



Friday, 31 October 2014

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 10 November 2014

commencing at **2.00 pm**

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

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Brooksbank

Councillor McPhail

Councillor Pentney

Councillor Pountney

Councillor Stockman

Councillor Tyerman

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 - 6)
To confirm as a correct record the Minutes of the meeting of this Committee held on 30 September 2014 and 13 October 2014.
3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **P/2014/0311/PA St Margaret Clitherow RC Primary School, Polhearne Way, Brixham** (Pages 7 - 16)
Construction of a new teaching block.
6. **P/2014/0899/PA 5 Broadsands Road, Paignton** (Pages 17 - 27)
Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking, following demolition of existing building (Re-Submission of P/2013/1093).
7. **P/2014/0859/MPA Torbay Hospital, Newton Road, Torquay** (Pages 28 - 40)
Reorganisation of the parking and cycling provision to serve the hospital including improvement to access and landscaping.

8. **P/2014/0879/MPA South Devon Healthcare, Torbay Hospital, Newton Road, Torquay** (Pages 41 - 47)
Demolition of existing main entrance and shop. Construction of new main entrance facilities, new critical care unit, new support facilities and plant room.
New hard landscaping and planting around new building.
9. **P/2014/0891/PA Mount Stuart Hospital, St Vincents Road, Torquay** (Pages 48 - 51)
Proposed erection of single storey rear recovery extension (additional to approved planning application ref no. P/2014/0511).
10. **P/2014/0909/MPA County Hotel, 52/54 Belgrave Road, Torquay** (Pages 52 - 60)
Change of use from former Hotel to 8 x holiday letting apartments with 2 x full residential use apartments on the top floor.
11. **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.
12. **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, 5 November 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

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



Minutes of the Development Management Committee

30 September 2014

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Brooksbank, Pentney, Stockman, Bent and Hytche

(Also in attendance: Councillors Lewis and Mills,
plus Brixham Town Councillor Lomas)

41. 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 Councillor Hytche and Bent instead of Councillor Kingscote and Tyerman.

42. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 September 2014 were confirmed as a correct record and signed by the Chairwoman.

43. P/2013/0785/MPA, Wall Park Holiday Centre, Wall Park Road, Brixham

The Committee considered an application for the erection of 165 dwellings (including 25 affordable); touring caravan park (including facilities building with office, cafe, laundry room, showers, toilets and 2-bed managers flat, 12 camping pods, 59 permanent touring caravan pitches, associated access and parking); community sports pitch (to be used annually as an overflow touring caravan park / campsite for 69 pitches during June, July and August); changing and shower facilities building for community sports pitch with associated access and parking; landscape and ecological enhancement works (including bat barn, hedgerow planting and footpaths); associated pumping stations, roads, footways / cycleways, new vehicular access onto Centry Road and alterations / widening of existing access onto Wall Park Road; demolition of existing buildings (including former holiday park buildings and dwelling – 53 Wall Park Road).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting William Baker addressed the Committee against the application and James Stacey addressed the Committee in support of the application. Councillor Lomas from Brixham Town Council addressed the Committee.

Resolved:

Approved subject to:

- i) the applicant submitting further details in relation to the proposed surface water drainage strategy, which are acceptable to the Director of Place in consultation with the Chairman and ward Councillors, or an alternative surface water drainage strategy which is acceptable to the Director of Place in consultation with the Chairman and ward Councillors, within three months of the date of this Committee or the application be reconsidered in full by the Committee;
- ii) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place in consultation with the Chairman and ward Councillors, within three months of the date of this Committee or the application be reconsidered in full by the committee;
- iii) the submission of satisfactory information which satisfies the Director of Place in consultation with the Chairman and ward Councillors that the access on Centry Road is safe and deliverable; and
- iv) the final drafting and determination of appropriate planning conditions be delegated to the Director of Place in consultation with the Chairman and ward Councillors.

Chairman/woman



Minutes of the Development Management Committee

13 October 2014

-: Present :-

Councillors Addis, Brooksbank, Kingscote, McPhail, Pentney, Tyerman, Ellery and Pountney

(Also in attendance: Councillors Lewis and Stockman plus Town Councillor Brian Harland)

44. Election of Chairman/woman

Councillor Kingscote was elected as Chairman for the remainder of the 2014/15 Municipal Year.

Councillor Kingscote in the Chair.

45. Apologies for absence

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

It was reported that, since the publication of the agenda, Councillor Baldrey no longer wished to be part of the Liberal Democrat Group resulting in a vacancy on the Committee. With the wishes of the Liberal Democrat Group, the membership of the Committee had been amended until the review of political balance was determined at Council on 30 October 2014 by including Councillor Pountney.

46. P/2014/0141/MPA - Riviera Bay Holiday Park, Mudstone Lane, Brixham

The Committee considered a full application for:

- (i) the demolition of all existing holiday chalet units (185 total); existing facilities building; staff accommodation building; and two separate buildings used for storage on part of the Riviera Bay Holiday Park;
- (ii) proposed development of 72 new self-catering holiday lodges; new ancillary management building including shop, cafe/bar and gym room; laying out of 180 car parking spaces to serve the redeveloped holiday park; and associated mitigation works, including construction of a bat barn; and
- (iii) development of two residential properties (use Class C3) at the corner of Douglas Avenue and Mudstone Lane, to be accessed from Mudstone Lane.

It was noted this application was accompanied by an Environmental Statement.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Keith Fenwick addressed the Committee in support of the application and Councillor Harland from Brixham Town Council also addressed the Committee.

Resolved:

Approved subject to:

- (i) resolution of the outstanding issues with Natural England including agreement to the Appropriate Assessment. In the event that that agreement by Natural England is not reached the application to be referred back to the Development Management Committee;
- (ii) the completion of a Section 106 Agreement being signed within three months of the date of this Committee, or the application be refused; and
- (iii) the final determination of appropriate conditions being delegated to the Director of Place to include, but not limited to, the conditions set out in the submitted report and additional conditions relating to removal of lodges, drainage and monitoring of coastal erosion/stability.

(**Note:** Prior to consideration of application P/2014/0141/MPA, Councillor Tyerman declared a non-pecuniary interest as a Trustee of Torbay Coast and Countryside Trust.)

47. P/2014/0687/MOA - Land To The Rear Of Broadway, Dartmouth Road, Brixham

The Committee considered an outline application for development of up to ten dwellings and associated infrastructure with all matters reserved other than access.

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:

- (i) the completion of a Section 106 Agreement within the statutory time period or the application be refused;
- (ii) the determination of conditions being delegated to the Director of Place to include, but not limited to, the conditions set out in the submitted report with condition 03 being amended as follows:

'Prior to the commencement of development a Section 278 Highways Agreement shall be entered in to, in order to secure the necessary works to the public highway, unless otherwise agreed. The 278 works shall include work to Dartmouth Road to form a right turn filter lane to the site including road calming measures. This shall include detail of materials and finishes to be used. The works shall then be implemented prior to the occupation of the first dwelling.'; and

- (iii) additional conditions relating to a bird bunting survey and Extended Phase 1 Habitat survey being undertaken.

48. P/2014/0311/PA - St Margaret Clitherow RC Primary School, Polhearn Way, Brixham

The Committee considered a full application for the construction of a new teaching block.

Prior to the meeting, written representations were circulated to members. At the meeting Councillor Harland from Brixham Town Council addressed the Committee.

Resolved:

Consideration deferred to allow for resolution of outstanding matters in respect of the travel plan.

(**Note:** Prior to the consideration of application P/2014/0311/PA, Councillor Ellery declared a non-pecuniary interest as his grandchildren attend this school.)

49. P/2014/0817/MR4 - White Rock Primary School, Davies Avenue, Paignton

The Committee considered a full application for construction of a two storey classroom block and dining room extension, together with the provision of a combined cycle/pedestrian path.

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

Resolved:

Approved with determination of conditions being delegated to the Director of Place to include, but not limited to, the conditions set out in the submitted report and additional condition relating to implementation and monitoring of the travel plan.

50. P/2014/0827/PA - 5-7 Ilsham Road, Torquay

The Committee considered a full application for two new dwellings and change of use from A3 (restaurants and cafes) to A1 (shop) and also from part, C3 (dwelling house) to A1 (shop).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Rawson addressed the Committee against the application and Ms Nicola Smith addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) the receipt of additional revised plans which confirm that the rear service wing is to be rebuilt to fully accord with the existing structure and further detail in respect of the proposed 'plant' at first floor level to ensure that it does not impact on residential amenity;
- (ii) the imposition of the conditions set out in the submitted report, with condition 01 being amended to ensure no servicing or deliveries shall take place between 6.00 a.m. and 9.00 a.m. and between 2.30 p.m. and 3.30 p.m.

51. P/2014/0634/MPA - 59 Rock Road, Torquay

The Committee considered a full application for demolition of existing bungalow with annexe and erection of 11 no bespoke apartments; associated parking and amenity spaces.

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:

- (i) the imposition of the conditions set out in the submitted report and the Director of Place being authorised to determine any further appropriate conditions; and
- (ii) the completion of a Section 106 Agreement by 8 January 2015 or the application be refused.

52. Spatial Planning Performance Report Quarter 2

The Committee noted the Spatial Planning performance monitoring report for quarter 2.

Chairman

Agenda Item 5

Application Number

P/2014/0311

Site Address

St Margaret Clitherow RC Primary School
Polhearne Way
Brixham
Devon
TQ5 0EE

Case Officer

Carly Perkins

Ward

St Marys With Summercombe

Description

Construction of a new teaching block.

Executive Summary/Key Outcomes

This proposal was considered at the August 2014 meeting of Development Management Committee, but a decision was deferred to allow officers to negotiate on design and secure an acceptable travel plan. Those matters have now been addressed. The proposal was also considered at the October 2014 meeting of Development Management Committee. Whilst Members considered design issues had been addressed, a decision was deferred as a completed travel plan had not been submitted. A completed travel plan had now been submitted. It is acceptable to officers and has been circulated to Members.

The proposal is for a detached two storey mono-pitched school building to the north west of the existing school building. The proposal will involve partly excavating a grassed bank so that the building will be level with the existing school. The building will house 3 classrooms and a reception area. The proposal will enable the removal of a temporary hut building on completion of the works.

The need for the additional school places and the potential for them not being provided is a material consideration to be assessed against other policy considerations of design and the impact on the setting of the Conservation Area. On balance it is considered that the benefits of the scheme outweigh the slight negative visual impacts of the building. This opinion is based on the fact that the proposed building would now be sited further away from neighbouring residential properties than originally proposed, is partially screened by existing landscaping, the relationship with the existing school building, that it will facilitate the removal of an existing temporary building and the positive social impacts of the new classroom facilities.

There is a poor highway safety record in the locality with 39 casualties in the last 5 years (well above the national average which would suggest there should be approximately 10-11 casualties for a population of this size). In the absence of mitigation measures (e.g. a Travel Plan) there would be serious concerns

regarding the impact of the development on highway safety. However, a recently submitted travel plan now shows proactive commitment by the school to implement mitigation measures, in tandem with the school development plan, that reduce to an acceptable level the highway safety risks associated with the development.

Recommendation

Conditional approval; suggested conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

8 weeks, the determination date was the 7th June 2014 however it has been agreed to extend this in order for the application to be revised in light of officer concerns regarding design and highway safety.

Site Details

The application site is a primary school building positioned towards the north west of the site with playgrounds and playing fields located towards the south east. The main school building is largely flat roofed and single storey with a pitched roof section over the assembly hall and southern part of the building. There are also some elements of the building that protrude above the main roof which are assumed to house plant and other machinery these elements are also flat roofed.

There are 9 parking spaces towards the front of the school site as well as 10 cycle spaces.

Detailed Proposals

The proposal is for a detached two storey mono-pitched school building to the north west of the existing school building. The proposal will involve partly excavating a grassed bank so that the building will be level with the existing school. The building will house 3 classrooms and a reception area providing accommodation for an additional 60 children. Following consideration by Development Management Committee in August and negotiations by officers the building has now been moved approximately 4.00 metres to the south west and away from properties to the north east of the site. The proposal will enable the removal of a temporary hut building on completion of the works.

The proposals will also include 10 additional cycle storage spaces and 30 scooter storage spaces. There will be no increase in the number of car parking spaces within the site.

The Higher Brixham Conservation Area runs along the north east and south east boundary of the site and the proposal will be partially visible from it such that the proposal will have an impact on the setting of the Conservation Area. The

application site is bounded by residential properties with the closest being located approximately 19m from the proposal.

Summary Of Consultation Responses

Conservation Officer: The existing site is predominantly single storey with a taller school hall towards the centre. The building is highly visible across the valley and the proposal, in its current location, would be highly visible as you enter the school. The revised proposals will lessen its impact on the immediate neighbours. The current scheme has little relationship with the school and does not allow for further expansion in the future.

Transport Officer: In the absence of an acceptable Transport Plan, Strategic Transport objected to the application (as reported to the August Committee). A travel plan has now been submitted and the Transport Officer has confirmed its acceptability. In addition to the travel plan, the Officer has requested the additional measures to help mitigate the impact of the development, these measures include the introduction of a traffic regulation order to manage parking in the area subject to local public consultation.

Education: Torbay is currently experiencing a growth in primary aged pupils across Torbay. The Local Authority has been expanding primary schools in all 3 towns in order to meet this increase in demand. The growth in Brixham is not as significant as in Torquay and Paignton but there is a need to provide some extra places in the town to accommodate a few particularly large year groups from September 2013.

Following extensive consultation with all schools, it was agreed that St Margaret Clitherow offered the best solution for the following reasons:

- o It is in the right location - some of the other Brixham schools are located in more peripheral parts of the town so there would be greater distances for parents and children to travel.
- o As St Margaret Clitherow is a Voluntary Aided School there was an opportunity to access some other capital funding for the project that would not be available for a community school. This provided match funding for the Council resources that were allocated to the scheme and offered excellent value for money.
- o The school had a PAN (Planned Admission Number) of 20. This was a difficult number for class organisation and for planning and funding purposes. From September 2013, the school increased their PAN to 30 which is a much better number in terms of curriculum and financial planning and will have educational benefits for the school and its pupils.

The school have already increased their PAN for September 2013. Their existing class structure meant that they could manage for one academic year without the need for additional accommodation. If this project does not proceed then the

school will be unable to accommodate pupils who have already been offered a place for September 2014. The Local Authority would not be able to fulfil its statutory duty to provide sufficient primary school places in Brixham resulting in the Local Authority having to fund expensive transport costs to take these children to other schools in the Bay.

Building Control: No known contaminated land issues. Consider geotechnical issues, fire requirements, radon gas/methane areas, drainage/solid waste storage and disabled provisions. Building Control should be contacted for pre-application advice.

Summary Of Representations

A number of representations of objection and 1 petition have been received. Issues raised:

- o Impact on privacy
- o Proposal not in keeping with local area
- o Proposal sets a precedent for this type of development
- o Impact on parking and highway safety
- o Impact on noise
- o Proposal should be single storey.

Brixham Town Council: Refusal - out of scale and overbearing to the detriment of neighbouring properties

Relevant Planning History

P/1993/0367 Alterations and extensions, erection of temporary classroom, to change school from infant to junior status with additional parking as revised by letters dated 26.4 and 4.5.1993 and plans received 30.3 and 28.4.1993 APPROVED 13.05.1993

P/1995/0383 Variation of condition 2 attached to permission 93/0367/PA to allow permanent siting of classroom unit APPROVED 12.05.1995

P/1995/0922 Formation of an additional classroom APPROVED 03.10.1995

P/1998/0863 Variation of condition 1 attached to permission 95/0383/PA to allow permanent siting of classroom unit APPROVED 06.06.1998

P/1999/0958 Extension to provide classroom and associated facilities APPROVED 28.10.1999

P/2007/1566 Alterations and extension/path APPROVED 31.10.2007

Key Issues/Material Considerations

The relevant considerations are the impact of the proposed development on residential amenity, the character and appearance of the area and highway safety and the availability and need for primary school spaces in Brixham.

The Principle of School Expansion:

As noted in the consultation response from Children's Services, there is a need to provide extra primary school places in Brixham in order to accommodate a few large year groups from September 2013. Following consultation with all schools St Margaret Clitherow was concluded to be the best solution. Paragraph 72 of the NPPF states that great importance is placed on ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities and that Local Authorities should take a proactive, positive and collaborative approach to meeting this requirement. Similarly Policy CF1 and CF10 of the Torbay Local Plan supports the provision of new and improved community facilities such as schools providing they would be readily accessible to the local community including pedestrians and enjoy good access to public transport, would not impact adversely on adjacent properties and surrounding neighbourhood, the schools are of sufficient size to accommodate new school facilities, the proposals safeguard existing playing fields and would not cause serious congestion or a road safety hazard.

In line with both local and national policy, the need for and the principle of providing additional school spaces is considered acceptable.

Highways Safety and Parking Provision:

Representations have been received regarding the impact of the development on highway safety and off-site parking and are noted. The transport assessment noted that currently the most popular mode of transport to school was via the private car either individually or by car share producing 72 pupil related vehicle trips in each peak hour (morning and afternoon). In addition it was noted that 83% (19 vehicle trips) of staff travel to the school by car with some using the school car park and others parking on Polhearne Lane or Longcroft Avenue, the staff however would generally arrive and leave school outside of the morning and afternoon peak hours. The transport assessment gave consideration to the safety of non-motorised users which included consideration of personal injury data for the highway network in the vicinity of the school covering a period of 5 years from 3rd April 2009 until 21st January 2014. There were 34 personal injury incidents which involved 39 casualties during this time of which 18 were pedestrians, 2 were cyclists and 7 involved children under the age of 18. Of these incidents 6 occurred within school peak periods and involved 6 pedestrians, of which 5 were school aged children. When comparing these amounts with national data, it was concluded that the incident rate in this area is very concerning being well above the national average with the national data

indicating that casualties should be around 10-11 over 5 years given the size of the population whereas the amount here is beyond this at 39 casualties.

It is noted that 55% of the additional 60 pupils who will attend this school as a result of the proposal are likely to travel by car which is equivalent to an additional 33 pupils travelling by car and an additional 4 teacher trips. The assessment noted no current issues with staff parking but recommended that all staff cars should be accommodated within the grounds of the school in the interests of good neighbourliness. The assessment notes that it is important that the expansion of the school does not generate any more off-site parking and it is vital that all additional staff are accommodated on site. It is noted that road network and nearby junctions could continue to operate effectively when considering the additional traffic demand as a result of the proposal. The assessment also noted that parents were not observed to be contravening parking restrictions during the assessment period however it is noted that a public representation has stated otherwise and provided photographic evidence.

The assessment makes several recommendations in terms of both hard and soft measures in order to improve pedestrian and highway safety. These include road safety lessons, the provision of formal crossing points including a school crossing guard, the potential for a 20 mph zone and the provision of additional school signage. In the concluding paragraph the assessment made it clear that the expansion is likely to raise an issue of safety that requires attention and whilst it is only a rough estimation regarding accident analysis in the area it is nonetheless clear that the information gives sufficient cause for concern that should be given further consideration. Paragraph 32 of the NPPF notes that developments that generate significant amounts of movement should be supported by a transport assessment which take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network to limit the significant impacts of the development. In addition it states that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In this instance there are serious safety concerns whether or not there is a safe access to the site for pedestrians in terms of both the existing situation and the proposed situation which increases the amount of vehicles and pedestrians accessing the site such that it is considered that for reasons of highway safety the proposal could be refused in its current form.

In response to the concerns raised by the assessment and by the strategic transport officer, the school has undertaken a school transport survey with the parents of pupils to obtain information regarding how they travel to school and if not, why they don't use public transport, cycle, scoot or walk. This survey confirmed some of the points raised in the assessment regarding the availability of foot paths and safe access to the school. The survey is not sufficient on its own to alleviate the concerns regarding highway safety and this must be

reflected into actions within a travel plan. A travel plan has now been submitted and aims to reduce car travel, encourage pupils and members of staff to walk and cycle, help to bid for funds for facilities like cycle storage and lockers, help to provide road improvements, help to raise levels of physical and mental health and social wellbeing, provide exciting curriculum opportunities and focus on travel issues, encourage positive links between the school and the community, embed the travel plan into the school development plan, monitor how pupils and staff are getting to school and enable the school to achieve best practice. The travel plan acknowledges the issues at the school through the transport assessment and a survey which was carried out with parents. These issues have been analysed and will be monitored in the future. The travel plan sets out several targets to help achieve the aims of the travel plan and when and how these targets will be monitored and evaluated. The Transport Officer has confirmed the acceptability of the travel plan and the overall scheme but has requested that subject to local consultation a traffic regulation order is introduced to manage parking in the area. The traffic regulation order would include the installation of lining, signing and marking improvements on the immediate surrounding highway. The introduction of the traffic regulation order has been included as a recommended condition.

Character and Appearance:

Representations have been received regarding the impact of the development on the character and appearance of the locality noting that the proposal is not in keeping with the area. The existing school buildings are largely flat roofed and single storey expanding over a large footprint. There are some taller pitched roof elements towards the centre and southern end of the building but it predominantly reads as a single storey building. The building is set at a lower level than dwellings adjacent to the north and east such that views from these properties are predominantly above and beyond the school building itself. The proposal is for a two storey detached building positioned approximately 2m north of the existing school building. There is an existing grassed bank to the north of the building which will be partially excavated to provide a building at the same level with the existing school and lessen the impact on the surrounding properties. The proposed building, as shown in revised drawings, is accommodated within the existing school site a minimum of approximately 4.0 m from the northern boundary of the site, demarked by the southern edge of the footpath between Polhearne Way and Polhearne Lane. There is a mature hedge between the footpath and the proposed classroom building.

The location has been chosen in order to prevent the loss of any outside playground space. The site is outside of the Conservation Area but will be partially visible from it such that the proposal will have an impact on its setting such that any proposal should preserve or enhance the character and appearance of the Conservation Area.

The proposed building features a mono-pitched roof sloping away from the neighbouring properties to the north and takes on a more modern design than the existing buildings on site. Generally speaking extensions to existing buildings should be subservient to the host building allowing for a clear distinction between the existing and the extended. However, it is often the case with schools that old, single storey buildings have become outdated; there is pressure for more classroom space and a need to retain outdoor play space. Consequently, two storey extensions are often required and make the best use of limited space within a school site.

The proposed building would be sited close to the main school building, is orientated with the main school building and has evidently been designed to work in conjunction with the main school building. The building relates well to the main entrance of the school and will be a focal point when arriving at the school. The design of the new classroom building will, however, be at odds with the design of the existing school. Officers have sought to secure a design that reflects, but doesn't mimic the character and appearance of the existing school, or an innovative piece of architecture. Several revisions of the proposed design have been submitted for consideration but these revisions have only made amendments to the elevational treatment of the building and retained the original form and scale.

Officers have, through negotiation, sought to improve the proposed design of the building - with some, but limited, success. Alternative design options have been explored. The design of the building, as proposed, is very much as considered by Committee in August and October. The Committee asked officers to negotiate on the siting of the building (to reduce impact on residential properties) and the detail of windows to the north east elevation.

The need for additional primary school spaces and the expansion of the school is noted and the principle is accepted.

On balance and having noted that the building is partially screened by existing landscaping and surrounding buildings, that it will facilitate the removal of an existing temporary building and that it will provide 60 additional child school spaces in line with national and local planning policy objectives it is considered that the social benefits of the scheme outweigh the negative visual impacts of the building.

Residential Amenity:

Representations have been received regarding the impact of the development on the residential amenities on nearby dwellings. The proposal will be located at a lower level than properties to the north and separated from those properties by an existing mature hedge and footpath. Revised drawings now show the building sited some 4 metres further away from residential properties to the north east(i.e.

those most impacted). As such, the revised proposal is not considered to result in any serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant for the occupiers of these properties.

There are no windows in the northern elevation of the building. In addition the windows located in the north eastern elevation are angled in such a way as to provide a view to the south east only (over the main school building) and not over residential properties. The proposal is not considered to result in any serious detriment to residential amenity by reason of loss of privacy.

Whilst the outlook from the property immediately to the east of the new classroom building will change as a result of the proposal it is not considered that there will be a serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant due to the separating distances between the proposal and the boundary of the neighbouring site. Representations regarding noise have been noted but having considered the existing use of the site, the hours of occupations and the number of pupils already occupying the building the proposal is not considered to result in any serious detriment to residential amenity by reason of noise.

Comments regarding the setting of precedents have been noted however every proposal is considered on its own merits and site circumstances and therefore the setting of precedent would not constitute a reason to refuse the application.

S106/CIL -

If necessary, to secure costs of the Traffic Regulation Order and any associated works. The Strategic Transport Officer has estimated this at £5,000.

Conclusions

The need for the additional school places and the potential for them not being provided is a material consideration to be assessed against other policy considerations of design and the impact on the setting of the Conservation Area. On balance having noted that the building is partially screened by existing landscaping, the existing school building and surrounding dwellings, that it will facilitate the removal of an existing temporary building and the positive social impacts of the building it is considered that the benefits of the revised scheme outweigh the negative visual impacts of the building. Through the submission of a travel plan and the inclusion of conditions the proposal is considered acceptable in terms of highway safety and transport impacts.

Condition(s)/Reason(s)

01. Retention of hedgerow on north western and north eastern boundary at a height no less than 2m.
02. Submission of material samples.

03. Construction of bay windows in accordance with approved plans.
04. Removal of permitted development rights.
05. Introduction of Traffic Regulation Order to manage parking on immediate highway surrounding school.
06. Submission of surface water drainage details.

Relevant Policies

CF1 - Provision of new and improved community
CF10 - New schools and improved school facilities
BES - Built environment strategy
BE1 - Design of new development
BE5 - Policy in conservation areas
TS - Land use transportation strategy
NPPF - National Planning Policy Framework

Agenda Item 6

Application Number

P/2014/0899

Site Address

5 Broadsands Road
Paignton
Devon
TQ4 6JX

Case Officer

Matt Diamond

Ward

Churston With Galmpton

Description

Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093)

Executive Summary/Key Outcomes

This application follows the refusal of an application to redevelop the site for four blocks of flats, comprising 8 flats in total, in December 2013 (ref. P/2013/1093). It addresses the reasons for refusal, which centred on layout and amenity considerations. The revised proposals are for two blocks of flats again comprising 8 flats in total. The revised proposals have moved the blocks further forward on the site, so that they are now in line with the neighbouring buildings. In addition, by reducing the number of blocks on the site from four to two, there are now bigger gaps between the buildings and the neighbouring properties. Consequently, the site no longer appears overdeveloped and there would be no adverse impact on the amenity of neighbouring properties.

The blocks would be two storeys high with much smaller third storeys set back from the main elevations. This reflects the Lascaze dwellings further up the slope. The Lascaze dwellings have no formal designation or protection, but have clear architectural merit. There have been a high number of objections primarily concerned with the height and scale of the proposed blocks as originally submitted. Since the original submission, the plans have been revised to reduce the size of the third storeys. The height and scale of the proposed blocks are now considered to be acceptable given the character of the area.

Recommendation

Conditional approval; subject to full payment of contributions or the signing of a s106 legal agreement to secure contributions, within 3 months of the date of this committee or the application be reconsidered in full by the committee, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The application was validated on 05.09.2014. The statutory determination date is 01.11.2014 (8 weeks). Due to the number of objections, the application is being reported to committee. As the committee date is after the determination date, an extension of time will be sought with the applicant.

Site Details

The site comprises a vacant former children's home. Vehicular access is provided off Broadsands Road to the south. The site area is 0.3 hectares. The building is two storeys high.

To the front of the building is a parking area and amenity grass area that has become overgrown. To the side of the building is a double garage and timber shed. To the rear is an area of sloping calcareous grassland that has been left unmanaged for many years. Beyond this is an area of scrub and bracken. The grassland has ecological value. A badger track crosses the grassland, but there is no badger sett on the site. There is a hedge around the southern and part of the eastern boundary. There are a few small trees on the site of limited quality.

The site is bounded by woodland to the north, residential properties around a cul-de-sac to the east (Broad Reach), Broadsands Road to the south and residential properties around a cul-de-sac to the west (Rock Close). The area is primarily residential. There are three good quality Norway Maple trees in the grass verge just beyond the southern boundary.

The site is not located within or affected by any policy designated areas in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). However, the site is with close proximity to Tor Rocks, Broadsands Urban Landscape Protection Area (ULPA) to the north. This area is also covered by an area TPO (2001.13) and is within the Torbay - Dartmouth Railway County Wildlife Site (CWS). The site is located within the greater horseshoe bat sustenance zone associated with the South Hams Special Area of Conservation (SAC) at Berry Head.

The site is shown as a 'Potential development site for consideration in the Neighbourhood Development Plan - primarily housing' in the Torbay Local Plan - A landscape for success (Proposed Submission Plan, February 2014)('the new Local Plan'). Whilst the new Local Plan is a material consideration, this designation is shown for information only. The draft Neighbourhood Plan states the site is suitable for about 6 homes (BPNP35). However, as the Neighbourhood Plan has not been through a formal consultation process it can be given no legal weight in decision making.

Detailed Proposals

The proposals are for two blocks of flats. Each block would contain four flats, providing eight flats in total. The blocks would be 2 storeys high with smaller third storeys set back from the main elevations. Since the application was submitted

the plans have been revised by reducing the size of the third storeys, and pulling them back from the side elevations and further back from the front elevations. The blocks would have a contemporary appearance of primarily white render and cedar cladding on the third storeys. The blocks would have flat roofs and offset wings.

The ground floor flats would have small amenity areas to the front and patios to the rear. The first/second floor flats would be duplexes, with balconies to the front and roof terraces. In addition, two communal amenity spaces would be provided on the rear slope. Since the application was submitted the plans have been revised so that the communal amenity areas fit in better with the contours of the land.

The blocks would be sited partly on the footprint of the existing building and partly set into the grassland slope to the rear. This will require soil to be excavated and removed from the site. Whilst set back slightly from the front of the existing building, the blocks would follow the predominant building line of the dwellings in Broad Reach.

A new access from Broad Reach is proposed. This would lead to a parking courtyard in front of the blocks and to the side of the left block. This would provide 16 car parking spaces, two per flat. A bin storage area would be provided near to the new access. The existing hedge would be retained and replacement hedge provided in place of the existing access. A large area of calcareous grassland would be retained on the slope to the rear of the blocks, as would the scrubland to the north adjacent to the CWS.

Summary Of Consultation Responses

Senior Heritage & Design Officer: The introduction of offset wings on the two buildings is a much better response to the urban grain of the area. The development is also complimentary to the currently undesignated heritage assets nearby, the estate of 1930s modernist housing by Lascaze.

Highways/Strategic Transportation: No objection. Parking provision is sufficient. Comments from previous response remain applicable - the visibility splay on the layout is incorrect; however, 23m stated is sufficient for the cul-de-sac and achievable if the existing hedge is reduced to an appropriate length and height. Also recommend the existing vehicular crossing in Broadsands Road is removed and reconstructed as footway under license to the highway authority. Sustainable transport contribution required.

Engineering - Drainage: The proposed surface water drainage system has been designed based on the previous application layout and therefore the drainage report must be updated to show there is no increased risk of flooding from the 1 in 100 year storm event plus an allowance for climate change. Agreed this work can be conditioned.

South West Water: Have agreed to a connection to the public surface water sewer network. Provided the development progresses in accordance with the agreed strategy there are no objections.

Arboricultural Officer: Tree planting required to soften massing of the buildings and fit into the sylvan character of the area. Scheme suitable for approval on arboricultural merit, subject to detailed landscaping plan and tree protective fencing prior to works secured by conditions.

Building Control: Ground investigation report required to support design proposals. It was confirmed this is not a planning issue in this location and therefore does not need to be conditioned.

RSPB: No comments received.

Summary Of Representations

74 representations have been received objecting to the application. However, there are 67 objectors in total, as a few have submitted more than one objection. An objection has been received from the Churston, Galmpton & Broadsands Community Partnership. 54 of the representations are signed proforma letters raising the same issues. The following material considerations were raised:

- Too large scale for neighbourhood defined principally by modest bungalow, dormer and villa individual dwellings
- Overdevelopment of plot
- 3 storey buildings are out of keeping with surrounding one and two storey domestic dwellings
- Will visually dominate neighbouring buildings and landscape, including Tor Rocks CWS
- Will have an adverse affect on traffic flow in Broadsands Road and Broadreach
- Traffic generated will be a hazard to an already congested cul-de-sac
- Road where access proposed (Broad Reach) not wide enough to cope with demand of increase in vehicles and visitors - not easy to pass parked vehicles in Broad Reach - health and safety risk
- Will reduce daylight to neighbouring property (1 Broad Reach)
- Proposed access poorly planned
- Should be more in keeping with character of area
- Principle of redevelopment supported
- Impact on calcareous grassland at rear of site
- Will block views of woodland behind site
- Impact on privacy and amenity of adjacent properties
- Will dominate views from coast path and steam railway
- Amount of proposed car parking inadequate
- Contrary to Lescaze original vision of the estate
- Would set a precedent of provision of accommodation at second floor

- level
- Noise and vibration during construction
- Calcareous grassland area should be reduced to provide more 'neat' amenity area
- Contrary to policies in the NPPF
- Two blocks comprise four blocks joined together
- Noise generated from occupation of apartments
- Materials out of character
- Third storey will block flight path of bats
- Out of keeping with policies of Draft Neighbourhood Plan

Relevant Planning History

P/2013/1093: Proposed demolition of existing buildings and construction of 4 blocks each comprising 2no. 2 bed apartments with associated parking areas: Refused 05.12.2013

DE/2013/0022: Redevelopment to provide 8 - 2 bed flats in 2 blocks (pre-application enquiry): Split decision 28.02.2013

P/2012/0419: Redevelopment - formation of apartment block 11 units and 2 detached dwellings and demolish children's home - IN OUTLINE: Withdrawn 06.06.2012

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Design
3. Impact on Amenity of Neighbouring Properties
4. Impact on Local Highways
5. Car Parking
6. Biodiversity
7. Drainage
8. Noise

1. The Principle of the Development

The principle of redeveloping the site for residential use is acceptable as the area is predominantly residential. A mix of 2 and 3-bed dwellings would be provided promoting choice and mixed communities in line with the NPPF. Whilst there appears to be support from the community to redevelop the site, the main concern is with the height and scale of the replacement buildings. This is discussed under 'Design' below.

2. Design

The previous application was refused because the proposed blocks were sited

too far back on the site and were too close together, appearing cramped and overdeveloped as a result. The applicant has addressed this by providing two blocks of flats instead of four, allowing them to be moved further forward on the site and for bigger gaps between the buildings. The blocks now follow the building line in Broad Reach and the site no longer appears overdeveloped.

There have been many objections to the proposed development. The main concerns are the height and scale of the blocks compared to the surrounding dwellings. However, these are both considered to be acceptable. The footprints of the blocks are not significantly greater than the existing dwellings in the area. In addition, the central lobbies are a subsidiary element of the blocks, with the main elements either side, which helps to break up their massing. The third storeys are set back from the main elevations, so their presence will not be obvious at ground level. Notwithstanding representations clarifying that the third storeys of the Lescaze dwellings further up the slope do not include accommodation, in terms of height and scale, externally these dwellings appear primarily two storeys with a smaller third storey element and this characteristic is reflected in the design proposals. Therefore, the height and scale of the blocks is consistent with buildings in the immediate vicinity. Whilst the adjoining property, 1 Broad Reach, is a one and a half storey chalet bungalow, it is raised on a substantial brick plinth which increases its overall height. Its ridge level is higher than the second storey parapet of the proposed blocks. Whilst the overall height of the proposed blocks would be taller than this due to the recessed third storey, a stepping up in height between properties is a characteristic of the cul-de-sac. For example, a similar 'stepping up' in height occurs between 3 Broad Reach and 2 Broad Reach. Therefore, the height and scale of the proposals are considered acceptable.

The blocks in the previous application had a handed block pattern, which was considered unsatisfactory. The proposed blocks appear more uniform and therefore fit in better with the collective order characteristic of the Lescaze dwellings.

The proposed blocks would have a contemporary appearance. The designs are considered to be high quality and relate to the Lescaze dwellings. The materials would fit into the character of the area.

The parking layout is considered acceptable. The parking area would be screened from the street by the existing/proposed infill hedgerow. A detailed landscaping plan is required by condition.

Therefore, the proposed development is considered to accord with Local Plan Policies BES, BE1, BE2 and the relevant parts of H9.

3. Impact on Amenity of Neighbouring Properties

The previous application was refused because the blocks were sited too close to

the boundaries of 1 Broad Reach and 4 Rock Close and it was considered that they would have an adverse impact on these properties in terms of overlooking and overshadowing. This has been addressed in the current proposals by moving the blocks further away from these boundaries and siting them at oblique angles. In addition, the third storey floors are now set in from the main elevations, which wasn't the case previously.

Unlike the previous proposals, the proposed blocks do not have rear balconies. Therefore, there will no longer be a risk of overlooking from balconies of surrounding gardens. Whilst the proposed blocks retain roof terraces, these are positioned towards the front of the blocks away from the rear gardens of the adjacent dwellings. Unfortunately, pulling back the third storeys from the side elevations has resulted in extensions of the roof terraces to the sides. However, these are too narrow in width to be used as sitting out areas and sensitively designed privacy screens can be added to the side parapets to prevent potential overlooking. This is only considered necessary for the left block and can be secured by condition.

Details of external lighting should be conditioned to ensure no impact on neighbouring amenity or biodiversity.

Therefore, the proposed development is considered to accord with Local Plan Policies H9 and H10 with regards to privacy and amenity.

4. Impact on Local Highways

Despite a number of objectors raising concerns with the proposed new access onto Broad Reach due to Broad Reach being a narrow road, the Council's Highways department does not object provided the hedgerow is maintained to allow adequate visibility. This can be achieved by condition. Therefore, the proposals are acceptable in terms of impact on local highways and accord with Local Plan Policy T26.

5. Car Parking

Sixteen car parking spaces are proposed for the eight flats providing a parking ratio of 2:1. This is considered appropriate for the size of the dwellings and site location. Therefore, the proposed level of car parking is acceptable. Details of cycle storage should be conditioned.

6. Biodiversity

The calcareous grassland slope to the rear of the site has ecological value. The proposals retain a large amount of this. A revised layout plan has been submitted showing amenity grassland provided to the front and sides of the blocks, with communal amenity areas to the rear. These spaces will encourage residents to use these areas for amenity purposes rather than damage the calcareous grassland. A Landscape and Ecological Management Plan (LEMP) should be conditioned to ensure the biodiversity value of the site is properly managed and

maintained.

The Preliminary Ecological Appraisal confirms no protected species would be harmed by redeveloping the site. However, reptile and badger mitigation should be conditioned to ensure these species are protected during construction. Hedgerow removal must take place outside the bird breeding season, unless in the presence of a suitably qualified ecologist. Again this should be secured by condition.

Therefore, subject to the above conditions, the proposed development accords with Local Plan Policies NCS and NC5.

7. Drainage

Infiltration tests have been carried out which demonstrate that the ground conditions are unsuitable for soakaways. Therefore, it is proposed to drain surface water into the main sewer, but to limit discharge to the existing runoff rate. South West Water has agreed to this and the Council's Engineering department has agreed to condition the requirement for an updated drainage report. The applicant has stated there has been a reduction of impermeable area of 83.2 sq m compared to the previous proposals.

Therefore, subject to the above condition, the drainage proposals are acceptable and accord with Local Plan Policy EPS in this regard.

8. Noise

A small number of objectors have raised concerns with potential noise from the development. However, it is considered occupation of the flats would not have an adverse noise impact on neighbouring properties. The development will have to be built in accordance with the Building Regulations, which will ensure adequate insulation. Noise associated with construction of any development site is inevitable to some degree. However, a condition will be added requiring the developer to submit a Construction Method Statement prior to development works, setting out the times for construction and deliveries to ensure no disturbance to local residents during unsociable hours.

Therefore, subject to the above condition, the proposed development accords with Local Plan Policy EP4.

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:

£400.00	- Waste Management (Site Acceptability)
£8,280.00	- Education (Sustainable Development)
£2,840.00	- Lifelong Learning - Libraries (Sustainable Development)

£17,680.00 - Greenspace and Recreation (Sustainable Development)

TOTAL = £29,200.00

TOTAL + 5% Administration Charge = £30,660.00

In addition, a contribution of £5,464.00 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:

£400.00 - Waste Management (Site Acceptability)

£5,464.00 - SDLR

£6,458.67 - Education (Sustainable Development)

£1,018.67 - Lifelong Learning - Libraries (Sustainable Development)

£15,858.67 - Greenspace and Recreation (Sustainable Development)

TOTAL = £29,200.00

TOTAL + 5% Administration Charge = £30,660.00

A 5% discount applies where full payment is made early. In this case, this would result in a full payment of £29,127.00.

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 waste and recycling 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 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 schools in Paignton. The proposed dwellings include more than one bedroom, so could house a family with children. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of

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

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6 and will be used towards improving maintenance, management and equipment at existing facilities within easy walking distance of the site. The dwellings would place additional demand on these facilities and the contribution will ensure these facilities are provided with funding to mitigate the proposed development.

Status:

The applicant has confirmed that they wish to enter into a section 106 agreement to pay the contributions. Instructions have been sent to Legal Services to draft the agreement and the applicant has confirmed they will pay Legal Services' fees.

Conclusions

In conclusion, the applicant has revised the design proposals to take into account the reasons for refusal of the previous application. It is now considered to be a high quality development that will fit into the character of the local area. Despite a high number of objections to the application, primarily relating the height and scale of the blocks, the height and scale of blocks is considered to be acceptable and reflect the Lascaze dwellings nearby. The applicant has revised the proposals since the original submission to reduce the size of the third storeys.

Condition(s)/Reason(s)

01. Construction Method Statement
02. Updated Drainage Report
03. Arboricultural Method Statement and Tree Protection Plan
04. No removal of vegetation during bird breeding season, unless in the presence of a suitably qualified ecologist
05. Reptile Mitigation prior to development works
06. Badger Mitigation during development works
07. Detailed Landscaping Plan

08. Landscape and Ecological Management Plan (LEMP)
09. Privacy screen to left block side parapet
10. External lighting details
11. Cycle storage details

Relevant Policies

H2 - New housing on unidentified sites
H9 - Layout, and design and community aspects
H10 - Housing densities
H11 - Open space requirements for new housing
CF2 - Crime prevention
CF6 - Community infrastructure contributions
CF7 - Educational contributions
L8 - Protection of hedgerows, woodlands and o
L9 - Planting and retention of trees
NCS - Nature conservation strategy
NC5 - Protected species
EPS - Environmental protection strategy
EP4 - Noise
EP5 - Light pollution
EP6 - Derelict and under-used land
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 onto the highway
NPPF - National Planning Policy Framework

Application Number

P/2014/0859

Site Address

Torbay Hospital
Newton Road
Torquay
Devon
TQ2 7AA

Case Officer

Matt Diamond

Ward

Shiphay With The Willows

Description

Reorganisation of the parking and cycling provision to serve the hospital including improvement to access and landscaping.

Executive Summary/Key Outcomes

Torbay Hospital serves the whole of the South Devon area. It not only provides for patient care, but also makes a very valuable contribution to Torbay's economy in terms of the medical/healthcare sector and employment.

There is an existing parking pressure at the Hospital, with drivers parking in unsuitable locations or circling the site looking for spaces. This pressure has led to hospital appointments being missed, with consequent costs to patients and to healthcare provision.

This proposal seeks to create an additional 398 car parking spaces on the main hospital site (321 spaces) and on the hospital annex site (77 spaces). The total number of spaces on the main site would increase from 1,584 spaces to 1,905 spaces (20% increase). The total number of spaces on the annex site would increase from 69 spaces to 146 spaces (112% increase). The additional spaces are for staff, patients, visitors and residents (for those living on site). The increase in parking spaces will be complemented by revised circulation space and lighting.

Both sites contain a number of large buildings and are extensively landscaped.

The proposal is supported in principle by Policy CF13 Torbay Hospital of the adopted Local Plan and by Policy SDT3 of the emerging Local Plan.

There is a need to carefully balance the Health Care Trust's operational needs, the need to protect residential amenity, ecology interests and maintain the landscape setting of the Hospital's sites. Negotiation has resulted in a slight reduction of parking spaces from that originally proposed, increased planting and landscaping (including retention of TPO'd trees), ecology mitigation and protection of residential amenity for those people living close to the sites.

This report should be read in conjunction with the report, on this agenda, for the proposed new Critical Care Unit (P/2014/0879)

Recommendation

Conditional approval; subject to the applicant submitting revised layout/landscaping plans and an Extended Phase 1 Habitat Survey for the remaining undeveloped areas of the site with natural features (main site and annex site), together with protected species surveys if necessary, which are acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; subject to agreeing an appropriate mitigation strategy for the loss of part of the LWS on the site to be secured by condition or s106 legal agreement as appropriate which is acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; and subject to full payment of sustainable transport contribution or the signing of a s106 legal agreement to secure sustainable transport contribution, within 3 months of the date of this committee or the application be reconsidered in full by the committee, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The application was validated on 23.09.2014. The statutory determination date is 24.12.2014 (13 weeks). An extension of time will be sought with the applicant if the sustainable transport contribution has not been paid or the s106 legal agreement has not been completed before the statutory determination date.

Site Details

The site comprises two parcels of land belonging to Torbay Hospital: the main hospital site and its grounds, hereby referred to as 'the main site', and a smaller site off Newton Road north of the main hospital campus, hereby referred to as 'the annexe site'. The total site area is 21.38ha.

The main site is bounded by residential and commercial properties to the north, the railway line to the east, residential properties to the south, residential properties and Kitson Park to the west, and Cadewell Lane to the northwest. The main access points are via Newton Road to the east and Cadewell Lane to the northwest. There is also an emergency access off Shiphay Park Road to the south.

The annexe site is bounded by the railway line to the north, a supermarket to the east, Newton Road to the south and a shared use cycle/footpath to the west beyond which is residential development.

Both sites comprise numerous large buildings, roads, car parks and ancillary

open space, including many trees.

The main site is designated as Torbay Hospital in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'), where expansion, redevelopment and improved facilities are permitted, subject to four criteria. In addition, the western area of the main site is designated a Local Wildlife Site (LWS). There are no other policy designated areas around the site, except for the railway line which is designated as another LWS. The annex site is undesignated.

The main site is shown as a 'Potential development site for consideration in the Neighbourhood Development Plan – primarily employment investment' in the Torbay Local Plan – A landscape for success (Proposed Submission Plan, February 2014) ('the new Local Plan'). Whilst the new Local Plan is a material consideration, this designation is shown for information only. The western area is still designated as a LWS. The annex remains undesignated, although Newton Road is shown as part of the National Cycle Network.

The vast majority of the site is within Flood Zone 1; however, the western edge of the main site is within Flood Zone 3 due to a watercourse running along the western boundary, which is a tributary of the Aller Brook (main river). The railway embankment to the north of the annex site is also within Flood Zone 3.

The Torbay Hospital Chapel on the main site is a Grade II listed building.

Detailed Proposals

The proposals are to provide additional car parking on the two sites for both staff and patients/visitors. This would entail extending and rearranging existing car parks, and building new car parks on undeveloped ancillary open space. The application also includes associated access roads, footpaths, lighting, signage, ticket machines, barriers and soft landscaping. New cycle parking facilities will also be provided.

As existing, there are a total of 1,584 car parking spaces on the main site and 69 spaces on the annex site. Of the 1,584 spaces on the main site, 1,148 (72.5%) are for staff parking and 436 (27.5%) for patients/visitors parking. Of the 69 spaces on the annex site, 63 (91%) are for staff parking and 6 (9%) for patients/visitors parking. Of the 436 patients/visitors spaces on the main site, 52 (12%) are disabled spaces, and of the 6 patients/visitors spaces on the annex site, 2 (33%) are disabled spaces.

Due to tree constraints, the proposed number of parking spaces on the sites have been revised since the original submission. The New Parking Layout drawing (8/15/52_26 Rev B) shows a number of proposed parking spaces removed, highlighted in red. Therefore, the revised proposals are to develop an additional 398 car parking spaces on the two sites (321 spaces on the main site and 77 spaces on the annex site). The total number of spaces on the main site

would increase from 1,584 spaces to 1,905 spaces (20% increase). The total number of spaces on the annex site would increase from 69 spaces to 146 spaces (112% increase).

Of the 1,905 spaces on the main site, 1,151 (60%) would be for staff parking and 754 (40%) would be for patients/visitors parking. Of the 146 spaces on the annex site, 75 (51%) would be for staff parking and 71 (49%) would be for patients/visitors parking. Of the 754 patients/visitors spaces on the main site, 96 (13%) would be disabled spaces, and of the 71 patients/visitors spaces on the annex site, 12 (17%) would be disabled spaces.

Of the proposed 398 additional car parking spaces to be provided on the two sites overall, 15 (4%) would be for new staff parking and 383 (96%) would be for new patients/visitors parking.

As existing, there are a total of 10 cycle spaces on the main site. The proposals are to increase this to 40 cycle spaces (300% increase). No information has been provided in the application regarding cycle spaces on the annex site. This information has been requested.

The car parks, access roads and footpaths would primarily be surfaced in Bitmac, with some spaces surfaced in granular materials.

The application form states that surface water will be drained to soakaway, but no details are provided. The Site Specific Flood Risk Assessment states that surface water from the 0.8ha of increased impermeable area created by the application will discharge to a sustainable drainage system where practicable. It also states that the surface water runoff from the new car parking areas to the west of the main site will discharge at a controlled rate (the existing greenfield runoff rate) to the open watercourse located on the western boundary.

No development is proposed near to the Grade II listed Chapel, therefore a Statement of Heritage Significance is not required.

Summary Of Consultation Responses

(The agent for the application is an employee of the Council – the Engineering Service Manager. Therefore, a different officer has been consulted in Engineering who has not been involved in the application.)

Strategic Transportation/Highways: No objection. Requires a sustainable transport contribution to mitigate the additional trips generated by the development. This totals £293,750 and would contribute to a number of sustainable transport projects in the area.

Environment Agency: No objections. Suggest condition for the management of the site's surface water drainage.

Engineering - Drainage: No details of proposed soakaways provided. Therefore, Grampian style condition required for details of infiltration testing and detailed design of soakaways prior to any development works commencing. The applicant must also demonstrate that the surface water drainage design will not increase the risk of flooding to properties or land adjacent to the site.

Natural England: No objection re statutory nature conservation sites. Natural England's standing advice should be used to assess any potential impacts on protected species. The standing advice is a material consideration in making planning decisions. The local authority should ensure it has sufficient information to understand the impact of the proposal on any local sites.

Arboricultural Officer: Lengthy discussions have taken place with the applicant's agents. This has led to a revised plan with fewer car parking spaces to account for arboricultural concerns. The application is suitable for approval on arboricultural and landscape merit if the following are addressed by conditions:

- Landscape strategy to be amended to indicate exact species per plotted point, with additional detail of management plans, tree pit volumes relating to specific volume required (both engineered and in soft), replacement of losses, watering regimes, type of nursery stock and so on.
- Method statements for tree protection fencing alignments.
- Enhanced planting as described in comments 4 (a and b) 8 & 9.
- All protective fencing to be erected prior to any commencement on site
- Arboricultural ongoing support to be appointed to all fencing supervision and consideration of any required deviation from approved plans.

Police Architectural Liaison Officer: The reorganised car parks should achieve full compliance with the Safer Parking – Park Mark award scheme as detailed on the Secured by Design website. There should be clear and substantial boundaries/buffer zones between the public space of the hospital grounds and adjacent dwellings. Surveillance responsibilities over the parking areas should be in control of the Hospital and not neighbouring residents. New landscaping should not prevent natural surveillance.

Building Control: These will, if forthcoming, be presented verbally to DMC.

Summary Of Representations

10 representations have been received, 9 objecting and 1 neutral. The following material considerations have been raised:

- Noise pollution from vehicles
- Air pollution from vehicles
- Light pollution from new lighting
- Loss of trees

- Impact on privacy
- Impact on wildlife
- Increased risk of flooding from surface runoff
- Water pollution
- Parking charges will mean staff and public will still park on surrounding roads
- Greenspace Strategy
- Overdevelopment - loss of ring of green space
- Security risk to neighbouring properties

Relevant Planning History

P/2014/0879/MPA: Demolition of existing main entrance and shop. Construction of new main entrance facilities, new critical care unit, new support facilities and plant room.

New hard landscaping and planting around new building: Pending Decision

P/2003/1802/PA: Temporary Car Park To Provide Approximately 150 Additional Car Spaces On Existing Playing Field: Approved 15.01.2004

Numerous other non-major planning applications for building extensions, minor works, etc.

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Impact on Local Highways
3. Design Layout and Landscaping
4. Safety and Security
5. Impact on Amenity of Neighbouring Properties
6. Impact on Trees
7. Impact on Ecology
8. Surface Water Drainage and Flood Risk
9. Water Pollution
10. Air Pollution

1. The Principle of the Development

The principle of the development is acceptable. The application has been submitted due to parking pressures at the hospital, where due to the insufficient number of parking spaces for patients/visitors, appointments have been missed. It has also led to overspill parking on roads both within and outside the main hospital site, effecting the function and safety of these roads, which can cause delay to emergency vehicles. Local Plan Policy CF13 permits proposals for the expansion, redevelopment and improvement of facilities at Torbay Hospital,

subject to the following four criteria:

- 1) the campus is used only for development related to the hospital's primary function of providing healthcare;
- 2) landscaping is provided both within and around the perimeter of the site which maintains and enhances the amenity and wildlife features of the hospital grounds and which reduces the impact on surrounding residential areas of any development which may take place;
- 3) an integrated transport and parking policy which seeks to address the transportation needs of the campus and the surrounding area is implemented; and
- 4) new development does not have a detrimental effect on the amenities of the surrounding residential areas.

Taking the above criteria in turn: (1) the proposed development is related to healthcare, in so much as the new parking will be for staff and (primarily) patients/visitors of the hospital; (2) whilst the proposals will lead to the loss of some areas of open space and trees, new landscaping will be provided to mitigate for this loss ensuring no harm to wildlife or impact to neighbouring properties; (3) the application is accompanied by an updated Travel Plan committed to implementing sustainable transport choices alongside the new parking provision; and (4) landscape buffers will be provided between the newly created parking areas and surrounding residential properties to protect their amenity.

Subject to appropriately worded conditions securing the matters under 2-4 above, the proposed development is considered to accord with Local Plan Policy CF13. Furthermore, provided the development is linked to a fully up-to-date Travel Plan with clear targets and monitoring/review mechanisms, it is considered to accord with the twin requirements of the NPPF of supporting economic growth and promoting sustainable travel to reduce greenhouse gas emissions. However, it is considered there is an opportunity to incorporate facilities for charging plug-in and other ultra-low emission vehicles in accordance with the NPPF, and this should be added to the Travel Plan by condition.

Local Plan Policy T25 states that parking provision for major, non-residential sites will be based on an assessment of parking needs, to be defined as part of a travel plan to be submitted by the developer and agreed by the local planning authority. It goes on to state that car parking provision in excess of the assessed need will not be permitted, except on a temporary basis during the implementation of the travel plan. The applicant has submitted a Travel Plan as part of the application, which sets out the required parking provision based on staff and visitor surveys undertaken in 2005, 2009, 2010 and 2013. It sets a public/staff car parking split target of 40-60% respectively. The proposals would achieve this on the main site and exceed it on the annex site. Therefore, the proposed development accords with Local Pan Policy T25.

2. Impact on Local Highways

The Transport Statement submitted with the application states that the car parking proposals address the problem of demand exceeding supply at the hospital, and as there are no proposals to change the services of the hospital or alter the existing operation, there will be no material increase in demand or impact on local highways. Furthermore, the new parking provision will prevent overspill parking on the local highway network allowing these roads to function better.

Strategic Transportation and Highways officers raise no objection to the application in terms of specific highways impacts. However, officers consider the proposals will result in a greater number of car trips to/from the site than at present and therefore a sustainable transport contribution should be secured from the development in accordance with the Council's Planning Contributions and Affordable Housing SPD and its Update 3. This is addressed under S106/CIL below.

Therefore, provided the sustainable transport contribution is either paid in full as an upfront payment or secured by way of a s106 legal agreement, the proposals are considered to accord with Local Plan Policies TS, T1, T2, T7 and T26.

3. Design Layout and Landscaping

The layouts of the proposed car parks are acceptable and will allow adequate access and manoeuvring for vehicles. A Landscape Strategy Report has been submitted with the application, which includes landscape proposals for the newly created car parks. The Council's Arboricultural Officer has agreed to these, subject to some minor amendments for the benefit of the amenities of neighbouring properties and visual amenity of the car parks themselves. Revised layout/landscape proposals are required incorporating these amendments and accounting for the reduced number of car parking spaces now agreed. These should be submitted prior to planning permission being granted, whilst detailed landscaping/planting plans can be conditioned.

Therefore, subject to the applicant submitting the revised layout/landscape proposals for the new car parks and an appropriately worded condition securing detailed landscaping/planting plans, the proposed development is considered to accord with Local Plan Policies L10 and BE1.

4. Safety and Security

The Police Architectural Liaison Officer has highlighted the requirement for defensible planting within buffers zones between the hospital grounds and neighbouring residential properties. In addition, landscaping within the car parks

should not prevent natural surveillance, i.e. plant species should be chosen that grow to low heights and planting should be adequately maintained. These issues can be taken into account in the detailed landscaping/planting plans to be secured by condition.

In addition, the reorganised car parks should achieve full compliance with the Safer Parking – Park Mark award scheme as detailed on the Secured by Design website. A condition requiring this should be added accordingly.

Getting the right balance in lighting is important to ensure safety without impacting on the amenity of neighbouring properties or ecological interests. A condition requiring a lighting strategy for the new car parks with detailed lighting proposals should be added accordingly.

Therefore, subject to appropriately worded conditions securing the matters above, the proposed development is considered to accord with Local Plan Policy CF2.

5. Impact on Amenity of Neighbouring Properties

Local residents have raised concerns with the potential impact of the proposals on their amenity, in terms of privacy, noise and lighting. The New Parking Layout drawing (8/15/52_26 Rev B) shows that buffer strips would be provided between the new car parking and residential gardens. Provided these buffers are appropriately planted and maintained in accordance with detailed landscaping/planting plans to be secured by condition, it is considered that the proposed development will not have a significant adverse impact on the amenity of neighbouring properties, in terms of privacy and noise. As discussed above, a lighting strategy for the new car parks with detailed lighting proposals is required by condition and this should include details of how lighting will not adversely affect the amenity of neighbouring properties.

Therefore, subject to appropriately worded conditions securing the matters above, the proposed development is considered to accord with Local Plan Policies CF13, EPS, EP4 and EP5.

6. Impact on Trees

The proposals will necessitate the removal of a number trees. However, the Council's Arboricultural Officer has had lengthy discussions with the applicant's agents to ensure high quality trees are retained. This has resulted in the removal of a number of the proposed car parking spaces. The Arboricultural Officer has recommended a number of conditions to protect the trees to be retained during construction, further landscape enhancements, planting methodologies and management regimes. Therefore, subject to appropriately worded conditions securing these matters, including a Landscape and Ecological Management Plan

(LEMP), the proposed development is considered to accord with Local Plan Policy L9.

7. Impact on Ecology

The applicant has submitted a Phase 1 Habitat Survey with the application for the western area of the main site. It identifies the Shiphay Hospital LWS as being on the site and recommends consultation should take place with the landowners and managers of the site to devise an appropriate mitigation package, due to the loss of part of the LWS to development. The details of this have yet to be agreed and should be identified before planning permission is granted. This may include biodiversity offsetting. The mitigation will have to be secured by pre-commencement condition or s106 agreement if mitigation funding is proposed.

No direct evidence of protected species was found on the western area of the site, but trees and habitats on the site are suitable for protected species, specifically bats, birds and reptiles. Therefore, the survey recommends any trees with ivy to be removed must be checked by a suitably qualified ecologist beforehand to ensure there are no roosting bats. In addition, trees and vegetation should not be removed during the bird breeding season from March to August inclusive (this should be changed to from March to September inclusive for consistency with other applications). In addition, it recommends a reptile survey is carried out if reptile habitat is planned to be removed. All these matters should be addressed in a Construction and Environmental Management Plan (CEMP) which must be secured by pre-commencement condition and cover the site as a whole, including the main site and the annex site.

Since the application was submitted, officers have been informed that there is a badger sett on the site to the south of the 'Football Field' car park. Therefore, prior to planning permission being granted, an Extended Phase 1 Habitat Survey should be carried out for this area, together with any other undeveloped areas with natural features on the site (main site and annex site) which will be affected by the proposals. If the Extended Phase 1 Habitat Survey recommends further protected species surveys, then these must also be carried out prior to planning permission being granted and submitted with the Extended Phase 1 Habitat Survey. Any further recommended mitigation must be secured by condition.

8. Surface Water Drainage and Flood Risk

The proposals aim to drain surface water from the new car parks via sustainable drainage systems, including soakaways where ground conditions are suitable. It is understood that some of the existing car parks on the site already drain to soakaways. No details of the proposed locations/designs of new soakaways or other sustainable drainage systems have been provided. Engineering has recommended a Grampian condition, whereby no development works can take place until the details have been submitted and agreed, to secure details of the

proposed surface water drainage systems. Therefore, subject to an appropriately worded Grampian condition securing details of the proposed surface water drainage systems for the new car parks, the proposed development is considered to accord with Local Plan Policy EPS and paragraph 103 of the NPPF.

9. Water Pollution

A few local residents have raised concerns with potential water pollution from surface runoff from the proposed car parks. This issue should be taken into account in the detailed designs of the proposed surface water drainage systems for the new car parks, including appropriate filters which must be easily maintained. Therefore, subject to an appropriately worded Grampian condition securing details of the proposed surface water drainage systems for the new car parks that take into account this issue, the proposed development is considered to accord with Local Plan Policy EP9.

10. Air Pollution

The increased car trips to/from the site will result in more air pollution from vehicles. However, air pollutants disperse quickly particularly on exposed sites. The nearest Air Quality Management Area (AQMA) is in Hele Road, approximately 1.6km to the east. Therefore, it is considered that the proposals will not have an adverse impact on air quality on the site or in the local area. The proposals therefore accord with Local Plan Policy EP3.

S106/CIL -

A sustainable transport/SDLR contribution is required in accordance with Local Plan Policies TS, T1 and T2, the Planning Contributions and Affordable Housing SPD and adopted Council Report 'Third Party Contributions towards the South Devon Link Road'. This is based on an assessment of the number of trips the proposed development will generate. The total sum is £293,750 and is split as follows:

- £6,750 to improve bus services to the site by providing a covered bus stop at near Lowes Bridge main entrance specifically close to the Womans' Health Unit
- £60,000 for a toucan crossing over Lowes Bridge main entrance
- £60,000 for a 3 metre cycle route across the grass rear of the Lodge, to link the new cycle route to Newton Road
- £64,000 as contribution towards public transport improvements including for the new Edginswell Station due to be constructed from 2017/18, and an enhancement of bus services
- £35,000 towards the new £1,148,000 Lowes Bridge - Shiphay junction improvements that the Council has underpinned funding its construction through Prudential Borrowing

- £68,000 towards the new South Devon Link Road, for which the Council has underpinned funding its construction through Prudential Borrowing.

Justifications:

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

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.

Status:

The applicant has not confirmed whether they are willing to pay the required contribution, or by which method they wish to make payment. A verbal update will be provided at committee.

Conclusions

The proposal will meet the operational needs of the Health Care Trust, now and into the future, as well as the needs of patients, visitors and on-site residents.

The proposal, as now presented and subject to the suggested conditions and S106 requirements, meets the requirements of existing and emerging Local Plan policies.

The proposal will provide much needed new parking spaces, with associated circulation space, landscaping and lighting.

However, further information is awaited on ecological impact and mitigation. Planning permission should only be issued once that information has been provided, assessed and the necessary conditions applied.

Conditions

Construction and Environmental Management Plan (CEMP)
Arboricultural Method Statement and Tree Protection Plan
Detailed Landscaping/Planting Plans
Tree Pit Designs
Landscape and Ecological Management Plan (LEMP)
Surface Water Drainage Strategy Detailed Design
Updated Travel Plan - incorporate facilities for charging plug-in and other ultra-low emission vehicles

Lighting Strategy

Full compliance with the Safer Parking – Park Mark award scheme

Location and Details of Cycle Parking on Annex Site

Relevant Policies

CFS - Sustainable communities strategy

CF2 - Crime prevention

CF6 - Community infrastructure contributions

CF13 - Torbay Hospital

LS - Landscape strategy

L8 - Protection of hedgerows, woodlands and o

L9 - Planting and retention of trees

L10 - Major development and landscaping

NCS - Nature conservation strategy

NC5 - Protected species

EPS - Environmental protection strategy

EP3 - Control of pollution

EP4 - Noise

EP5 - Light pollution

TS - Land use transportation strategy

T1 - Development accessibility

T2 - Transport hierarchy

T7 - Access for people with disabilities

T25 - Car parking in new development

T26 - Access from development onto the highway

Agenda Item 8

Application Number

P/2014/0879

Site Address

South Devon Healthcare
Torbay Hospital
Newton Road
Torquay
Devon
TQ2 7AA

Case Officer

Mr Scott Jones

Ward

Shiphay With The Willows

Description

Demolition of existing main entrance and shop. Construction of new main entrance facilities, new critical care unit, new support facilities and plant room. New hard landscaping and planting around new building.

Executive Summary/Key Outcomes

The application is for the construction of a new main hospital entrance and critical care unit in a central position within the wider Torbay Hospital site. They are to be provided within a single three storey flat-roofed building that provides a floor area of 2670m².

The key element of the scheme is to provide a new 14 bed critical care unit in order to address expected capacity requirements and meet anticipated future care need. The scheme also provides an improved reception facility, including retail and café space.

The proposed building will provide a reception at ground floor (hospital level 4), the critical care unit at first floor level, with further critical care support aside the plant space provided at second floor level.

The building replaces the existing single storey main reception building with a building of greater presence and one considered more befitting for such a focal point. It will improve legibility within the site and improve the care capacity and facilities that can be provided for patients and visitors to the hospital.

The design is modern with elevations being a mix of a face fixed engineered cladding system that will be supplement by areas of glazed aluminium curtain walling and window openings. The principal elevation also features ventilation louvers to the upper storeys. The detailing away from this western "public face" of the building has a simpler form with less glazing and no cooling louvers.

The submitted drawings include some large scale signage however these should be considered as indicative only and should be considered on their own merit via a separate application under the Advertisement Regulations.

To the front of the building at ground level the scheme also includes some ancillary covered walkways around the entrance and drop off area and some localised landscape amendments.

The proposal would provide an additional 31 FTE (full time equivalent) jobs, the bulk of which are additional nursing staff, and clearly seeks to deliver improved facilities for people in need of care.

The proposal is considered consistent with the objectives of Policies CFS (Sustainable communities strategy) and CF13 (Torbay Hospital) of the Saved Torbay Local Plan, in that it would provide new improved facilities linked to the primary function of Torbay Hospital without detriment to landscaping, transportation needs or neighbouring residential amenity.

Recommendation

Conditional approval; suggested conditions are listed at the end of this report, with final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The thirteen week target date for determination of the application is 20th December 2014. The decision should be issued within this timescale.

Site Details

The application site relates an area approximately 55m by 55m set centrally within the much larger Torbay Hospital site. The area currently holds a small main reception building and the head of a circular access and drop off area that fronts it. There is a degree of landscaping to the front and to the side (south) of the building there are two relatively significant trees within a walled planting bed.

The development area is chiefly accessed from the west where pedestrian and vehicular access approach on a gently rising gradient between other hospital buildings. The site abuts, or sits in close proximity, to other substantial hospital buildings on its other three sides.

Detailed Proposals

The application is to replace the current reception building with a larger building that will provide a reception and a 14 bed critical care unit. The proposal also includes to the front of the building a reconfigured drop off area, covered walkways and minor landscape detail.

The proposed building is a three storey rectangular structure with a flat roof. External materials show walls to be finished in an engineered cladding system inset by areas of glazed curtain walling and intermittent windows. In the principal elevation the upper two floors will feature a shading screen structure that also

shows some hospital signage.

Internally the buildings ground floor (Hospital Level 4) will provide an open-plan reception set behind a feature entrance lobby along with elements of retail space, a café/seating area and ancillary rooms such as toilets and baby changing facilities. The first floor will provide a 14 bed critical care unit with ancillary rooms. The second floor largely offers space for the plant requirement, although there is a degree of ancillary rooms in support of the critical care unit on this floor.

The proposal would provide an additional 31 FTE (full time equivalent) jobs.

Summary Of Consultation Responses

The Authority's Arboricultural Officer

Advises that two prominent trees will be lost to allow space for the build which will have a negative affect on the aesthetic benefits of that the landscape quality. The loss of trees should not preclude the proposed development however detailed mitigation landscaping should be achieved through a condition on the grant of any approval.

The Authority's Sustainable Transport Officer

Advises that the proposal does not provide clarity on whether the free flow of bus access into and out of the turning head is retained. This detail should be a condition to any grant of approval.

In addition S106 planning obligations should be sought if applicable to support walking, cycling and public transport links in the area. Based on new floor area the level of contributions is £66,282.00.

South West Water

No objection.

Police Liaison Officer

Recommends that the development be constructed to meet full Secured by Design standards. Useful guidance is provided in "Secured by Design for Hospitals".

Summary Of Representations

None.

Relevant Planning History

There are a number of applications that relate to the wider hospital site for expansion/redevelopment of area to improve the provision of care.

Key Issues/Material Considerations

The main issues are:

1. the principle of the proposed development
2. whether the design and scale would be appropriate in this location
3. highways and movement
4. landscaping
5. impact on residential amenity.

1 Principle and Planning Policy -

In the Saved Torbay Local Plan 1995-2011 Policy CFS (Sustainable communities strategy) supports development for new or improved healthcare facilities where proposals meet the need and improve the quality of life for residents. Policy CF13 (Torbay Hospital) supports expansion and improvements to the hospital where it supports the primary function, subject to landscape, transport and residential amenity considerations. These matters will be covered in subsequent sections of this report. National guidance, notably Para 70 in the NPPF, promotes the delivery of services that the community needs to enhance the sustainability of communities.

The proposal seeks to provide a critical care unit and replacement reception facility, which will also house ancillary uses such as minor retail and café uses. These uses are considered to be aligned with the primary function of the hospital and the scheme is hence deemed to sit comfortably with the aims and objectives of broad planning principles and policy aims cited above.

2 Design and scale of building -

The scale and design of building is considered acceptable in the context.

The scale of the building will sit comfortably aside the large buildings that surround the existing single storey reception. Although the new building is itself substantial it will sit lower than the buildings that frame it to the north and south. This context (of larger buildings) provides an arrangement where the building will sit comfortably within the locality and where its scale does not raise concern.

In regard to design the buildings form and detail is considered to harmonise well with the fairly utilitarian feel of the wider building group. The design is also considered to offer a sufficient touch of visual interest to the principal elevation that is necessary for a structure to successfully sit as a focal point for the site and its users.

The detail of materials should be sought via planning condition to ensure that a quality finish to the building is achieved.

It is noted that the proposed plans detail signage and suggest that there will be some means of illumination. For the purposes of this planning application the signs are considered indicative only, as approval should be sought under a separate Advertisement Regulations application.

3 Highway and movement -

The proposal raises two matters for consideration, the wider impact of the additional floor-space on movement and parking, and the immediate impact of the ancillary works on movement and traffic flow in the turning head.

The proposal provides a building with 2670m floor-space, which is loosely segregated into one-third reception and ancillary use, one-third critical care, and one third essential plant space. The ground floor reception element should provide little additional movement to and from the site, replacing existing facilities with enhanced space for users of the hospital. The reception/retail/café floor space is not considered a trip-generator as users will generally come to the site for its core health provision rather than these elements. The critical care unit will increase staffing numbers and trips to and from the site for patients and families. Notwithstanding this the wider impact of the trips generated will be negligible within the context of the hospital site as a whole. As matters stand any incremental impact will be addressed by the hospitals proposals for improved parking facilities throughout the site (see report on this agenda) and also by maintaining and evolving the working travel plan. In the context the Authority's Sustainable Transport Officer does not raise the likelihood of any notable impact and suggests that any such impact will be mitigated by ongoing evolution of the travel plan and the improvements that are sought to the wider parking facilities. Finally the plant area is not considered a likely trip generator.

The Highway Department has questioned whether the revised layout will retain a functioning route for buses. In light of this concern it is considered appropriate to attach a condition for the submission of details (to include swept paths) to show that the area will retain functionality for buses.

Members should note the recommendations included in the report, on this agenda, for an additional 415 parking spaces on site. If DMC approves that application, a range of sustainable transport measures will be put in place that will support the development proposal subject of this report.

4 Landscaping -

The quality of the external environment should be an integral part of the development. Policy CF13 (Torbay Hospital) outlines that such proposals should maintain and enhance the amenity and wildlife features of the hospital site.

The proposal details the removal of two trees to the south of the site which are fairly substantial and offer some tangible visual amenity benefits, softening the built form locally. It also removes the small landscaped mini-roundabout, which is of lesser value.

Due to the restricted nature of the development site there is limited potential to provide mitigation within the red line boundary of the site. The applicant has agreed that landscape mitigation should be offered within the broader site boundary of the hospital. Again, this can be delivered as part of the additional

landscaping needed to support the additional 415 parking space, if approved.

The Council's arboricultural officer advises that the proposal is suitable for approval on arboricultural merit subject to a condition requiring submission of details of tree replacement/mitigation.

5 Impact on residential amenity -

The proposal is set centrally within the hospital site some distance from its borders and adjacent residential occupiers.

Considering the location and building arrangement the proposal will not affect the amenity of occupiers of nearby properties.

S106/CIL -

The proposal has been assessed against the aims and objectives of the Councils adopted SPD.

In this instance it would not be appropriate to seek a contribution towards sustainable transport as mitigation for job creation outweighs the level of transport funding triggered by the new floor-space.

Conclusions

The proposal is considered suitably scaled in the context of the adjacent building group.

The design is considered acceptable with a suitable form and palette of materials, and a suitable level of visual interest to the public face of the building.

There would be limited increase in trips to and from the site however the impact is considered negligible in the context of the site's wider traffic impact. It is also considered that mitigation is ongoing with the hospital's working travel plan and concurrent proposals to improve parking levels on the site.

The limited landscape implications of the scheme can be overcome with suitable replanting within the wider site.

In conclusion, the proposal would result in the provision of improved healthcare facilities that would provide a benefit to the community, which would be consistent with Policies CFS and CF13 in the Saved Torbay Local Plan.

Suggested conditions to include:

- Landscape mitigation submitted and approved
- Movement details around the turning head (to ensure bus access)
- Materials submitted and approved.

Condition(s)/Reason(s)

01. submission and approval of a landscape plan to provide suitable mitigation for the removed trees.
02. The submission and approval of details of the external materials to be used, including colour.
03. Details, which shall include swept paths, shall be submitted and approved that show that the revised layout will permit bus movement in and out of the turning head.

Informative(s)

01. The signage detailed on the plans hereby approved are considered as indicative only and shall be subject to a separate submission under the relevant Advertisement Regulations.

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
CFS - Sustainable communities strategy
CF6 - Community infrastructure contributions
CF13 - Torbay Hospital
TS - Land use transportation strategy
T25 - Car parking in new development
T26 - Access from development onto the highway
ES - Employment and local economy strategy
E9 - Layout, design and sustainability
LS - Landscape strategy
L9 - Planting and retention of trees
L10 - Major development and landscaping
NPPF - National Planning Policy Framework

Application Number

P/2014/0891

Site Address

Mount Stuart Hospital
St Vincents Road
Torquay
Devon
TQ1 4UP

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Proposed erection of single storey rear recovery extension (additional to approved planning application ref no. P/2014/0511).

Executive Summary/Key Outcomes

Mount Stuart is a private hospital with increased referrals from the NHS. It currently has two operating theatres and a third theatre was recently approved at the DMC meeting of the 11.08.14. following a site visit. (Application No P/2014/0551).

There was strong opposition at the time from residents who live adjacent to the site. Their concerns related to adverse impact on amenity, parking, congestion, noise and the likely impact arising from the incremental and continuing growth of activity on the site.

They have, since the decision was issued written to the MP requesting an urgent meeting with DMC Members and representatives of Ramsey Health Care UK who operate the site.

This application involves a further single storey 5 bed recovery extension which will be located to the rear of the building and will displace the portacabin approved as part of the previous application on the site. This was to be located close to the rear boundary with Chapel Court and was to accommodate medical records and the hospital engineer. 2 chillers are also to be re-sited from the rear elevation of the building to the side elevation of the new extension.

Similar objections have been received from the same residents regarding possible impact on amenity and this further application confirms their fears about continuing growth and impact.

This application is for a relatively small extension to accommodate recovery beds and will not in itself have an adverse impact on residential amenity.

In response to resident concerns about continuing growth on the site and its possible impact on local amenity, the hospital have confirmed that they do not

have any plans for further expansion in the next five years.

However they have been advised that if they do wish to submit further proposals for expansion, in view of local concerns, this should form part of a longer term master planning approach to the site which should engage with residents and look to introduce mitigation to deal with potential impacts.

Recommendation

Conditional Approval extending control of noise conditions imposed on P/2014/0551 to include this extension.

Statutory Determination Period

8 weeks which expired on the 28th October. The applicant's agent has agreed to extend the time period for determination to 30th November 2014.

Site Details

Mount Stuart Hospital is located within a residential area which fronts onto St Vincents Road. The rear gardens of properties on Parkhurst Road border the western part of the hospital grounds and 19-36 Chapel Court extends close to the northern boundary. The hospital carries out a range of medical procedures. It currently has two operating theatres; a third has been recently approved and the site now benefits from a recently completed additional car park with 24 spaces.

Detailed Proposals

Is a single storey rear extension to be used as a 5 bed recovery room. It will be designed to match the rest of the building and the style and finish of the new operating theatre. It is to be located close to the northern boundary of the site adjacent to Chapel Court.

Summary Of Consultation Responses

Community Safety: Comments awaited.

Summary Of Representations

3 letters of objection received from occupiers of properties on Parkhurst Road. The main issues raised are as follows:

- 1) Noise.
- 2) Overdevelopment.
- 3) Parking and access.
- 4) Failure to consult adequately.
- 5) How much future growth can be accommodated?
- 6) Adverse impact on property values.
- 7) Location of bins.

It has precipitated a further call for a meeting with Members of DMC.

Relevant Planning History

P/2012/0274: Formation of additional car parking: Approved 8.11.2012.

P/2014/0511: Construction of third operating theatre: Approved 15.08.14.

Key Issues/Material Considerations

The key issues to consider in this application are:

1. Impact on neighbour amenity/noise/overdevelopment.
2. Noise from Air Extraction Plant/deliveries etc.
3. Future expansion plans.

1. Impact on neighbours/amenity/overdevelopment.

The additional single storey recovery room is discretely located to the rear of the hospital building and is overlooked by Chapel Court. It is designed to accord with the overall style of the building and particularly, the recently approved additions to the building. It is not considered that this is harmful to local amenity from either a design or amenity perspective.

It is also the case that the previously approved portacabin, which was to be located close to the site of the new extension will no longer be required so there is now only a small increase in built area.

2. Noise from Air Extraction Plant/deliveries

It is important that the operation of the hospital use on site such as noise from plant is properly controlled. Conditions were imposed on the previous consent to ensure that noise limits were controlled and these will be monitored and extended to include the new recovery room.

The timing of deliveries to the hospital is not controlled by condition and it would not be proportionate or enforceable to try and impose such a degree of control on the back of a minor application. The timing and route for deliveries may be something that could be considered as part of a longer term strategy for the site.

3. Future Expansion Plans.

Concern has been expressed about the cumulative impact of growth on the site with concerns about noise, overdevelopment and adverse impact on amenity cited.

However, this application has to be determined on its merits and this small extension even in conjunction with the previously approved third theatre will not lead to an unacceptable erosion of amenity.

Notwithstanding this, the residents have a legitimate concern about the possible implications of long term growth proposals for the site. In response to resident concerns, the hospital has confirmed that they do not have any plans for further expansion in the next five years.

However they have been advised that if they do wish to submit further proposals for expansion, in view of local concerns, this should form part of a longer term master planning approach to the site which should engage with residents and look to introduce mitigation to deal with potential impacts.

In general terms, the development is acceptable as it would support an existing community use and generate jobs. The application accords with Local Plan Policies BES, BE1 and CF1 in terms of design and amenity. Environmental impacts arising from noise from plant and deliveries are subject to a condition imposed on P/2014/0551, which will be extended to include this extension and as such the scheme is compliant with policies EPS and EP4 of the saved Adopted Local Plan 1995-2011

S106/CIL -

No contributions are required.

Conclusions

The proposed extension is discrete and well designed and will have no appreciable impact on the local environment. There is a legitimate request from local residents to be better informed about future growth proposals for the Hospital. The hospital has confirmed they have no current plans for expansion within the next 5 years. In the event that further expansion is envisaged, they have been advised to consider a master plan approach to future growth, engage with residents and to consider evolving effective mitigation proposals.

Recommendation: Conditional approval subject to the imposition of conditions to secure details of plant/noise attenuation measures as imposed on P/2014/0551.

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

EPS - Environmental protection strategy

EP4 - Noise

T25 - Car parking in new development

CF1 - Provision of new and improved community

Application Number

P/2014/0909

Site Address

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

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Change of use from former Hotel to 8 x holiday letting apartments with 2 x full residential use apartments on the top floor.

Executive Summary/Key Outcomes

The proposal is for the change of use of the building from a 24-bed hotel (with ancillary residential accommodation at lower ground floor) to provide 8 holiday letting apartments and 2 full residential apartments, with associated physical works to the exterior that seek to improve the building.

The County Hotel is a grand style Victorian building on the junction of Belgrave Road and Falkland Road. It is within a 'red core' Principle Holiday Accommodation Area (PHAA), where the retention of serviced holiday uses is the clear objective of local planning policy.

The change of use will provide 2 holiday letting apartments on each of the four lower floors (8 in total) with 2 residential flats provided within the roof level. Physical changes to the building are largely cosmetic to improve the appearance of the building, in line with policy requirements. The alterations include the removal of later additions, reduction in the scale of the current dormers, replacement of windows throughout the building with similarly styled UPVC frames, altering access at lower ground floor level, and the removal of a large stainless steel flue that sits on a prominent corner.

In terms of use, the proposal provides an acceptable and viable alternative to the current holiday offer. This is subject to the continuation of sole ownership, management and restricted occupancy of the 8 units as holiday accommodation in order for the holiday offer to be sufficient. This view was endorsed by the Planning Inspectorate in the recently dismissed appeal for this site.

The visual alterations will provide sufficient improvement to the building aside the consideration of the change of use. This is subject to revised plans being received to correct some minor anomalies in the elevation treatment. If the alterations have not been received prior to the committee it is recommended that

a positive committee resolution includes the receipt of further plans acceptable to the Authority's Conservation Officer, delegated to the Director of Place.

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

The scheme is much the same as considered by Development Management Committee (DMC) in July 2013, where it was resolved to be approved but then subsequently withdrawn by the previous applicant, and again considered at the October 2013 DMC, where it was again resolved to be approved, but then subsequently refused by the Council due to the inability to formalise the mutually agreed S106 clauses due to 3rd party interest in the land.

Recommendation

Conditional approval; subject to submission of satisfactory revised plans; subject to the signing of a s106 legal agreement in terms acceptable to the Director of Place, within 3 months of the date of this DMC or the application be reconsidered in full by DMC, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

13 weeks / 12.12.2014

Site Details

The site is a 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 52 and 54), 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.

There is a linear strip of parking to the rear that appears to provide 5 or 6 parking spaces.

Detailed Proposals

The proposal is to change the use from a 24-bed hotel (with residential accommodation at lower ground floor) to provide 8 holiday letting apartments and 2 residential apartments. The submission is for 2 holiday letting apartments on each of the four lower floors with 2 unrestricted residential flats provided at roof level.

Aside the change of use a number of physical changes are proposed, which are largely cosmetic improvements. The changes include the removal of two lean-to structures at ground floor level on the Falkland Road elevation and reformation of suitably detailed windows within the exposed elevation; the removal of a prominent stainless steel flue that runs up the northwest corner of the building; the reduction and rationalisation of the dormers; the replacement of the timber sliding sash window stock with similarly formed and detailed Upvc frames; and the formation of a doorway at lower ground level to the front.

Summary Of Consultation Responses

Highways/ Strategic Transport:

The Highway Department have no technical issues with the access.

The sustainable Transport Officer has raised that as the proposal does not provide parking on a 1:1 ratio it is not supported. However if the proposal is approved the residential units should be allocated 1 parking space each and secure covered cycle parking should be provided and an SPD planning contribution sought to offset the impact of the development upon local transport infrastructure.

Conservation Officer:

Summary advice is that, as with the previous schemes, the removal of the lean-to structures, the reintroduction of suitable windows within the Falkland Road elevation, the remodelling of the dormers, and the removal of the flue, are all positive enhancements that should be achieved. The replacement of timber sash windows with UPVC on a like-for-like basis also sits comfortably with policy guidance. The level of aesthetic improvements is considered acceptable to offer support.

Summary Of Representations

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

Relevant Planning History

Applications:

P/2013/0876 - Change of use of hotel to 8 holiday letting apartments and 2 full residential apartments on the top floor - Resolved to approve by committee - Refused following the inability to formalise the S106 agreement due to 3rd party involvement - Subsequent appeal dismissed

P/2013/0254 - Change of use of hotel to 8 holiday letting apartments and 2 full residential apartments on the top floor - Resolved approval by DMC Committee - Subsequently withdrawn due to the inability to finalise the mutually agreed S106 agreement.

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

The main issues are considered to be:-

1. The principle of the loss of hotel and the acceptability of the proposed use
2. Whether the visual improvements linked to the change of use are sufficient
3. The quality of the holiday and residential environments and layout proposed
4. Amenity impacts on adjacent occupiers
5. Highway and movement impacts

1. Principle of the change of use/proposed use Impact upon the PHAA

As a hotel located in a 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 bed-space 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.

Further to the above revised guidance on the interpretation of Policy TU6 (2010) and "Red Core" areas, offers more specific guidance. The revised guidance outlines that the "Red Core" areas are 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 an ancillary flat) to 10 residential units, 8 of which are proposed to be restricted to holiday occupancy and 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 matter of viability has been explored within previous submissions. The previous review concluded that bringing back the hotel to a usable standard is not viable and hence other uses could be explored. On this assumption the merits of the proposed are discussed below.

The conversion of the building to predominantly offer holiday apartments is considered a suitable alternative use and one that is 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 to be 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, which has been accepted.

Often 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.

From a planning perspective retaining the holiday flats as a single commercial enterprise is far more preferable option to individually owned and run 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. A planning condition on the detail of management can be imposed and a clause that restricts the holiday flats being individually sold, let or otherwise disposed of can also be written into an accompanying S106 Legal Agreement. This position was outlined in the previous applications and should be retained within any new S106 agreement.

2. Whether the proposed improvement are suitable and sufficient

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. The scheme responds to previous advice in regard to reintroducing suitable window openings in the subsequently exposed elevation.

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.

The existing roofscape is presently a relatively harmful element to the building's character and its contribution to the wider Conservation Area, having been subject to unsympathetic extensions. The proposal reduces the extent of the flat roofed dormers and provides a much more uniform arrangement. The revised form is considered acceptable by the Council's Conservation Officer. There is a lack of detail about the form of windows proposed and information has been sought from the agent on this. Advice on an acceptable detail has been given towards replacing the present white casement windows with grey foiled Upvc side hung casements.

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 the Authority's planning policy guidance on replacement windows the move is considered acceptable, with limited visual impact and positive thermal and maintenance improvements.

Lower ground floor amendments involve the addition of a door. Subject to detail

on the door and the steps/railings the proposal are unlikely to offer any discernible visual harm.

The suite of improvements achieved is considered suitable and sufficient aside the change of use.

There is one remaining matter that should be sought to complement the already detailed improvements, this being the reinstatement of a suitable border treatment to define the curtilage where it has been lost aside Falkland Road. Detail on this should be a condition to planning approval.

3. Quality of the holiday and residential environments proposed

The proposal will provide 10 apartments, 8 for holiday use and 2 full unrestricted residential.

The scale of the units that are proposed is considered acceptable, as they appear to provide a suitable size of rooms and quality of habitable spaces and good levels of natural lighting.

There is little potential for outdoor amenity space however the holiday units are well located with good access to beaches and parks. The lack of outdoor space for the upper floor residential apartments is not considered critical in such a central location as the character of living often comes with limited personal outdoor space. Again there is relatively good access to parks and beaches.

Waste storage and collection should be considered and in the absence of detail it is recommended that a planning condition be attached to provide clarity on the storage and collection of waste for the commercial (holiday flats) and the residential elements.

4. Neighbour impacts

The impact upon neighbouring occupiers/businesses is considered to be limited as the use of the building as holiday and residential flats is unlikely to increase noise or activity.

Physical changes are limited with no major additions means there is unlikely to be any loss of light, outlook etc.

The matter of easement raised in the sole representation is considered a civil matter and not one that the planning system can seek to maintain or protect in this instance.

5. 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 10 spaces, which is again an undersupply with 6 offered.

Observations of the sustainable transport team are noted however the proposal is considered to provide a betterment in terms of the site's impact upon parking and movement in the area. On face value, the proposed use will generate fewer trips than the hotel and thus it would not result in any greater impact upon traffic and movement.

S106/CIL -

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
Waste:	£50
Monitoring Fee:	£1600
Admin Charge:	£197

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

Conclusions

The argument that the continued use of the site is not viable has been accepted, subject to achieving a suitable use that supports and complements the PHAA.

The provision of 8 holiday flats within a scheme of 10 units is considered a suitable new use, subject to ensuring, by a mix of planning conditions and s106 obligations, that the holiday flats are owned and managed as a single holiday business. The provision of 2 additional flats for permanent residential use is accepted to be a necessary form of pump priming to deliver the holiday use.

Subject to the submission of further detail and improvements to the boundary treatment, external alterations to the building are considered acceptable and will have a beneficial impact upon the wider built environment

A s.106 agreement is required to ensure that the holiday flats remain in the same ownership and to secure the payment of sustainable development planning contributions as outlined in this report.

Draft Conditions

1. Agreed management plan
2. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis
3. Register of visitors to be maintained
4. Holiday flats not to be a person's sole or main residence
5. External works to the building to be completed prior to first occupation
6. Submission and approval of details of the commercial and residential waste storage
7. Detailed design of windows and doors
8. Provision of holiday and residential parking spaces to be agreed and implemented as approved.

Condition(s)/Reason(s)

01. Holiday apartments to be used inline with certain criteria to achieve suitable occupancy:
02. Operations statement to 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 to be submitted and approved by the LPA.
03. Physical improvement works approved to be implemented in full.
04. Parking to be made available and maintained at all times
05. Detailed design elements to be submitted and approved by the LPA.

Relevant Policies

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