



Friday, 30 September 2016

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 10 October 2016

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby
Councillor Cunningham
Councillor Morey
Councillor Robson

Councillor Stringer
Councillor Winfield
Councillor Pentney
Councillor Tolchard

A prosperous and healthy Torbay

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

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 7)
To confirm as a correct record the Minutes of the meeting of this Committee held on 12 September 2016.
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. **Land To The Rear Of Broadway, Dartmouth Road, Brixham - P/2016/0772/MVC** (Pages 8 - 13)
Removal of Condition 3 of outline application P/2015/0097 for the development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.
6. **Paignton Library, Courtland Road, Paignton - P/2016/0630/MVC** (Pages 14 - 17)
Variation of Condition 15 of P/2013/0324 - the development shall be built to Secured by Design Standards (with the exception of windows and doors).

7. **Land Off Woodview Road & Torbay Business Park, Paignton - P/2016/0880/MPA** (Pages 18 - 37)
Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space (proposal/description amended 8 September 2016).
8. **9 Sandringham Drive, Paignton - P/2016/0912/HA** (Pages 38 - 41)
Replacement garage and side extension, loft conversion, alterations and extension to terrace.
9. **Gleneagles Hotel, Asheldon Road, Torquay - P/2016/0388/MVC** (Pages 42 - 49)
Variation of Condition P1 of P/2015/0836 - Replace coffee lounge with 1 bed apartment, Pitched roof added to scooter store, Juliet style balcony amended to allow patio doors, stone heads added above 4F windows, Arched glazed canopy added to SW door & replace concrete balconies with steel frame balconies.
10. **Hotel Blue Conifer, Higher Downs Road, Torquay - P/2016/0571/PA** (Pages 50 - 65)
Demolition and redevelopment to form 9 sheltered apartments for the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access.
11. **Wheatridge Lodge, Wheatridge Lane, Torquay - P/2016/0840/VC** (Pages 66 - 73)
Variation of Condition re P/2015/0939 (Detached double garage with workshop and storage above to rear of property) Condition P1 Approved plans to increase size of garage and insertion of two additional rooflights.
12. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
13. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 5 October 2016. 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

12 September 2016

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Cunningham, Morey, Robson, Winfield, Tolchard and Pentney

(Also in attendance: Councillors Brooks and Thomas (D))

25. Apologies for absence

An apology for absence was received from Councillor Stringer.

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Pentney instead of Councillor Darling (S).

26. Minutes

The Minutes of the meeting of the Development Management Committee held on 8 August 2016 were confirmed as a correct record and signed by the Chairman.

27. Urgent Items

The Committee considered the items in Minute 28, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

28. 2014/0983/MOA - Land South Of Yalberton Road (Yannon's Farm), Paignton

The Team Leader for Development Management gave Members an update on the above application and advised that public open space and delivery of employment land would both need to be dealt with by condition.

Resolved:

That public open space and delivery of employment land both be dealt with by condition.

29. Land at Alfriston Road, Paignton - P/2016/0462/MPA

The Committee considered an application for a residential development comprising 83 units, creation of new vehicular and pedestrian access, and associated works.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Andy West addressed the Committee in support of the application and in accordance with Standing Order B4.1 Councillor Thomas (D) also addressed the Committee.

Resolved:

Approved, subject to:

- (i) the receipt of satisfactory amended plans showing an increased level of off street parking provision without there being demonstrable harm to the street scenes;
- (ii) the submission of a satisfactory surface water drainage solution;
- (iii) the submission of satisfactory detailed proposed levels demonstrating that that amenity would not be compromised from unsuitable outlooks or create unsatisfactory urban design outcomes;
- (i) the completion Section 106 legal Agreement on terms acceptable to the Executive Head for Business Services by the 27 September 2016, or within 3 months of the date of this committee if an extension of time is agreed between the Authority and the Applicant, otherwise the application be refused;
- (ii) conditions being delegated to the Executive Head for Business Services; and
- (iii) consultation with the Highways Department on the provision of a rise and fall barrier for traffic on Alfriston Road to limit traffic to buses cyclists and pedestrians. If the barrier cannot be achieved, the Chairman and Vice-Chairman to be consulted.

30. Former Rossiter and Sons Site, 13-17 Palace Avenue, Paignton - P/2016/0585/MPA

The Committee considered an application for conversion of the upper three floors and demolition of shop storage to rear and formation of new three storey, 17 unit apartment building.

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 conditions relating to those set out in the submitted report being delegated to the Executive Head of Business Services together with additional conditions relating to the balustrades within existing terrace and elevations to units 4 and 5/reglazing of the canopy to be secured through appropriate phasing and a waste management plan to include details to promote recycling; and
- (ii) a payment of up to £350,000 from the applicant for the regeneration of Paignton Town Centre. Target project and amount to be agreed by the Executive Head for Business Services.

31. 5 Broadsands Road, Paignton - P/2016/0732/VC

The Committee considered an application for the variation of condition P1 of original Planning Permission P/2014/0899). Erection of two apartment blocks each comprising two 2-bed apartments and two 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (re-submission of P/2013/1093) - change roof line- changes to doors/fenestration, provision of external storage.

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

Resolved:

Approved subject to completion of a deed to tie the unilateral undertaking relating to application reference P/2014/0899/PA to this permission and the conditions set out in the submitted report.

32. Dawn, Brim Hill, Torquay - P/2016/0471/HA

The Committee considered an application for extensions and alterations to house and garage including side & roof extensions, extended terrace & balcony and raise in ridge height (re-submission of P/2015/1025) (revised description).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Neil Taylor addressed the Committee against the application. In accordance with Standing Order B4.1, Councillor Brooks also addressed the Committee.

Resolved:

Approved with the conditions set out in the submitted report and an additional condition in respect of materials.

33. 68 Barcombe Heights, Paignton - Tree Work Application Report

The Committee considered an application for a tree work application on a protected tree at the above address.

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

Resolved:

Approved with the condition set out in the submitted report.

34. Exclusion of the Press and Public

Prior to consideration of the item in Minute 35 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

35. Enforcement Update

The Team Leader for Development Management gave an update on the current position.

Resolved:

That no further action be taken at the present time and that the situation be reviewed if the property is sold in the future.

Chairman

Agenda Item 5

Application Number

P/2016/0772

Site Address

Land To The Rear Of Broadway
Dartmouth Road
Brixham

Case Officer

Mr Alexis Moran

Ward

Churston With Galmpton

Description

Removal of condition re P/2015/0097 (Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.) Condition 3 - Traffic calming measures

Executive Summary / Key Outcomes

The application seeks permission for the removal of condition 3 of outline application P/2015/0097 for the development of up to 10 dwellings and associated infrastructure with all matters reserved other than access. Condition 3 requires the developer to enter into a Section 278 Highways Agreement in order to provide a right hand filter land to the site and other road calming measures.

The condition was considered necessary to provide a safe access to the site and to ensure that the additional vehicle movements associated with the development would not cause additional congestion or road safety issues to the Major Road Network (A3022 Dartmouth Road).

The Council could also have requested a contribution from the applicant via a Section 106 agreement and then carried out the works. However in this instance, given the specificity of the requirements being directly linked to the site, a S278 Highways Agreement was considered to be the most appropriate method available.

Consultation responses from the Highways Officer and from Strategic Transport advise that the removal of Condition 3 would not be acceptable. The removal of Condition 3 would be contrary to the requirements of Policy TA2. This Policy requires developments to provide appropriate accessibility and safety, and to satisfy the transport needs of the development.

The applicant has stated that there have been no accidents in this area in the last 5 years. However the Council's Highways Engineers report that there were two

reported collisions in the last 4 years on the junction entering the Weary Ploughman and one collision earlier this year exiting the Weary Ploughman.

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. Without the highway works required by Condition 3 the additional vehicular movements to the site resulting from the residential development, in addition to those from the existing pub, station and sports fields, would cause an increase in congestion to all users of the Major Road Network and be detrimental to the safety of all road users.

The proposal for the removal of Condition 3 is not therefore considered to be acceptable.

Recommendation

Refusal for the following reason:

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. The consultation comments from Highways and Strategic Transport suggest the removal of Condition 3 will cause an increase in congestion to all users of the Major Road Network as a result of the cumulative effect of the current and future vehicular movements and would therefore be contrary to the requirements of Policy TA2 of the Torbay Local Plan 2012-2030 and Paragraph 32 of the NPPF.

Target Date

The date for determination of this application is 13.10.2016.

Site Details

The site is located to the west of the Dartmouth Road and to the south-east of the Weary Ploughman Public House. Churston Grammar School playing fields lie to the west of the site and there is a petrol filling station and some small industrial units to the south. The site is within an area designated as Countryside Zone, is within the Greater Horseshoe Bats foraging zone and an area known to be used by Cirl Bunting. A Tree Preservation Order covers the east and north boundaries of the site. To the west boundary the land is designated as an Area of Great Landscape Value (AGLV). The site area measures 0.27 hectares.

The site is located within the Churston Village Envelope in the Torbay Local Plan 2012-2030. This identifies it as an area which could provide appropriate levels of housing provided that it would be in keeping with the density and character of the area.

Detailed Proposals

The application seeks the removal of condition 3 of outline application P/2015/0097 (for the development of up to 10 dwellings and associated infrastructure with all matters reserved other than access). Condition 3 is 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 in writing with the Council 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.

Reason: In order to ensure a suitable form of development in accordance with Policies TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011.”

The above Policies in the justification for the addition of Condition 3 are the equivalent of Policies TA1 & TA2 of the Torbay Local Plan 2012-2030.

Summary Of Consultation Responses

Highways Officer: Highways could not support removal of this condition as it would conflict with the highway authority’s programme of implementing right turn facilities along this section of the A3022 to remove congestion. A Section 278 Agreement is the normal procedure for a developer to undertake improvements upon the public highway and it is recommended that this requirement remains.

With regard to collisions there have been three slight injury collisions (01/12, 07/13 and 04/16) listed turning into / out of the Weary Ploughman and three slight injury collisions (06/14, 09/15 and 09/15) turning into or out of the petrol filling station immediately to the south of the site. .

I feel that the request for the creation of space to allow a dedicated right turn facility to serve the new development should remain in the Planning Conditions.

Strategic Transport: It appears that concerns were raised about application P/2015/0097 in highway terms. In order to overcome these, condition 3 was added to permission P/2015/0097 to ensure an improved visibility splay and road demarcation to allow vehicles to turn right into the site, and right out of the site towards Brixham.

The proposal would not be acceptable in highways terms without these measures. There would be no objection to the condition being amended to remove the explicit reference to the applicant entering in to a S278 agreement, and merely require the works to be carried out at the commencement of development and completed prior to the occupation of the first dwelling. However, a S278 Agreement is the usual way that such highways works would be secured.

Summary Of Representations

One letter of support from Churston Grammar School has been received. This has been sent electronically for Members consideration.

Relevant Planning History

P/2016/0206 Submission of Reserved Matters relating to layout, in relation to P/2014/0687 (Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access). Approved 30.06.2016

P/2014/0687 Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access. Approved by Development Management Committee on 13.10.2014

Formal pre-application advice provided in May 2014. This related to a residential development consisting of 14 dwellings and associated infrastructure. The Officer response stated that the density of the development would need to be reduced (DE/2013/0137).

Key Issues / Material Considerations

The key issue to consider is whether the removal of Condition 3 would have an impact on highways safety and/or congestion and whether the application for the additional dwellings would be acceptable without this condition.

The outline application P/2015/0097 considered the impact the development of the access and the additional usage would have on the highway. The previous consultation responses suggest that the access would require improvements in order to be sufficient to allow for new residential development. These improvements include the addition of a right turn lane off Dartmouth Road and suitable road demarcations to allow safe right turns from the development.

In order to ensure the works are undertaken it was deemed necessary that the developer enters into a section 278 agreement with the Council.

Policy TA2 of the Torbay Local Plan 2012-2030 states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development.

Schemes which require new access to/from the highway network will be supported where they:

- Provide vehicular and pedestrian access to a safe standard, including a satisfactory standard of visibility;
- Maintain an acceptable network capacity or provide suitable mitigation for any

negative impact on capacity;

- Are essential to access the schemes and can demonstrate significant environmental, safety or economic benefits; and
- Do not impact on the wider network, by causing/adding to congestion for example;

In particular, the Policy states that new access points to the Major Road Network (which includes Dartmouth Road), will not be permitted where there is an impact on road safety, or severe impact (including cumulative effects) on the function and operational efficiency of the Networks. The proposed access for the development is on to a consistently busy part of the Major Road Network.

Condition 3, and the details within it, is considered necessary to ensure that works are undertaken to provide an improved visibility splay, road demarcation to allow vehicles to turn right into the site, and right out of the site, towards Brixham. Thus improving safety for road users and reducing congestion.

The applicant has submitted further information relating to the potential to provide a suitable visibility splay. However this does not overcome the requirement for the right hand lane in order to reduce congestion to all road users and to provide a safe access to the site.

The applicant suggests that the junction works well in its current format and that the additional vehicular journeys would not cause an increase in congestion or traffic safety. The applicant also states that there have been no accidents in the last 5 years. However there are recordings of two collisions listed turning into the Weary Ploughman (01/12 and 07/13) as well as another collision involving a car being struck by a vehicle exiting the Weary Ploughman (04/2016). Bearing this in mind the addition of the right hand turn lane into the junction is considered necessary and the removal of Condition 3 would be detrimental to the safety of all road users in this location.

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. The consultation comments from Highways and Strategic Transport suggest the removal of Condition 3 will cause an increase in congestion to all users of the Major Road Network as a result of the cumulative effect of the current and future vehicular movements and would therefore be contrary to the requirements of Policy TA2.

Bearing these points in mind the proposal to remove Condition 3 is considered to be unacceptable. Without the highways works included in the condition, the additional usage of the access for entry and egress would result in an increase in congestion to the Major Road Network and would have a detrimental impact on road safety by increasing the number of vehicle turning movements taking place

across the flow of traffic.

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The addition of Condition 3 is deemed to meet the requirements of Paragraph 206 of the NPPF insofar as the works are necessary to provide a suitable access to the development in order to improve road safety and minimise congestion to this part of the Major Road Network.

Conclusions

The proposal to remove condition 3 is not considered to be appropriate, having regard to all national and local planning policies and all other relevant material considerations.

Relevant Policies

-

Agenda Item 6

Application Number

P/2016/0630

Site Address

Paignton Library
Courtland Road
Paignton
Devon
TQ3 2AB

Case Officer

Gary Crawford

Ward

Roundham With Hyde

Description

Variation of condition 15 of P/2013/0324 - The development shall be built to Secured by Design Standards (with the exception of windows and doors)

Executive Summary/Key Outcomes

The proposal is for the variation of the wording of Condition 15 (Secured by Design Standards) approved under planning application P/2013/0324 for erection of two blocks of sheltered housing flats comprising 22 no. 1-bed flats and 16 no. 2-bed flats, with connecting owners lounge, guest suite and associated access and parking; following demolition of existing library building.

Following the Deregulation Act 2015, planning policies relating to technical security standards for new homes, such as door and window locks are no longer considered necessary because all new homes will be subject to the new mandatory Building Regulation Approved Document on security (Part Q). However, Secured by Design Standards also relate to other matters such as layout of roads and footpaths, communal areas, car parking and planting which are relevant to planning. As such, the proposal to vary the wording of Condition 15 to not include windows and doors is considered to be acceptable but the applicant is still required to submit evidence that demonstrates that the other elements of the development meet the Secured by Design Standards in order for Condition 15 to be discharged.

Recommendation

Approval, with the condition varied to:

"The development (with the exception of windows and doors) shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard"

Statutory Determination Period

13 weeks, the determination date was 2nd September 2016. However, this has been extended until 12th October to allow the proposal to be determined by the Development Management Committee.

Site Details

The application site formerly contained Paignton library. This building has since been demolished and two apartment blocks which are three and a half storeys in height have been constructed.

Detailed Proposals

Variation of the Secured by Design standards condition approved under planning application P/2013/0324. This application was originally for the removal of Condition 15 (Secured by Design Standards) as following the Deregulation Act 2015, the applicant considered that the condition was no longer necessary as the technical security standards for new homes would be dealt with by Part Q of Building Regulations instead. However, Secured by Design Standards do not relate to doors and windows only but also take into account other matters such as layout of roads and footpaths, communal areas, car parking and planting which are relevant to planning. Following negotiations, the agent confirmed via e-mail on 30 August 2016 that the wording of the condition be amended to:

The development (with the exception of windows and doors) shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard.

Summary Of Consultation Responses

Police Designing out Crime Officer: By removing the need for windows and doors to be Secured by Design standard will mean that the development would be incapable of achieving Secured by Design compliance, and as such, it cannot be described or advertised as being Secured by Design, unless certification or a test report from a UKAS accredited test facility demonstrating that the doors and windows comply with PAS 24:2012 (or equivalent) can be produced.

The non negotiable areas for Secured by Design developments are the quality of doors and windows, due to the fact that these are the primary points of entry for offenders. Some non tested products can easily fail under attack resulting in a preventable crime being committed with all of the resultant inconvenience and distress to the homeowner. Doors and windows are such an intrinsic element of security they must be tested and certificated to the required standard.

Summary Of Representations

One letter of representation has been received which queried the reason for the removal of the condition. This has been sent electronically for Members consideration.

Relevant Planning History

P/2013/0324: Erection of two blocks of sheltered housing flats comprising 22 no. 1-bed flats and 16 no. 2-bed flats (38 flats in total) (Use Class C3), with connecting owners lounge, guest suite and associated access and parking; following demolition of

existing library building. Approved 14/2/2014.

CN/2014/0030: Discharge of conditions 01, 02, 03, 06, 07 (in part), 10 and 11 in relation to approval P/2013/0324/MPA. Approved 17/6/2014.

P/2014/0372: Non-material amendment to P/2013/0324 - Change wording of Conditions 07, 08 & 09. Approved 15/5/2014.

P/2014/0528: Non-material amendment to P/2013/0324/MPA - Remove Condition 10. Approved 2/6/2014.

CN/2014/0089: Discharge of condition 6 (P/2013/0324). Approved 27/4/2015.

CN/2015/0057: Discharge of Conditions re: P/2013/0324 Condition 8 - Materials; Condition 9 - Fenestration and Rainwater Goods. Approved 11/1/2016.

CN/2016/0038: Discharge of condition 13 of P/2013/0324. Under consideration.

CN/2016/0047: Discharge of conditions 12 and 14. Under consideration.

Key Issues/Material Considerations

The application is to vary the wording of Condition 15 of planning permission P/2013/0324. The condition requires the development to be built to Secured by Design Standards and shall aim to achieve a full certification in this regard.

Following the Deregulation Act 2015, planning policies relating to technical security standards for new homes, such as door and window locks are no longer considered necessary because all new homes will be subject to the new mandatory Building Regulation Approved Document on security (Part Q). However, Secured by Design Standards also relate to other matters such as layout of roads and footpaths, communal areas, car parking and planting which are relevant to planning. Given the changes announced under the Deregulation Act 2015 relating to doors and window locks, the proposed variation to the wording of Condition 15 of planning permission P/2013/0324 is considered acceptable. However, the applicant is still required to submit evidence that demonstrates that the other elements of the development such as layout of roads and footpaths, communal areas, and car parking meet the Secured by Design Standards in order for Condition 15 to be discharged.

Conclusions

The proposed variation of the wording of Condition 15 is considered acceptable.

Condition(s)/Reason(s)

01. Development to accord with details approved pursuant to application reference P/2013/0324 relating to drainage.

02. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the Construction Method Statement

03. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the Reptile and Amphibian Works Method Statement

04. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the arboricultural method statement and tree protection plan

05. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the landscaping plan

06. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the external materials

07. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the fenestration and rainwater goods

08. Development to accord with details approved pursuant to application reference P/2013/0324 relating to the access plan

09. Details of travel plan

10. Details of external lighting

11. Contamination survey to be submitted

12. The development (with the exception of windows and doors) shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard

13. Car parking provided and retained

Relevant Policies

-

Agenda Item 7

Application Number

P/2016/0880

Site Address

Land Off Woodview Road & Torbay
Business Park
Paignton
TQ4 7HP

Case Officer

Carly Perkins

Ward

Blatchcombe

Description

Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space (proposal / description amended 8 September 2016)

Executive Summary/Key Outcomes:

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197. Subsequent reserved matters applications were approved under references P/2013/1009, P/2013/1229 and P/2014/0071 for the dwelling houses and two industrial units. Two industrial units associated with the original outline consent have been constructed under approved reserved matters application P/2013/1009. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete.

The application site is to the south west and west of the existing industrial units on Woodview Road. The site is separated from proposed residential units associated with application references P/2011/0197 and P/2013/1229 by the proposed ridge top park as part of the wider plans for the Whiterock site. To the south and west of the site is open countryside and the South Devon AONB. The site is not located within the AONB, but is close to it. To the north and south west of the site are areas of woodland associated with Shopdown Copse and St Peters Copse (identified as Other Sites of Wildlife Interest and an Unconfirmed Wildlife Site within the Torbay Local Plan 2012-2030). To the west of the site, offsite planting works are proposed as part of the original outline application P/2011/0197 adjacent to the western boundary. The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head. The site is also situated within a Mineral Safeguarding Area.

The application is for full planning permission and is not submitted pursuant to the previous outline consent. Whilst the proposal is a new full application, the principle of industrial development in this location was established by the outline consent (now expired) and this remains a material consideration with significant weight. The provision of employment uses in this location continues to be supported by current Local Plan policies.

The proposal is for the erection of a 6,000sqm industrial building. The building is to be used as a manufacturing unit which is a general industrial B2 use. The proposed building is two storey, with the second storey of accommodation being accommodated by a mezzanine floor. To the north and east of the proposed building is an area of hardstanding providing 120 parking spaces. 18 cycle parking spaces are proposed and access to the site is via Woodview Road.

It is intended that 45 existing members of staff will be relocated to the proposed premises from an existing location within the South Hams with an additional 55 jobs being created over a three year period. The creation of new employment opportunities is fundamental to regeneration of Torbay and supports the aspiration of achieving a step change in prosperity.

The principle of industrial use on this site remains acceptable. However the form, design and lighting has the potential to cause adverse impacts upon the wider landscape including the setting of the South Devon AONB and South Hams Special Area of Conservation. The site is environmentally sensitive due to its location at the western edge of the White Rock development, and its location within the sustenance zone of the South Hams SAC. It should be noted that an objection to the application as submitted has been received from Natural England. Further information and revised plans are required in order to demonstrate that the impacts of the proposed development in terms of visual effect on the landscape and ecology can be mitigated. Revised plans are also required to include the provision of an unimpeded footpath and additional information is required to demonstrate an acceptable surface water drainage strategy.

Recommendation:

Conditional approval subject to submission of a Habitats Regulation Assessment that concludes the proposed development would not have a likely significant effect on the South Hams SAC, the submission of revised plans to show an unimpeded footway, a revised building design and a revised landscaping scheme taking into account the recommendations of the submitted ecology surveys and the submission of additional information in relation to surface water drainage. Final drafting of conditions to be delegated to the Head of Spatial Planning.

Statutory Determination Period:

13 weeks which expires on 5th October.

Site Details:

The application site relates to the western bowl of the wider White Rock site and is an undeveloped agricultural greenfield site. Two industrial units associated with the original outline consent have been constructed under approved reserved matters application P/2013/1009 and part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete.

The application site is to the south west and west of the existing industrial units on Woodview Road. The site is separated from proposed residential units associated with application references P/2011/0197 and P/2013/1229 by the proposed ridge top park as part of the wider plans for the Whiterock site. To the south and west of the site is open countryside and the South Devon AONB. To the north and south west of the site are areas of woodland associated with Shopdown Copse and St Peters Copse (identified as Other Sites of Wildlife Interest and an Unconfirmed Wildlife Site within the Torbay Local Plan 2012-2030). To the west of the site, offsite planting works are proposed as part of the original outline application P/2011/0197 adjacent to the western boundary. The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head. The site is also situated within a Mineral Safeguarding Area.

Detailed Proposals:

The application is for full planning permission and is not submitted pursuant to the outline consent.

The proposal is for the erection of a 6,000sqm industrial building. The building is to be used as a manufacturing unit which is a general industrial B2 use. The proposed building is two storey, with the second storey of accommodation being accommodated by a mezzanine floor. To the north and east of the proposed building is an area of hardstanding providing 120 parking spaces. 18 cycle parking spaces are proposed.

The proposed building would be finished in blue, white silver and grey galvanised steel and smooth composite cladding with blue engineering brickwork plinths. The elevation to the west was considered to be the most sensitive and would therefore have a simpler and more recessive appearance. Windows and doors would be blue powder coated aluminium.

It is proposed to retain existing hedges on the site and to provide new tree planting.

Access to the site would be from Woodview Road.

Summary of Consultation Responses:

Torbay Development Agency: The Torbay Development Agency supports the proposal.

Landscape Officer: The proposed development is likely to have a neutral to minor adverse effects on landscape when perceived from high ground within the South Devon AONB and an adverse effect upon the area lower lying parts of the South Devon AONB around St Gabriel and Aish. In order to mitigate the adverse landscaping effects the following has been recommended:

- Screening or partially screening the building with a woodland belt – this would need to be bold and in keeping with the bold woodland belts to the north and south.
- Remodelling the building form to give the outward appearance of being a group of buildings.
- Rendering the building elevations in a way that breaks up, camouflages the structure and makes it recessive
- Remodelling the ground profile to the west of the building, producing a mound that screens the lower elevations of the building and elevates the new woodland planting. This would need to be bold and relate the scale of the building.
- External lighting needs to be designed sensitively to ensure that light pollution does not adversely affect the relative tranquility of South Devon AONB. This could consider use of planting and landform to screen lighting and possibly remodeling the building layout to contain the parking areas (as well as the loading areas) and to conceal lighting behind the building.

Green Infrastructure Co-ordinator: The site is located within the sustenance zone associated with Greater Horseshoe Bats (GHB) from the Sharkham Point to Berry Head component of the South Hams SAC. Torbay Council will therefore need to undertake a Habitats Regulations Assessment (HRA) Screening prior to determination to consider whether there are any Likely Significant Effects in relation to Greater Horseshoe Bats associated with the South Hams SAC. This should be able to be informed by the HRA for outline application (P/2011/0197) but it is considered that a new assessment is required for this full application.

The Council's HRA Adviser and Natural England should be consulted regarding the application and will be able to advise whether sufficient information has been submitted to allow the HRA Screening Assessment to be carried out, specifically in relation to lighting. It is noted that lighting information has been submitted with the application but there is no accompanying explanation of the results in relation to impacts on greater horseshoe bats.

It is understood that the Landscape Officer at Teignbridge District Council and the South Devon AONB unit have been consulted with regard to the landscape and visual impacts of the proposed development. This is welcomed, particularly since it is noted that that this full application is a departure from the outline proposals, which stated that to restrict visual impact, the building in this location *“is intended to take the form of a traditional agricultural cluster, set within the landscape. It is proposed to be single storey with a small two storey element”*.

The Preliminary Environmental Appraisal (PEA) does not provide a detailed assessment of the potential ecological impacts and proposed mitigation for the proposed development. It is recommended that the PEA is updated to provide further detail about proposed impacts and mitigation e.g. proposed numbers and locations of bird and bat roosting features (including locations shown on elevation plans), landscape plan to incorporate recommendations for additional planting including night-scented species and fruit and nut bearing species, plans showing locations of other mitigation such as new habitat for reptiles and refuges for other small mammals.

The table in section 4 states that *“Hedgerows will be retained on site to maintain opportunities for dormouse”*. However the outline proposals (see attached) show that the hedgerow to the south-east of the proposed building is to be removed with a new hedgerow planted. The PEA needs to make clear how much hedgerow (if any) will be required to be removed through this application and how this will be mitigated for.

Although the PEA states that *“A sensitive lighting scheme will be implemented on the site, to include directional lighting away from retained trees and green corridors. Light levels should not increase by more than 0.5 lux as a result of the development”*, there is no acknowledgement that a lighting scheme has been designed for the site and explanation of what the assessment shows. It would be useful if this could be included.

The report states in a number of places that *“the masterplan for the wider White Rock site has included enhancements and mitigation to ensure that a net gain for ecology is provided on the site”*. This is correct, however, back in April the Council’s Ecological Adviser expressed concerns with regard to progress on the offsite landscape planting and the applicant’s commitment to necessary mitigation. He requested submission of detailed proposals (both design and location) for the bespoke greater horseshoe bat roost in Peter’s Copse and also an update report on ecological mitigation works carried out to date and those still remaining to be implemented. This information has not yet been received and it is suggested that it should be provided prior to the determination of any further applications on the site.

Notwithstanding the further information required, the following would need to be secured by planning condition:

- a. Submission of a Construction Environmental Management Plan (CEMP) for approval by Torbay Council prior to commencement. The CEMP should be produced in accordance with clause 10.2 of BS 42020:2013 and should include full details of all ecological mitigation proposed during construction, including but not limited to: results of pre-commencement badger and reptile surveys and any proposed mitigation; details of lighting during construction and details of timing and precautionary working methods to avoid impacts on protected and notable species.
- b. Requirement for the development to be carried out in strict accordance with both the on and off site LEMPs approved under the outline permission. In particular, new woodland planting to the west of the proposed building between Shopdown Copse and Peter's Copse, was secured through the outline planning application and will need to be delivered.
- c. Further conditions are likely to be required following the review of additional information requested.

Further comments based on submission of reptile survey and landscaping plan:

It had previously been advised that a CEMP be secured and submitted for approval prior to commencement, and the precautionary working methods in respect of reptiles would need to be included within this.

The report makes the following recommendations in paragraph 4.4 'it is recommended areas of open ground should be provided which can be located to the north and west of the warehouse and can be enhanced to provide habitat for reptiles. This should include reseeding with a wildflower seed mix and allowing the areas to achieve a varied sward length to provide suitable marginal habitat for reptiles. Enhancements should also include the provision of dead-wood or rubble piles as hibernacula.' This does not reflect what is shown on the current landscape plan, and that the ecologist has input into this plan to ensure that all proposed ecological mitigation is shown.

It is recommended that details of on-going management of the landscape and ecological features is secured through an addendum to the on-site LEMP. I would also advise that the new woodland planting (secured through the outline application) to join Shopdown and Peter's Copse be shown on the landscape plan to provide context.

Arboricultural Officer: There are no arboricultural constraints within the site, with constraints only arising from surrounding hedges and woodland in terms of root growth which is likely to have grown unrestricted into the open field. To establish rooting extent and hence constraint upon layout there is a need to update the tree survey (root protection areas are calculated upon stem diameter

which will have altered). The outline consent for the Masterplan required early woodland planting to link Shopdown and Peters copse, this has not occurred as yet. Clarity upon the replacement of the hedgerow to be removed is lacking, which is important in ecological and varied arboricultural merits. The massing of the building is likely to be visible to a number of view receptors and any screening planting proposed will be likely to need a minimum period of 10 years to achieve any significant screening benefit. The non planting of the woodland noted in 4 has adversely affected the screening of the unit, which appears to be larger and of different materials than indicated at outline stage, hence amplifying the need for this work. To ensure successful establishment and longevity of final approved woodland planting and internal landscaping the LEMP approved as part of the original permission should be undertaken in its entirety within the next available planting season. This should be borne in mind when the detailed landscaping plan is submitted. To ensure rapid establishment of species selected for the important screening a detailed report of soil improvement in terms of structure, texture, nutrient requirements, suitability for soil Ph and so on should be undertaken by a qualified agronomist, and linked to the landscape plan.

Further comments based on submission of landscaping plan and tree report update:

The new tree report discusses the requirement for tree protection and avoidance of construction within root protection areas of the trees bounding the site. Unusually it is not supported by a plan. Study of the Site Landscape Plan 2303 17 Sept' 2016 indicates that car parking is proposed into what may be root protection areas. Without an accurate plan to prove or disprove this it is not possible to provide any recommendation of support. Any plan produced should include a detailed method statement of special construction techniques if ingress into RPAs cannot be avoided due to site constrains and tree protection measures. The same landscape plan omits any detail of the required phased woodland planting, which given earlier comments is a matter of importance, attention is drawn for the need for an agronomy report to ensure rapid and long term screening planting. Species selection to woodland edges should be varied to field maple, native birches or hawthorn which will not compete with established trees and from a more positive relationship with the new site usage.

Further comments based on submission of amended tree report update:

The tree report, page 20 contains a plan entitled Tree Constraints Plan Ref 377 Dated 10-10. It is not known if this is an updated version given the absence of the year prefix from the date, however it is noted that the Tree Protection Plan is dated Sept 2016. Peters Copse (the main arboricultural constraint) is noted as W66 in the tree report however its details are not recorded in the data table which would ordinarily be used to inform a revised tree constraints plan (i.e. the extent of the root spread in accordance with BS.5837:2012, which would then in turn inform layout). P12. of the report notes the presence of ancient and notable

trees recorded by the Ancient Tree Hunt titled TX, Natural Environment Services have no knowledge of such trees, and it would be helpful if the applicant could seek clarity as to whether this is a carry through from a previous report template. It is not possible to say with certainty whether or not the proposed car parking to the building will have an adverse effect upon W66 Peters Copse, given the points noted above.

Senior Strategy and Project Officer: The Planning Statement by PCL Planning indicates that the traffic generation for the additional floorspace has been taken into account in the overall development of the Western Bowl element of the wider White Rock scheme (P/2011/0197/MOA and P/2013/1009/RM). In any event, the mitigation applied to 6,000 sq m floorspace would obviate any wider sustainable transport contributions.

It is considered that the proposals could be a significant generator of traffic and that a Travel Plan should be required to encourage walking, cycling and public transport by staff, and minimise peak time commercial vehicle movements. The Travel Plan/Freight Management Plan should also minimise the use of the lanes westwards of the junction with Long Road (i.e. commercial vehicles should be routed to the Western Corridor). A s278 Agreement for a traffic management on the lanes hasn't been requested because of the considerations in the above paragraph, but consider that it should be addressed through the Travel Plan. This can be addressed through planning condition.

The Council's Highways Design Guide indicates that industrial roads should be built to a 30mph design speed, with a minimum width of 6.7m and 2m footway on both sites or 3m if shared pedestrian/cycle way, with adequate turning. The application plans show a 6m carriageway and single 2m footpath, which is below the standard in the Highways Design Guide. The footpath is not ideal as it runs into the on-road parking immediately to the east of the current site. Ideally a footpath should be provided on both sides of the road; however a single footpath on the south of the access road may be more practical.

An unimpeded footway access to the site should be provided. A footway on the south of the road may be more practicable. There will need to be some lined pedestrian priority on the site itself.

The application indicates a cycle store. In accordance with the Local Plan, 1 space per 2 employees should be provided as covered secure space. This would be for a minimum of 22 cycles, based on the application form indicating 45 FTE employees.

Further comments based on submission of transport statement:

The transport statement by WYG assess that the overall traffic impact is within the allowance of the earlier application. On this basis there is no objection to the

overall highway impact. As the unit will be a B2 use, there is a need for an unbroken footpath linking to the completed part of Woodview Road. Although the Highways Design Guide indicates two footpaths, a single footpath would be acceptable.

Ideally 22 cycle spaces should be provided on site, 4 more than the 18 currently proposed. However, subject to the submission of a travel plan (as required by suggested conditions), the provision of covered and secure cycle spaces, and an indication on the layout plan of where additional cycle spaces could be provided (if shown necessary via implementation of the travel plan), there is no objection to the proposal on this issue." A Travel Plan will be required to maximise walking, cycling and public transport and minimising rat running through Yalberton.

Police Architectural Liaison Officer: It is recommended an appropriate monitored CCTV and alarm system is installed to form part of the overall security package. Lighting for the site must be compatible to work with the CCTV system. The proposed bollard lighting for the cycle storage may prove inadequate in assisting users during the hours of darkness as the limited light they do spill is easily hindered and does not project the right amount of light at the right height to aid facial recognition. Bollard lighting serves well in guiding through a route but not so well from a safety and security perspective. Care needs to be taken with regard to planting and landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance or lighting opportunities. To deter and prevent criminal intrusion, the site should be securely enclosed by means of appropriate security fencing and gates.

Drainage Engineer: Prior to planning permission being granted further information is required. The proposed drainage strategy must comply with the previously agreed White Rock Development Surface Water Drainage Strategy together with the requirements of the Torbay Critical Drainage Area where any surface water discharge rate from the site to a watercourse, surface water sewer or combined sewer must be limited to Greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus an allowance for climate change. The applicant must submit the hydraulic design for the entire surface water drainage system in order to confirm that the discharge rate complies with the requirements of the Torbay Critical Drainage Area and that there is no risk of flooding to properties on the development site or that his surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to this development

Natural England: Objection, further information is required. The consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered. It is Natural England's advice that the proposal is not necessary for the management of the European site. The authority should determine whether

the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. It is recommended that the following information be obtained to help undertake a Habitats Regulations Assessment:

The Preliminary Ecological Appraisal (Ecosulis, 22 July 2016) confirms that the proposed development site provides suitable foraging and commuting opportunities (grassland, hedgerows, and woodland) for bats. The site is also unlit and has good connectivity to surrounding habitats, and these conditions provide potential to support greater horseshoe bats. The application has not provided an up-to-date greater horseshoe bat survey based upon local best practice guidance. Without up-to-date survey data (no more than 2/3 years old), there is significant uncertainty regarding the value of the site for greater horseshoe bats, and a reliable basis to understand impacts. Without this information, it will be difficult to rule out likely significant effects upon the South Hams SAC as part of a Habitats Regulations Assessment.

In the absence of greater horseshoe bat survey data, the Preliminary Ecological Appraisal (PEA) takes a speculative approach towards identifying impacts and mitigation measures. Section 3 of the PEA provides a Table with a column titled "Action required for Planning/ Legal compliance". Under the corresponding South Hams SAC row, the *action* includes "considerations have been put into the masterplan for the site...including sensitive lighting scheme and the retention of dark corridors for commuting and foraging." Whilst the principle of the measures put forward might be sufficient (depending upon sufficient survey data and impact assessment), the absence of sufficient detail does not provide a robust basis for a Habitats Regulations Assessment. As stated in the Alexis Huggins email (6th September 2016) the terminology is also imprecise and vague, providing no confidence that there is proper commitment towards delivery of the principles put forward in the PEA.

Retained and new habitat features will need to be supported by a sufficient buffer to allow functional use by greater horseshoe bats. The proposed 3-5 metre wide buffer is insufficient and needs to be widened. Once survey data and assessment of impacts has taken place, it will be necessary for the applicant to provide sufficient detail and certainty regarding the measures put forward. All mitigation measures need to be clearly outlined and supported by plans showing where the mitigation measures will be delivered. In addition, it is important that a date is fixed for the phasing of agreed mitigation measures (this needs to be at an early stage in order to ensure that the mitigation is in place in advance of potential impacts).

A lighting strategy should be provided to ensure that light spillage parameters are set in advance of reaching a decision to prevent detrimental light spillage upon greater horseshoe bat habitats. Typically, detrimental light spillage upon greater

horseshoe bat habitats (adjoining hedgerows, woodland edge) is considered to be 0.5 Lux and above.

In addition to a Landscape and Environmental Management Plan (LEMP), it will be necessary to provide a Construction and Ecological Management Plan (CEMP) based upon best practice to inform the management of impacts during the construction phase. Depending upon survey data and an impact assessment, it might be necessary to review the LEMP.

Mitigation measures will only be considered sufficiently robust where delivery mechanisms are explicitly identified and secured in perpetuity through appropriate planning condition/ obligation. The LEMP needs to be revised to provide commitment towards the ongoing management of mitigation measures for the duration of the development. All agreed mitigation and enhancement measures will need to be secured in-perpetuity to reflect the permanent nature of the impacts.

South Devon AONB Unit: No comments received to date.

South Hams District Council: No comments received.

Ecological Consultant: Response will be reported to Members at the meeting.

Summary Of Representations:

None received.

Relevant Planning History:

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

P/2013/1009 Reserved matters application for P/2011/0197 including appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition of unit 31, relocation of 10 parking spaces for unit 33-34 APPROVED 16.10.2013

P/2013/1229	Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED
P/2014/0071	Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED
P/2015/0918	Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED
P/2015/1061	Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 PENDING CONSIDERATION subject to the outcome of this application
P/2015/1229	Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - EIA NOT REQUIRED
P/2015/1126	Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016
P/2016/0094	Erection of 42 dwellings and associated infrastructure REFUSED 24.08.2016
P/2016/0188	Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park PENDING CONSIDERATION
P/2016/411	Reserved matters for a food retail store including parking and other associated works (relates to P/2011/0197) PENDING CONSIDERATION
P/2016/0842	EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

Key Issues/Material Considerations:

The key issues to consider are the principle of development, appearance, impact on the AONB, landscaping, biodiversity, drainage, access, parking and residential amenity.

Principle:

The site is identified within the Torbay Local Plan (SDP3.5) as a committed strategic mixed use employment/housing development that will provide 8.5ha of employment land, around 1,200 jobs and around 350 dwellings largely over the first half of the Plan period. Whilst this proposal is a new full application the previous planning history on this site remains a material consideration. Outline consent has been granted for the mixed use development of the site. This application was approved following extensive consultation. It was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development in this location was established by this application and the general position of the proposal is in accordance with the indicative layout agreed at outline stage being within the Western Bowl which was highlighted for industrial development.

Policy SS5 of the Torbay Local Plan 2012-2030 supports the provision of new employment space and the improvement of existing employment space in West Paignton. Similarly policies SS2 and SDP3.5 support the creation of a range of employment opportunities in this area. The Torbay Development Agency supports the provision of this employment use.

The site is within the Mineral Safeguarding Area. This issue was assessed in detail at the outline application stage and as above the previous permissions are material considerations. The Local Plan continues to support the provision of employment uses in this location. Policy M3 of the Torbay Local Plan states that the Council will seek to safeguard important mineral resources and sites. Information submitted at outline stage which established the development of the site within the Mineral Safeguarding Area concluded that the development of this site would have a minor negative impact upon the opportunity to deliver open limestone extraction within the immediate vicinity of the site. On balance and having considered the environmental impacts of extraction in this location together with previous permissions on this site, the development of this site is not considered to result in a significantly detrimental impact upon mineral extraction in this location.

Consequently, the principle of the proposed development is acceptable.

Appearance, Scale and Layout:

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Consistent with these paragraphs, policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials, whether they protect local and longer distance

views and the impact on the skyline especially from public vantage points, having regard to the location and prominence of the site and whether they positively enhance the built environment.

The design and access statement submitted with outline application reference P/2011/0197 indicated that the levels, positions and building heights are critical in terms of restricting visual impact from the west and south. The building in the north western corner of the scheme was intended to take the form of a traditional agricultural cluster, set within the landscape. It was proposed to be single storey with a small two storey element. The visual impact of this building from views from Aish and Stoke Gabriel was to be further reduced by sensitive elevation and roof materials, colours and treatments, supplemented by localised earthworks and planting to the edge of the development. It is clear that the proposed development does not accord with the principles set out in this paragraph of the outline application Design and Access Statement. It is therefore necessary to assess the proposal against the relevant policies in the Torbay Local Plan relating to design and landscape in order to determine whether it constitutes an acceptable form of development in this location.

The maximum height of the building is lower than +81m AOD, in line with the mitigation measures described in the outline application. The design of the building is typical of an industrial building and reflects the design of others within the Torbay Industrial Estate. Rather than being designed to appear as a collection of buildings, the proposal is for one large building, which is contrary to the principles agreed at outline stage. The building has been designed to meet the needs of the future occupier. Whilst there is little that can be altered in terms of the form and scale without hindering the operation of the user, the elevational treatment to the west and south elevations can be varied in order to improve its integration into the landscape setting. Revised plans have been requested to show an amended elevational treatment on the west elevation.

The layout of the site remains inward facing with the service yard to the east away from existing and proposed woodland belts. However the parking area is situated to the northern elevation of the building alongside the existing woodland area to the north. The proposed layout may have potential issues in relation to the wider landscape and biodiversity impact due to the use of lighting. This could be overcome by a sensitive lighting scheme and strong landscape screening to the west which would limit and reduce any landscape and biodiversity impact.

Whilst the height of the building reflects the principles established at outline stage, changes of the form of the building mean that revisions to the elevations are required to ensure an acceptable design and that, in wider views, the building integrates within its landscape setting. The landscape consultant has included a number of recommendations in his consultation response including providing a mound to screen the lower elevations of the building. Revised plans and further information are expected in order to resolve the issues outlined above. In terms of lighting, this is discussed further in paragraphs below.

Landscaping and Impact on the AONB and Surrounding Countryside:

Paragraph 115 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection. Whilst the site lies outside of the South Devon Area of Outstanding Natural Beauty (AONB) it is visible from the AONB and could have an impact on the AONB. The application site is noted in the Torbay Landscape Character Area Assessment as being of Type 1, Rolling Farmland as specified on Figure 1. The Assessment states that much of this land is open to views from the AONB to the west and the south and that there is limited potential to accommodate change without substantial wider impact. It also noted that mitigation of any proposed development changes should be achieved through a combination of careful siting with strong screen planting and the reinforcement of existing field hedgerow boundaries. This type of mitigation was proposed at outline stage with a Landscape and Ecological Management Plan being secured to provide offsite landscaped buffers. However this mitigation has not been provided in line with agreed phasing plans, despite officer requests over the last two years or so, nor is some of this landscaping shown on the submitted plans. The woodland planting required between the existing two areas of woodland should have been implemented once the two units to the east of the site were completed. These were completed in 2014 and the planting works have yet to commence. As part of the determination of this application it is important that provision of this planting is secured.

The Design and Access Statement submitted at outline stage, states that the building to the north west corner, in response to visual impact concerns, is to have the appearance of an agricultural complex. It was envisaged at outline stage that external lighting would be required, although sensitively designed. The LVIA submitted at outline stage notes the following mitigation measures in relation to the western bowl:

- a) Proposing a finer grained development of smaller units than in the permitted business park development, to give lower ridge heights, and better opportunities for integration of landscape works within and around the development
- b) The maximum height above OD has been kept to less than +81m
- c) The use of non-reflective and recessive coloured materials for the facades and roofs of buildings on the western bowl to integrate the development into its landscape setting and, where the proposed units mask existing light coloured buildings, result in a reduction in visual intrusion in views from the south and west
- d) In the western bowl development, the units have been reduced in size and are arranged around inward-facing service and parking areas. This is in order to reduce light spillage beyond the site boundaries, and so that the

simple rear elevations and recessive colouring of the buildings can form part of the mitigation measures.

- e) Existing woodlands around the western end of the site would be protected and extended to increase screening effect
- f) Existing hedgerows around and within the site have been integrated into the development, to preserve their landscape, visual and wildlife benefits
- g) Around the western bowl, new woodland blocks would contribute to the existing enclosure provided by Shopdown Copse and Peter's Copse
- h) To the south of the site, significant woodland blocks and belts are proposed, to link and extend the screening and habitat value of the existing woods.

Of the above the measures, point (b), point (d) in part, point (e) and point (f) have been incorporated in to the scheme. As noted in the comments from the Council's landscape consultant, it is considered that the proposed development is likely to have a neutral to minor adverse effects on landscape when perceived from high ground within the South Devon AONB and an adverse effect upon the area lower lying parts of the South Devon AONB around Stoke Gabriel and Aish. The consultant has made several recommendations in order to mitigate the adverse landscaping effects. Such recommendations largely reflect those measures identified at outline stage. It is considered that the building is likely to appear too large and simple in form, resulting in the building appearing conspicuous within the landscape. It is considered that screening using a woodland belt, the remodeling of the building to provide an outward appearance of a group of buildings, the rendering of the building to break up its mass, the remodeling of the ground profile to the west to elevate the new woodland planting and the use of a sensitive lighting scheme would help to reduce the adverse effects on the landscape.

Of these measures not all are feasible for the proposed end-use of the building. The building has been designed to reflect the needs of the proposed occupant and as such the remodelling of the building is not an option to allow for the proposed use. However revised plans are expected to show different colour elevations to the west and south elevations to provide the illusion of multiple buildings as intended within the outline application. The applicant is currently considering opportunities for bunding and securing the off-site woodland planting at the earliest opportunity. Further information relating to external lighting is also expected. Should the application be approved conditions relating to the submission of a Construction Ecological Management Plan, Landscape and Ecological Management Plan and the implementation of the woodland belt planting would need to be imposed.

Comments are expected from the South Devon AONB Unit in relation to the impact upon the South Devon AONB.

Biodiversity:

The Conservation of Habitats and Species Regulations 2010 imposes on local authorities the duty imposed by the EU Habitats Directive to ensure that plans or projects will not adversely affect European Sites such as SACs. In order to fulfil this duty, the authority must carry out a Habitats Regulation Assessment ('HRA') process.

The HRA process involves

- i. Gathering evidence on the site in question
- ii. Screening the plan or project for likely significant effect on the site (including in combination with other plans or projects) – note that, in undertaking the screening process, the authority must take a 'precautionary approach', meaning that a likely significant effect must be assumed where insufficient evidence has been produced to the contrary
- iii. Where likely significant effects are identified (or insufficient evidence provided), undertaking an Appropriate Assessment to ascertain the effect on the site's integrity
- iv. Where the plan or project will have an effect on the site's integrity (or where the effects are uncertain), alternative solutions and mitigation measures should be examined
- v. Where alternative solutions and mitigation measures have been examined but it is still likely that there will be a significant effect, consent should only be granted if
 - a. there are no alternative solutions; and
 - b. there are imperative reasons of overriding public interest (this is usually known as IROPI)

Paragraph 118 of the National Planning Policy Framework (NPPF) states that in terms of biodiversity, if significant harm resulting from a development within a SAC cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Paragraph 119 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Habitats Directive is being considered, planned or determined. As indicated (in i. to v. above), until an HRA is completed it is not known whether an Appropriate Assessment is required. Similar objectives are detailed within policy SS8, Natural Environment and NC1, Nature Conservation.

Consultees' advise that insufficient information has been submitted to demonstrate that the development will not result in likely significant effects upon the South Hams SAC. As a result, Natural England indicates that a screening process would currently find that an Appropriate Assessment will be required before a formal decision on the planning application is made. Based on the level of information submitted, it is considered likely that the results of such an Appropriate Assessment will be that the development is likely to result in a significant adverse effect and therefore permission should only be granted if

there are no alternative sites or there are imperative reasons of overriding public interest which outweigh any harm identified.

Because insufficient information has been submitted to date to demonstrate that there will be no likely significant effect on the Berry Head South Hams Special Area of Conservation the proposal is currently considered to be contrary to paragraph 118 of the National Planning Policy Framework and policies SS8 and NC1 of the Torbay Local Plan 2012-2030. However, officers believe it will be possible to satisfy NPPF and Local Plan requirements. Additional information and further discussion between Natural England and the applicant are being carried out in order to address the issues outlined above. If an acceptable position is achieved, a Construction and Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) to include a detailed landscaping scheme taking into account recommendations of the submitted surveys would be required as a condition of the planning permission.

Residential Amenity:

The proposals are to be sited to the west of the approved residential development (P/2011/0197 and P/2013/1229). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is positioned some distance from proposed residential dwellings and is separated by a proposed ridge-top park and is not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing. Due to the distance separating the proposal from neighbouring dwellings, the lighting proposed and any noise as a result of the operation of the building is not considered to result in a nuisance to current or future residential occupiers of Whiterock.

Drainage

Surface water drainage methods were agreed at outline application stage. However the Council's Drainage Engineer has requested confirmation that the proposals reflect the agreed drainage design and this information is expected shortly.

Access and Parking:

The submitted Planning Statement states that traffic generation for the additional floorspace has been taken into account in the overall development of the Western Bowl element of the wider White Rock scheme. In line with the comments from the Council's Senior Strategy and Project Officer, an unimpeded footway access to the site should be provided along with lined pedestrian priority within the site to ensure pedestrian safety. Revised plans are expected to show the provision of a footpath to the site.

The application shows parking for around 120 cars. The Local Plan sets a parking standard of 1 space per 35 sq m, which would require a greater number of spaces. However having considered the number of employees proposed (45 full time employees) on balance it is accepted that it is not in the interests of sustainability to demand large areas of parking. In light of this were the application considered suitable for approval, a condition requiring the submission of travel plan would be imposed in order to maximise the use of sustainable transport.

18 cycle parking bays are proposed, these bays should be covered and secure. Were the application to be approved, a condition requiring full details of the 18 secure cycle spaces would be required.

Conclusions

The provision of an employment use within the site has been established by the earlier outline application for the wider Whiterock site. Whilst this application has now expired, it remains a material consideration and the continued provision of employment uses in this location continues to be supported by current Local Plan policies and is important for economic recovery and growth in Torbay. Consequently the principle of industrial uses on this site remains acceptable and should be supported by DMC.

However the form, design and lighting has the potential cause adverse impacts upon the wider landscape including the setting of the South Devon AONB and the South Hams Special Area of Conservation. Officers believe these issues can be resolved, in compliance with national and local policy. Further information and revised plans are required in order to demonstrate that such adverse impacts can be successfully mitigated. Should such issues be resolved conditions will be required to secure such mitigation in perpetuity. Revised plans are also required to include the provision of an unimpeded footpath on Woodview Road and additional information is required to demonstrate an acceptable surface water drainage strategy.

Conditions:

1. LEMP
2. CEMP
3. Travel Plan
4. Provision of Parking

5. Details of Cycle Parking
6. Provision of Footpath
7. Landscaping
8. Lighting
9. Provision of Ecological Mitigation Measures
10. Provision of Offsite Woodland Planting
11. Provision of Waste Storage

Relevant Policies

-

Agenda Item 8

Application Number

P/2016/0912

Site Address

9 Sandringham Drive
Paignton
TQ3 1HU

Case Officer

Gary Crawford

Ward

Preston

Description

Replacement garage and side extension, loft conversion, alterations and extension to terrace.

Executive Summary/Key Outcomes

The proposal is for a replacement garage and side extension, loft conversion, alterations and extension to the terraced area to the rear of the house.

The proposal is considered to be acceptable in this location and without any overriding detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. Consequently the proposal meets Local Plan policy requirements.

Recommendation

Approval

Statutory Determination Period

8 weeks, the determination date is 15th October 2016. Due to the number of objections received, the application is being reported to committee.

Site Details

The application site is a detached and predominantly single storey dwelling located on the southern side of Sandringham Drive. The property has an existing attached side garage and terrace to the rear. The property is situated within a relatively spacious plot which has a splayed form. Ground levels on the site slope downwards from road level. This results in some underbuild at the rear of the property, which means that the ground floor terrace is elevated above ground level.

Detailed Proposals

Planning permission (P/2105/1050) was previously granted on 9 February 2016 by the Development Management Committee for a replacement garage and side extension, loft conversion, alterations and extension to terrace. The only differences between the current application and the previously approved

application are:

- The garage has been set back 2.8m from the front elevation of the host dwelling to form a car port above.
- The addition of a single storey flat roofed rear extension which would be 2.4m in depth, 4m in width and up to 4.6m in height.
- An additional 0.6m extension in depth to the rear terrace.

Summary Of Consultation Responses

None

Summary Of Representations

8 representations of objection have been received. Issues raised:

- Impact on local area.
- Not in keeping with local area.
- Overdevelopment.
- Loss of privacy/overlooking.
- Overbearing impact.
- Sets precedent.
- Increase in traffic.
- Impact on drainage.
- Increase in noise.
- Use of the property as commercial premises.

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2015/1050: Replacement garage and side extension, loft conversion, alterations and extension to terrace. Approved by DMC on 09/02/2016 but not implemented.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of the proposal
2. Visual impact
3. Impact on the amenity of neighbouring properties

1. Principle of the proposal

The principle of the proposal at No.9 Sandringham Drive has already been established as planning permission was granted on 9 February 2016 by DMC for application P/2015/1050. The only differences between the current application and the previous application are the 2.8m set back of the garage from the front elevation to form a car port in front, the erection of a 2.4m deep single storey rear extension and an additional 0.6m extension in depth to the rear terrace. This report therefore focuses on the differences between this proposal and that which

has already been found acceptable and has permission.

Representations have been received which raise concerns about the host property being used as a commercial premises. Providing the overall character of the property as a residential dwelling does not change, planning permission would not be required for a room in the house to be used as a personal office.

2. Visual impact

The proposed new garage would be set back 2.8m from the front elevation of host dwelling with a car port in front and would be less prominent within the streetscene than the previously approved scheme. The proposed single storey rear extension would be attached to the new garage and would extend beyond the rear elevation of the host dwelling by 2.4m, would be 4m in width and, due to the sloping ground levels of the site, would be up to 4.7m in height with a flat roof. The proposed rear extension is subservient in scale to the main dwelling and acceptable in design. The additional 0.6m extension in depth to the rear terrace is also considered to be acceptable with no adverse impacts upon the visual appearance of the original property.

Therefore, the proposed development is considered to accord with Policies DE1 (Design) and DE5 (Domestic Extensions) of the Torbay Local Plan 2012-2030.

3. Impact on the amenity of neighbouring properties

The proposed single storey rear extension would be 2.4m in depth and positioned a minimum 3.4m from the side boundary with No.11 Sandringham Drive. It is therefore considered that the proposed rear extension would not result in a significantly harmful overbearing or overshadowing impact upon No.11. In terms of loss of privacy, there are views to the rear gardens of both Nos. 7 and 11 Sandringham Drive from the existing rear terrace. It is considered that the proposed extension to the rear terrace at No.9 would not result in any worse overlooking or loss of privacy impacts to the neighbouring rear gardens than the existing situation. The proposed flat roofed single storey rear extension would reduce the potential overlooking impacts from the rear terrace at No.9 towards the rear garden of No.11. It is recommended that a condition shall be included with any planning permission which states that the proposed flat roof above the proposed store shall not be accessed other than for maintenance purposes, to protect the privacy of No.11.

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties and complies with Policy DE3 (Development Amenity) of the Torbay Local Plan 2012-2030.

Conclusions

The proposed amendments are suitable for planning approval having been considered against the relevant local and national planning policies.

Condition(s)/Reason(s)

01. Surface water drainage shall be provided by means of soakaways within the site.

02. The flat roof above the proposed store shall not to be accessed other than for maintenance purposes.

Relevant Policies

-

Agenda Item 9

Application Number

P/2016/0388

Site Address

Gleneagles Hotel
Asheldon Road
Torquay
TQ1 2QS

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Variation of Condition P1 of P/2015/0836 - Amendments including; the replacement of the 3rd floor coffee lounge with a 1 bed apartment - to include the outward movement of the northwest side building line of this area by 1.2m and the northeast rear building line by 1.8m, addition of a pitched roof to the scooter store, Juliet style balcony amended to allow windows to open, stone heads added above 4F windows, arched glazed canopy added above doorway in the front (SW) elevation, & replace concrete balconies with steel frame balconies to the rear (Description/proposal amended 26.09.2016).

Executive Summary/Key Outcomes

This application is for a number of minor changes to a recently approved residential redevelopment scheme on the (former) site of the Gleneagles Hotel, Asheldon Road, Torquay.

The original development is 32 retirement units provided within a 5-storey (6 to the rear) apartment block approved under planning reference P/2015/0836 on the 10th December 2015. This approved scheme consists of a substantial single building which is to be largely rendered but with a brick wing and with weatherboard cladding at roof level. The application was approved with 16 car parking spaces to the front of the building and there were a number of conditions attached in order to resolve suitable detail within the scheme.

The proposed amendments firstly relate to the 3rd floor coffee lounge to the rear of the building where it is proposed to increase the floor area slightly by repositioning two of the three outer walls of this area and change its use to provide an additional (one bed) apartment. The resulting apartment will have a floor area of 50 square metres and will contain a living room, one bedroom, a kitchen, a bathroom and some storage space. To achieve the above the northwest side elevation will be moved outward by 1.2m to align with the building line of the storey below and the rear northeast wall will be moved outward by 1.8m along with the the accompanying rear balcony, which will also align with the building line and position of the balcony within the storey below.

The application also seeks to provide a pitched roof to the electric scooter store

to the side of the building (off the northwest elevation), subtle changes in the design of the Juliet balconies that are set in the two bay elements of the principal elevation in order to allow the windows to open out, to add stone heads above the windows on the 4th floor (SW, NE and NW elevations), to add an arched glazed canopy above the main door in the principal (SW) elevation, and to alter the approved concrete balconies to the rear to steel balconies.

The proposed extra unit provides an acceptable residential environment in terms of size and outlook, and the limited physical alterations to provide the apartment would not demonstrably alter the character and appearance of the building or result in any demonstrable harm to neighbouring amenity. The loss of the coffee lounge will not demonstrably alter the residential quality of the building and it is noted that a large communal lounge is still present that will provide a common area for residents. There is no additional parking proposed however this is considered acceptable as the approved scheme provided parking above the level outlined within the Local Plan which stipulates 1 space per 5 sheltered flats. All changes outlined above are considered relatively minor and would have little impact on the appearance of the scheme or amenity. Additional details should be sought to ensure suitable quality is achieved though.

Recommendation

Approval, subject to:

- (i) no further representations being received by the 19th October raising material considerations not considered within this report or at DMC that are considered to present a demonstrable impact (delegated to the Head of Business Services),
- (ii) all previously attached conditions, amended as necessary to reflect any detail previously discharged, delegated to the Head of Business Services, and
- (iii) completion of a deed of variation to the original S106 legal agreement linking the amendment to the original agreement, to be completed within three months of the date of this meeting.

Statutory Determination Period

The determination date for this application is the 4th October 2016. The applicant has agreed to seek resolution of the deed of variation and formal determination of the scheme by the 20th October 2016.

Site Details

The site is the recently cleared Gleneagles Hotel site off Asheldon Road, which is in the Wellswood neighbourhood of Torquay.

The site area is 0.6ha and the hotel was sited to the southwest of the plot, with a car park to the front and amenity garden space to the rear.

The northern part of the site remains wooded and slopes down to Stoodley

Knowle recreation ground, with a pedestrian footpath leading to Ansteys Cove car park and there are numerous trees within the grounds and around the edge of the site.

The site is located in a residential neighbourhood and it is a short walking distance to the centre of Wellswood to the south, which includes a number of shops and local facilities. It is a short distance away from Stoodley Knowle recreation ground and the beach at Ansteys Cove to the north, and also a short distance from the South West Coast Path in this direction.

The site is bounded by two storey residential properties in Ansteys Close to the northwest, woodland to the north, Stoodley Knowle recreation ground at the foot of the wooded slope to the northeast, residential properties to the south and Asheldon Road to the southwest.

The majority of the site is undesignated in the Local Plan however the northern wooded slope is designated as part of an Urban Landscape Protection Area.

Detailed Proposals

This application is for the variation of the approved plans condition (P1) to allow a number of minor amendments to be made to the scheme.

The proposed changes include the provision of one additional residential unit on the 3rd floor at the rear of the building. The area was assigned as a coffee lounge in the originally approved scheme and the change will result in 33 retirement apartments (i.e. one additional apartment) on the site served by 16 parking spaces. The size 3rd floor will be increased slightly to provide the apartment with two outer walls moved to align with the building lines of the floor below. The northwest side elevation will be moved outward by 1.2m and the rear wall will be moved outward by 1.8m (and the accompanying rear terrace). The apartment will have a floor area of 50 square metres and will consist of a living room, one bedroom, a kitchen, a bathroom and some storage space.

In addition to the above the proposal also seeks approval for

- i. a simple lean-to pitched roof to the electric scooter store to the side of the building off the northwest elevation
- ii. a subtle amendment to the Juliet balconies within the two bay elements in the principal elevation to allow the windows to open out by introducing a step in the glazing
- iii. stone heads to windows on the 4th floor (SW, NE and NW elevations)
- iv. an arched glazed canopy to the main door on the principal elevation; and
- v. the approved concrete balconies to the rear to be changed to steel balconies.

Summary Of Consultation Responses

Green Infrastructure Co-ordinator: No objections.

Arboricultural Officer: No objections subject to a detailed landscape scheme being approved by condition.

SWW: No Objection.

Police Designing out Crime Officer: No Objection.

Highway and Strategic Transport: The additional unit will not have a significant impact in terms of traffic generation and with 16 parking spaces provided the scheme retains parking well above the minimum requirement outlined within the Local Plan. No objection is raised on highways or parking grounds.

Environment Agency: No response.

Drainage: No response.

RSPB: No response.

Affordable Housing Team: No response.

Conservation Officer: No response.

Summary Of Representations:

Three letters received which raise concern that there is a lack of parking and there will be a greater impact upon roads in the area, that the scheme presents overdevelopment, that there is an impact of the additional size of the building on amenity, and that the proposal removes an important communal facility within the scheme. It is also commented that the changes are difficult to review as they are not clearly highlighted.

The application was re-advertised on the 28th September 2016 in order to provide greater clarity on the changes including amendments to two building lines within the 3rd floor, and to provide opportunity for public comment on this.

Relevant Planning History:

The key relevant planning history is P/2015/0836 - Demolition and Redevelopment to form 32 retirement apartments for the elderly including communal facilities, access, car parking and landscaping (revision of P/2014/1062) (revised) - Approved 10.12.2015 (Subject to a legal agreement and conditions).

Key Issues/Material Considerations:

The main issues are the whether the proposed changes to the external

appearance are acceptable in terms of the impact on the character and appearance of the area, whether the amendments impact upon neighbouring amenity, whether the additional unit would have an impact upon the highway network and parking, and whether the quality of the proposed residential environment is considered acceptable.

Visual impact, including the setting of the Lincombes Conservation Area

The alterations to the external appearance of the building are relatively minor and would not change the overall character of the development.

To the front of the building a grey powder-coated steel and glass canopy is proposed above the main door which may help visually define the entry point to the building. This is a relatively minor and potentially positive change and, subject to detail, the addition of this would not be harmful to the building or the setting of the adjacent Conservation Area. A plan view to establish the scale of the canopy has been requested.

The introduction of a step within the Juliet balconies that sit in the two bay elements of the principal elevation (in order to allow the windows to open out) would not be harmful to the visual appearance of the building. Again the amendment is relatively minor and as there is symmetry to the change across the two elements the aesthetic impact is negligible. The re-designed detail would therefore not harm the character of the approved scheme or the setting of the adjacent conservation area.

To the side of the building the provision of a simple lean-to roof finish to the approved flat-roofed buggy store would not affect the character of the building or area due to the limited scale of this structure and its relatively discrete location to the side of the building.

To the rear of the building the replacement of concrete balconies with steel balconies would not demonstrably alter the detail on this secondary elevation and the wider character and appearance of the building would be largely unaffected.

The increased massing to the rear of the building that is a result of moving two walls on the third floor in order to provide the extra apartment is also considered to have no demonstrable impact upon the wider character and appearance of the building. The walls are to move to the building line of the floor below and hence the addition to the massing of the building is limited to a minor change on one floor. The elevations, which are to be clad in a grey weatherboard, remain set below the roofline of the 4th floor above and the stepped character of the rear elevation as a whole will principally be retained.

The addition of stone heads above the windows within three of the four elevations of the 4th (rooftop) floor is a de minimus alteration to the somewhat secluded rooftop area of the building. Detail on the stone heads has been

requested and subject to detailed approval the change is considered to have no impact upon the wider character and appearance of the building and area.

Subject to approval of certain detail the amendments to the approved scheme are considered to have no demonstrable effect upon the character and appearance of the building or its impact upon the setting of the Lincombes Conservation Area. The proposal is considered to retain a standard of development that sits comfortably with Policies DE1 (Design) and SS10 (Conservation and the historic environment) of the Local Plan.

Impact on residential amenity:

The amendments to create the extra apartment to the rear would have no demonstrable impact upon neighbouring amenity in terms of loss of light or outlook because the change to the building lines and massing of the building is limited, and the distance involved to the edge of plot and adjacent properties are relatively significant. Sightlines and proximity to other buildings to the sides and the rear remain principally similar to the consented scheme meaning that there would be no demonstrable impact upon privacy through potential overlooking. There remains an acceptable distance to adjacent buildings and there is no demonstrable change to the character and form of the consented scheme. Adequate screening will remain a consideration through condition in-line with the original consent and there may be less activity of this outdoor space from a private flat than from a communal coffee lounge.

The additional amendments proposed, to the scooter store and other detailed design elements, would not impact amenity as they are de minimus in regard to potential impact on light, outlook or privacy.

In light of the above, the proposal is not considered to result in any greater impact to neighbouring residential amenity by reason of loss of light, privacy or by reason of being unduly dominant or overbearing, and hence the amendments are acceptable and compliant with policy DE3 (Amenity) of the Local Plan.

Impact on highway safety and parking provision:

The original approval gave consent for 32 sheltered apartments supported by 16 car parking spaces, two of which were for the disabled. The amendment seeks to provide one additional unit which will present a scheme for 33 units supported by 16 car parking spaces.

The addition of one additional sheltered apartment would not have a significant impact upon the traffic generation and the wider highway network, a conclusion which is supported by the Councils Strategy and Project Officer in their strategic transport response.

The consented scheme provided parking at a ratio of 1 space per every two units which is well above the policy standard of 1 space per every 5 (sheltered) units.

The addition of one additional apartment would retain a scheme that provides parking well above the policy requirement and hence the proposal is considered acceptable on parking grounds. This conclusion is also echoed by the Council's Strategy and Project Officer in their strategic transport comments.

It is concluded that the amended scheme remains acceptable on highway, movement and parking grounds as it accords with policies TA2 (Development access), TA3 (Parking requirements) and Appendix F (Car parking requirements) of the Local Plan.

Standard of residential accommodation:

The supporting text to policy DE3 (Amenity) of the Local Plan seeks to achieve a minimum size for dwellings and amenity space.

The size of the apartment is consistent with the suggested standard for a one-bed apartment and the amount of communal garden space is more than adequate in terms of associated outdoor amenity space, and this itself is supplemented by the private balcony space that improves the quality of residential environment.

The apartment has good natural lighting with windows to all key spaces. Outlook from the apartment is adequate with open views to the verdant valley and the rear gardens and woodland on the site to the north.

The standard of the wider residential accommodation within the scheme would not be unduly harmed as there would be little impact upon other units within the building and there remains a communal lounge at ground floor for occupants to use and socialise, should they wish.

It is considered that the revised proposal is acceptable in terms of the standard of the residential amenity afforded occupier and is considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 (Amenity) of the Local Plan.

S106/CIL

The addition of one residential unit is not considered to significantly alter the outcome of the previous viability assessment and secured obligations package within the s106 legal agreement. The existing Section 106 agreement will need to be tied to the new application through a deed of variation though and this should be completed prior to the application formal determination.

Conclusions

The proposal would provide one additional unit (resulting in a total of 33 on site) that has a good standard of residential accommodation.

The various physical alterations are considered to be relatively minor and would present no greater impact than the consented scheme on neighbouring residential amenity, highway safety, parking, or the character and appearance of the building or setting of the Lincombes Conservation Area.

With little notable impact, the variation of condition P1 to allow the addition of one residential unit in place of the coffee lounge, together with the listed design changes, are considered acceptable and compliant with both local and national policy. The application is hence recommended for approval.

Conditions to cover the following matters:

Construction method statement (Compliance with detail agreed)
Construction and ecological management plan (Compliance with detail agreed)
Tree protection (Compliance with detail agreed)
Cedar Tree (Compliance with detail agreed)
Surface water drainage scheme detail
Bird breeding season suitably considered
Materials details approval
Building details approval
Landscaping details approval
External lighting details approval
Landscape and Ecological Management details approval
Residential travel plan detail approval
Cycle parking provision approval
Parking provision implemented
S278 highway agreement secured
Privacy screens details approval
Obscured glazing compliance
No access to flat roof
Age restriction condition

Relevant Policies

-

Agenda Item 10

Application Number

P/2016/0571

Site Address

Hotel Blue Conifer
Higher Downs Road
Torquay
TQ1 3LD

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Demolition & redevelopment to form 9 sheltered apartments for the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access

Executive Summary/Key Outcomes

The site is the corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, currently occupied by a two-storey interwar building with rendered walls under a clay tiled multi-pitched roof. The building is in use as a small guesthouse known as the Hotel Blue Conifer.

The site is outside the adjacent Core Tourism Investment Area that covers the building group that fronts The Downs to the south. It also lies outside the Babbacombe Downs Conservation Area that covers the largely Victorian development around The Downs to the south.

The proposal has been substantially amended during the period of the application in response to design concerns raised by officers. The original submission was deemed to be a poor response to the context and harmful to the visual amenities of the area.

The initial proposal sought to replace the existing building with one that in terms of design was essentially a collection of gabled pods. This building was largely rendered but it also presented large glazed gables at roof level and numerous roof terraces enclosed with glass amongst the interconnected clay tiled roof slopes. This scheme sought to provide 10 sheltered apartments served with parking off two access points.

The revised proposal now seeks to replace the existing building with a substantially different form of building to that initially proposed, to provide 9 sheltered apartments with one replacement access off Higher Downs Road to serve 9 car parking spaces provided on the site.

The revised proposal presents a form of building that is now in keeping with the

character of the interwar building group in which it sits. The building is now clearly two-storeys in character with rendered elevations under a steeply pitched multi-planed clay tiled roof. The accommodation within the roof storey is now served by moderate scaled dormers set in the various roof planes which is a more successful approach to providing habitable space at roof level. The architectural form is now supported as it successfully echoes the local character of buildings from the interwar period in the area and the scale of building is acceptable in what is large corner plot

Aside of the design the proposal also retains an open feel and landscape setting to the plot, which is a positive local characteristic. Rationalisation of the parking and access has improved the quality of the proposed amenity space and there is scope for additional planting to soften the building.

Neighbour amenity is adequately protected as the building is retained to a height that reflects the prevailing local form and the location and orientation of windows to the side elevation prevents any undue overlooking and loss of privacy. To the rear the distances alone are satisfactory in order to protect privacy.

The loss of the holiday accommodation is acceptable in as the accommodation sits outside of the Core Tourism Area of the frontage development along The Downs to the south and the holiday accommodation is considered of limited significance in terms of its scale and quality.

The demolition of the existing building is acceptable as the building is not listed nor does it sit within a Conservation Area, and hence it could be removed through permitted development under a prior notification process that affords the Local Authority only limited control.

A detailed design of the drainage solution is being evolved by the applicant and this should be secured prior to the grant of permission to provide certainty on this matter.

Recommendation

Approval, subject to;

- the submission of a surface water drainage design that is to the satisfaction of officers prior to the 15th October 2016, or within 6 weeks of the committee date should there be agreement of an extension of time by the applicant. In the absence of an agreed extension of time or an acceptable drainage detail the application should be refused as it would fail to prove that it would not increase the risk of flooding to buildings or land adjacent, or elsewhere, contrary to Policies ER1 and ER2 of the Local Plan, and;
- conditions delegated to the Head of Spatial Planning, to include those outlined within this report.

Statutory Determination Period

An extension of time has been agreed with the applicant until the 15th October 2016 in order to permit the revised proposals to be submitted, re-advertised and considered.

Site Details

Hotel Blue Conifer is a two-storey detached building of a principally domestic scale set on a corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, Torquay, close to the northern end of Babbacombe Downs. The building has a painted render exterior with a clay tiled multi-pitched roof. It sits at the southern extent of a predominantly residential estate that has a relatively strong character which was built out during the early part of the 20th Century. This interwar estate is known locally as the Hampton Estate and it displays a softer more open character than the grander scaled less suburban character of the Victorian development along The Downs and to the south.

The building sits in a relatively large plot and there is a soft garden setting to the north and east of the building off Higher Downs Road. There is a less verdant feel to the west and south of the building off Babbacombe Downs Road with car parking, hardstand and where extensions and outbuildings predominate within the more limited space between the building and the plots borders.

There is a single vehicular access off Higher Downs Road close to the junction with Babbacombe Downs Road with parking for a number of cars along the southern border of the plot.

The site sits adjacent to the northern border of the designated Babbacombe Downs Conservation Area, which extends to the road edge to the south of the plot. It also sits outside the Core Tourism Investment Area which also sits to the south and covers the linear development that fronts The Downs. There is a Blue Atlas Cedar protected under a Tree Preservation Order to the east of the building near to the corner of the plot.

Detailed Proposals

The application has been amended with revised plans submitted on the 15th September and re-advertised on the 21st September.

The initial proposal sought the demolition of the existing building and redevelopment to form ten sheltered apartments with a new access. The design of this development was a rendered building formed principally through conjoining five gabled pods with 2 units within each element. The roof space between the interconnecting gabled pods was used to provide terraced areas enclosed with glass balustrades. There was an additional access proposed and 10 car parking spaces were to be provided, with two off the existing access within a reduced area of hardstand and 8 off a new access further along Higher Downs Road.

Officers expressed substantive concerns over the design of this initial scheme and following discussions with the applicant amendments were sought to overcome these concerns. A revised proposal has been submitted and this has been re-advertised. The proposal is now for nine sheltered units provided within a more traditional building form that seeks to better reflect the existing building and the wider character of the Hampton Estate.

The amended proposal presents a two-storey rendered building under a red clay tiled roof. There are three floors of accommodation with four units provided on the ground floor, four units on the first floor and one unit together with supplementary accommodation for two of the first floor units on the second floor in the roof space. The roof is now inset with moderate scaled dormers and rooflights to provide natural light and outlooks to the upper floor accommodation and there are no longer any roof terraces proposed or excessive glazing gables. The units are all generously scaled with the smallest providing 90 square metres of accommodation and the largest 150 square metres. The access and parking arrangement has been reconsidered to respond to officer concerns and the scheme now proposes that the existing access and parking is removed in full and reformed as garden, and that a new access is formed off Higher Downs Road further away from the junction, to provide on-plot parking for 9 vehicles. Buggy and cycle storage is provided within the building and in a relatively small low-level outbuilding set beside the car park. Waste storage is also provided for within a small ancillary building adjacent to the new access point set behind the boundary wall.

Summary Of Consultation Responses

Conservation and Design Team:

Revised proposal: The proposal is a far better response to the context and presents a better use of modern materials, such as the clustered flues.

Urban Design Advisor:

Revised proposal: The general architecture is much improved and supported. It is important that detailed design elements are carefully considered to make a success of the building. The provision of a single location for parking is more successful but this could be improved by breaking up the run of parking with landscaping. The offset introduced within the building that turns the footprint has been reduced is now more subtle and successful. This has also allowed the simplification of the elevation and roof treatment which has improved the design further. The flues as vertical elements provide welcome interest.

Natural England: No objection in regard to any statutory designated sites or landscapes. Likely impact upon protected species should be assessed using NE standing advice. The Authority should give due consideration to securing measures to enhance biodiversity if it is minded to grant permission in accordance with Para 118 of the NPPF.

Council's Drainage Engineer: Accepts that infiltration drainage will not be viable on this site and hence a discharge of the surface water from the site to the combined public sewer is acceptable at a controlled rate. As Torbay is a Critical Drainage Area the design of this should mimic the greenfield run-off rate within attenuation that is designed for the 1 in 100 year storm event plus a 30% allowance for climate change. The detailed design should be agreed prior to the grant of planning permission.

South West Water: Whilst there is no objection in principle the proposed surface water discharge rate should be reduced from the quoted 10l/s. This site may well fall within a Critical Drainage area and as such your Council may have its own requirements/policy in terms of surface water drainage which South West Water would support.

Highways / Strategic Transport: There is no in-principle objection on traffic/transport grounds.

The proposed new vehicular access is better located than the existing access and allows turning on site. The existing access should be closed or a turning area provided to ensure vehicles can enter and exit in a forward gear.

The proposal provides an over-provision of parking spaces with the local Plan standard being 1 space per 5 units. The provision of two disabled spaces is positive. Buggy/cycle storage should be provided, ideally with space for 1 buggy/cycle per apartment.

Green Infrastructure Officer: The accompanying ecological surveys confirmed there was bat roosting within the existing building and recommends mitigation including an application for a Natural England licence, temporary roosting habitat and bat tubes within the proposed building. The proposed mitigation should be secured by condition with the following points addressed:

- the development should be carried out strictly in accordance with the mitigation set out in section 3 of the Bat Emergence Survey,
- prior to demolition the authority should be provided with either a copy of a licence issued by Natural England or a statement in writing by Natural England or a suitably qualified ecologist that outlines why the works do not require a licence,
- a lighting scheme should be submitted, informed by an ecologist, that seeks to minimise any impact upon bats,
- temporary bat boxes should be secured along with permanent roosting features within the proposed building,

- vegetation clearance should be outside the nesting season unless previously inspected by a suitably qualified ecologist that confirms there are no nesting birds present, and
- detailed landscaping should be submitted and approved.

Arboriculture Officer: The proposal is suitable for approval on arboricultural merit subject to two conditions relating to the submission of a detailed landscape scheme that mitigates the loss of the trees (cypress and a yucca) proposed and looks to increase the visual amenities of the site in terms of landscape softening of the built environment. This should be supplemented by a condition for the requirement to protect the retained trees (which include a protected Blue Atlas Cedar) by securing the supporting tree report and protection methodologies.

Police Designing out Crime Officer Reference has been made to Security and Secured by Design within the design and access statement and many important factors have been incorporated within the design. Should approval be granted it is suggested that a condition requiring full compliance with Secured BY Design be attached.

Summary Of Representations

The initial scheme that was advertised resulted in seventy letters of representation being received. A summary of the main planning related concerns are detailed below.

- Poor design and harmful visual impact
- impact upon the conservation area
- impact upon the character of the Hampton Estate
- Too large
- Out of character
- Loss of views
- loss of light
- loss of privacy and overlooking
- noise and disturbance
- Loss of holiday accommodation
- Lack of parking
- Drainage
- Loss of garden space and ecological impact of this
- Set a precedent for similar redevelopments

Any further representations received following the re-advertisement of revised plans on the 21st September 2016 will be summarised to members at the Development Management Committee.

Relevant Planning History

P/2003/0906 Site of both the Blue Conifer Hotel and Hampton House - Redevelopment to form 32 sheltered apartments, access and parking - Refused / Appeal dismissed.

Key Issues/Material Considerations

The main issues are considered to be:

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision
2. Visual impact, including the setting of the Babbacombe Downs Conservation Area
3. Impact upon the residential amenity of adjacent occupiers
4. The quality of the proposed residential environments
5. Highway, parking and movement impacts
6. Flood risk and drainage impact
7. Ecological impact
8. Arboricultural impact

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision

The existing building is not listed nor does it sit within a designated conservation area. Therefore it could be demolished under permitted development subject to a prior notification process that presents very limited control for the Local Planning Authority, such as consideration as to how the building is to be demolished and how the site will be restored afterwards. As the building could be demolished under permitted development (subject to a prior notification process) the loss of the existing building is not a central issue to consider in this context and would be hard to resist in planning terms.

The principle of residential apartments on the site is considered acceptable as it would reflect and sit comfortably with the predominant residential character of the area to the north and to the west. The location is considered to be well suited for a residential use as the site is in a highly sustainable central location close to shops, social and recreational infrastructure and transport links.

The principle of providing a larger building (and a greater number of units) on the site is generally supported in Local Plan policy guidance and in the NPPF, with

both local and national policies aligned with the ambition that development seeks to maximise the re-use of urban brownfield land, subject to other considerations. In policy terms the provision of 9 units on the site will also aid the delivery of new homes and the Council's 5 year housing supply.

In regard to the loss of holiday accommodation Local Plan Policy TO2 (Change of use of holiday accommodation and facilities) provides key advice. Policy TO2 states that for accommodation outside of Core Tourism Investment Areas (such as this context) a change of use will be permitted where it does not undermine the holiday character or range of facilities of the area and where the site is of limited significance in terms of its holiday setting, views etc. The loss of this small hotel/guesthouse will not undermine the holiday character or range of facilities of the Babbacombe Downs area which has a strong linear focus of facilities that directly front The Downs. The hotel/guesthouse is also considered to be of limited significance as although it is in close proximity to The Downs it is set away from the direct coastal frontage and in this area the character quickly moves to a residential suburban context. The site sits in this context, adjacent to residents plots, which limits its value and potential in terms of holiday provision.

In summary, in terms of planning policy and principle the demolition of the building is accepted. The site provides a good location for a residential use as there is a residential character to the area and the site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This presents general accordance with the aims and objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan. Finally, the loss of the holiday accommodation is deemed acceptable as it would not undermine the holiday character of The Downs and it sits comfortably with the Council's Tourism Strategy (2009) "Turning the Tide for Torbay" that recommends that the oversupply of small and outmoded tourism accommodation be reduced, presenting general accordance with policy TO2 of the Local Plan.

2. Visual impact, including the setting of the Babbacombe Downs Conservation Area

The proposal is in a prominent corner site and its visual impact and potential effect upon the setting of the Babbacombe Downs Conservation Area is a key consideration.

In regard to the general scale the size of the revised proposal is considered to be acceptable. In regard to the design principles this is now a well designed modern building that responds well to the context. It presents sufficient design deference to what is a strongly characterised estate and the building successfully juggles a reflective pastiche approach with a modern twist that adds interest and architectural individuality to the building. This is considered the correct approach

for the site that could present a positive and slightly stronger corner building to the locality.

The footprint of the current building is reflective of the overriding built form and scale in this interwar estate. The current building does however sit in a plot that is larger than average and on plan it appears to be almost double the size of some of the other plots in the area. When considering the size of the plot there is considered to be scope for a larger footprint of building than that which exists, provided that it successfully responds to both the local vernacular and positive character of the area. This would achieve the policy requirement for the efficient use of brownfield land.

The depth of the proposed building is deemed to be consistent with the prevailing scale as numerous buildings within the estate are around 20m from front to back. In terms of its width the proposed building is greater than the prevailing size at around 28/29m wide, however as noted above the plot is wider than most individual plots and also wider than the plots of some attached pairs in the area that present a building width of around 18m. Although bigger than the existing building the footprint is considered acceptable as it manages to retain suitable gaps to the adjacent residential properties and presents a suitable landscape setting to the more prominent public borders where it manages to retain an open feel to the prominent corner of the plot at the junction of Babbacombe Downs Road and Higher Downs Road and a garden setting behind it. It is these positive outcomes that suggest that the plot could successfully support the size of building proposed without undue impact upon the character of the area.

In terms of height and scale the revised scheme clearly presents a two storey building under a pitched roof. The large elements of glazing and the enclosed roof terraces of the original scheme, both of which were deleterious elements, have been removed, which is a welcome move in terms of the design. This enables the third floor to be read as a roof and not a third storey and enables the roof to take a more singular and contextual form. The height and massing now successfully echoes the prevailing building form and it sits comfortably aside the adjacent buildings. The proposal now clearly responds to and reinforces the local character through its scale, height and basic form.

In terms of the design the building successfully addresses both public frontages and correctly presents a principal elevation and public entrance to Babbacombe Downs Road, whilst also importantly casting a fine architectural detail towards the public realm from the principal aspect towards the coastline and the prominent junction, when viewed from Higher Downs Road. This design response is welcomed as a well considered response to the corner setting for the proposed building.

The fenestration has been tempered and the glazing is now correctly a secondary element within the rendered elevations, which is reflective of the local

character. The previous expanses of glazing have been removed and the design now presents more orderly window openings and vertical bay features through the ground and first floor. This successfully responds to the fenestration pattern and bay details that predominate through the Hampton Estate.

The materials respond well to the context with simple rendered elevations under a red clay tiled roof providing a simple but successful palette for the building. Louvres and clustered metal flues are present within the design and these elements are considered positive aspects that, subject to the right detail which is proposed to be sought be condition, they have the potential to break up and enlighten the appearance of the building and provide a subtle introduction modern design elements that provide some individuality to the building as a piece of architecture.

An integrated landscape scheme should be sought to aid with the softening of the building and retain that verdant and spacious character which is a positive aspect of the local area. There appears scope to improve the setting towards Babbacombe Downs Road which has been compromised by poorly deleterious extensions and outbuildings and prominent hardstand for parking. The redevelopment would certainly enable this compromised area to be positively addressed.

To conclude the revised scheme now under consideration has responded positively to officers concerns and the proposal is now considered to present a positive design solution for the site that responds to the Hampton Estate and presents no harm to the setting of the adjacent Babbacombe Downs Conservation Area. The proposal is now compliant with Policy DE1 (Design) of the Local Plan and the NPPF in terms of seeking good design.

3. Impact upon the residential amenity of adjacent occupiers

In respect of amenity there are residential properties bordering the two private boundaries of this corner plot, to the northwest and west.

With the proposed building set principally within the southern half of the plot the impact upon the amenity of the occupiers of Hampton Lodge to the northwest will be limited. The scheme presents parking, landscaping and two low-level ancillary outbuildings to the northwestern border and these elements would not impact amenity across the private boundary treatment. The proposed building is set between 15m and 18m from the border with Hampton Lodge and between 26m and 30m from the dwelling itself. At these distances there would be no undue impact upon privacy through overlooking within a suburban context, where the building-to-building distance is generous and where the building to garden space is also relatively great and where some natural surveillance across plots is common. In terms of other amenity considerations the proposed building would not prevent an overbearing impact in terms of loss of outlook or light to the

northwest, due to its relatively limited scale and its location away from this border.

To the west the plot borders number 6 Babbacombe Downs Road and the side elevation of this property faces eastwards over the site of the Blue Conifer Hotel. It is noted that the side elevation of the adjacent property is inset with windows over two floors within a staggered building line that varies from 4m to 10m from the joint boundary. This affords some overlooking of the application site. In terms of amenity having considered the distance between the proposed building and Number 6 Babbacombe Road, which at its nearest point would be a 7m gap, the scale of building presented would not present an overbearing relationship or result in an unacceptable loss of outlook or light to the occupiers of this property.

In terms of privacy and overlooking the layout and glazing within the side elevation has been designed in order to limit any potential impact by presenting habitable rooms with forward and rear viewpoints. The arrangement is considered successful in terms of retaining the privacy afforded the adjacent occupier. The design is also considered a good response where the site suffers from some established overlooking from the adjacent property and enables habitable rooms to be provided with good outlooks and enhanced privacy. As a point of note the central side facing windows within the scheme that serve the bathrooms should be obscured glazed through condition to afford suitable levels of privacy and limit the impact of overlooking.

The scale of building and the relationship it presents with the border is ultimately not uncharacteristic and presents an acceptable side-to-side relationship and maintains suitable amenity levels for both properties.

Subject to limited condition in regard to obscure glazing of the upper floor bathrooms and en suites that face north west in line with the above the proposal is considered acceptable in terms of its impact on residential amenity and compliance with policy DE3 of the Local Plan.

4. The quality of the proposed residential environments

The individual apartments are all relatively large and are in excess of the minimum space standards laid out in the local plan.

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards as is the amount of communal garden space.

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and

policy DE3 of the New Local Plan.

5. Highway, parking and movement impacts

The revised scheme presents an improved access point to the current arrangement with the proposed vehicular entrance moved northwest along Higher Downs Road, further away from the junction with Babbacombe Downs Road. This is supported by the Council's Highway Engineers as this is likely to present a safer entry and exit point with improved visibility. It is important that the existing entrance is blocked up in order to achieve this improvement and this could be achieved through condition.

As a sheltered apartment scheme the proposal presents an oversupply of parking as Local Plan guidance seeks to achieve 1 space per 5 sheltered units. The scheme actually proposes a ratio of 1:1 which is in accordance with unrestricted apartment schemes outside of town centres. It is noted that parking pressures have been raised as a concern in representations and as it appears that adequate amenity space and landscaping can be achieved with the current extent of parking engrained within the scheme it is not considered necessary by officers to seek a reduction in the vehicular parking provision.

It is noted that the car parking arrangement provides adequate sized spaces and adequate manoeuvring space in order to enter and exit the site in a forward gear.

Cycle parking and mobility scooter storage has been engrained within the scheme through the mixed provision of space within the ground floor accessed from the rear of the building adjacent to the car park, supplemented by an ancillary outbuilding within the northwest corner of the site. Taken together the provision is considered acceptable and these should be achieved by condition citing the provision prior to occupation and retention for such purposes at all times thereafter.

With an improved and safer access secured, together with adequate parking and cycle/buggy storage provision, the proposal is considered acceptable on highway, movement and parking grounds, in accordance with the aims and objectives of Policies TA2 (Development access), TA3 (Parking requirements) and Appendix F (Car parking requirements) of the Local Plan.

6. Flood risk and drainage impact

Torbay has been designated a critical drainage area (CDA) with a more rigorous surface water disposal strategy required in order to ensure that brownfield sites achieve much reduced rates of surface water runoff.

The Council's Drainage Engineer has reviewed the initial flood risk and drainage strategy and it is accepted that infiltration drainage will not be viable for this site.

As a result discharge into the public combined sewer at a controlled rate will be allowed subject to an acceptable design. This should be achieved prior to the grant of consent to achieve certainty on the matter.

The applicant has been advised that as Torbay is a CDA any accepted surface water discharge to a public sewer must be limited to Greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 30% for climate change. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec.

The applicant submitted a revised detailed design strategy on the 26th September and this is currently being considered by the Council's Drainage Engineer. Members will be updated on the matter at the Development Management Committee and if this matter is still unresolved it is recommended that members delegate approval subject to the resolution of the drainage design prior to the 15th October or prior to a date agreed with the applicant. If it is not proven that that the development will not result in an increased risk of flooding on land or buildings adjacent or elsewhere the application should be refused as it fails to meet the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

7. Ecological impact

The accompanying ecological assessment has identified the presence of a roosting Pipistrelle bat and the report recommends mitigation including an application for a licence from Natural England, the provision of a temporary bat roost during construction and bat tubes being provided in the proposed building together with sensitive lighting. The Council's Green Infrastructure Officer has recommended appropriate conditions to ensure that the development proceeds with due consideration of protected species and these conditions are outlined at the end of this report.

The application should take opportunities available to enhance biodiversity in order to respond to guidance within the NPPF (Para 118) and Policy NC1 (Biodiversity and geodiversity) of the Local Plan. Both promote that Local Authorities should secure measures to enhance the biodiversity of the site when considering development proposals. To ensure a net gain it is recommended that any forthcoming landscape planting includes species that benefit wildlife. The detail of this can be secured by condition and together with the provision of bat roosting opportunities this should present opportunity for the authority to secure enhancement in-line with policy guidance.

Due consideration of the site's proximity to a SSSI at Babbacombe Downs to the south has been given and having cross-referenced Natural England's Impact

Risk Zone standing advice Natural England were formally consulted. The resulting consultation response identified that there was no objection as the proposal is unlikely to affect any statutory protected sites or landscapes.

8. Arboricultural impact

The proposal is considered to be suitable for approval on arboricultural merit.

The majority of trees present on the site are either small and therefore provide limited visual amenity with varying degrees of future potential amenity value, or they are of poor to fair quality and therefore also of low landscape value.

The layout and landscape proposals importantly retain the Blue Atlas Cedar that is protected under a Tree Preservation which sits close to Higher Downs Road. The scheme also provides adequate distance between the building and this tree to limit future pressure upon it.

There are cypress and yucca trees noted for felling, and part of holly, bamboo and laurel mix, and these are all either small trees or only offer minimal landscape and visual benefits. The removal of these is for these reasons however the development should look to increase the visual amenities through careful landscape planting and consideration of the provision of coastal tolerant tree species.

Subject to two conditions relating to the submission of a detailed landscape scheme that mitigates the loss of (cypress and a yucca) trees and looks to increase the visual amenities of the site in terms of landscape softening of the built environment, and requirement to protect the retained trees (which include a protected Blue Atlas Cedar) by securing the supporting tree report and protection methodologies, the proposal is considered suitable for approval on arboricultural merit and aligned with Policies C4 (Trees, hedgerows and natural landscape features) and SS10 (Conservation and the historic environment).

S106/CIL -

Government advice has confirmed that contributions relating to schemes of less than 10 units cannot be pooled and must be related to a specific project which is directly related and necessary to the development in question.

It is not considered that contributions outlined within the Council's Planning Contributions and Affordable Housing SPD would meet the tests bearing in mind in the recent changes to the legislation.

Conclusions

The demolition of the building is accepted as it is not listed nor does it lie within a conservation area and hence it could be removed under a relatively simple prior notification process.

The loss of holiday accommodation is considered acceptable and in-line with Local Plan policy guidance as the guesthouse does not provide a significant holiday offer and it does not sit in a Core Tourism Investment Area, which are the areas where there is a particular focus and more stringent policy guidance upon the assumption of retention of holiday accommodation.

The revised scheme has radically improved the design and the building is now considered to respond positively to the context and character of the area, in relation to the interwar estate.

The proposal is considered to afford future occupiers a good level of residential amenity and would not unduly impact the amenity of adjacent occupiers as its scale, location and detailed design will retain suitable outlooks, light levels and privacy.

The revised scheme will now improve the access arrangement for the plot as it proposes a singular access to a parking area set away from the junction, which provides a safer access and egress point for vehicular movement.

The scheme is considered suitable for approval for the reasons stated above and in this report. As the scheme has been substantially amended and re-advertised, should Members be minded to approve this should be subject to the receipt of no further representations raising new detrimental impacts that have not previously been considered and concluded to be acceptable within this report.

Conditions to include:

- samples of external materials and finishes
- detailed design of all glazing, louvers, vent pipes, recesses, eaves and fascias
- removal of existing parking and vehicular access and provision of new parking and access prior to the first use of the building
- provision of waste and cycle/mobility scooter stores prior to the first use of the building
- provision of any approved surface water drainage strategy prior to the first use and its retention thereafter
- obscure glazing to first floor bathroom and second floor en suites on the north west elevation
- tree protection measures in place prior to the commencement of development

- Development to be carried out in accordance with the mitigation set out in the Bat Emergence Survey to ensure no impacts on bats.
- Prior to demolition of the existing building, Torbay Council to be provided with either a copy of a license issued by Natural England in respect of bats authorising the works to go ahead; or a statement in writing from Natural England, or a suitably qualified ecologist, to the effect that they do not consider that the works will require a licence.
- Demolition to be carried out in strict accordance with the provisions of any NE license.
- A Lighting Scheme should be submitted for approval by Torbay Council informed by an ecologist
- 1 Schwegler 2F bat box (or similar approved) should be installed in a tree as a temporary roost whilst the building is under construction and 3 Schwegler 2FR bat tubes (or similar approved) should be installed within the fabric of the new building as shown in the Bat Emergence Survey
- Vegetation clearance to be restricted to periods outside of the bird nesting season (undertaken between September and end of February) or following confirmation from a suitably qualified ecologist that no breeding birds are present.
- A detailed landscape scheme to be submitted to Torbay Council for approval, to include proposed species, plant sizes, numbers/densities and details for on-going management, designed to seek biodiversity enhancement.

Relevant Policies

-

Agenda Item 11

Application Number

P/2016/0840

Site Address

Wheatridge Lodge
Wheatridge Lane
Torquay
TQ2 6RA

Case Officer

Mr Scott Jones

Ward

Cockington With Chelston

Description

Variation of Condition re P/2015/0939 (Detached double garage with workshop and storage above to rear of property) Condition P1 Approved plans to increase size of garage and insertion of two additional rooflights.

Executive Summary/Key Outcomes

The application is for a number of changes to a recently approved householder proposal to provide a double garage to the rear of Wheatridge Lodge, Wheatridge Lane, Torquay. The development has been largely completed, more along the lines of the current application and not in accordance with the approved application.

The approved double garage was a gabled structure 8.6m wide by 7.25m deep with an eaves height of 2.2m and a ridge height of 6.3m. The approved structure was set in to the gentle garden slope with a ground floor slab level 0.3m above the adjacent highway to the southeast. A mature fir tree was identified to be removed as it sat within the footprint of the proposed building but a number of trees were shown to be retained around the building.

The proposed amendments relate to an "as built" structure, as Members will see on a site visit, which is substantially complete. The development has been electronically measured by Council engineers and the as built drawings, submitted with the current application, do not appear to accurately reflect the structure that has actually been built. Officers are seeking agreement on this matter with the applicant and members will be advised further at the Development Management Committee. For the purposes of this report the development is described and considered by reference to the Council's own measurements.

The changes include the re-siting of the building resulting in it being 1.7m closer to the boundary of the site on its southern corner (left hand side when viewed from Woodleys Meadow) and 0.6m closer to the boundary on its eastern corner(right hand side when viewed from Woodleys Meadow). The building is higher than approved. The slab level is set 0.47m higher than approved and the eaves height and ridges heights are 0.5m and 0.7m higher respectively than

approved. The footprint of the building has increased with a depth of 8.06m compared to 7.3m approved. The width is similar than that approved at 8.6m. The form of the building has changed slightly with two extra rooflights and solar panels provided in the roof. The setting has changed slightly with four surrounding, unprotected, trees having been removed since the previous decision was made (in addition to the fir identified for removal within the previous application).

Because of the various amendments and the change in context, following the subsequent removal of a number of trees, the building is considered to be demonstrably more prominent and more dominant than that which was originally approved. On balance, officers consider that the development is materially and significantly different to the approved scheme and causes harm to the character and visual amenity of the area, due to the resulting increase in its height, massing and prominence in the locality. Consequently the development as proposed is contrary to local plan policy DE1 (Design) and advice contained within the NPPF where great importance to the design of the built environment and good design is acknowledged (Paras 17, 56 and 64).

Recommendation

Refusal, for the following reason:

The alterations to the approved scheme, which result in an increase in the height of both the eaves and the ridge, together with the repositioning of the footprint which brings the building closer to the boundary with Woodleys Meadow, results in a building with an unduly bulky and prominent roof. The roof has a visually intrusive appearance and does not relate well to the surrounding built environment in terms of scale, height and massing, which has a detrimental impact upon the character and visual amenities of the area contrary to DE1 (Design) of the Local Plan and advice contained within the NPPF that seeks to secure good design (Paras 17, 56 and 64).

If Members agree this recommendation for refusal, then Members are also asked to support enforcement action by the Council to ensure the development accords with the plans previously approved.

Determination period

11th October 2016.

Site Details

The site accommodates a large two-storey detached dwelling set off the east side of Wheatridge Lane, Torquay, where the building is currently accessed via a short level drive and steps down to the main entrance.

The dwelling is contained within the front half of the plot and to the rear there is generous private garden space that is largely laid to lawn.

A number of trees have been recently removed to the rear of the site since the consideration of the previous application.

The rear border of the plot abuts a public right of way that links Wheatridge Lane with Woodleys Meadow. Adjacent to this now sits a substantially complete garage structure.

There are no built or landscape designations over the land or land immediately adjacent.

Detailed Proposals

The application is for a variation to the approved plans condition attached to P/2015/0939, which granted consent for a garage on the site, to allow a number of amendments to the scheme and consent for the substantially complete structure that has been constructed on the site.

The structure is sited differently to that approved and is closer to the rear boundary of the site. The left-hand corner when viewed from Woodleys Meadow is 1.7m closer and the right-hand corner is 0.6m closer to the rear boundary of the plot.

The building is higher than approved with an increase in the slab level of the building and the resultant eaves and ridge heights. The slab level is set 0.47m higher approved and the eaves height and ridges heights are 0.5m and 0.7m higher than approved.

The footprint of the building has increased with a depth of 8.06m compared to 7.3m approved. The width is similar than that approved at around 8.6m.

The form has changed slightly with two extra rooflights provided in the roof with three in each of the roof slopes.

Finally the setting has changes slightly with four adjacent trees having been removed since the previous decision in addition to the fir identified for removal within the last application.

Summary Of Consultation Responses

Highways Department: Previously recommend that the applicant make allowance for a 2m visibility splay exiting the new access, on the south-west side, for the safety of pedestrian movement.

Summary Of Representations

11 representations. The key issues raised include:

- Loss of privacy from the additional openings

- The re-siting and additional size of the structure make it unduly prominent and visually harmful to the area
- The loss of the trees makes it more prominent
- Safety concerns in regard to pedestrians using the footpath
- Concerned over the potential to use the structure for business or habitable purposes
- Impact of additional parking and vehicular movement in Woodleys Meadow
- Appears a building designed for residential use
- Impact of vehicles across the land adjacent
- Impact from business use of the building
- Loss of privacy from inter-looking
- Remains an overdevelopment of the site

Relevant Planning History

P/2015/0939 - Detached double garage with workshop and storage above to rear of property (as revised by plans received 01.03.2016) - Approved 19.04.2016

Key Issues/Material Considerations

It is not an offence to build without planning permission or to fail to comply with the terms of a planning permission. However anyone who does build without necessary consent does so at their own risk that the local planning authority can decide to take enforcement action to remedy any harm that has been caused. A decision on any application for retrospective planning permission must be made on planning merit alone, taking into account all relevant material considerations.

Planning permission P/2015/0939 is extant, this is a material consideration.

The key issues therefore are comparisons between the scheme that was approved under permission P/2015/0939 and that which has been built in regard to visual impact, impact upon adjacent occupiers and local amenity, and highway and movements impacts.

1. Visual impact

The changes that alter the character and appearance of the structure and its resultant visual impact upon the area are discussed below.

In terms of scale, the building is bigger and higher than that previously approved. The depth has increased by approximately 0.7m to just over 8 metres which presents an increase in the footprint of around 11% to that approved. The base of the building is 0.47m higher than approved and the resultant as built eaves and ridges heights are 0.5m and 0.7m higher respectively than approved.

In terms of prominence, aside the increase to the height and massing of the building, there are two further factors to consider. Firstly the building has been built closer to the rear boundary of the plot and this results in the building being

more prominent when viewed from Woodleys Meadow and the Public Right of Way to the south and southeast. The left hand corner (when viewed from Woodleys Meadow) is now only 2.7m from the edge of the plot where previously it was 4m, and the right hand corner is 5m where previously it was 5.6m. This relocation towards the rear boundary naturally makes the building more prominent within the locality. The second factor to consider is that there has been the removal of a number of trees that were present when the previous proposal was considered and which were identified to be retained within the approved plans. The removal of these trees has resulted in the loss of the natural screening that was previously present and has made the structure far more visible and prominent within the locality.

Solar panels have been installed in the roof of the building. These elements add clutter and increase the number of materials previously approved (which constituted a simple palette of materials). However, the solar panels could have been added, under Permitted Development rights, to the approved structure once built and hence their presence is considered acceptable in the as built proposal.

A summary of the difference between the approved building and the proposed/as built building is outlined below.

Element of the building	Approved scheme	Proposed/as built scheme	Difference
Width	8.60	8.60	0.00
Depth	7.30	8.06	+0.76m
Slab height (above datum)	0.30	0.67	+0.47m
Eaves height (above datum)	2.50	3.00	+0.50m
Ridge height (above datum)	6.60	7.30	+0.70m
Proximity to edge of plot (left hand corner viewed from Woodleys Meadow)	4.00	2.7m	-1.30m
Proximity to edge of plot (right hand corner viewed from Woodleys Meadow)	5.60	5.00	-0.60m

Having considered the various amendments and the change in context following the subsequent removal of a number of trees, the as-built structure is more prominent and more dominant than that which was approved. The combined impact of these factors causes unacceptable harm to the character and visual amenity of the area.

Having considered matters of scale, design and setting the revised proposal conflicts with the aims and objectives of Policy DE1 (Design) of the Torbay Local Plan 2012-2030 and advice contained within the NPPF where great importance to the design of the built environment and good design is acknowledged (Paras 17, 56 and 64).

2. Amenity impact

The changes that alter the likely impact upon local amenity are discussed below.

The provision of a larger domestic garage with secondary workshop/storage space above that is solely used for purposes that are incidental to the occupation of the associated dwelling is still considered unlikely to affect neighbour amenity in terms of noise and general activity.

The increase scale and height of building in the revised location would also result in an overbearing structure that would result in loss of outlook or light.

In terms of overlooking and loss of privacy, the upper floor void space is now served by six roof lights rather than four in support of the windows in each side gable. Previously it was considered that adjacent amenity could be appropriately managed through the retention of the screening and by obscuring certain openings in order to remove sensitive sightlines. As built, there is demonstrable harm to adjacent amenity through direct overlooking from the upper floor openings as there is no obscure glazing present within the upper floor. Although presently unacceptable it is considered that neighbouring amenity could be appropriately protected by use of obscure glazing in certain openings and permanently fixing the most sensitive of those so that sightlines are not introduced by an operating opening. As overlooking impacts can be appropriately managed by condition it is not in itself considered to present an unmanageable degree of harm that should warrant refusal.

Should members decide to grant consent for the scheme it is recommended that a condition is imposed to ensure that, prior to the first use of the building, obscure glazing is fitted within the north-east gable window, that the two eastern facing rooflights closest to Number 14 Woodleys Meadow also be obscured and fixed at all times, and the most northerly western facing rooflight closest to the boundary with East and West Winds is obscured, in order to remove the potential impact of unsatisfactory overlooking. This is aligned with the condition attached to the previous approval and the altered context following the re-siting of the building.

Subject to suitable obscure glazing and the fixing of two rooflights nearest to Number 14 Woodleys Meadow prior to the first use and retention at all times thereafter the development is considered to retain suitable levels of amenity and would comply with Policy DE3 of the Torbay Local Plan 2012-2030.

3. Highway and movement impact

The impact of the changes on the highway network and related issues are discussed below.

The proposal retains garage parking that exceeds the minimum size standards for garages as outlined within the Local Plan and hence they will comfortably fit a

car and provide adequate manoeuvring space around the vehicles within the building.

The revised siting of the building has reduced the length of the driveway below that which is generally sought by Highway Engineers, which is considered to be 5.5m for driveways as a minimum and ideally 6m to ensure that is no conflict with an up and over door (or similar). This seeks to ensure against the use of land, for car parking, not in the applicant's ownership. In the circumstance this is unlikely to present conflict as the access and boundary is not bordering a traditional or narrow footpath where there will be movement close to access point. However, the situation is not ideal. A second point of concern raised by the amendments is the reduced space that is available to access the garage openings brought about by its relocation closer to the plot's boundary. The oblique entry point to the left hand garage space appears challenging if not unworkable. Again this is not ideal, but the plot benefits from parking at the front to supplement this and, as such, this issue does not in itself warrant refusal of the application.

As the plot benefits from a combined parking arrangement that will exceed the requirements of the local plan the amended layout is, on balance and notwithstanding some concern in terms of the servicing and access to the spaces, considered acceptable and broadly compliant with Policies TA2 and TA3 Torbay Local Plan 2012-2030.

S106/CIL

N/A.

Conclusions

On balance the proposal is recommend for refusal, due to the impact of the changes in comparison to the approved scheme upon the character and visual amenities of the area caused by the additional height, massing and greater prominence of the structure in the locality. This is due to its re-siting closer to the edge of the plot and also through the loss of the trees that would have provided some screening and softening of the structure).

Cumulatively the amendments are considered to result in a demonstrable negative impact between it and the previously approved structure in terms of visual amenity.

As it stands that structure presents demonstrable harm to amenity through direct overlooking of adjacent properties. However this could be suitably managed through condition and hence it is not considered reasonable to refuse the application on this ground.

Should members decide to grant approval, officers recommend that a condition requiring the obscure glazing of certain openings and fixing shut those that cause

unacceptable harm in terms of overlooking should be imposed.

As a result of the changes the building is considered to have a visually intrusive appearance and does not relate well to the surrounding built environment in terms of scale, height and massing, which has a detrimental impact upon the character and visual amenities of the area. The application is therefore considered contrary to DE1 (Design) of the Local Plan and advice contained within the NPPF that seeks to secure good design (Paras 17, 56 and 64).

Relevant Policies

-