbal consultation, no objections to the application subject to appropriate treatment to the edges of the site given its location in a Conservation Area.

Highways: No objections

Parks: A joint site visit was undertaken with the Arboricultural officer, it was noted that both the trees shown on the plan have been felled one with replanting. There are two yew trees on site, it was concluded that due to the previous consents on site which would result in their loss, the current scheme was suitable for approval on arboricultural merit subject to the replanting of two substantial trees as part of a detailed planting/ landscaping scheme.

Summary Of Representations

5 representations have been made, 2 of which are residents associations, one objector has made numerous representations which include previous correspondence with the authority about the site. Given the level of information provided a summary of key points of planning merit is provided and full copies of the representations will be sent to Members ahead of the Committee meeting.

- Key concerns raised;
- Vehicle access and movement through adjoining land
- impact on Conservation Area (boundary treatment)
- over development of site
- visual impact.

These representations are available in PDF format for Members consideration.

Relevant Planning History

P/2010/0278	Erection of Detached Dwelling with double garage Approved June 2010
P/2006/0630	Erection of Detached Dwelling with double garage Approved June 2006
P/2001/0053	Erection Of Dwelling With Double Garage - REF (14 March 2001)
P/2001/0411	Erection Of Dwelling With Detached Single Garage (Revised Scheme) (As Revised By Letter Dated 2 May 2001 And 4 May 2001 And Plans Dated 4 May 2001) - PER (16 May 2001)

Key Issues/Material Considerations

The key issue in considering this application as an extension of time application is to consider whether there have been any material changes in circumstance since the approval of the previous application.

The other relevant key issues in determining this application are considered to be the principle of development of this site, whether or not the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, impact on streetscene and Conservation area, car parking and access.

Material Changes in circumstance-

Greater flexibility for planning permissions: Guidance, sets out that: local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The application, as an extension of time, will by definition have been judged to be acceptable in principle at an earlier date.

While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

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

The Council has however in this time introduced the requirement for single

dwellings to mitigate their impact on the surrounding infrastructure through the requirement to pay a planning contribution in accordance with the Supplementary Planning Document 'Planning contributions and Affordable Housing' and further updates to that document. As such the application will be required to pay a planning contribution as part of the application process.

It is unclear at what point prior to this application trees on and surrounding the site were felled, the implication of this is that the screening and setting of the development has changed and as such requires consideration as part of this application. This consideration is covered in detail below.

Principle of development of this site-

The site is located in the established built up area of Torquay. The site is of a sufficient size to accommodate a dwelling, providing an adequate standard of both internal and external amenity space. There is also capacity for dedicated car parking. The representations suggest that the development would constitute an over development of the site, however given the considerations above this is not proven to be the case. The site is accessed via the private access to Grafton Court and Hyfields Gardens, which enable both vehicle and pedestrian access to the site.

While concern has been expressed in the representations concerning access, there is sufficient room for vehicle and pedestrian access to the site. Furthermore the access is provided on to a private access area giving further opportunity for turning before accessing the highway, as such the scheme raises no concerns over highway safety. While the site is currently vacant and overgrown there is clearly potential for development of the site, given it has previously been granted planning permission for the same development 3 times.

Whether the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, -

The proposed dwelling presents a single storey elevation towards Hyfields Gardens with a two storey elevation facing out towards Hillsdon Road. The design is such to take advantage of the topography of the site.

As discussed above the original site plan indicates two large trees on the site. Both of these have been felled. This is a material change in circumstance since the previous application and as such the impacts of the scheme have been reconsidered. The dwelling is partially screened from Hyfield Gardens by the boundary wall, the impact of the development on Hyfield Gardens is visually acceptable and raises no concerns in relation to residential amenity. In relation to overlooking the dwelling only has two windows to this elevation to a kitchen and bathroom which are sufficient distance not to raise a concern and are also partially obscured by the boundary wall. The plans indicate in writing on the floor plan a high level window, however this is not shown on the elevation or diagrammatically on the floor plan and as such does not form part of the

application. No elevation has been provided for the North East Elevation, the floor plans indicate a doorway with windows and given the distance and angles to the adjoining properties it is not considered that this relationship would be detrimental.

The North East Elevation plan is due to be provided in advance of Committee meeting to ensure its design and appearance are acceptable as part of the consideration of the application. The main two storey elevation will face out across Hillesdon Road but at a substantively raised level. It will face towards two properties however given the level difference, and given that the views are at distance and across a road, the scheme is considered to have an acceptable relationship.

impact on streetscene and Conservation area -

Visually the dwelling and garage are of a traditional design with heritage style windows shown, the design of the dwelling is considered appropriate to its setting and notwithstanding its limited direct visibility is seen as an appropriate addition to the Conservation Area, preserving its character. The dwellings will also help screen the block of flats (Hyfield Gardens Behind it).

car parking and access -

Car parking on site is shown as two spaces within a double garage, there is no further parking shown for the dwelling, an additional space is shown for an adjoining property and the remainder of the access/driveway is indicated for a dedicated turning and access area. In order to meet the requirements of Policy T25 the garage will be required to be retained for parking, this will also aid in turning for the dwellings vehicles of the property. This can be secured via condition.

The access and turning plan does allow for unrestricted access to the adjoining 3 units, it is acknowledged that this provides a limited space however these properties also benefit from their own internal court yard. It is also noted that the access comes out on to a private access/ driveway for the Hyfields Gardens and Grafton Court, this allows further opportunity for manoeuvrability prior to accessing the highway.

Concern has been expressed in the representations about vehicles travelling along the private driveway, however, given it is not an adopted highway and that highways have no objections to the scheme it is considered that the situation created is acceptable.

S106/CIL -

The application has been considered against the requirements of the SPD 'Planning Contributions and Affordable Housing' and the following contribution would be required

FINANCIAL CONTRIBUTION:

Waste Management	£ 50.00
Sustainable Transport	£3,176.67
Lifelong Learning Libraries	£ 36.67
Greenspace and Recreation	£1936.67
South Devon Link Road	£1300.00

TOTAL FOR DEVELOPMENT (including 5% admin charge) £6,825.00

Total for development with 5% early payment discount
(including 5% admin charge) £6,483.75

Conclusions

Despite the publication of the NPPF there are not considered by officers to be any material changes in circumstance that would warrant the refusal of the application since the original approval. Having considered the merits of the application and its impacts the scheme is considered suitable for conditional planning approval.

Condition(s)/Reason(s)

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

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

02. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include replanting of two significant trees on the land.

Reason: In the interest of the amenities of the Conservation area and in accordance with Policies BES, BE1, BE5 and L9 of the Saved Adopted Torbay Local Plan 1995-2011

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

Reason: In the interests of the amenities of the area and in order to protect the

living conditions of the neighbouring occupiers and to preserve the character and appearance of the Conservation Area in accordance with the objectives of policies BES, BE1, BE5 and H9 of the saved adopted Torbay Local Plan (1995-2011).

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

Reason: In the interests of the amenities of the area.

05. Before the development hereby approved commences the caravan shall be permanently removed from the site.

Reason: To safeguard the visual amenities and the amenities of adjacent residential occupiers and to meet the criteria of Policies BES and BE5 of the Torbay Local Plan 1995 to 2011.

06. The development shall not be occupied until the turning area shown hatched in green on the approved detailed plans has been provided and made available for use. The area shall be kept permanently available for turning purposes to serve the development.

Reason: To ensure that adequate turning space for the manoeuvring of vehicles is provided and to meet the criteria of Policy T25 of the Torbay Local Plan 1995 to 2011.

07. Details of all walls on the boundaries to and within the site shall be previously submitted to and approved by the Local Planning Authority before they are constructed and all walls shall be completed in accordance with approved details before the dwelling hereby approved is occupied.

Reason To safeguard the visual amenities of the area which is within the Warberries Conservation Area and to meet the criteria of Policies BES, BE1 and BE5 of the Torbay Local Plan 1995 to 2011.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- HS Housing Strategy
- H2 New housing on unidentified sites
- H3 Residential accommodation in town centre
- H9 Layout, and design and community aspects
- T25 Car parking in new development

Application Number

P/2013/0690

Site Address

4 Old Mill Road
Torquay
Devon
TQ2 6AU

Case Officer

Mr Alistair Wagstaff

Ward

Cockington With Chelston

Description

Change of Use from A1 to A3/5

Executive Summary/Key Outcomes

This application proposes the change of use of the existing A1 unit to A3/ A5 restaurant with takeaway facilities. The proposed use is considered appropriate in its location within a local centre.

The potential impacts of the scheme upon the occupants of the neighbouring commercial and residential properties are capable of control via planning conditions. These include opening hour restrictions, vehicle deliveries and collection times, extraction system, and waste storage.

As such the scheme is recommended for conditional planning approval.

Recommendation

Conditional Approval; conditions at end of report.

Statutory Determination Period

8 week date expired, this application has been delayed due it needing to be determined at Committee.

Site Details

No. 4 Old Mill Road lies at the north eastern end of the group of commercial properties that make up this local shopping centre. The ground floor A1 retail unit is currently vacant. The first and second floors above form a single residential flat. A glazed shop front opens directly onto Old Mill Road, and a service lane to the side of the building gives access to the rear, where a small yard is enclosed from the lane.

Detailed Proposals

The Change of use of the ground floor vacant A1 unit into a A3/A5 Restaurant with takeaway. The application also includes an external flue on the rear corner

of the building discharging at roof level.

Proposed opening hours of 12pm-10:30pm

Summary Of Consultation Responses

Environmental Health: Concerned that the proposed application for a takeaway will lead to detriment to the amenity of the area from a number of sources, noise from patrons, noise from deliveries and noise and odour from the kitchen extraction system.

Having visited the area, there are already a number of takeaways in the area so whilst the proposed use represents an intensification of use of the area, do not feel that this will result in significant detriment.

Recommend conditions to cover:

- The existing hours of use to 10:30 pm be maintained.
- Limiting hours of deliveries and the collection of waste to between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- An enclosed (roofed) bin storage area be constructed and that waste is only stored in purpose designed receptacles in the enclosed bin store until collection. No bins shall be stored in the rear lane.

It is noted that a design for the kitchen extraction has been submitted, however, there is insufficient detail to make a judgment on its effectiveness both for odour control or prevention of noise nuisance. Recommend that a condition requiring that the details and location of the kitchen extraction system be submitted and approved prior to commencement of works.

Summary Of Representations

4 objections received. The key issues of planning merit cited are; mix of uses in the centre, traffic generation particularly in evening, impact on residential amenity, litter, odour, disposal of waste, access to adjoining properties, changes to external stair case. These representations are available in PDF format for Members consideration.

Relevant Planning History

P/2005/0704	Change Of Use Of Ground Floor From Use Class A1 To Use Class A5; Erection Of External Staircase REF - 07/07/2005
P/2008/1379	Change of use of ground floor to cafe (hot and cold food and drinks) PER - 15/12/2008
P/2013/0474	Change of Use from A3 to A3/5 & installation of extraction & flue to rear - This file no longer required as replaced with

Key Issues/Material Considerations

The principle issues here are how the function of this designated local centre would be affected by the change of use from an A1 unit to A3/A5, and whether the amenities of the residential area and character of the commercial part of the place would be damaged by the scheme.

Local Centre

The local centre has a wide range of uses within its 24 units including a large number of A1 uses and other A classes uses as well as D1/ D2. The varied uses include for example an Estate Agent, Doctor's Surgery, Dance Studio and Launderette, which are generally less present in local centres.

Consideration has to be given as to whether the proposed change of use would complement the role and character of the centre. In this respect whilst there are 3 Hot Food Takeaways (A5) already operating in the centre there is only one A3 Use (restaurant).

In 2008 planning permission was granted for the change of use from A1 shop to A3 Restaurant on the application site. As such the Authority has already accepted the loss of the A1 retail use on this site. It is also currently the case that an A1 premises can be changed for a period of two years to A2, A3 or B1 without the need for planning permission.

Considering these facts and the range of other uses in the centre, the loss of an A1 unit is not considered detrimental to the centre, provided that a suitable alternative commercial use is provided. The provision of an A3/A5 unit in this location would fit with the centre and retain vitality and viability. The matters of concern raised in relation to the impact of the A3/A5 use can be dealt with by condition.

Amenity of surrounding premises

Unlike the previous application this application includes an element of A5 hot food takeaway, it has been confirmed by the agent that this element is required to make the restaurant viable. As previously stated there are existing takeaways successfully operating in the area without significant issue to the surrounding occupiers and in particular the residential properties. It is acknowledged that the inclusion of a takeaway element may increase the patronage of the premises, however, given its location in a local centre with a wide availability of on street parking it is not considered that it would create a substantive issue. Given the availability of on street parking it is not considered that there is likely to be substantial impact on the access to adjoining residential properties.

While this area is a commercial local centre it also contains a range of residential properties, however it has already been reported that there are existing A3 and

A5 uses successfully trading alongside the residential units in this centre. The plans include an extraction and ventilation system which will discharge above roof level limiting is potential for disruption. Environmental health have, however, identified that there is insufficient detail to determine the impacts and have recommended that this matter is conditioned to ensure it is satisfactory and will not result in a detrimental impact in relation to noise or odour.

Environmental health have also identified a range of other matters which raise the potential to impact the amenity of the surrounding occupiers this includes, storage of refuse, delivery and waste collection times and hours of operation. All of these matters raise the potential to impact on the amenity of the neighbours and are a key consideration in determining the application.

These matters are all able to be controlled by conditions to ensure that their potential to impact others is reduced. This will allow a currently vacant unit to be brought back in to use in a manner that ensures it will operate in a way which will preserve the amenity of surrounding occupiers.

In conclusion, it is considered that the proposed A3/A5 premises can be accommodated in this unit within the local centre without detrimentally impacting the centre or the surrounding residential properties.

Conclusions

It is considered that the proposed A3/A5 uses of this property will not negatively impact on the function of this designated local centre and it is not considered that the amenities of the residential area and character of the commercial part of the place would be damaged by the scheme subject to appropriate condition concerning its opening hours, storage of waste, deliveries and the specification of the proposed flue and extraction system.

Condition(s)/Reason(s)

01. The use hereby approved shall take place only between the hours of 9:00 a.m. and 10:30 p.m. Monday to Sunday, unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10 and the aims of BES of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. Notwithstanding the plans hereby approved, details of type, specification and the location of the extraction and ventilation system shall be submitted to and approved by the Local Planning authority. The approved system shall be installed and permanently maintained to the agreed specification thereafter.

Reason: In the interest of the amenity of the surrounding area and in accordance with requirements of policies EP3 and EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the first uses of the premises, details of an enclosed (roofed) bin storage area shall be submitted to and approved by the Local Planning Authority in writing. The bin store shall be installed, used and permanently maintained for waste storage thereafter. Furthermore, no bins shall be stored in the rear lane.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10, and EP3 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. Deliveries to the store and waste collection services shall only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays unless with the prior written consent of the Local. Planning Authority.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S10 and EP3 and BES of the Saved Adopted Torbay Local Plan 1995 to 2011.

Relevant Policies

BES Built environment strategy
S8 Hot take-away food
S10 Local Centres
T1 Development accessibility
EP3 Control of pollution
EP4 Noise

Agenda Item 11

Application Number

P/2013/0698

Site Address

Snooty Fox
89 - 91 Fore Street
St Marychurch
Torquay
Devon
TQ1 4PZ

Case Officer

Matt Diamond

Ward

St Marychurch

Description

Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats and associated parking, following demolition of existing buildings

Executive Summary/Key Outcomes

The proposal is to build a four storey block of flats comprising 14 no.1-bed flats and 13 no. 2-bed flats (27 in total) on undeveloped land behind the Snooty Fox public house, Fore Street, St Marychurch.

Planning permission was obtained in 2005 to redevelop the wider area behind the Snooty Fox, but this part of the site has remained unimplemented. The applicants have cited economic factors for this and consider flats to be more economically viable. Whilst the application seeks 8 more units on this part of the site than the 2005 permission, the number of bed spaces would remain the same at 40 bedrooms due to the smaller size of the units.

The design of the proposed development is considered to be acceptable. It would be orientated to face the informal parking area behind the Snooty Fox, which would enhance the safety and security of the area through natural surveillance. The site is large enough to accommodate a building of this scale; its footprint would be slightly smaller than the substantial extension buildings that previously occupied the site and it would be lower in height than the Snooty Fox. Its third (top) storey would be set back from the front and rear elevations to be less visible at ground level, whilst it would step down in height to three storeys to the east to fit in with the adjacent property. It would have a flat roof and contemporary architecture. It would be primarily rendered white, which fits in with the character of the area.

The impact of the proposed development on the amenities of neighbouring properties has been assessed, with particular attention given to Nos. 4C, 4 and 6 Rowley Road to the south of the site which are at a lower level. A substantial

brick wall provides screening between the site and these properties, which would be retained in the proposals. The design has been revised to accommodate privacy screens on the rear balconies to avoid overlooking of these properties. It is considered that the proposed development would not have an adverse impact on the outlook, privacy, daylight and sunlight of these or other properties, where the application would warrant refusal.

The proposed development would be a low car development, with parking available for the majority of the 2-bed flats. However, there is potential to provide parking for all the 2-bed flats and visitors parking by utilising the space available to the north of the site. Whilst no parking would be available for the 1-bed flats, this is acceptable in this location due to the close proximity of the District Centre and opportunities to use public transport. A Travel Plan would need to be conditioned to encourage the use of sustainable modes of travel. Cycle parking would be provided.

An independent viability assessment has been carried out concluding that it would be unviable to provide any affordable housing in the scheme. However, it is viable to provide £42,745.50 towards site acceptability and sustainable development contributions.

In this case it has been agreed with officers to use these contributions towards enabling the redevelopment of Pavor Farmhouse to the north of the site, which is within the applicant's ownership. This site is a derelict listed building that recently gained planning permission to convert it into two dwellings. However, it requires external funding in order to be developed.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning (to resolve conditions); subject to signing section 106 agreement securing £42,745.50 towards the redevelopment of Pavor Farmhouse as enabling funding within 13 weeks of the valid application being submitted, or the application be refused.

Statutory Determination Period

The application is a major application because the development comprises more than 10 dwellings. The application was validated on 22.07.2013. The 13 week determination date is 22.10.2013.

Site Details

The site is a backland site to the rear of the Snooty Fox public house, Fore Street, St Marychurch. The area of the site is 0.14ha. It formerly comprised a number of large rear extensions to the Snooty Fox that were used as function rooms in the past, but had been disused and semi-derelict for a number of years. These buildings have been demolished recently leaving rough open ground and exposing the remaining rear extensions to the Snooty Fox. To the north, the site

includes an informal parking area used by occupiers of the surrounding residential properties, including Colsons Cottages which front onto the site to the north. Vehicular access is provided via an unsurfaced track linking to Petitor Road to the northeast. The site has an untidy appearance, which is hindered further by the unattractive appearance of the rear of the Snooty Fox.

The site is bounded by: Colsons Cottages and the rear gardens of properties fronting Petitor Road to the north; the access track and side elevation of a recently developed residential property to the east; the rear gardens of Nos. 4C, 4 and 6 Rowley Road (semi-detached houses) and blank rear elevation of Rowley Court (residential courtyard development) to the south; and the rear of the Snooty Fox and other three storey buildings fronting Fore Street to the west. Two other residential properties are accessible from the informal parking area to the west of the site: 1 and 2 Petitor Apartments.

A high stone wall topped with ivy runs along the southern boundary of the site adjacent to Nos. 4C, 4 and 6 Rowley Road. These properties are approximately 2 metres lower than the site, with part raised rear gardens. The wall is approximately 4 metres high measured from the site and just over 6 metres high measured from the ground level of Nos. 4C, 4 and 6 Rowley Road. The top of the wall is generally level with the eaves of these properties.

The site is located within St Marychurch District Centre and the St Marychurch Conservation Area, as defined in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). The site is also located within a Traffic Management Zone (TMZ).

Detailed Proposals

The proposals are to erect a four storey block of flats comprising 14 no. 1-bed flats and 13 no. 2-bed flats (27 in total). The building would be sited in the same location as the former extensions, but would cover a slightly smaller area, set slightly further back from the parking area and between 3 and 5 metres away from the southern boundary wall. The building would step down to three storeys to the east behind 6 Rowley Road to fit in with the height of the adjacent residential property. The third floor would be set back from the front and rear elevations, so that it is less apparent/visible at ground level. There would be 8 flats on each of the ground, first and second floors (4 to the front and 4 to the rear) and 3 flats on the third (top) floor.

The rear ground floor flats would have small gardens adjacent to the boundary wall, whilst the flats above would have balconies with 1.8 metre high privacy screens (first and second floors) to prevent overlooking of Nos. 4C, 4 and 6 Rowley Road. The third floor flats would also have rear balconies with a 1.2 metre high parapet wall and low level privacy screen atop to prevent any overlooking.

The parking area to the north of the site would be retained and 11 new car

parking spaces created in front of the building. The vehicular access from Petitor Road would also be retained and a gated pedestrian footway provided to the side of the building leading to Fore Street. The main entrance to the building would face the parking area, whilst a secondary entrance would open onto the side footway. A bin store would be provided in front of the building to the east and cycle stores provided to the west for 27 bicycles.

The building would have a contemporary appearance, primarily white render walls with some timber panelling and a standing seam zinc flat roof. The height of the building would be 10.8m (12m including the lift shaft), stepping down to 8.6m to the east.

An independent viability assessment has been carried out showing that it is not economically viable to provide affordable housing as part of the scheme, partly due to the location of the development and quality of the surroundings; this also took into account that the existing access from Petitor Road would be resurfaced.

It has also been agreed with officers that should the application be approved the available contributions generated by the scheme will be used towards enabling the redevelopment of Pavor Farmhouse, a derelict listed building on Fore Street about 600 metres north of the site within the same ownership. Planning permission was granted recently to redevelop the listed building as two dwellings (refs. P/2013/0688 & 689), but an independent viability assessment showed that this scheme was not economically viable without additional external funding.

Summary Of Consultation Responses

Housing Services: It would have been preferable if the site was retained for the completion of the development granted planning permission in 2004, as it would have delivered 12 affordable housing units. As the available contribution of approximately £42,000 has not been made available for affordable housing, the proposal would not assist in meeting Torbay's affordable housing need, which as of 23rd September stands at 3,115 households on the waiting list for rented accommodation and 323 for shared ownership.

Highways/Strategic Transportation: Highways have no technical issues with the scheme. Strategic Transportation has requested further details on the access to the highway (including materials), parking layout and cycle storage. 27 cycle spaces are required, not 14 (as originally proposed). The proposed level of car parking could work in this location; however, the development must be promoted as a 'low or no' car development with first class provision of facilities for alternative travel and assistance to use them. Hence, a Travel Plan would be beneficial and they must demonstrate that surrounding streets will not be used by residents.

A sustainable transport contribution of £40,004.00 is required towards the

provision and enhancement of cycle links in the vicinity of the site.

Engineering : Drainage: The applicant has indicated that surface water from the development will drain to the main sewer system, however there is no indication a sustainable drainage option has been investigated. Soakaways should be investigated by carrying out trial holes and infiltration tests. If the ground is suitable the soakaway should be designed in accordance with Building Research Establishment Digest 365 and cater for the critical 1 in 100 year storm event plus an allowance for climate change. If the ground is unsuitable the developer should investigate the possibility of draining to the sewer system, which would have to be approved by South West Water. Details of infiltration tests must be submitted before planning permission can be granted.

SW Water: No objection.

Building Control: No response.

RSPB: There may be opportunities to enhance the biodiversity of the site by integrating nest boxes suitable for swifts into suitable locations on the side elevations. These boxes should utilise the maximum height of the building with clear airspace below. They may also be used by crevice roosting bats.

Summary Of Representations

45 people have objected to the proposals and 10 people support. 34 objections are signed proforma letters, whilst the remaining 11 have submitted individual representations (plus the signed proforma letter in some cases). All the support letters are signed proforma letters.

The following issues were raised in objections:

- Overcrowding
- Not enough parking
- Impact on privacy
- Access must be maintained to existing properties
- Concerns with safety of vehicular access onto Petitor Road from more traffic
- Impact on the conservation area
- Site already benefits from a previous planning consent to tidy the area
- Party walls, access routes and services need to be clearly defined and legally approved, as it may affect neighbouring properties
- Access for emergency vehicles
- Not against principle of redevelopment, but proposals are considered to be an overdevelopment
- Height and scale of the proposals is out of context and would be overbearing
- Loss of light

- Concern the site is properly drained
- Design not in keeping with surroundings
- Lack of amenity space and soft landscape
- Impact of construction vehicles on local roads
- Noise
- Light pollution - impact on neighbours
- Lack of energy efficiency measures
- Impact on infrastructure
- Lack of affordable housing
- Impact on archaeology
- Impact on boundary wall

The following issues were raised in support:

- Will clean up the building and surrounding areas
- Will improve the safety of the area

These representations have been submitted in PDF format for the Members consideration.

Relevant Planning History

- P/2000/1187: Revised Plans Depicting 12 Houses Instead Of 14 And Comprising Totally Revised Layout (In Outline) (As Revised By Plans Received 29/11/00 And 12/4/01): Approved 16.11.2001
- P/2001/0369: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline): Refused 04.05.2001
- P/2001/0938: Residential Development To Provide 12 Houses With Integral Car Parking Facilities And Access Road (In Outline) (As Revised By Letter Dated 17 September 2001 And Drawing Nos. 750.02 R1 And 750.03 R1 Received On 18 September 2001): Approved 28.06.2002
- P/2001/1391: Residential Development To Provide 12 Houses With Garages, Car Parking And Vehicular And Pedestrian Access: Approved 26.07.2002
- P/2004/2047/MPA: Alteration, Demolition In Part, Extension, Erection Of Dwellings To Form 41 Dwellings And 2 Shops (As revised by transport statement submitted 15/2/05 and plans received 21/2/2005): Approved 08.03.2005

P/2008/0597/PA: Alterations to previous approval (ref app no P/2004/2047/MPA) from 2 no 4 bed dwellings to 4 no 2 bed flats with alterations and extensions: Approved 02.06.2008

P/2012/0471: Formation of 2 dwellings for plots 33 and 34 with vehicle and pedestrian access - works commenced: Approved 13.08.2012

P/2012/0654: Demolition of part of rear section of building: Approved 01.10.2012

DE/2013/0025: Further details to follow (Pre-application Enquiry):

Key Issues/Material Considerations

The key issues are:

1. Principle of Development
2. Design
3. Impact on Character and Appearance of Conservation Area
4. Impact on Amenity of Neighbouring Properties
5. Car Parking
6. Access
7. Drainage

1. Principle of Development

The principle of redeveloping the site for residential development is acceptable, as this use has already been approved on the site previously. The Snooty Fox and area behind it, including the application site, was granted planning permission in 2005 for a development to form 41 dwellings and 2 shops. This development has been implemented in part and consisted of: converting the public house into 2 shops and 13 flats; converting the rear extensions (now demolished) into 19 terraced units (17 no. 2-beds and 2 no. 3 beds); converting Colsons garage into 4 no. 2-bed dwellings; and creating 5 dwellings to the east (2 no. 3-beds and 3 no. 4 beds). Colsons garage has been converted into 4 dwellings and the 5 dwellings to the east have been built. The remaining parts of the 2005 permission have not been implemented and it is understood that the owners of the Snooty Fox now wish to retain it as a public house.

The owners of the Snooty Fox and the land behind have sold the central part of the site, subject to this application, to the applicants. During pre-application discussions the applicants stated it was unviable to implement the 2005 permission on this part of the site, which is borne out by the fact that it has remained unimplemented. This is due in part to the economic downturn since 2008. However, the applicants were interested in developing a block of flats on the site, consisting of a greater number of units than the approved scheme, but with a similar number of bed spaces overall. The applicants consider that 1 and

2-bed flats are more economically viable in this location, which has led to the current application being submitted.

There has been a longstanding desire by the Council's Housing Standards Team in Community Safety to tidy up the site (to demolish the rear extensions in particular), due to concerns over the area as an eyesore and health risk to nearby residents. The former extensions were not secure and seen as a fire risk. There had been instances of unauthorised access to the buildings and a bonfire was started in July 2012, which got out of control leading to the fire service being called out. Conservation area consent was obtained to demolish the extensions in 2012 and this has now been carried out.

2. Design

The design of the block of flats is considered to be acceptable. The scale of the proposed development in terms of its height and massing is larger than the terraced and semi-detached housing that characterises the area in general, but is considered acceptable given the scale of the former extensions that occupied the site previously and the height of the Snooty Fox and other buildings which front Fore Street to the west. The site forms part of a substantial backland area that is large enough to accommodate a building of this scale.

The building footprint would be smaller than the area covered by the previous extensions, and the height of the building - whilst higher than the previous extensions - would be lower than the Snooty Fox to the west and step down to fit in with the height of the adjacent residential property to the east. The relationship of the building with Nos. 4C, 4 and 6 Rowley Road will be discussed under (4) below.

The density of the proposed development is higher than the 2005 permission for this part of the site, due to the increase in the number of dwellings from 19 to 27. However, in terms of people, the density of the proposed development is the same as the approved scheme, as both have 40 bedrooms.

The layout of the proposed development is appropriate. It would front onto the parking area to the north, providing natural surveillance of this area, which would enhance the safety and security of the site and its surroundings.

The proposed access arrangements are appropriate, making use of the existing vehicular access onto Petitor Road and providing a pedestrian link to Fore Street to the west, allowing residents to access the District Centre shops and facilities more easily.

In terms of the architectural style of the building, the proposed contemporary design is considered acceptable taking into account the surroundings. The National Planning Policy Framework (NPPF) states that policies and decisions should not attempt to impose architectural styles or particular tastes, however it

is proper to seek to promote or reinforce local distinctiveness. It is considered that the proposed materials, primarily white render, would fit in with the character of the area and would reinforce local distinctiveness. There is no reason why a contemporary design would not be appropriate for the site, provided it improves the character and quality of the area.

There is an opportunity to improve the quality of the parking area to the north through appropriate hard and soft landscaping. A detailed landscaping plan has not been submitted with the application, therefore a condition would be required requiring these details to be submitted for approval.

Therefore, the proposals accord with Local Plan Policies BES, BE1 and BE5, and Section 7 of the NPPF.

3. Impact on Character and Appearance of Conservation Area

The proposals would not have an adverse impact on the character and appearance of the Conservation Area, as the site is not visible from the surrounding public streets. However, it would have a positive impact on visual amenity by enhancing the appearance of the site and improving safety and security. The quality of the parking area could also be improved through an appropriate landscaping strategy, which should be a condition of any planning approval.

Therefore, the proposals accord with Local Plan Policy BE5, and Section 12 of the NPPF.

4. Impact on Amenity of Neighbouring Properties

Whilst the distance of the proposed development from the dwellings fronting onto Petitor Road is sufficient to maintain their privacy (approx 30 metres), which is improved further by Colsons Cottages and other structures blocking views, the proposed development would be in closer proximity to the dwellings fronting Rowley Road, which are at a lower level. Therefore, the impact of the proposed development on the outlook, privacy, daylight and sunlight of these properties must be given careful consideration.

Apart from a single skylight, Rowley Court to the south has no rear windows or gardens facing towards the site. Therefore, the proposed development would have no impact on the amenity of these properties. However, Nos. 4C, 4 and 6 Rowley Road all have rear windows and gardens facing towards the site, which could be impacted upon.

The potential for harm to the amenities of these three semi-detached properties was identified at pre-application stage and the applicants were asked to design the scheme to ensure no harm to these properties. The potential for harm is mitigated significantly by the presence of the existing boundary wall, which is a high structure that is level with the eaves of these properties and topped with ivy.

This wall provides an effective and attractive screen between the site and the three properties, and the applicants were asked to ensure its retention in the overall scheme design.

In terms of outlook, which is the visual amenity afforded a dwelling by its immediate surroundings, the general rule-of-thumb is outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. In these circumstances, the structure could be described as having an overbearing impact on the dwelling. Nos. 4C, 4 and 6 Rowley Road each have principal windows facing the site on the main part of the house and on two storey rear extensions.

The separation distance of the windows on the main part of the house and the proposed development is between 19 and 19.4 metres for the three properties. The separation distance of the windows on the two storey rear extensions and the proposed development is between 13.4 and 13.8 metres. The height of the proposed development measured from the ground level of Nos. 4C and 4 Rowley Road to the roof of the facing balconies is 10.2 metres. The height of the proposed development measured from the ground level of No. 6 Rowley Road to the top of the facing privacy screen is 9.4 metres. As the building gets higher it steps further away from the neighbouring properties and at no point does the height of the building exceed the separation distance. This indicates that the proposed development would not have an overbearing impact on the neighbouring properties. In addition, this does not take into account the existing boundary wall, which would partially screen the proposed development. Therefore, it is considered that the proposed development would not have an adverse impact on the outlook of Nos. 4C, 4 and 6 Rowley Road.

Notwithstanding the view that the proposed development would not have an overbearing impact, the inclusion of windows and balconies on the rear elevation of the proposed development could lead to direct and harmful overlooking of the rear windows and gardens of Nos. 4C, 4 and 6 Rowley Road, impacting on their privacy. The proposals as originally submitted included no features to prevent overlooking, which was unacceptable. Due to the boundary wall, there is most danger of overlooking from the second storey flats, as the third storey is set further back.

In response to the concerns raised by officers, the applicants submitted revised proposals incorporating 1.8 metre high obscured glazing screens to the edge of the balconies on the first and second floors to prevent overlooking, as well as obscured glazing screens to the top of the parapet wall for the third floor balconies. It is considered that the amendments are sufficient to prevent any overlooking of the neighbouring properties and that they have been designed to appear integral to the overall design of the building. Therefore, the privacy of Nos. 4C, 4 and 6 Rowley Road would be protected. A condition is recommended to control the level of obscured glazing to ensure maximum screening is

provided.

In terms of daylight and sunlight, it is considered that the proposed development would not have an adverse impact on Nos. 4C, 4 and 6 Rowley Road, as the site is located to the north of these properties. Therefore, the proposed development would not overshadow the rear elevations or gardens of these properties. Furthermore, the third storey is set back to allow more daylight into these properties.

In terms of other issues that might impact on the amenity of Nos. 4C, 4 and 6 Rowley Road, such as light pollution and noise, it is considered that these issues can be dealt with via appropriate conditions to any planning approval, e.g. preventing external lighting on the balconies and requiring soundproof glazing if necessary.

The proposals are likely to overshadow Colsons Cottages during the afternoon in winter; however, on balance this impact is not considered significant enough to outweigh the benefits of the proposal, which includes tidying up the area to the benefit of Colsons Cottages.

Therefore, based on the above, on balance the proposals accord with Local Plan Policies H9 and H10 with regard to amenity considerations and impact on neighbouring properties.

5. Car Parking

The plans submitted with the application show that 11 car parking space would be provided in front of the proposed block of flats. This provides a parking ratio of 0.4 per dwelling. The 2005 scheme was approved with a parking ratio of 0.68 per dwelling, as 28 parking spaces were included for 41 dwellings. However, the application site includes part of the area adjacent to Colsons Cottages, which included 8 car parking spaces in the 2005 scheme. It is unknown which properties these spaces are intended to be allocated to, but there appears scope to utilise some of these spaces for the new block of flats. The detailed layout of the car parking spaces in this part of the site and their intended allocation should be made clear on a landscaping plan, which would be a condition of any planning approval.

Notwithstanding the above, parking below the maximum standards is acceptable in this location due to the close proximity of shops and facilities in the District Centre, and opportunities to use public transport. Therefore, the proposals accord with Local Plan Policy T25, and Section 4 of the NPPF.

Sustainable Transportation has recommended a Travel Plan in order to promote the scheme as a 'low or no' car development. This can be made a condition of any planning approval.

6. Access

Highways and Sustainable Transportation have raised no objections to the proposed development in terms of access or impact on local highways. The proposed vehicular access to Petitor Road is existing and already in use. Its width is 5.6 metres at its narrowest point, which is sufficient for two vehicles to pass. There is also a pavement next to it for pedestrians. Therefore, the proposals accord with Local Plan Policy T26.

Strategic Transportation has requested further details on the access to the highway (including materials). This can be addressed in a detailed landscaping plan, which would be a condition of any planning approval.

7. Drainage

The application indicates that surface water would be drained into the main sewer, which was the case for the 2005 scheme. However, since that application was approved the NPPF has been published, which promotes sustainability, including reducing the causes and impacts of flooding. Therefore, Engineering has recommended investigating whether soakaways would be suitable for the site. This can be dealt with via a pre-commencement condition. In the event that soakaways are not suitable, South west water has raised no objection to the proposals.

S106/CIL -

As stated above, an independent viability assessment has been carried out that concluded that no affordable housing is viable within the scheme.

The site acceptability and sustainable development contributions have been calculated below. The Greenspace and Recreation contribution has been calculated for 8 no. 1-bed units to reflect the uplift in the number of units on the site compared to the 2005 scheme, as the amenity contribution for the 2005 scheme has already been paid.

Waste Management (Site Acceptability)	£ 1,350.00
Sustainable Transport (Sustainable Development)	£37,181.67
Lifelong Learning - Libraries (Sustainable Development)	£ 1,331.67
Greenspace and Recreation (Sustainable Development)	£ 491.67
South Devon Link Road	£14,755.00
5% administration charge	£ 2,755.50
TOTAL	£57,865.50

The independent viability assessment concluded that the scheme could afford to pay the normal site acceptability and sustainable development contributions, which were calculated as £42,745.50. This figure is lower than the total calculated above because mitigation was applied for 30% affordable housing.

It has been agreed with the applicants that the £42,745.50 will be offset to part fund the redevelopment of Pavor Farmhouse as enabling development (in accordance with planning permission ref. P/2013/0688 and listed building consent ref. P/2013/0689). Further funding is also required to meet the total deficit for Pavor Farmhouse, which will become available from another development site. Notwithstanding the higher figure calculated above for a 100% open market scheme, £42,745.50 is the figure that has been determined as viable by the independent assessor. A section 106 agreement is required accordingly and is being drafted.

Conclusions

In conclusion, this application has the potential to lead to the redevelopment of two problematic sites: the area behind the Snooty Fox and Pavor Farmhouse. Whilst provision of a 4 storey block of flats on a backland site is not typical, the size of the site and scale of surrounding development means that it would not be out of character or have a detrimental impact on the Conservation Area.

Careful consideration has been given to the impact of the development on the amenities of neighbouring properties, in particular Nos. 4C, 4 and 6 Rowley Road behind the site which are at a lower level. It is considered that the proposed development would not have an adverse impact on the amenities of these properties having considered the effect on their outlook, privacy, daylight and sunlight. This is due in part to the existence of a substantial boundary wall between the properties, which is level with the eaves of the existing dwellings and topped with ivy. This wall is an attractive feature in its own right and provides effective screening between the development site and the three properties.

Relevant Policies

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Application Number

P/2013/0749

Site Address

Unit 1
Lummaton Quarry
Happaway Road
Torquay
Devon
TQ2 8ES

Case Officer

Mrs Ruth Robinson

Ward

Watcombe

Description

Change of use from (B8)(Storage & Distribution) SEC to a skip firm and waste transfer station (Sui Generis)

Executive Summary/Key Outcomes

This application concerns the change of use of a site within the Lummaton Quarry Industrial Estate from B8 (storage and distribution) to use for storage of skips and recycling of mostly inert material (sui generis).

There have been a substantial number of objections to the scheme but the impact of the proposal is likely to be less than feared by neighbours and no greater than the operation of the existing use on the site.

The day to day operation of the use will be subject to a Waste Management Licence (WML) enforced by the Environment Agency and is amenable to control through planning conditions to minimise impact.

Torbay Council is the landowner.

Recommendation

Approval delegated to the Executive Head of Spatial Planning in consultation with the EA, in order to resolve the detailed wording of conditions to control the nature, hours and operation of the use (see suggested condition headers at end of report).

Statutory Determination Period

8 weeks, which expired on the 24th September pending further information on the use and awaiting this subsequent committee meeting.

Site Details

The site is large and open and was formerly used by SEC Lighting. The site is located within the Lummaton Quarry Industrial Estate. There is an existing

building on the site which is to be retained but otherwise the site is open. The NE boundary of the site abuts the quarry face which is an SSSI due to the geological qualities of the limestone.

Vehicular access is from Happaway Road. Residential properties are located to the east of the site in Greenway Gardens, although these are located beyond the quarry face which offers some protection from activities within the quarry area and also to the north on Happaway Road.

Detailed Proposals

The application is for a change of use from B8 (storage and distribution) to use of the site for a skip business which is 'sui generis' (i.e. it does not fall within a broader use class category). The site will take mainly inert material and its aim is to recycle, rather than store this material to reduce the amount of waste that is disposed of in landfill.

Some household waste will be included, but this is a small part of the business as the aim is to derive profit from recycling builders waste. The operation is currently quite small involving one skip lorry, one driver and 43 skips. In terms of buildings, it is intended to retain and use an existing building on the site to provide a covered area for waste storage and sorting and to introduce a portacabin for office use.

Summary Of Consultation Responses

Natural England: Have no objection to this scheme and have confirmed to the EA Waste Compliance officer that they consider the permission would be compatible with furthering and enhancing the status of the SSSI providing the chain link fence to the base of the quarry face is maintained and the use does not encroach on the area between the existing fence and the cliff face.

In respect of the condition of the SSSI, the NE response refers to matters which require the action of Torbay Council. The SSSI is regarded as having unfavourable conservation status and requires the Council to keep the quarry face clear of vegetation and to maintain the kidney vetch clear of invasive vegetation which is important for the blue butterfly.

Environment Agency: Have no objections to the proposal and confirm that the site would need to be managed in line with the EA permit (Waste Management Licence WML), which would be granted if permission is allowed.

Highways: Have no objection to the proposal and confirm that Happaway Road is a designated route to an industrial estate.

Summary Of Representations

There have been a significant number of objections from neighbours to the site. The objections are in summary:

- Traffic/Access/impact on road surface/parking/damage to vehicles
- Pollution/noise/dust/disturbance
- Possibility of toxic waste
- Vermin/smell
- Impact on SSSI
- Impact on rare small blue butterfly

There are also letters of support. One from a neighbour to the site who considers the scale and nature of the use appropriate to an Industrial estate and 2 from businesses who will benefit from the facility. One a contractor who wants somewhere to recycle builders waste and one from Wood- Yew- Waste who recycle timber. These representations are available in PDF format for Members consideration.

Relevant Planning History

The site has an existing use for B8 (Storage and Distribution) purposes through a permission granted in 1998 (Ref: P/1998/1038). The only restriction on its use was the height of material to be stored on site and hours of operation, confined to 8-6 Monday to Saturday and not at all Sundays or Bank Holidays.

Key Issues/Material Considerations

The site is located in a designated Industrial Estate and similar proposals to this have been approved in the past and, indeed, operations that have an arguably greater impact on the surrounding area. Policy E1 of the saved Torbay Local Plan confirms its suitability for industrial use and indicates that General Business use may be appropriate subject to amenity and environmental considerations.

There are a number of issues to consider. Firstly, the impact of the proposed use on the amenities of the neighbourhood, to what extent this differs from the impact of the existing use, to what degree these impacts can be mitigated and the possible enhancement of the SSSI and the rare small blue butterfly.

Impact of the proposed use on the amenities of the area and surrounding residents

Firstly it is important to understand the scale and character of the proposed use. The business currently involves 1, 18 tonne skip lorry and will employ two people, one driver who also is the person who sorts the material, and a receptionist. The business anticipates approximately 4 trips a day and has confirmed that access to the site will always be via Barton Hill Road, which is a designated route to an Industrial Estate.

The focus of the business is on recycling mainly building material, which will be collected from sites, rather than being delivered by customers; no machinery or plant is proposed and the material collected will be sorted primarily under cover and by hand. Larger items will, however, be removed from the skips before being

taken into the covered area for recycling. The sorted material will then be passed, by the operator to firms which will reuse the product. Examples supplied by the applicant indicate that timber will go to Wood-Yew-waste in Exeter who has confirmed that they will be able to take all the timber and plasterboard arising from the operation, and a business in Bridgwater will take the aluminium windows. The aim is for 85% of the material to be sold on and re-used in order for the business to be profitable. This will reduce the amount of material going to landfill, which is beneficial and a highly sustainable outcome.

The terms of the EA operating permit forbid food waste, paints, chemical waste or hazardous waste. Any received will be returned within 24 hours or the EA will revoke the licence. In response to local concern about impact from noise and activity the applicants have agreed to reduce their operating hours from 8.00-5.00 weekdays, until 13.00 hours Saturday with no working on Sundays or Bank Holidays. This is less than that currently permitted at the site.

In terms of the specific amenity concerns expressed, it is traffic, smell, vermin, noise and pollution which figured most prominently.

In terms of traffic, the operator currently has only 1 vehicle and there is only one driver who is also the 'sorter'. The applicant hopes that this will increase to 2 vehicles but this is to ensure that a standby vehicle is available rather than to operate more intensively. The EA operating permit contains an upper limit of 4 vehicles. There are currently 2 people employed by the business and the business is designed around collecting and distributing materials for recycling and it is not anticipated that there will be much customer traffic attracted to the site. It is also the case that the designated route for the estate, which is via Barton Hill Road will be adhered to, avoiding impact on residents to the south of the site.

The impact of smell and vermin has emerged as a clear concern. However there will be no food waste bought into the site or stored on the site, and this is controlled through the terms of the EA permit. This will ensure that mainly inert materials are dealt with on site. Those listed in the documentation include paper, cardboard, UPVC windows, glass, wood, plasterboard, non ferrous metal, ferrous metals, electrical and electronic equipment, plastic, soil and stone, and green waste.

Noise and pollution from dust plumes again figured strongly in local concerns. The use of the site for recycling will generate some noise and dust but the activities are to be carried out largely under cover, by hand, and not using any machinery. Therefore the impact will be relatively localised.

How does this differ from the operation of the existing use?

The site was previously occupied by SEC Lighting and light columns/fittings were stored on site. It is thought that this often operated beyond the permitted hours

due to the demands of the business and generated a significant number of vehicular trips. Given the scale and character of the proposed skip operation, it is likely that the impact will be no greater, and possibly less than that generated by the previous use on the site, in terms of traffic, noise and disturbance.

Other uses in the quarry include scaffolding storage, car repairs and scrap metal. The proposed use will differ from the other potentially 'bad neighbour' firms in the Quarry in that it will be regularly inspected by a statutory body (EA) to ensure that it does not cause environmental problems in the area. The applicant has agreed to reduce the hours of operation by an hour a day and 5 hours on a Saturday, which will further mitigate impact.

Impact on SSSI and rare small blue butterfly

NE have confirmed that they do not object to the proposed use providing the existing chain link fence is maintained in place and the area between the fence and the cliff face is not encroached upon. The quarry is home to the small blue butterfly and kidney vetch, which was once abundant on the site. This has largely been cleared and it is important that some is reinstated to support the blue butterfly. There would be opportunities on the site to do this and the applicant has been requested to seek some specialist advice about how kidney vetch might be retained/introduced to assist in retention of butterfly populations.

How can the impact of the proposed use be mitigated?

The day to day management of the site will be controlled through the operating permit by the EA who will inspect regularly to ensure compliance. From the LPA's point of view it is important to ensure that the level of activity does not impact on local amenity and that the use is carried out as described. This can be done through appropriate conditions that dovetail with the requirement of the WML. There is no benefit in duplicating the WML, so it needs careful assessment to determine the matters that should be subject to planning conditions. It is likely that conditions in relation to the following matters should be considered.

1. Hours of operation.
2. Personal permission.
3. Access/Egress via designated route.
4. No machinery to be used in sorting and sorting only to be carried out undercover.
5. Delineation of areas to be devoted to open storage.
6. Landscape scheme to encourage blue butterfly populations.
7. Retention of chain link fence and no encroachment beyond this boundary.

However, it is requested that the exact wording of the conditions be delegated to the Head of Spatial Planning to resolve following consultation with the EA and the wording of the WML.

S106/CIL -

It is not considered necessary to derive S106 contributions in relation to this application, given the mitigation that is applicable in relation to traffic generation for the previous use.

Conclusions

It is possible that the strength of local concern has been generated by the documentation submitted with the application. The Management System and Management Plan describe the upper limit of operation under the terms of the operating permit and imply a far larger operation than is currently proposed. It also mentions food waste in part of the text although it is clarified that no food waste will be involved in the process on site and this is specified in the WML.

The big issue for residents after the possibility of smells and vermin is traffic.

It is the case that the use as currently presented involves only one 18 tonne truck. An additional 'standby' truck is anticipated but the WML describes a maximum number of vehicles as 4. At this scale of operation it is very difficult to argue that the impact of the use on the site on the highway network will be greater than the unrestricted operation of the existing B8 use.

Conditions, as specified above, can act to safeguard the remaining possible impacts in planning terms arising from use of the site.

A personal permission is recommended because it is the particular operation of the site in terms of an emphasis on low key manual recycling of materials that makes the use acceptable and given the level of objection, if the business does not recycle enough material to remain viable then it would be useful to be able to review an alternative user to ensure that the site was used in a way that did not generate harm.

Relevant Policies

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Application Number

P/2013/0775

Site Address

The Corbyn Apartments
Torbay Road
Torquay
Devon
TQ2 6RH

Case Officer

Mrs Helen Addison

Ward

Cockington With Chelston

Description

Modification of Section 106 ref: P/1991/0370 to allow eight apartments to be occupied on a permanent residential basis and the remaining 9 apartments to be used for holiday letting except during the winter months when they could be used for short term letting.

Executive Summary/Key Outcomes

The application is to modify the existing S106 agreement relating to the 17 holiday apartments on the site. The proposal is for;

- Eight apartments in the southern half of the building to be used for residential purposes and the nine apartments in the northern half of the building to be used for holiday purposes, with short term letting in the winter months between end of October and Easter.
- The sale of up to six of the residential apartments, with the remaining 11 apartments retained in one ownership.
- Where an apartment is sold a proportion (as yet to be agreed) of the difference between the value of the apartment for full residential use and the value with a holiday use restriction to be reinvested into the Corbyn Apartments business (i.e. funds to be retained in a bank account and drawn down in respect of agreed works only, e.g. maintenance of the apartments).

This proposal would be consistent with Policy TU6 of the Torbay Local Plan 1995-2011 and the Council's guidance in "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010 and would therefore constitute an acceptable proposal in this location.

It would provide sufficient flexibility for the serviced apartment block to continue to operate effectively as a business and would have a limited impact on the character of the Principle Holiday Accommodation Area.

Recommendation

The proposed modification to the S106 agreement be granted, providing no representations are received within the 21 day consultation period following re-advertisement of the proposal. This period ends on 24.10.13.

The s106 to be signed and completed within 6 months of the date of this committee.

Statutory Determination Period

The eight week target date for determination of the application was 6th September 2013. The decision on the application will exceed this target. The application has been delayed due to negotiations taking place with the agent on the content of the amended S106 agreement.

Site Details

The application site relates to a modern four storey block of apartments that are in holiday use, situated on the west side of Torbay Road opposite the Livermead Cliff Hotel. The property is clearly visible in the street scene. It is finished in brick and render and has a mansard roof. There is a parking court in the front curtilage of the site. On the southern side of the building is the recent South Sands development of residential properties and on the northern side is the Corbyn Head Hotel. The railway line runs along the western boundary of the site.

The application site is a high class and well maintained holiday operation that contributes positively to the holiday character of the locality.

The surrounding area has a mix of uses which are predominantly residential and holiday. In the Torbay Local Plan 1995-2011 the site is shown as being within a PHAA. In the "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010 the site is within an Amber area.

Detailed Proposals

The application is to vary the S106 agreement relating to application reference 91/0370PA, which was for the construction of 17 holiday apartments and associated parking. The S106 agreement limits the occupancy of the 17 apartments as it requires that "the units the subject of the said Planning Application 91.0370 shall be permanently retained for holiday purposes only".

This application is to vary the S106 agreement to allow eight apartments to be used for residential purposes and nine to be retained for holiday purposes, and those 9 also to be let on a short term basis in the winter period between the end of October and Easter.

The applicant is proposing that the S106 agreement be modified as follows;

- The eight apartments on the southern half of the building to be used for residential purposes and the nine apartments on the northern half of the building to be holiday apartments except during the winter months (i.e. outside the main holiday season of Easter to the end of October) when they could be used for short-term residential letting.
- The ability to sell up to six of the residential apartments with the 13 remaining apartments retained in one ownership. If an apartment is sold then a proportion (as yet to be agreed) of the difference in the value of an apartment as a full residential use compared to a holiday use either to be reinvested in The Corbyn / put into a fund for maintenance of The Corbyn;
- If more than 14 units on the site (including the 8 proposed in this application) are changed to permanent residential use then an affordable housing contribution would be paid to the Council;
- S106 infrastructure contributions would be paid for the eight apartments that are changing to permanent residential use; and
- A monitoring contribution is to be paid in order that the clauses proposed (such as maintaining a register of holiday makers) can be monitored.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received

Relevant Planning History

- | | |
|-----------|---|
| 1991/0370 | Erection of 17 Holiday Units and associated parking approved 9.3.92 |
| 1991/1008 | Alterations To Form Caretakers Accommodation To Proposed Holiday Flats Development Reference Number 91.0370.Pa approved 25.9.91 |

Key Issues/Material Considerations

The main issues are the principle of changing the use of eight apartments to permanent residential use and the proposed changes to the restrictions on the occupation of the remaining 13 apartments.

Principle and Planning Policy -

In the Torbay Local Plan 1995-2011 Policy TU6 is relevant to the loss of holiday accommodation within a PHAA. This states that proposals which are to the detriment of the character and function of the PHAA will not be permitted. A number of criteria where the loss of holiday accommodation will be permitted are

identified. This includes where the premises lack an appropriate basic range of facilities or have restricted bedspace capacity, both of which would not be applicable in this case.

The remaining criteria relate to the impact on the holiday character of the area and require the proposed use should be compatible with the surrounding tourism related uses.

The Council has produced further guidance in the document "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010. In this guidance the site is within an Amber Area. The guidance states that for Holiday Apartments within an Amber Area conditions on occupancy are likely to be removed.

In support of the application the applicant has advised that the Corbyn Apartments is a loss making business if the apartments are only occupied for holiday use. He considers that the business could be profitable if eight apartments were allowed to be occupied permanently and the remaining nine apartments were used for both holiday letting and short term letting. In recent years limited unauthorised short term lets of the apartments have been carried out, but even with this the business has not been profitable.

A key issue to be considered in this application is whether the loss of these eight good quality purpose built holiday apartments from holiday use would affect the holiday character of the area. The applicant has submitted a comprehensive case that the use of all 17 apartments for holiday purposes in this location is not viable. The proposal to use eight of the seventeen apartments for permanent residential accommodation would mean that the character of the site would change as the holiday use would be notably reduced.

The Council's "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010, states at Para. 3.15 (relating to holiday apartments within an amber area) that "it is recognised that a more flexible approach to their occupancy may allow for a better overall contribution to the economy of Torbay. On this basis, the Council will consider favourably applications to relax occupancy restrictions on holiday apartments to allow residential use".

It is noted that the applicant has requested that the sale of six apartments be allowed and the remaining eleven apartments would be retained within the same ownership. This is seen as a positive aspect of the proposal, as it means the majority of apartments would be operated and run as one business, which would continue to offer fully serviced suite accommodation.

The proposal to allow some residential use on the site would offer flexibility to the owner however it is unlikely that the overall character of the property would

change dramatically as the majority of people occupying serviced accommodation would do so on a short term basis. The agent advises that the applicant is seeking to provide accommodation for those visiting Torquay in the process of relocation and those seeking accommodation due to crisis situations, such as fire, flood, and refurbishment. He also advises that market forces will always prioritise holiday use because they provide up to three times the revenue per day as other guests.

It is considered that the proposal would be within the spirit of the guidance on the interpretation of Policies TU6 and TU7 in that it would allow a flexible approach to the operation of the business. By retaining the majority of the apartments in the same ownership the majority of the apartments on the site would be operated as one business which would lessen a change to the character of the business in comparison with a scenario where a greater proportion of the apartments were sold and operated on a separate basis.

It should be noted that Policy TU8 in the Torbay Local Plan 1995-2011 allows winter letting of holiday accommodation in the period end of October to Easter with a maximum occupancy period of six months. As such the proposal for winter letting is consistent with policy.

S106/CIL -

The following S106 contributions would be required to offset the impact of the creation of the four new dwellings on local infrastructure;

Waste Management	£ 400.00
Sustainable Transport	£6903.00
Lifelong Learning	£ 158.00
Greenspace and Recreation	£4013.00
South Devon Link Road	£6545.00
Admin charge	£ 901.00
Total	£18,920.00

The total payable would be reduced to £17,975 for early payment.

Conclusions

In conclusion, the application is to modify the existing S106 agreement to allow the use of eight apartments for permanent residential accommodation with the remaining nine being retained for holiday purposes. In addition six of the residential apartments could be sold by the applicant. A case in support of this application has been submitted that this revision is needed to maintain the viability of the business by introducing flexibility in the way in which the apartments area occupied.

The application site is within a PHAA as designated in the Torbay Local Plan 1995-2011. In the "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010 it falls within an Amber area. The guidance in this document supports a flexible approach to the occupancy of holiday apartments.

It is considered that the proposal would have some affect on the holiday character of the area due to the loss of eight units for holiday use. However, the majority of the building would be retained in single ownership and would continue to be operated by the applicant as one business. As such, it is considered that a flexible approach would be appropriate in this instance and the overall change in the character of the business would be limited.

For this reason it is considered that the proposal would be consistent with the objectives of Policy TU6 and the Guidance on the interpretation of Policies TU6 and TU7.

Relevant Policies

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Application Number

P/2013/0853

Site Address

Meadfoot Beach
Meadfoot Sea Road
Torquay

Case Officer

Mrs Ruth Robinson

Ward

Description

Demolition of existing beach huts and provision of 133 new huts

Executive Summary/Key Outcomes

This application involves demolition of the existing beach huts at Meadfoot beach and their replacement with a two storey, tiered rank of new 'day' beach huts.

The huts are well designed and sit comfortably in their landscape setting.

They will help meet an unsatisfied demand for beach hut accommodation at Meadfoot Beach and provide a visual improvement to the appearance of the area.

Recommendation

Approval; delegated to the Executive Head of Spatial Planning in order to resolve appropriate conditions as mentioned in the main body of the report below.

Statutory Determination Period

13 weeks expiring on the 6th November.

Site Details

The application site comprises the area of the existing beach huts located to the rear of Meadfoot Beach. It is currently occupied by a mainly single and part two storey rank of day beach huts which are in a poor state of repair. The huts sit on a concrete promenade that follows the curve of the beach.

The Meadfoot Beach Café and toilets are adjacent to the existing beach huts. These buildings are unaffected by the proposal. The Council owned beach car park is located to the north west of the site accessed from Meadfoot Sea Road.

Detailed Proposals

It is proposed to replace all the existing beach huts with a new two storey tiered rank of huts and to increase the number from 69 to 133. They are well designed and in robust low maintenance materials.

Summary Of Consultation Responses

Natural England: Does not consider that there will be any adverse impact on the SSSI and in respect of the CWS, has no objections subject to their being no adverse impact on biodiversity.

Environment Agency: Observations awaited.

Drainage: Have no objections to the scheme and in respect of the flood risk assessment confirms that the scheme is acceptable.

Summary Of Representations

None.

The Torwood and Wellswood Community Partnership have been advised of the proposal and have offered no objection to the scheme.

Relevant Planning History

None.

Key Issues/Material Considerations

Meadfoot Beach is important in terms of landscape character. It is located in an Area of Great Landscape Value, in the Coastal Preservation Area, within the Coastal Protection Area, the Lincombes Conservation Area and the cliff face is a designated County Wildlife site. The southern end of the beach abuts a SSSI.

There are 69 existing beach huts which occupy the rear of the beach at the base of the cliff face and most open onto a concrete promenade which is supported by a stone retaining wall. Two storey concrete huts with rear access occupy the northern end of the rank adjacent to the existing café but the majority are timber huts with mono pitch felt roofs. They are generally beyond economic repair.

The new huts occupy the same position on the site but are now of a more contemporary modernist design and are predominantly 2 storey and of concrete construction. The upper deck of huts all have access to a balcony and the sweep of the existing seafront is reinforced by this curving balcony edge and capped with a simple linear railing. Shutters in bright colours double up as doors and privacy screens. The design and use of materials provides a robust solution to the level of exposure of this coastal site.

A pebble ballast roof reduces the visual impact from above and takes its cue from the shingle beach below. The new huts therefore complement the landscape character of the site as they are subservient within public views of the beach and, through the design adopted, seek to reflect key characteristics of this coastal site.

The upper deck of huts is accessed from the rear and it is considered worthwhile to investigate whether it is feasible to reinstate what appears to be a disused path which extends from the car park at the back of the site to the beach huts. If feasible, implementation could be secured by condition.

Some additional detail is needed in relation to design and landscaping and it is proposed to also secure this by condition.

In terms of wildlife and impact on the County Wildlife Site, the huts are self supporting and do not rely for support on the cliff face.

The design of the huts also builds in a means of harvesting any rockfall from the cliff face and reducing damage to the huts. Rock netting is also to be carried out to part of the cliff face which is vulnerable to falls.

S106/CIL -

Community infrastructure contributions are not appropriate in this instance.

Conclusions

The replacements huts are acceptable in terms of design and relationship to the coastal landscape character subject to additional design detail.

Conditions

Further detail in relation to; i) design, ii) hard landscape, iii) materials and iv) possible reinstatement of the disused path from the car park.

Relevant Policies

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Agenda Item 15

Application Number

P/2013/0876

Site Address

52/54 Belgrave Road
Torquay
Devon
TQ2 5HS

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Change of use from hotel to 8 holiday apartments and 2 residential units.

Executive Summary/Key Outcomes

The proposal is the resubmission of a scheme recently approved by the Committee (July 2013). The previous scheme was withdrawn after a positive resolution by the Committee, as the accompanying S106 Legal Agreement could not be agreed within the time period stipulated (the 13 week statutory determination date). The resubmission is unchanged to the previous scheme apart from what are deemed positive visual amendments that had evolved through negotiation. It seeks the opportunity to rectify the matter of the S106. The previous resolution was as follows;

Resolved: Approved subject to:

- i) further improvements to the building (additional windows, roofscape changes, signage and boundary treatment) as set out in the submitted report;
- ii) a holiday use monitoring contribution and clauses pertaining to holiday occupancy and ownership; and
- iii) a Section 106 Legal Agreement, to achieve planning contributions, being completed and signed no later than the 24 July 2013. Failure to complete the Section 106 Legal Agreement by 24 July will result in the application being refused for reasons of the lack of a Section 106 obligation.

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

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

altering access at lower ground floor level.

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

In terms of use, the proposal is considered to provide an acceptable alternative to the current holiday offer provided by the site and was subject to a viability assessment that was accepted following assessment by the TDA. The proposal offers the continuation of sole ownership and management of the holiday units and the restricted occupancy of the 8 units as holiday accommodation.

The visual alterations detailed have evolved following the resolution of the Committee and point (i) of the resolution is largely considered satisfied, with further improvements to the roofscape and elevations achieved. Outstanding is the desire for improved boundary treatment and revised signage for the new holiday offer. Subject to these the impact upon the built environment is positive and substantive enough to support the change of use on wider policy grounds.

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

Recommendation

Conditional Approval; Subject to the improvements to the boundary treatment and revised signage for the building; subject to planning conditions to include those laid out within this report and; subject to a S106 Legal Agreement to achieve planning contributions, a holiday use monitoring contribution and clauses pertaining to holiday occupancy and sole ownership of the holiday flats.

It is recommended that the application is refused for lack of a s106 agreement if the agreement is not completed and signed by or before 21st November 2013.

Statutory Determination Period

13 weeks / 21.11.2013

Site Details

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

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

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

Detailed Proposals

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

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

Aside the change of use a number of physical changes are proposed, which include the removal of two lean-to structures at ground floor level adjacent to Falkland Road, removal of the stainless steel flue that runs up the corn of the building, formation of doorways at lower ground level to the front and rear, and the replacement of timber sash windows with Upvc sliding sash windows throughout. The reintroduction of windows within the Falkland Road ground floor elevation have been included since the committees previous resolution, as has alterations to the scale and form of the existing dormers within the roofscape.

Summary Of Consultation Responses

Highways/ Strategic Transport: Given the insufficient car parking on site (or off site) and inability to even provide 1 dedicated space per unit proposed, this application should be refused. However in the event that the application is permitted, then:

- An allocated parking space for each residential unit should be provided,
- Covered and secure cycle parking should be available for up to 10 cycles – this would serve both the permanent residents as well as the holiday visitors either bringing their own cycles or hiring them locally and link into the existing or planned local cycle network
- An SPD contribution is required for £10,608 that will be used towards improving local cycle links and connections to the harbor cycle route, and the Torre-Town Centre route enabling both the permanent and temporary occupants of the property to benefit from using sustainable transport for everyday trips.

Conservation: Previous verbal advice offered that the removal of the lean-to structures and flue are positive enhancements, however window openings should be (re)formed within the exposed areas to either side to reinstate balance

and detail to the side elevation. The replacement of timber sash windows with Upvc on a like-for-like basis sits comfortably with Policy guidance. Endorse improvements to the roofscape if at all possible. The scheme has responded to the desire for reintroduced windows and positive revisions to the roofscape.

Summary Of Representations

No representations have been received. The previous submission had one letter of representation detailing that the existing plans fail to show a mutual fire escape shared with the adjacent 'Lancaster Flats' and the proposed plans fail to show how this facility is to be maintained as the owners/occupiers benefit from an easement over for emergencies. The implications upon the adjacent property should be considered.

Relevant Planning History

Applications:

P/2013/0254 Change of use from hotel to 8 holiday letting apartments and 2 residential flats - resolved to be approved / Withdrawn
P/1988/2078 Alterations and Construction Of Pedestrian Bridge Between Front Terrace And Lounge Areas - PER - 03/11/1988

Pre-Applications:

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

Development Enquiries:

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

Key Issues/Material Considerations

Impact upon the PHAA:

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

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

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

apply:-

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

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

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

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

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

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

The applicant had supplied information in respect to viability, which has been ratified by the TDA. As a summary the information provided concluded that bringing back the hotel to a usable standard is not viable. On this assumption the merits of the proposed use will be discussed below.

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

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

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

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

On the conclusion that the continued hotel use is unviable the proposed uses are considered to sit comfortably with tourism policy.

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

Neighbour impacts:

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

Visual:

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

Firstly the removal of the two lean-to additions on the side elevation fronting

Falkland Road is considered a positive move, as the structures are incongruous and visually detrimental to the building's character and appearance. Further amendments have been achieved to reinstate the windows within this section rather than render and make good the area exposed, which is positive.

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

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

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

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

Although not previously detailed the resubmission now includes positive amendments to the existing roofscape, which is currently visually harmful to the building's character and its contribution to the wider Conservation Area. The revised dormers are now to a smaller scale and relate better to the elevation treatment below and the general fenestration pattern.

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

All matters considered the visual implications are positive and substantive enough in the context of the wider change of use that is proposed. The matters of revised signage for the building and the border treatment should be achieved via a planning condition.

Highways / Parking / Movement -

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

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

Notwithstanding the observations of the transport highway officer as the proposed use is a less trip-generating use it is concluded that the context would appear to offer betterment over the existing arrangement in parking and highways terms. The level of parking is therefore considered acceptable and it is not considered fair and reasonable to seek transport contributions.

S106/CIL -

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

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

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

Total Payable via a S106 Legal Agreement: £4137 + Legal Fees Approx £500

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

Conclusions

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

The visual alterations are considered acceptable and subject detail on signage and boundary treatment, the impact upon the wider built environment is acceptable.

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

Draft Conditions

1. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis + register of owners and occupiers
2. Revised signage scheme

3. Agreed management plan
4. Physical works achieved prior to occupation
5. Parking arrangement
6. Detailed design, including boundary treatments

Condition(s)/Reason(s)

1. The self catering holiday apartments located on the lower ground, ground, first and second floors and as shown on plans hereby approved shall be occupied for holiday purposes only and in accordance with the following criteria: 1. They shall not be occupied as a person's sole or main residence in the United Kingdom. 2. The owner or operator of the complex shall maintain an up to date register of the names of all owners/occupiers of individual holiday flats and of their main home addresses and shall make this information available at all reasonable time to the Local Planning Authority. 3. The same person or group of persons shall not occupy holiday apartments within the building for more than 12 weeks in any calendar year.

Reason: To ensure that the apartments remain in holiday use in the interests of maintaining the holiday character of the area and to accord with policy TU6 of the saved Torbay Local Plan 1995-2011.

02. Prior to the commencement of development a revised signage scheme for the building pertaining to the approved use for holiday apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall then be implemented in full prior to the first occupation of either the residential or holiday elements of the building and maintained as such, in good order, at all times thereafter.

Reason: To protect the holiday amenities of the area and the buildings ongoing contribution to this ambience, in accordance with Policies BES, BE1, BE4 and TU6 of the Saved Local Plan.

03. Prior to the commencement of development a management and operations statement shall be submitted to and approved in writing by the Local Planning Authority, which shall include details on the running of the holiday apartments and servicing of guests in the absence of a reception or such other on-site management.

Reason: To ensure a suitable form and function of development that protects the holiday amenities of the area, in accordance with Policy TU6 of the Saved Local Plan.

04. Prior to the first occupation of either the residential or holiday elements of the scheme all physical works hereby detailed upon the plans hereby approved

shall be implemented in full.

Reason: To ensure a satisfactory form of development, in accordance with Policies BES, BE1, BE5 and TU6 of the Saved Local Plan.

05. Prior to the first occupation of the building six car parking spaces, as shown on the approved plans, shall be demarcated and made available for use and maintained as such at all times thereafter. At all times no less than four car parking spaces shall be for the sole use of visitors to the holiday accommodation and shall not be used to serve the residential flats. At all times all spaces shall be clearly marked for the use of either holiday occupiers of the apartments, or for the use of occupiers of the residential flats, in order to reduce conflict between uses.

Reason: To ensure that sufficient spaces are available to serve the needs of the holiday use and to meet the objectives of Policy TU6 and T25 of the saved Torbay Local Plan 1995 - 2011.

06. Prior to the commencement of development appropriate detail, either through samples or sections and elevations, to a scale of not less than 1:10, indicating the following details, shall be submitted to and approved by the Local Planning Authority: (i) dormer / roof material for the reformed areas (sample);(ii) window and door reveals (sections)(iii) window / door profiles (sections).(iv) glazing bar detail (section)(v) boundary wall / railing (section & sample) The building shall not be occupied until it has been completed fully in accordance with these details.

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

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
TUS	Tourism strategy
TU6	Principal Holiday Accommodation Areas
CF6	Community infrastructure contributions
LDD6	Affordable Housing Contributions
T25	Car parking in new development
T26	Access from development on to the highway

Agenda Item 16

Application Number

P/2013/0979

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

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.

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 has led to the submission of this application for a similar form of development.

Officer's opinion is that the application is unacceptable when judged against local plan policies, however, in view of the decision on Allways it has been agreed with the applicant that the decision should be referred to DMC.

Recommendation

Refusal, as the development is contrary to Local Plan policy L4 as the site is within the defined Countryside Zone and policies L2 and L3, due to the impact on the special landscape character of the area.

Statutory Determination Period

8 week statutory determination period expires on the 31st October.

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 2 storey domestic dwelling with a new vehicular access onto Sladnor Park Road.

Summary Of Consultation Responses

Highways: Have no objection to the proposal.

Summary Of Representations

The occupant of Allways objects for a variety of technical reasons to do with completion of the form, inappropriate development within the Countryside Zone, adverse impact on amenity from overlooking, light pollution, proximity, loss of trees, possibility of additional infill development with attendant risks to character of Countryside Zone and traffic impact and claims that their permission was an infill development unlike this proposal. This representation is available in PDF format for Members consideration.

Relevant Planning History

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

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 the local plan framework, amenity, trees, wildlife and S106 contributions.

Local Plan Framework

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

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. It is also necessary to preserve the special character of the towns and villages and to maintain their settings and to concentrate new building development in the existing urban area which is a more sustainable approach to providing new homes due to the proximity of shops and services.

In terms of new residential development 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 would only be considered acceptable within the existing village settlements. In this case, within the boundaries of Maidencombe village.

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.

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. 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. That a plot is big or screened is not a sufficient reason to disregard the policy framework and such an approach would undermine the means of protecting the countryside function and landscape character as there are many plots in the Maidencombe area that would fit this description. It is also the case that screening cannot be guaranteed in perpetuity and the loss of the hedgerow, along Teignmouth Road in this case, would immediately expose the site to wider views.

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. Describing this stretch of 'strung out' ribbon development as an 'existing settlement' would open the door to many similar applications which would have a harmful effect on the character of this attractive route through defined and protected countryside and blur the distinction between urban settlement and its rural setting.

Applications for 2 new dwellings at Rock House, Rock House Lane were approved by DMC at the September 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.

Notwithstanding the decision reached at Allways, it is argued that a precedent has not been so set as to restrict the Local Planning Authority to making decision contrary to its Local Plan policies.

It is the case that 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 which 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. This will have a profound impact on the landscape character of the area contrary to the aim of policies L2 (Area of Great Landscape Value) and L3 (Coastal Preservation Area) which are designed to preserve the special landscape qualities of the area by precluding development that would affect the scenic qualities of the area.

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.

Amenity

The occupant of Allways, the property next door, is concerned about the impact on their amenity through proximity, loss of privacy, light pollution and further infill. Their property is located very close to the existing boundary although there is some 18 meters between the dwellings at the closest point and it is well screened with planting. It is not considered that the impact on amenity is sufficient to warrant refusal of planning permission.

Trees/Wildlife

The neighbour to the site has raised concerns about the loss of trees and impact on wildlife. The trees are largely confined to the boundaries of the site and there are some fine specimens. The 2 best trees, a beech and a western red cedar are more central to the plot and are retained as part of the scheme. Whilst the tree report concedes that there may be pressure to fell arising from the shading created by some of the boundary trees, the proposed building is designed and sited to avoid anything other than a marginal impact. In terms of wildlife, a preliminary ecological study identifies that the hedgerow is of significance and it should be managed and retained. It is not affected by the current proposal.

S106/CIL -

Based on the SPD the scheme should deliver £50 waste, £3610 sustainable transport, £470 Lifelong learning and £2370 Greenspace contributions. This has not been secured and needs to form an additional reason for refusal of planning permission.

Conclusions

The scheme to construct an additional dwelling in this location is contrary to Local Plan policy L4 as it is within the defined Countryside Zone where new dwellings are precluded unless within existing settlements or for proven agricultural need. The reason for restricting new dwellings in this location is to preserve the open rural character of the countryside and to prevent urban sprawl that would result in the merging of existing settlements. This property forms part of a small post war estate of spaciouly laid out dwellings and it merges with the ribbon development that occupies either side of Teignmouth Road from the edge of urban Torquay to the boundary with the neighbouring authority.

Approval of this application would make it hard to resist similar applications in other similar plots in the locality that would erode the open character merging urban Torquay with its hinterland. This impact on landscape character would be contrary to policies L2 and L3 of the saved adopted local plan which are designed to preclude development that would harm the special landscape character of the area. 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.

The recent decision at Allways Teignmouth Road, which went against Officer advice, has prompted this application and in view of this, it has been agreed with the agent to refer the application to DMC for consideration rather than refuse under delegated powers.

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 spaciouly 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.

2. The scheme should deliver community infrastructure contributions in line with the Adopted SPD 'Planning Contributions and Affordable Housing' in order to mitigate the impact of the scheme on the local area. The scheme does not secure this and as such it is contrary to the provisions of the SPD and to policy CFS and CF6 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

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Agenda Item 17

Spatial Planning (Strategic Planning and Implementation Team)

Performance Report - Quarter 2 2013 (22 June to 26 Sept)

Exec Summary

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

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. The Council is performing well against those indicators, which helps support the Council's and Torbay Economic Development Company's economic recovery plans.

Headlines: In a number of areas performance is good. The Development Management Team now has 2 new members and now includes 4 Senior Planning Officers, 4 Planning Officers and 1 Assistant Planning Officer. The following areas of performance are highlighted given their importance in national measures of Local Planning Authority's; these indicate a strong and improving picture for Torbay in the national context:

- 83% of Major Planning Applications in this quarter (5 out of 6) were determined within 13 weeks, on the basis of a rolling 2 year performance (in this case taking the period 26 Sept 2011 to 26 Sept 2013) this takes Torbay's performance on Major Applications up to 45%. This is now well above the threshold (30%) for special measures and demonstrates our improving trajectory on an upwards curve.
- All of the 4 appeals that have been decided since the beginning of July 2013 have been dismissed (100%). No major appeals have been dealt with in this last quarter, which maintains Torbay's appeal performance on Major applications at a level well above the special measures threshold.

Performance against 8 week time period: It is recognised that performance against 8 week deadlines has been low since staff losses began to occur in August 2012. Whilst 13 week deadlines remain the focus for the Development Management Team, it is important that customers receive a sufficient level of service notwithstanding cuts to staffing numbers. Now recruitment has taken place, to fill all posts in the new structure, and process improvements are coming on line, we expect to see a return to high standards of performance against the 8 week deadline for minor and other application types. It is intended that this improvement will be evident in the next 2 quarters.

As a note of caution, that performance will need to be considered against the resource requirements of appeals (see details later in this report), such as Morrisons at Babbacombe and Churston Golf Course, and potential appeals re Tesco, Edginswell and Collaton St Mary.

Ongoing Improvement: The Strategic Planning & Implementation Team continues to consider and implement ways of improving performance. There are a number of areas for

improvement and as such the conclusion to this report sets out a number of forthcoming actions that are intended to further improve the performance of the team.

Quality of outcomes: It is noted that Members and Officers consider the quality of the product (that is the outcomes from the department for the people and places of Torbay) to be the number one priority above quantitative measures of performance. However, customers also need to be assured of efficiency and as such, the conclusions to this report set out a number of measures that are being put in place to improve on recent delays caused by staff redundancies and sickness absences.

The report covers measures in relation to (1) Local and Neighbourhood Plans, (2) planning appeal decisions, (3) performance on Major planning applications, (4) the consistency between officers and the Committee in decision making, (5) changes to Government policy and procedures, and (6) forthcoming (pipeline) projects.

1. Local and Neighbourhood Plans

Following discussion with Members, Neighbourhood Forum Chairs and Vice Chairs, publication of the submission version of the Local Plan has been put back two months. This allows time for Neighbourhood Forums to identify sites for jobs and homes, in particular, and helps ensure community support for the Local Plan. It also helps to meet the Planning Inspectorate's expectations for Local Plans and will, as such, be more likely to result in a sound Local Plan. Further meetings with the Planning Inspectorate, Members and Neighbourhood Forums will continue to inform the Local and Neighbourhood Plans.

Consequently, it is now expected that there will be public consultation on the submission version of the Local Plan in January / February 2014, submission of the Plan to the Secretary of State in April 2014 and Public Examination of the Plan in late summer 2014.

There is ongoing work to improve the evidence base for the Local Plan and to provide useful background evidence for Development Management decisions. This work includes a review of employment space provision to meet the need to create 5,000 – 6,000 new jobs over the next 20 years; a refresh of retail capacity across the Bay, which will also inform decisions / appeals on planning applications by food retailers; a refresh of the demand for space for Gypsies and Travellers; Local Plan viability work, to help ensure the Plan does not overload requirements on strategic sites such that they are unviable.

2. Planning Appeal Decisions

Members will be aware that there are currently 2 public inquiries under way. The first inquiry will convene on 08 October 2013 at 10am in the Burdett Room of the RICC. This is the appeal against the Council's decision to refuse two applications (variation of condition to allow open A1 retail and the proposed operational development to reconfigure the building and the car park) for a Morrisons supermarket at 250 Babbacombe Road, Torquay. Matt Diamond is leading on this Inquiry and representing the Council as expert planning witness. In addition, the Council has instructed retail planning experts GVA Grimley to assist in defending the Council's reasons for refusal.

The second public Inquiry concerns the refusal of the Council for permission for a Clubhouse and additional golf holes at Churston Golf Club (Application Reference P/2013/0019). This appeal is at an early stage, but it is likely that the inquiry will be held in February 2014.

In relation to appeal decisions, since the last appeal report in June 2013 there have been 4 appeal decisions made. All of these were dealt with by the Written Representations method. Of the appeal decisions reported here, all 4 were dismissed, a 100% success rate over the last quarter. Torbay remains well above the national average for its annualised appeal performance, with only 1 appeal allowed so far in 2013, resulting in an annualised performance to date of 90%. Success at appeal is a key indicator for the quality of decision making and this most recent period demonstrates again the consistency and quality of the Council's decisions.

There now follows a brief summary of the appeals. If Members require any greater detail on any specific appeal case, then please contact the relevant case officer.

Appeals Dismissed (4)

Site: 212 Teignmouth Road, Torquay
Case Officer: Scott Jones
LPA ref: P/2012/0987
Ward: St Marychurch
Proposals: Formation of one house with 2 bedrooms with vehicular/pedestrian access
Issues: The effect of the proposed development on the character and appearance of the area. Whether it would provide satisfactory living conditions for occupants of the proposed dwelling and those of the existing property at 212 Teignmouth Road. The impact of the proposal on physical and social infrastructure in the area. Whether it is likely to create an unacceptable flood risk. Inspector ruled with the Council in respect of all matters except flood risk, where he concluded if that appeal had succeeded the development would not have had a significant impact on flood risk in the area.

Site: 38 Great Headland Crescent, Paignton
Case Officer: Alexis Moran
LPA ref: P/2012/1249
Ward: Preston
Proposals: Formation of detached dwelling with vehicular and pedestrian access and 2 car spaces for the use of the existing dwelling
Issues: The effect of the proposed dwelling on the character and appearance of the area and its impact in terms of community infrastructure in the area.

Site: 5 Wayside, Brixham
Case Officer: Helen Addison
LPA ref: P/2012/1166
Ward: Berry Head with Furzeham
Proposals: Formation of additional pitched roofed dormer to the south-facing elevation
Issues: The main issues are the effect of the proposal on the character and appearance of (i) the original dwelling, and (ii) the street scene of Wayside.

Costs Decision:

Site: 5 Wayside, Brixham
Case Officer: Helen Addison
LPA ref: P/2012/1166
Ward: Berry Head with Furzeham
Proposals: Request for award of costs

Issues: Inspector dismissed the application for costs

3. Performance on Major Planning Applications

Determinations within 13 weeks

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

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

The change in approach has led to **last quarter's performance** on Major Planning Applications improving to 83% determined in time (5 out of 6 major applications). The overall performance on a rolling 2 year period (26 Sept 2011 – 26 Sept 2013) is now up to 45% and improving very steadily. 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.

Approval rate for Major applications

Over the 2 year period (**26 Sept 2011 – 26 Sept 2013**) Torbay has maintained an **approval rate on Major Planning Applications of 82%**. Over the last quarter (**01 June - 23 Sept , date of report**) **4 of the 6** Major Planning Applications determined were approved (**67%**), it is noted that during this period both Collaton St Mary and Tesco at Edginswell were refused.

4. Committee Decisions and Officer Recommendations

As has previously been reported decisions made at committee are, in the majority of cases, consistent with the officer's recommendation (approx 96% over a 2 year period). That consistency and strong working relationship with the Members has continued over the last quarter (22 June to 26 September, date of report), where 28 decisions have been made at the Development Management Committee. Of that total number 25 have been determined in accordance with the recommendation of officers and only 3 have been overturned by the committee. This demonstrates a strong consistency between the officers and the members of the committee in making planning decisions.

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

5. Planning law and policy update

The following headlines from the DCLG confirm the most pertinent upcoming changes in planning legislation (due to come into force on 01 October 2013).

Changes to the requirement for Conservation Area Consent from 1 October 2013

Significant changes to planning regulations in respect of Conservation Areas are set to be made under the Enterprise and Regulatory Reform Act, which received Royal Assent on 25 April. The need to obtain Conservation Area Consent will be removed from 1 October and, instead, such works will require planning permission.

The changes aim to reduce red tape and remove the separate consent regime for demolition of unlisted buildings in conservation areas. This will affect all types of applications requiring conservation area consent including conservation area consent on its own, householder planning permission with conservation area consent and planning permission with conservation area consent.

New Fees to be adopted from October 1 2013

An amendment to the Development Management Procedure will come into force from October 1st 2013. These changes include:

- Refunds for non-determination within 26 weeks

The planning fee will be refunded for valid applications which are not determined within 26 weeks. Please note that the requirement to refund the planning application fee after a period of 26 weeks will only be applied to applications which are made following the coming into force of the regulations on 1st October, 2013.

- Fees for Change of Use under Prior Approval

A fee of £80 will now be charged for changes of use made under the prior approval scheme that came into force in May of this year.

In relation to changes that came into force in May of this year, the LPA has seen a number of prior notifications for changes of use of office buildings to residential. These have, for the most part been for vacant office space and to date no prior approval requests have been made by officers. We have also received a number of prior notifications in respect of householders seeking to extend their properties; once again these have been relatively straightforward and have not, to date, resulted in a requirement to undertake the prior approval process.

6. Forthcoming (pipeline) projects

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

Site Address	Summary proposal	Status
Bishops Court	13 apartments and 18 houses	Live application
Scotts Meadow	Details for 155 dwellings	Pre-application
Wall Park Brixham	Revised scheme	Live application
White Rock	Details for 350 homes & employment buildings	Pre-application
Palace Hotel	Hotel and residential development	Pre-application
White Rock	Detailed submission for employment units	October Cttee
Snooty Fox	Residential redevelopment	October Cttee

In addition to the above projects, there are a good number of Major projects in pre-application discussions. For reasons of commercial sensitivity we are not able to discuss

these publicly at the present time, but progress on these other Major development schemes will be updated for members at the earliest opportunity.

7. Conclusion

The Strategic Planning & Implementation team has seen recent success in relation to key indicators, 100% of appeals were dismissed for the period from 22 June 2013 to 26 September 2013, and 90% have been dismissed so far in 2013. The percentage of Major Planning Applications determined within the 13 week statutory period is now well above the 30% measure set out in the Growth and Infrastructure Bill. This demonstrates a strong team effort, reverting from a wholly flexible approach to determination periods on Major Developments to one which encourages more front loaded discussions and incentivises developers to sign legal agreements quickly in time to deliver a 13-week consent.

What are we doing to continue to improve the service?

- Spatial Planning has now filled the remaining 2 planning posts in the agreed new structure. This follows recent redundancies and moves within the department and will now enable the team to improve its performance and work effectively. The restructure of the department and the creation of a single team dealing with applications has provided a flexible, approach, which will, with the new staff resource now in place, enable work to be completed in a more timely fashion.
- The local validation list for planning applications is proving important in securing 'right first time' submissions and has proven successful in its use to date
- Revised processes in relation to the validation and allocation of applications will be implemented in the near future, targeted specifically at smaller applications, and providing a smoother front end of the system for customers and officers
- In relation to s106 agreements, a new s106 calculator has been designed and implemented. Incentives to pay by card or bank transfer aim to avoid delays against 8 week determination dates on smaller applications
- The Development Management team continues to hold regular peer review meetings, which includes key consultees, to ensure consistency in decision making across the Bay
- Around 80% of the costs of the Development Management service is covered by fee income, hence keeping the cost of the service to the Council to around 20%. With increasing pressure to reduce costs it is important for the Development Management team to continue to draw in fees, via pre-application advice and encouraging planning applications.

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