



Friday, 4 November 2016

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 14 November 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

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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 10 October 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 (development of up to 10 dwellings and associated infrastructure with all matters reserved other than access).
6. **Site Of Former Berry Head Garage, Berry Head Road, Brixham - P/2016/1059/VC** (Pages 14 - 20)
Demolition of concrete hardstanding and construction of four dwellings with parking. Variation of Condition P1 on original application P/2015/0705 and replacement with new plans to include a 400mm increase in the ridge height of Plot 1 and to extend its external end wall by 1500mm.

7. **Former Rossiter And Sons Site, 13-17 Palace Avenue, Paignton - P/2016/0585/MPA** (Pages 21 - 35)
Conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building to include a biomass boiler at basement level (proposal / description amended and revised plans received 30 August 2016).
8. **Preston Sands Hotel, 10-12 Marine Parade, Paignton - P/2016/0704/MPA** (Pages 36 - 43)
Demolish existing hotel. Formation of 10 apartments. (the proposed development to which the application relates is situated within 10 metres of relevant railway land, re-advertisement for re Consultation).
9. **Land Rear Of 107 Teignmouth Road, Torquay, TQ1 4HA - P/2016/0599/MPA** (Pages 44 - 55)
Formation of 12 flats and associated parking (revised plans received 26.10.2016).
10. **42 Whidborne Avenue, Torquay - P/2016/0932/PA** (Pages 56 - 64)
Demolition of dwelling and proposed replacement dwelling shown as 42 (See also P/2016/0933 item 11).
11. **42 Whidborne Avenue, Torquay - P/2016/0933/OA** (Pages 65 - 70)
Demolition of dwelling and proposed replacement dwelling shown as 42A (See also P/2016/0932 item 10).
12. **Appeal Decisions** (Pages 71 - 74)
To note the outcomes of appeals.
13. **Spatial Planning Performance Report - Quarters 1 and 2** (Pages 75 - 81)
To note Spatial Planning's Performance report for quarters 1 and 2.
14. **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.
15. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 9 November 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

10 October 2016

-: Present :-

Councillor Kingscote (Chairman)

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

(Also in attendance: Councillors Amil, Brooks and King)

36. Minutes

The Minutes of the meeting of the Development Management Committee held on 12 September 2016 were confirmed as a correct record and signed by the Chairman.

37. Urgent Items

The Committee considered the items in Minute 38, 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.

38. Land West of Brixham Road, Paignton - P/2016/0188

Further the meeting of the Development Management Committee held on 8 August 2016, the Team Leader for Development Management sought members approval for an extension of time in order for the further information previously requested to be submitted.

Resolved:

That an extension of time until 18 November 2016 be approved for the submission of additional information.

39. Land To The Rear Of Broadway, Dartmouth Road, Brixham - P/2016/0772/MVC

The Committee considered an application 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.

Prior to the meeting written representations were circulated to members and a late representation was read out at the meeting. At the meeting Mr Robert Owers and Mr Mrtyn Iles addressed the Committee in support of the application.

Resolved:

That the application be deferred for further information.

40. Paignton Library, Courtland Road, Paignton - P/2016/0630/MVC

The Committee considered an application for 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).

Prior to the meeting written representations were circulated to members.

Resolved:

That Condition 15 be amended as set out in the submitted report and the final drafting of conditions be delegated to the Executive Head Business Services.

41. Land Off Woodview Road & Torbay Business Park, Paignton - P/2016/0880/MPA

The Committee considered an application for the 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).

Prior to the meeting, Members of the Development Management Committee undertook a site visit. At the meeting Tony Slater addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) the submission of a Habitats Regulation Assessment that concludes the proposed development would not have a likely significant effect on the South Hams SAC;
- (ii) the submission of revised plans to show an unimpeded footway, and a revised landscaping scheme taking into account the recommendations of the submitted ecology surveys;
- (iii) the submission of additional information in relation to surface water drainage; and
- (iv) the final drafting of conditions, including a condition or a planning obligation to ensure that the landscaping is completed prior to occupation of the building, being delegated to the Executive Head Business Services.

42. 9 Sandringham Drive, Paignton - P/2016/0912/HA

The Committee considered an application for a replacement garage and side extension, loft conversion, alterations and extension to terrace.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mrs Penner and Mrs Halliwell addressed the Committee against the application.

Resolved:

Approved with the conditions set out in the submitted report.

43. Gleneagles Hotel, Asheldon Road, Torquay - P/2016/0388/MVC

The Committee considered an application for 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.

Prior to the meeting written representations were circulated to members.

Resolved:

Approved, subject to:

- (i) no further representations being received by the 19 October 2016 raising material considerations not considered within this report or that are considered to present a demonstrable impact (delegated to the Head of Business Services); and
- (ii) all previously attached conditions, amended as necessary to reflect any detail previously discharged, delegated to the Head of Business Services.

44. Hotel Blue Conifer, Higher Downs Road, Torquay - P/2016/0571/PA

The Committee considered an application for the 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.

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

At the meeting Colin Roulstone addressed the Committee against the application and Simon McFarlane addressed the Committee in support of the application. In

accordance with Standing Order B4.1 Councillor Brooks addressed the Committee.

Resolved:

That the application be refused on the grounds that by reason of the scale, bulk and design of the building, the proposed development would constitute overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area and have a negative impact on the adjoining Babbacombe Downs Conservation Area.

45. Wheatridge Lodge, Wheatridge Lane, Torquay - P/2016/0840/VC

The Committee considered an application for variation of a 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 roof-lights.

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

Resolved:

Refused for the following reasons:

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 (Paragraphs 17, 56 and 64).

The alterations to the approved scheme result in a form of development that by reason of its height and siting closer to the rear boundary of the site, in comparison with the approved scheme, result in a building that has an overbearing relationship to the adjoining property resulting in a detrimental effect on the residential amenity of the occupier, contrary to Policy DE3 in the Torbay Local Plan 2012-2030 which seeks to ensure that all new development should not unduly impact upon the amenity of neighbouring properties.

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.

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

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Agenda Item 6

Application Number

P/2016/1059

Site Address

Site Of Former Berry Head Garage
Berry Head Road
Brixham
TQ5 9AA

Case Officer

Mr Alexis Moran

Ward

Berry Head With Furzeham

Description

Demolition of concrete hardstanding and construction of four dwellings with parking. Variation of Condition P1 on original application P/2015/0705 and replacement with new plans to include a 400mm increase in the ridge height of Plot 1 and to extend its external end wall by 1500mm.

Executive Summary/Key Outcomes

The site is the former Berry Head Garage which has frontages to both Berry Head Road and Heath Road and is located on the south side of Berry Head Road opposite the Mooring Reach development. The site is surrounded by residential properties and is within the Brixham Town Conservation Area. The adjoining properties to the south-west in Ranscombe Court, Heath Road are Grade II Listed Buildings.

The application seeks permission to vary condition P1 of P/2015/0705 which granted permission to demolish the concrete hardstanding on the site and to construct four dwellings with parking under. The proposal for consideration is for a 400mm increase in the ridge height of Plot 1 and to extend its external end wall by 1500mm. The proposal affects the elevation of the building that will face towards Berry Head Road.

The proposal would result in an increase in the height of the development by 400mm over a span of 1500mm, which is not considered to cause a significant impact on the character of the previously approved development building or demonstrably reduce the previously designed spacious character of the roofscape.

Although the proposed development would extend forward of the building line of 15 - 21 Berry Head Road, given its recessed location in the street scene it is not considered that this would be highly obvious and would not result in having a detrimental impact on the grain or character of the street scene in the area.

It is considered that the proposed development would retain the character of the original design when viewed from the streetscene from Berry Head Road. The shape of the stone clad cock and hen parapeted column on the principal part of

the elevation acts to fill the awkward space at the front of the site and creates a visual link between the two sets of existing buildings on Berry Head Road as originally intended.

The proposed extension at second floor level is considered to have an acceptable impact on the setting of the adjacent Listed Buildings which are located on Heath Road. The relatively small increase in height of plot 1 and the distance from the Listed Buildings would mean that that the impact would be minimal and not significant enough to cause harm to the setting of the Listed Buildings. The proposal is considered to comply with Policy HE1 of the Torbay Local Plan 2012-2030.

Bearing these points in mind the proposal is considered to conserve and enhance the distinctive character of the conservation area. The proposal would retain the same high quality architectural detail and use of a sensitive palette of materials as the previously approved scheme P/2015/0705.

Although the extension to the end wall of Plot 1 would result in a bulkier development at roof level than that previously approved, it is considered to be of a scale that would have a nominal impact on the residential amenity of the neighbouring properties through overlooking, overdominance and loss of light, particularly when combined with the existing approval (P/2015/0705).

The proposal is therefore considered to comply with the requirements of Policies DE1, DE3 HE1 & SS10 of the Torbay Local Plan 2012-2030.

Recommendation

Approval with conditions yet to be discharged from P/2015/0705 applied.

Site Details

The site is the former Berry Head Garage with frontages to both Berry Head Road and Heath Road. There is a considerable drop in levels from Heath Road to Berry Head Road. It is on the south side of Berry Head Road opposite the Mooring Reach development. The site is surrounded by residential properties and is within the Conservation Area. The adjoining properties in Ranscombe Court, Heath Road are Grade II Listed Buildings.

Detailed Proposals

The application seeks permission to vary condition P1 of P/2015/0705 which granted permission to demolish the concrete hardstanding on the site and to construct four dwellings with parking under. The variation of condition 1 the subject of this application consists of a minor material amendment to the originally approved plan to include a 400mm increase in the ridge height of Plot 1 and to extend its external end wall by 1500mm.

Summary Of Consultation Responses

Brixham Town Council - comments not received.

Senior Historic Environment Officer - has raised concerns with regards to the proposal as the 'filling-in' of the cut back on plot 1 and the much longer roof line unbalances the design and impinges upon the parapeted stone block where spatial differentiation on the north and east sides requires a good separation - as achieved in the original design. Equally the recession that exists makes it easier to appreciate the qualities of No. 15 Berry Head Road and the group of five in which it sits. The extension of the roof and end wall of plot 1 towards the road, as requested in this application will just exacerbate the dominance of a block that is already a storey higher than its peers either side to the north.

Summary Of Representations

Nine letters of objection have been received. The points raised in the objections are as follows:

- o Loss of light
- o Out of keeping with the street scene and conservation area
- o Drainage
- o Overlooking
- o Overdevelopment
- o Impact on Listed Buildings.

Relevant Planning History

P/2015/0705 - Demolition of concrete hardstanding and construction of four dwellings with parking under. Approved 18.02.2016

P/2010/0902 - Extend time limit - Demolition of structures and erection of 5 town houses and 1 maisonette with car parking and vehicular/pedestrian access. Approved 01.11.2010

P/2005/1381 - Demolition of structure and erection of 5 town houses and 1 Maisonette with car parking and vehicular/pedestrian access - approved by DMC 26.09.2005

Key Issues/Material Considerations

The principle of four units of residential accommodation in this location was deemed to be acceptable by the granting of permission P/2015/0705 (approved 18.02.2016).

The key issues to consider in relation to the proposed variation of condition application are whether the amendment to the original scheme for the extension at second floor level to increase in the ridge height of Plot 1 by 400mm and to extend its external end wall by 1500mm would:

- o affect the character and appearance of the area and the original development

- o affect the residential amenity of adjoining residents.

Affect on the character and appearance of the area and the original development.

The increase in the height of the development, at 400mm over a 1500mm span, is not considered to be of a scale that would cause a significant impact on the character of the building or demonstrably reduce the previously designed spacious character of the roofscape.

The approved cock and hen capped stone clad wall sits outside of the end wall extension proposed under this variation of condition application. Although this may conflict with previously approved design where there was a distinct separation resulting from the different use of materials, the part of the development in question it is not considered to be highly or widely visible.

The extension to the roof and end wall of plot 1 results in the building line of the development being pulled out in line with the bay windows of 15 - 21 Berry Head Road and thereby partially exceeding the building line of this group of properties. However the building line of properties 13-3 Berry Head Road is some 10m in front of the building line of 15-21 Berry Head Road. Bearing this in mind the increase in the size of the development at second floor level is not considered to have significant impact on the neighbouring properties through an increase in overdominance given the juxtaposition of the site with the differing building lines and its recessed location in the street scene.

It is considered that the character of the original design is retained when viewed from the street scene from Berry Head Road. The shape of the cock and hen parapeted column on the principal part of the elevation acts to fill the awkward space at the front of the site and creates a visual link between the two sets of existing buildings on Berry Head Road as originally intended.

The proposed extension at second floor level is considered to have an acceptable impact on the setting of the adjacent Listed Buildings which are located on Heath Road. The relatively small increase in height of plot 1 and the distance from the Listed Buildings would mean that that the impact would be minimal and not significant enough to cause harm to the setting of the Listed Buildings. Therefore the proposal is deemed to comply with Policy HE1 of the Torbay Local Plan 2012-2030.

Overall the proposal is considered to conserve and enhance the distinctive character of the conservation area. The proposal is considered to retain the same high quality architectural detail and use of a sensitive palette of materials as the previously approved scheme P/2015/0705. The proposed extension to the roof and the extension to the end wall of Plot 1 is therefore deemed to comply with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030 and complies with paragraphs 131-134 of the NPPF.

Affect on the residential amenity of adjoining residents.

The proposed extension to the previously approved application omits an area of the roof terrace and a window which would reduce the possibility of overlooking into the rear of the adjacent properties in Berry Head Road and Ranscombe Road.

Although the extension to the end wall of Plot 1 would result in a bulkier development at roof level than that previously approved, it is considered to be of a scale that would have a nominal impact on the residential amenity of the neighbouring properties through overdominance and loss of light, particularly when combined with the existing approval (P/2015/0705).

The proposal is therefore considered to comply with the requirements of Policy DE3 with regards to neighbour amenity of the Torbay Local Plan 2012-2030.

Conclusions

When considering the issues assessed above the proposed variation of condition P1 of P/2015/0705 would be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority:
 1. An intrusive site investigation scheme, based on the submitted Phase 1 Report to be carried out to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification report providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that there is no risk from land contamination in accordance with Policy ER3 of the Torbay Local Plan 2012-2030 and beyond

02. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no development of the types mentioned in Part 1, classes A - H inclusive, Part 2 Class A & B and Part 14 classes A-O inclusive, of that Order shall be carried out without the prior consent of the Local Planning Authority.

Reason: To ensure that any future changes to the buildings or development within the grounds preserves the visual amenities of the conservation area in accordance with policy SS10 of the Torbay Local Plan 2012-2030 and beyond.

03. The car parking areas and garages shown on the approved plans shall be provided and made available for use for the units to which they relate, prior to their first occupation/use. The car parking areas and garages shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off street parking is provided in accordance with Policy TA3 of the Torbay Local Plan 2012-2030 and beyond.

04. The bin store and cycle store shown on the approved plans shall be provided and made available for use prior to their first occupation of the development, unless otherwise approved by the Local Planning Authority. The bin store and cycle store areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure an appropriate form of development and in accordance with Policies DE1 & TA3 of the Torbay Local Plan 2012-2030 and beyond.

05. Prior to the occupation of the development and notwithstanding the approved plans, details of an obscure glazed screen measuring 1.7m in height to be located on the west side boundary of the second floor terrace shall be submitted to the Council for approval. Before the first use of the first floor terrace, the approved privacy screens shall be fitted. The screens shall be permanently retained in that condition thereafter.

Reason: To protect residential amenity and the privacy of neighbouring properties; and in accordance with the requirements of policies DE1 & DE3 of the Torbay Local Plan 2012-2030 and beyond

06. Prior to the first occupation or use of the development hereby permitted, a detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation/use of the development. The soft landscaping shall be planted in the first planting season following the occupation/use of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the area and in accordance with Policy DE3 of the Torbay Local Plan 2012-2030 and beyond.

07. Prior to the commencement of development details of surface water drainage design shall be submitted to the Local Planning Authority for approval. These details shall demonstrate that the surface water discharge rate from the site to the systems is 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 (where the Greenfield run-off rate for the site is below 1.5l/sec a discharge rate of 1.5l/sec will be acceptable). The approved design shall be installed prior to the first occupation of the development and retained as such at all time thereafter.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with policy ER1 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

Relevant Policies

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Agenda Item 7

Application Number

P/2016/0585

Site Address

Former Rossiter And Sons Site
13-17 Palace Avenue
Paignton
TQ3 3EE

Case Officer

Carly Perkins

Ward

Roundham With Hyde

Description

Conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building to include a biomass boiler at basement level (proposal/description amended and revised plans received 30 August 2016)

Update Report:

On the 12th September, the Development Management Committee considered an application for the redevelopment of the three upper floors of 13, 15 and 17 Palace Avenue and the area of land to the rear of the site to provide 32 residential units. The Committee resolved to approve the application subject to conditions and the payment of up to £350,000 for to be used towards public realm improvements in the vicinity of the site. This decision was in accordance with Policies SS11 (Sustainable Communities) and H2 (Affordable Housing), which allow Members to "agree a reduction, or zero provision of affordable homes" on sites in Community Investment Areas.

Since this meeting, the applicant has considered the viability of the scheme if they were to provide a financial contribution, rather than 6 affordable units on site. The applicant has advised that, to ensure the development remains viable, the maximum contribution they could provide would be £200,000 towards town centre regeneration. They have requested any financial contribution is paid in two instalments, half following 50% of sales and the remainder following 100% of sales. Alternatively they remain willing to continue to provide 6 affordable units on site.

The figures provided by the applicant are currently being reviewed by an independent surveyor to ensure that the level of financial contribution is reflective of the true cost of providing six affordable housing units in this development scheme.

The application has been bought back to the Development Management Committee to allow Members the opportunity to reconsider the scheme in terms of whether they wish to see the provision of 6 affordable units on site or the £200,000 contribution towards town centre regeneration (£150,000 less that

initially requested). Members will be updated on the outcome of the consultation from the independent surveyor at the Committee Meeting.

Executive Summary/Key Outcomes:

The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.

The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage, and within a Community Investment Area. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument. The site is also located within Flood Zone 1 within the Critical Drainage Area.

The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units to make a total of 32 units.

The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable. No parking is proposed, however this is a town centre site and provision is made for on-site cycle storage. An on-site landscaping scheme is proposed as part of the wider development and a biomass boiler is proposed within the basement area.

Subject to the resolution of issues relating to design, drainage, cycle storage and the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant floor space to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.

Recommendation:

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions and/or affordable housing provision (subject to Member agreement), submission of revised plans demonstrating an acceptable design, drainage details, increased cycle storage provision and details relating to the biomass boiler; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Head of Spatial Planning.

Statutory Determination Period:

13 weeks, the determination date was the 23rd August 2016. This has been exceeded to allow the submission of revised plans, drainage details and for the proposal to be considered by the Development Management Committee.

Site Details:

The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.

The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument.

The site is also located within Flood Zone 1 within the Critical Drainage Area.

The site is within a Community Investment Area (CIA), as defined by the Local Plan. CIA's are areas experiencing significant deprivation, indicated by being within the 20% most deprived Super Output Areas in England according to the 2010 Indices of Multiple Deprivation. The Local Plan supports investment in these areas, especially where this can help secure more balanced communities by delivering a mix of employment, family housing, healthcare, childcare, education and local centre facilities - much as is envisaged through the masterplan implementation work.

Detailed Proposals:

The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units

to make a total of 32 units.

The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable.

The materials proposed include standing seam zinc roofs, steel trims; stone, white render and glass reinforced plastic windows and doors.

No parking provision is proposed as part of the proposal. A cycle store is incorporated into the design to provide 14 cycle spaces. An on-site landscaping scheme is proposed as part of the wider development. A biomass boiler is proposed within the basement area.

Summary Of Consultation Responses:

Historic England: The greatest impact of the proposals will be to the rear aspects of the site facing onto Bishop's Place. This pre-dates the formation of Palace Avenue and includes significant heritage assets on its northern side. The remains of the former Bishop's Palace originating circa 1100 are scheduled and listed grade II. This is a well-preserved monument, including the medieval boundary walls constructed of local red breccia, and a C14 full-height corner tower. The tower is a particularly robust landmark in the street scene, and sits forward of a building line of gabled C19 villas on the north side of Bishop's Place. Its prominence with its contemporary walled enclosure has aesthetic and evidential heritage value that contributes to its overall significance.*

The application site includes the redevelopment of a prominent, and one of the commercial centrepieces of G. S. Bridgeman's 1890's expansion of the historic core of Paignton. The former Rossiters department store has sadly ceased to trade, and while the ground floor has maintained a continued commercial use, the upper floors are now vacant. The potential re-use of the upper floors will give the building a positive and sustainable future.

The proposed apartment block, partially situated on the southern side of Bishop's Place will impact upon the setting of the scheduled Bishop's Palace. While the eaves line of the replacement building does not appear dissimilar to that of the existing store buildings abutting the highway, it is advised that the overall massing, particularly when viewed from the eastern approach is not substantially any greater. While views of the scheduled monument would not necessarily be obstructed, a more dominant building on the site would impact upon the view from the junction with Torquay Road.

The design approach of the elevation fronting Bishop's Place could present a more contextual response. The combination of linear off-shuts from the rear of Palace Avenue and the robust rhythm of the gabled villas on the north side could set a befitting precedent for a more articulated elevation. The proposed use of

locally indigenous building stone is accepted, as long as this complements other materials and finishes to be used.

The above issues should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Senior Historic Environment Officer: No archaeological issues are foreseen. The potential for Dark Age or prehistoric archaeology is not impossible but is extremely low.

The statement notes that 'the two storey sandstone gable building on the north west corner obscures the proposals almost completely from the Tower's sightlines'. However if the design is good, and to scale, there is no need to fear inter-site views. The interface across Church Path between 1340 and 1840 is one of the most interesting, though disparate, in the whole county.

The treatment, including the demolitions to the rear of the main Palace Avenue block are acceptable. The general form of the curved blocks with north and north-eastern outlooks, considering the east side boundaries is correct also, even though it appears pushed close to the street at the north-west corner.

The stairwell turret attached to the rear of the Palace Avenue block is discordant. The rolling roofscapes as seen in the east elevations do not read well especially as the rear stairwell turret rises above the roof ridge lines of all the new build blocks even when at the further distance. Both west and the south elevations have a formulaic and 'system' repetition of pattern. The north elevation seems rather better by contrast, but the roof storey which has a dormer and two rooflights to each of its four flats (Nos 22-25), would be much improved by two dormers to each flat, one to each internal unit but slightly narrower.

Green Infrastructure Co-ordinator: The proposal is considered acceptable in terms of biodiversity subject to the inclusion of conditions relating to nesting birds and landscaping and financial contributions towards greenspace and recreation.

Arboricultural Officer: The scheme is considered suitable for approval on arboricultural merit given the potential for a clear gain in landscape and visual amenity both publically and privately for potential future residents subject to the inclusion of conditions relating to the submission of detailed landscaping plans including long term management schedules and diagrams and details of proprietary root deflectors and underground cellular root system.

Design Consultant: The general proposition of developing the site is supported but several aspects of the design are not yet satisfactorily resolved, and/or require further explanation and justification. The most substantial concern relates to the cramped and awkward arrangement within the interior of the block

and, in order to alleviate the problems here, some reduction in the amount of accommodation may be necessary in arriving at a satisfactory layout.

Environment Agency: The site is in Flood Zone 1 and the Critical Drainage Area and should be dealt with via the standing advice provided to the Council.

Drainage Engineer: Further information is required before planning permission can be granted in relation to surface water drainage.

Senior Strategy and Project Officer: The site is in a highly sustainable town centre location, and offers an excellent opportunity for urban regeneration.

It is noted that the proposal has no car parking. In this location it is considered that this is acceptable given the close proximity of shops, surgeries, transport links etc. In addition it is noted that there is an internal courtyard which provides amenity space for residents, and cycle parking is provided. The amount of cycle storage should be increased; however the standard of 66 spaces as per local plan policy is likely to be impractical. The main pedestrian route from the new block will be via Bishops Place and a Section 278 agreement will be required to improve this.

Subject to the resolution of the cycle parking and the required s278 works to improve pedestrian accessibility along Bishops Place, the application is supported.

Police Architectural Liaison Officer: Advice and recommendations to design our crime, antisocial behaviour and conflict provided. Concerns raised regarding the zero parking provision.

Affordable Housing Delivery Officer: It is to be commended that the scheme will be providing the policy requirement of 20% Affordable Housing, which on a scheme of 32 dwellings will generate 6 affordable homes all of which will be social rent.

Summary Of Representations:

3 representations have been received. Issues raised:

- o Concerns regarding construction noise*
- o Concerns regarding noise and extra traffic*
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding road network and access to the site*
- o Support for the principle of development subject to issues raised in consultation responses being resolved.*

Relevant Planning History:

P/1986/1434 Replacement of dormers APPROVED 13/08/1986

P/1990/0078 Alterations and demolition of single storey toilet accommodation APPROVED 09.03.1990

P/1995/1305 Extend and refurbish storage facility to rear of shop fronting Bishops Place APPROVED 20.12.1995

P/1995/1305 Demolition of rear accessway/conservatory APPROVED 20.12.1995

P/2009/1119 Two additional fire exits to existing shop front APPROVED 01.12.2009

Key Issues/Material Considerations:

The relevant considerations are the principle of the partial demolition of the building and extension and conversion to residential accommodation, the need for town centre regeneration versus affordable housing, the impact of the proposals on residential amenity, highways, drainage, biodiversity, landscaping and the impact of the proposals on the character and appearance of the conservation area.

Principle of residential accommodation:

The application site is within the urban residential area of Paignton and noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with southern boundary of the site being identified as Secondary Shopping Frontage. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy TC1 of the Local Plan states that housing provision, within town centres not covered by primary or secondary shopping frontages together with the reuse of underutilised floor space above existing commercial premises as a source of housing supply will be supported.

In this instance the upper floors of the building and the storage areas to the rear of the site have been vacant for some time. The re-use of the upper floors of the buildings reflect the aims of policy TC1 and similarly the inclusion of a new building for housing provision to the rear of the site continue to reflect these aims as the northern boundary does not form primary or secondary shopping frontage. In line with policy H1 and TC1 of the Torbay Local Plan, the principle of residential accommodation on this site is considered acceptable.

The site is within the area covered by the Paignton Town Centre Masterplan,

adopted by the Council as a Supplementary Planning Document in June 2015. The masterplan emphasises the need to increase footfall and improve visitor experience in the town centre, which this proposal will help achieve. The masterplan confirms that concerted effort is needed to improve the links between Winner Street and the town centre, using appropriate street furniture and materials. Consequently, for town centre developments such as this, there is a need to secure financial contributions (via S106) for public realm improvements in the town centre, in accordance Policy DE1 (19 - 25), policy SS11 (criteria 9) and the adopted Paignton Town Centre Masterplan. The Council's Masterplan Programme Board and Delivery Team have not only focused on the delivery of key sites, such as Crossways and Victoria Centre, but also on increasing the number of residents in the town centre, utilising space above shops for example. This proposal helps support that approach and will help regenerate and transform Paignton town centre.

Town Centre regeneration versus affordable housing provision:

The applicant has offered to provide 6 no. affordable units as part of this scheme. However, under the terms of policies SS11 (Sustainable Communities) and Policy H2 (Affordable Housing) Members can "agree to a reduction, or zero provision, of affordable homes" on sites in Community Investment Areas. However, "development of such sites will be expected to provide significant benefits to the creation of more sustainable, balanced communities as assessed against the criteria in Policy SS11." There are thirteen criteria in policy SS11, which help the Council assess development proposals in relation to improvements in social, economic and environmental conditions. Consequently the criteria cover a range of issues, including closing the gap between least and most disadvantaged people and neighbourhoods in Torbay; developing a sense of place and identity; creation of well connected, accessible and safe communities; protection and enhancement of the local natural and built environment, where appropriate through planning contributions.

The rationale for policy SS11 (and therefore H2) is explained in the Local Plan text supporting the policy. In essence, Community Investment Areas are likely to be lacking in open market homes, healthcare, childcare, education and local centre facilities. So investment is encouraged to provide these facilities and opportunities, so long as that investment leads to benefits in the area. The policy includes the use of planning contributions to support refurbishment, bringing vacant property back into use or other environmental improvements, including improved public space. These are the very important issues, alongside priority site development, that the Masterplan Programme Board and Delivery Team are seeking to deliver to support the achievement of one of the Council's top priorities - successful town centre regeneration.

In this instance, if affordable housing were not to be provided on site, the Council could seek a financial contribution equivalent to £85,000 per affordable unit.

That equates to £510,000 for this site. A contribution of up to that amount would provide a significant benefit to the area, could support the improvements (to the public realm for example) as set out in the adopted master plan and support town centre regeneration.

Officers recommend that, in accordance with policies SS11 and H2 of the Local Plan, zero affordable housing is provided on this site and, instead, a financial contribution of up to £510,000 is secured via a S106 Agreement to support town centre regeneration. If Members agree this recommendation, further discussion will be required with the applicant to agree the level of contribution.

If the Development Management Committee requires affordable housing on site (rather than a financial contribution to town centre regeneration), then the Local Plan requires that for proposals of 20 or more dwellings on brownfield sites, 20% of dwellings on site will be affordable housing. The proposals include 6 affordable dwellings which is compliant with policy H2 of the Torbay Local Plan 2012-2030. Units 9, 10, 21, 20, 31 and 32 will be affordable in accordance with the information noted within the submitted Design and Access Statement which states that 'as part of the proposals six affordable homes will be provided within the east part of the converted terrace building'. If the size of the units are amended or those indicated to be affordable homes are varied, this would have a bearing on the overall contribution requested due to the level of mitigation afforded to affordable homes. Revised plans are expected to be submitted prior to the Development Management Committee and Members will be updated on this during the meeting.

Impact on the Conservation Area:

Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. At a local level, policy SS10 of the Torbay Local Plan states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built, natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay.

The Old Paignton Conservation Area Appraisal describes the site as being an important building group, and a key building group that makes a significant contribution to the townscape. The site sits prominently within views along Palace Avenue and Bishops Place and the redevelopment of the site will have an impact on the character and appearance of the wider Old Paignton Conservation Area. The re-use of the upper floors of the building and redevelopment of the

wider site for residential use will have a positive contribution to the appearance of the site bringing it back into use.

The conversion of the upper floors of 13,15 and 17 have been carried out sympathetically taking in to account the existing situation on site such that the conversion is not considered to visually impact the frontage on to Palace Avenue. The demolition of the poor quality rear extensions is considered acceptable - unveiling the north elevation of the terrace which is considered worthy of retention. The new building to the rear is considered suitable in scale and an appropriate replacement for the redundant storage space to the rear of the site. The form and basic principles of the design are considered acceptable however there are some elements of the scheme which are not considered appropriate and require revisions to ensure the acceptability of the scheme in terms of the appearance and character of the site and its wider surroundings. The proposed new building will have an impact upon the setting of the Scheduled Ancient Monument, Bishops Palace, being visible in views with the monument from Torquay Road. As noted above the form and basic principles of the design are considered acceptable however further revisions are required to the design to ensure that although visible, the design is such that it complements the setting of surrounding heritage assets rather than resulting in harm.

Revised plans are expected to overcome concerns raised within the consultation responses from the Council's Senior Historic Environment Officer and Design Consultant. The Committee Members will be updated on the revisions during the Committee Meeting.

Whilst the final proposals are yet to be submitted it is recognised that the development will result in some public benefit including securing the optimum use of the buildings and wider site and where harm is identified this should be weighed against such benefits. The scheme will facilitate the wider regeneration of the site and the reuse and restoration of a key building within the Conservation Area allowing positive enhancement of site within the wider street scene. The regeneration of the site offers wider social, economic and environmental benefits through the provision of 32 dwellings of a good standard of amenity and the wider enhancement of the site through the restoration of the site together with good quality landscaping.

This recommendation of approval is subject to revised plans being submitted and should an approval be forthcoming, conditions will be imposed including those relating to window, door, roof light and rainwater good details and external materials.

Impact on highway safety and parking provision:

The proposals do not include any parking provision. Justification for zero parking provision relies upon the town centre location and availability of community

facilities and public transport nearby, together with opportunities to utilise public car parks within the town centre. It is accepted that the site is within a highly sustainable location and appendix F of the Torbay Local Plan states in locations such as town centres where there is a greater choice of transport, the standard may be reduced. In line with comments from the Council's Strategy and Project Officer, the zero parking provision is considered acceptable subject to further cycle storage being provided and improvements to pedestrian access via a section 278 agreement.

On balance and in light of the location of the site, the public transport opportunities and public car parks nearby, the zero parking provision is not considered detrimental nor would it warrant the refusal of the application.

In terms of access, only pedestrian access will be provided to the site. However an area previously used for loading will be modified to a drop off zone across the Bishop's Place frontage. Given the previous use of the site for retail purposes, the proposed use for residential development is not considered to result in any significantly greater impact in terms of traffic movements. The proposal includes only pedestrian access and to improve access to the site a pedestrian crossing point to the north east corner is proposed. Subject to the provision of such works to improve pedestrian access, including improvements to the existing pavement on Bishops Place, the proposal is considered acceptable in terms of pedestrian access and safety.

Representations regarding the impact of the development on traffic and access are noted. Paragraph 32 of the National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this instance the existing use of the site for retail purposes is noted and the proposed use for residential is considered to result in a reduction in traffic movements associated with the site. Vehicular access to the site is restricted to drop-off only, limiting the number of expected trips to the site. In light of this and on balance, it is considered that highway safety is unlikely to be compromised by the redevelopment of this site for residential use nor is it considered to result in a severe impact that would warrant the refusal of the application.

Impact on residential amenity:

The proposals are separated from neighbouring sites to the south and north by Palace Avenue and Bishops Place respectively. The impact to those properties to the north and south is considered limited due to the scale of the roads separating them. The properties to the east and west are closer to the proposal however the relationship is not uncommon in built up areas such as this. Having considered the position and scale of the existing buildings on site, together with the orientation of the proposals in relation to those surrounding and the design of the proposals, on balance they are not considered to result in serious detriment

to the amenities of neighbouring occupiers by reason of loss of light or by reason of being unduly dominant or overbearing. Due to the proximity of the proposals to the surrounding buildings there is likely to be some inter-visibility between plots. However this type of relationship within the built up urban environment is not uncommon and any potential impact has been lessened due to the design of the proposal which limits direct overlooking. In line with the above the proposals are not considered to result in undue overlooking and as such are considered acceptable in terms of residential amenity.

The proposals include reference to the provision of biomass boiler, however details of extraction and a technical specification for the boiler have not provided. Such details have been requested and once received consultation with the Environmental Health Officer will be carried out. Members will be updated during the Committee Meeting on this point.

Representations regarding the impact of the development in terms of noise and traffic are noted. The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in order to limit such impact a construction method statement would be requested via condition. The Bishops Place frontage is largely inactive at present as the rear of the site is currently vacant. Whilst it is accepted that there will be an increase in activity to the rear of the site as a result of the proposal, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers.

Standard of residential accommodation:

The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are broadly consistent with the suggested standards. An area of communal garden space is provided and whilst this is below the suggested standards of the local plan it is not uncommon in town centre locations such as this. The availability of open space in the locality has been taken in to account, as has the quality of the internal accommodation for future residents. Whilst a larger area of open space might be preferable, in light of the surrounding context it is not considered to warrant the refusal of the scheme in this instance. 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.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste

and accessible kerbside recycle bins and boxes. A communal bin storage area has been provided within the development. This has been located towards the entrance of the site in a convenient location for collection. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

Landscaping:

The application site does not include any trees within the site but one tree exists adjacent to a neighbouring site. The principle frontage to Bishops Place seeks to address the entrance to the site and represents an enhancement to the visual amenities of Bishops Place. Subject to the inclusion of a landscaping scheme appropriate to the character of the Old Paignton Conservation Area the proposal is considered acceptable in terms of landscaping.

Impact on biodiversity:

The ecological survey states that the building has limited potential for roosting bats and nesting birds. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan.

Impact on drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site due to its compact nature and existing basement area immediately adjacent to the site. The surface water drainage system has raised some queries from the Council's Drainage Engineer and further information is expected from the applicant to resolve these issues.

S106/CIL -

In the event that the application be approved, and subject to Development Management Committee support for zero affordable housing provision on site, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.

The contributions would be requested as follows:

Waste Management: £1,600

Education: £8,610

Lifelong Learning: £6,380

Public Realm Improvements: £29,570 (calculated on the same basis as Greenspace & Recreation contributions)

Town Centre Regeneration: up to £510,000 (calculated on the basis of an off-site contribution for affordable housing provision)

No contributions have been requested for sustainable transport as the upper floors were previously in use as retail accommodation which would have incurred more trips than the proposed use as residential units. In line with the Council's Adopted SPD, the sustainable transport contribution sought from retail development would be £10,198 per 100sqm. The application form submitted with the application suggests that 2,250 sqm of retail tradable area will be lost as a result of the application. This figure would mitigate the total sustainable transport contribution to be sought for the proposed residential units and as such no contribution will be requested.

The figures quoted above are based on zero affordable housing provision on site. Were affordable housing to be provided on site, appropriate mitigation would be applicable to the education, lifelong learning and green space and recreation contributions.

Conclusions

Subject to the resolution of issues relating to design, drainage, cycle storage and the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant site to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The development will, in itself, result in investment in a Community Investment Area and could, if Members wish, provide a significant financial contribution to town centre regeneration rather than affordable housing provision on site.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.

Condition(s)/Reason(s)

01. Materials
02. Building Details (Windows, Roof Lights, Doors, Rainwater Goods)
03. Landscaping
04. Nesting Birds
05. Section 278 Agreement
06. Cycle Storage Provision

07. Bin Storage Provision
08. Drainage
09. Phasing
10. Construction Method Statement
11. Omission of Biomass Boiler
12. Contamination
13. Reglazing of Canopy
14. Waste Management Plan to include Recycling Measures
15. Details of Balustrading

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

- H1LFS - Applications for new homes
- H2LFS - Affordable Housing
- SS11 - Sustainable Communities Strategy
- SS10 - Conservation and Historic Environment
- HE1 - Listed Buildings
- ER1 - Flood Risk
- ER2 - Water Management
- TA1 - Transport and accessibility
- TA3 - Parking requirements
- NC1LFS - Biodiversity and Geodiversity
- ER3 - Contamination
- ES1 - Energy
- ES2 - Renewable and low carbon infrastructure
- C4 - Trees, hedgerows and natural landscape

Agenda Item 8

Application Number

P/2016/0704

Site Address

Preston Sands Hotel
10-12 Marine Parade
Paignton
TQ3 2NU

Case Officer

Mrs Ruth Robinson

Ward

Preston

Description

Demolish existing hotel. Formation of 10 apartments. (the proposed development to which the application relates is situated within 10 metres of relevant railway land, re-advertisement for re Consultation).

Executive Summary/Key Outcomes

The Preston Sands Hotel is located overlooking the beach at Preston. It is positioned mid way along a stretch of predominantly Edwardian detached dwellings which are in a mix of residential and commercial uses.

Originally two separate buildings, it is much altered through later extensions and now appears as a single building which dominates both plots.

Whilst other buildings along the Parade have been altered and extended, the original pattern of development is still evident and in this context, the Preston Sands Hotel is unsympathetic and out of character with other buildings along the Parade.

It is proposed to demolish the hotel and redevelop the site to provide 10 flats.

The loss of a hotel of this size in this location is in accordance with Policy TO2 of the Adopted Local Plan. It is not in a Core Tourism Investment Area, does not make a major contribution to the tourism offer and its loss would not undermine the holiday character of the area.

The replacement building, which is strongly informed by the historical pattern of development along Marine Parade, meets the second test in Policy TO2 in that it succeeds in reinstating a form of building more sympathetic to the original character of development on this site.

The scheme largely complies with the design, amenity and functional requirements of Policy DE1 and DE3 of the Adopted Plan. There are some deficiencies in respect of minimum garden sizes and parking levels.

To mitigate for the deficiency in garden size it is recommended that a

greenspace contribution is secured to be used in Hollicombe Park or on Preston Green. It is not considered that the minor shortfall in parking provision is significant given the location of the site.

The scheme is acceptable from a flood risk perspective and there are no adverse impacts on ecology. Biodiversity levels will be maintained through the mitigation included in the Conservation Action Plan which will be subject to a condition.

In terms of compliance with critical drainage, on site attenuation is needed and the applicant will seek to resolve this prior to issue of a decision.

Recommendation

Approve: subject to no representations raising issues not already considered by the DM committee within the consultation period that expires on 23.11.16 and submission of details acceptable to the Executive Head of Business Services of attenuation measures and details of levels, a Unilateral Undertaking or S106 to secure a Greenspace contribution of £7780 and conditions in respect of the following:

- Large scale design details
- Samples of Materials and stone panel for inspection
- Landscaping details and triggers for implementation
- Geotechnical Report to confirm excavation
- Construction Method Statement to ensure no pollution to coastal waters
- Implementation of Conservation Action Plan.

Statutory Determination Period

This application should be determined by the 19th November. The delay in determination has been due to an objection from the Environment Agency which has now been lifted. An extension of time has been agreed by the applicant until the 19th December.

Site Details

The Preston Sands Hotel is located overlooking the beach at Preston. It is positioned mid way along a stretch of predominantly Edwardian detached dwellings which are in a mix of residential and commercial uses. Originally two separate buildings, it is much altered through later extensions and now appears as a single building which occupies the whole width of both plots.

Poor quality alterations to the roofscape through the introduction of dormers and mansard roofs have led to this building being the most dominant in this stretch of buildings. The frontage extends well beyond the established building line and whole of the front is hardsurfaced to provide car and coach parking.

Whilst other buildings along the Parade have been altered and extended, the original pattern of development is still evident and in this context, the Preston

Sands Hotel is wholly unsympathetic in terms of form and appearance and is thus out of character with other buildings along the Parade.

Vehicular access to the site is via Marine Parade, a cul-de-sac which runs across the back of the beach and in summer is host to a string of beach huts. This road also includes the route of the South West Coast Path and is part of the National Cycle network.

To the rear of the buildings along Marine Parade is a narrow access road and beyond this the railway embankment and Torquay to Paignton train line.

This is a defined Wildlife corridor.

The site is within Flood Risk Zone 1 and the Coastal Change Management Area.

Detailed Proposals

This application involves the demolition of the hotel and its replacement with a new three storey building containing 8x2 bed flats and 2 x 3bed flats and basement car parking for 10 vehicles accessed from a central 'drive'.

The replacement building has been designed to reflect the original streetscape of detached Edwardian villas and reintroduces the gaps between plots evident in the street as a whole. It seeks to relate more effectively with the Parade as a whole in terms of form, appearance and height albeit in a more contemporary manner.

It is to be constructed in materials that reflect the neighbouring buildings including natural sandstone and render.

Front gardens and boundary treatments are reinstated in place of the existing car park.

Summary Of Consultation Responses

The Environment Agency: Have withdrawn an initial objection following further information in relation to flood resilience which confirms that the height of the habitable accommodation is above the 200 year high water mark.

Strategic Transport: Is satisfied that the level of parking is adequate due to the central location of the site and proximity to public transport. A space for disabled users is required if it can be accommodated without adverse impact on the reinstated front gardens.

Drainage Engineer: Is concerned that the means of dealing with surface water runoff is not properly dealt with and will require on site attenuation as the site is within a critical drainage area. Details of this are required prior to issue of a decision.

Police Architectural Liaison Officer: Raises detailed points in relation to means of access.

Design Review Panel: It was considered at its meeting of the 10th July 2015.

As the redevelopment of this site will form a benchmark for future redevelopment on adjacent sites consideration by the DRP was considered vital. It strongly recommended that the design be informed by 'the historical pattern of built form that characterised Marine Parade in its early years and still persists today' and that a contemporary approach was acceptable providing these compositional principles were adhered to.

Summary Of Representations

One comment has been received concerned at encroachment on neighbouring land.

Relevant Planning History

Most of the planning history relates to its use as a hotel.

An initial pre app inquiry was 'refused' due to the failure of the proposal to adequately reflect the existing character and grain of the street. Following consideration by the Design Review Panel and reworking of the design approach the pre app was met with a positive response.

Key Issues/Material Considerations

The key issues are whether the loss of the hotel use is acceptable, whether it complies with Policy TO2 in terms of the improvements to the form and appearance of the building, whether the resulting flats comply with policy DE1 in terms of design quality, DE3 in terms of residential amenity, functioning and relationship to neighbours and whether there is sufficient car parking in line with Policy TA3.

It is also necessary to consider flood resilience, drainage requirements, any ecological impact and whether the scheme should contribute towards local infrastructure to mitigate the impact of the development on the area. Each will be addressed in turn.

Is the loss of the Hotel acceptable?

The hotel is not within a defined Core Tourism Investment Area where tourism related uses are protected and should be retained.

Outside defined CTIA's this protection only applies if the use makes a 'major contribution' to the tourism offer, the holiday character of the area would not be undermined by the loss of facilities and at least one of the following criteria apply; it is of limited significance, there is no reasonable prospect of it being used for

tourism related purposes and/or there are regeneration benefits that outweigh the loss of holiday accommodation.

Preston Sands Hotel is a small/medium sized hotel with 31 bedrooms and located on a street that is, despite its location, predominantly in residential use. Only two other plots are in a tourism related use.

The hotel therefore does not make a major contribution to the tourism offer of the area and its loss would not undermine the holiday character.

It is also the case that the much extended building is of a very poor quality and redevelopment would only be viable if a higher value residential use were permitted.

Policy TO2 requires buildings that have been damaged through extensions and alterations in connection with a tourism related use to take the opportunity to restore buildings and land to their original historic form in the event that a change of use is permissible. This generally applies to conversions but equally should apply to new build schemes.

Marine Parade is not in a Conservation Area however it is part of a street with a distinctive urban form and appearance. The detached villa forms mostly have a consistent plot size or grain, a defined building line, height and appearance which creates a distinctive and characteristic streetscape.

These design references were taken on board in evolving the design for the replacement building. It gives the appearance of two distinct buildings through the modelling of the elevations which project forward paired lightweight bays with a recessive rear wings. This reflects the pattern of gaps between buildings and gaps are reinstated between the site and adjacent plots.

The height of the building is reduced and whilst the strong character of hipped roofs is not replicated in the new design, the recessed character of the majority of the roof storey and the projection forward of roof pods is broadly consistent with the proportion and form of the wider roofscape.

A more consistent building line is achieved with adjacent buildings at ground and first floor level through the reduction in depth of the building as it increases in height. Some extension at lower ground floor level is required to accommodate access, parking and the level of floorspace needed to deliver a viable scheme. This is however reduced from the extension forward of the existing building at this level and so is considered acceptable.

In terms of appearance, a common theme of design details and palette of materials ties the building in with its neighbours.

In terms of frontage treatment, the existing car park which cuts across the whole of the frontage is replaced by new terrace gardens and sandstone boundary walls which again ties this site in with its neighbours.

Thus it is considered that the loss of the hotel is considered acceptable as it complies with Policy TO2 both in terms of its location and the restoration of a more historically appropriate character of building.

Do the Flats comply with Policy DE1 and DE3 of the Adopted Local Plan?

This requires that new residential development is both visually in keeping and provides a satisfactory level of amenity for future occupiers of the site and neighbours. This lays out minimum unit sizes and garden space and describes a minimum standard of amenity in terms of layout and outlook.

Each of the flats has access to outdoor space in the form of terraces or balconies and there is some communal space to the front of the building. Four of the units have less than the 10m² minimum specified in policy DE3 although the rest are well in excess of the minimum standard.

Adequate storage, bin stores and bike storage is included in the basement car park.

The scheme is slightly deficient in terms of car parking as it doesn't include visitor parking or provision for disabled users. However, Strategic Transport do not consider this grounds to resist the application due to the sustainable location of the development and the constraints of the site. They would like to see a space for disabled users included in the front garden but this would present design difficulties due to the levels and limited space available.

Flood Resilience and Ecology.

These are issues of importance as the site is located in a Flood Risk Zone 1 and adjacent to a Wildlife Corridor.

Flood Risk

The site is within Flood Risk Zone 1 and in a critical drainage area. The EA is now satisfied that the flood resilience issues are adequately dealt with as the applicant has demonstrated that the habitable accommodation is above the 200 year high water mark.

In terms of the Critical Drainage Area the Councils Drainage Engineer is not satisfied that the scheme can discharge surface water to the mains system and to meet Greenfield run off rates it should introduce on site attenuation. The applicant is agreeable to this and will provide details of this prior to the issue of any consent.

Ecology

A phase 1 Habitat survey has been submitted due to the location of the site adjacent to a wildlife corridor and the risk to bat populations from demolition of buildings. The study does not identify any risk to habitats or wildlife. It recommends a Conservation Action Statement to avoid, mitigate and compensate for any anticipated ecological impacts. This clarifies preventative action in the event of bats or nesting birds being found and mitigation in the form of sparrow terraces and swift boxes all of which can be secured by condition.

S106/CIL -

Government guidance in relation to S106 contributions in schemes of 10 units or less is that pooled tariffs are not appropriate and that contributions should only be sought where they can be justified on the basis of being site related. This scheme is slightly substandard in relation to on site amenity space with 4 of the units only having access to terraces that are below the 10m² minimum.

In view of this, and mitigating for the existing use it is thought appropriate that a green space contribution should be sought but that this should 50% of the tariff included in the SPD 'Planning Contributions and Affordable Housing' reflecting the impact of the current use of the site. This would amount to £7,780. It is recommended that the greenspace contribution is secured to be used in Hollicombe Park or on Preston Green.

Conclusions

The loss of a hotel of this size in this location is in accordance with Policy TO2 of the Adopted Local Plan. The existing building is of very poor visual quality through the scale of alteration and extension to the extent that it dominates the plot and is intrusive within the immediate area.

The replacement building, which is strongly informed by the historical pattern of development along Marine Parade meets the second test in Policy TO2 in that it succeeds in reinstating a form of building more sympathetic to the original character of development on this site.

The scheme largely complies with the design, amenity and functional requirements of Policy DE1 and DE3 of the Adopted Plan although 4 of the units are below the minimum garden size and it does not include visitor parking or provision for disabled users.

In respect of the slight deficiency in garden size it is recommended that a greenspace contribution to be used in Hollicombe Park or on Preston Green is secured via a S106 or Unilateral Undertaking.

There is a ratio of 1 parking space per unit with no visitor parking. It is not considered that this shortfall warrants a refusal of planning permission due to the central location of the site and proximity to public transport. The inclusion of a

space for disabled users would not be possible without erosion of the reinstated front garden.

The scheme is acceptable from a flood risk perspective and there are no adverse impacts on ecology. Biodiversity levels will be maintained through the mitigation included in the Conservation Action Plan which will be subject to a condition.

In terms of compliance with critical drainage, on site attenuation is needed and the applicant will be required to resolve this prior to issue of a decision.

Recommendation

Approve: subject to prior submission of attenuation measures and details of levels, a Unilateral Undertaking or S106 to secure a Greenspace contribution of £7780 and conditions in respect of the following:

- Large scale design details
- Samples of Materials and stone panel for inspection
- Landscaping details and triggers for implementation
- Geotechnical Report to confirm excavation
- Construction Method Statement to ensure no pollution to coastal waters
- Implementation of Conservation Action Plan.

Relevant Policies

-

Agenda Item 9

Application Number

P/2016/0599

Site Address

Land Rear Of 107 Teignmouth Road
Torquay
TQ1 4HA

Case Officer

Carly Perkins

Ward

Tormohun

Description

Formation of 12 flats and associated parking (revised plans received 26.10.2016)

Executive Summary/Key Outcomes:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site. The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood. The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

The proposals consist of the erection of two residential apartment blocks consisting of 12 two bed residential units.

The materials proposed include grey and off white render, cedar wood cladding, grey upvc windows and doors and black upvc rainwater goods.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin storage is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. Further details are expected and the Members will be updated at the Development Management Committee.

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes. As such the principle of the proposal in terms of design, amenity and functional requirements would be largely consistent with Policies DE1 and DE3 in the Torbay Local Plan.

The additional landscaping provided on the site is considered favourably both in

terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst the level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. Further comment on the design of the proposal is awaited from the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage and land stability the proposal is recommended for approval.

Recommendation:

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions, the expiry of the consultation period (30th November 2016) and no public representations raising new issues which have not previously been dealt with within this report, consultations responses from consultees confirming the acceptability of the scheme, the submission of drainage details and details relating to land stability. Conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period:

13 weeks, the determination date was the 29th October 2016. This has been exceeded to allow the submission of revised plans and a further consultation period, drainage and stability details and for the proposal to be considered by the Development Management Committee. The applicant has agreed to extend the determination period until 18th November 2016. A further extension will be sought from the applicant to take in to account the need for further public consultation and advertisement.

Site Details:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site.

The site has previously been subject to planning permission for three industrial units in 2008 and 2011.

The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood.

The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

Detailed Proposals:

The proposals consist of the erection of two apartment blocks consisting of 12 two bed residential units. Block A is located to the north of the site alongside the

existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finishes are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor apartments serving lounge areas.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin store is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. The landscaping scheme includes paved paths to provide pedestrian access to the units from the parking court and incorporate communal seating and amenity areas.

Summary Of Consultation Responses:

Senior Project and Strategy Officer: The proposal has one parking space per unit plus a single space for visitors. This level of provision is at the lower end of the requirement noted within Policy TO3 and associated appendix F of the Torbay Local Plan. Additional spaces would be beneficial but should not be at the expense of cycle parking provision. In order to address the shortfall in parking, it is appropriate to seek planning contributions to encourage improved walking and cycling links between the site and Torquay Coach Station or Hele Local Centre. A travel plan should be requested by planning condition, to maximise the use of walking, cycling and public transport.

Urban Design Consultant: The original proposal is considered to be contrary to Policy DE1, DE2 and DE3. Further comments are awaited on the revised submission.

A revised sketch scheme was submitted in order to try and overcome the concerns raised by the Consultant. The Consultant noted that the provision of car parking and other shared amenities towards the centre of the site where they can be overlooked in a better arrangement. The orientation of the site allowing primary windows to be located facing north or south to avoid direct overlooking is noted. The massing of the blocks is much improved.

Green Infrastructure Co-ordinator: Conditions should be imposed if approved, relating to the clearance of vegetation and bird nesting season, the submission of a bat roost survey should any trees in the adjacent woodland require felling in the future and the submission of a method statement should any clearance of the site to the west of the site be required in the future. A lighting scheme should be

requested by condition prior to installation and the landscaping scheme should include native species of benefit to wildlife.

Additional residents will increase pressure on existing local greenspace and recreation facilities and thus a financial contribution should be sought in line with the Planning Contributions and Affordable Housing SPD 2008 and 2011 update. Contributions would be used towards the enhancement and management of facilities at Windmill Hill Public Open Space and Playing Fields which is in close proximity to the site.

Engineer: The proposed development site is located in close proximity to a disused quarry face of potential of uncertain stability. Further information is required to consider the stability of the quarry face and any measures for mitigation for the safety of users of the site and the preservation of structures both during the construction phase and through the life of the development.

Further information on the stability of the quarry face is expected and the Members will be updated at the Development Management Committee meeting.

Environmental Health: The site appears to have been subject to infilling and historical maps indicate a low level contaminative use. A full contaminated land condition is therefore required.

Environmental Safety: No comments to make on the application.

Arboricultural Officer: The only potential arboricultural constraints are the tree group to the rear of the site along the cliff face; this is an important part of the green landscape in the immediate area and is to be retained. The proposed development as shown in the proposed layout lies within an area of existing hard standing with limited rooting potential and therefore of little to no impact on the trees other than a requirement for periodic safety inspections post construction. The scheme is suitable in principle however a detailed landscaping plan including more robust and appropriate tree planting together with a planting methodology and schedule of planting is required before full recommendation on arboricultural merit can be given.

A revised landscaping scheme has been submitted and the Arboricultural Officer has offered the following comments:

The revised layout and landscaping represents a clear improvement in the quality of landscaping with far greater emphasis placed on the provision of amenity spaces for the residents. At present no fixed planting is proposed however feature trees are generally small trees which should be in part substituted for species such as Liquidambar, fastigate Beech/Oak or possibly Turkish Hazel which have narrow form but of wider amenity value. The revised layout includes the buildings being situated closer to Tree Group 1 however the quality of the

vegetation is low and therefore on arboricultural merit there is no concern to the revised layout. Further detail is required in terms of implementation and maintenance. This however can be dealt with via a condition.

Drainage: Further information relating to drainage is required prior to determination. Surface water drainage is proposed to discharge to the combined sewer as the site is not viable for soakaways. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the 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 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 must demonstrate that his surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to his development for the critical 1 in 100 year storm event plus 30% for climate change.

Further information is expected, however this unlikely to be submitted prior to the Development Management Committee meeting. This will however be sought prior to determination should the proposal be considered suitable for approval.

Designing Out Crime Officer: Comments have been made in relation to security and safety. These have been provided to the agent for consideration. The scheme has been revised taking into account these comments.

Summary Of Representations:

2 representations have been received. Issues raised:

- o Concerns regarding privacy and light
- o Concerns regarding increased pedestrian traffic
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding uses
- o Concerns regarding stability
- o Concerns regarding access over right of way
- o Concerns regarding wildlife
- o Concerns regarding level of parking provision

Relevant Planning History:

P/2008/0281 3 industrial units. Approved.

P/2011/1313 3 industrial units. Approved.

Key Issues/Material Considerations:

The relevant considerations are the principle of residential accommodation in this location, the impact of the proposals on residential amenity, highways, drainage, biodiversity, and landscaping and the design of the proposal.

Principle of residential accommodation:

The application site is within the established urban area of Torquay. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy SDT1 of the Torbay Local Plan which relates to the Torquay Strategic Policy Area states that the urban area will be improved and renewed, with strong support for family homes. Similarly it notes that around 3,955 new homes will be provided within Torquay over the plan period.

The site has been vacant for some time, whilst planning permission has been granted in the past for industrial units on this site; these have not been delivered despite a period of 6 years being available to deliver the development. The re-use of this brownfield site to provide dwelling units reflects the aims outlined within policies SDT1 and H1 of the Torbay Local Plan. In line with these policies, the principle of residential accommodation on this site is considered acceptable.

Policy H2 of the Torbay Local Plan states that developments of 11-14 dwellings on brownfield sites are not required to include the provision of affordable units.

Representations regarding the appropriateness of this use in this location are noted taking into account the surrounding uses. There are various uses in the locality including commercial, retail and residential uses. Whilst the concerns are noted, the residential use of this site is considered broadly compatible with surrounding uses.

Design:

The proposal has been revised since the original submission to respond to comments from the Council's Urban Design Consultant. The proposal has been amended to separate the development into two separate blocks accommodating 6 residential units in each. Block A is located to the north of the site alongside the existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court to serve the 12 units. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finished are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor flats serving lounge areas.

Within the locality there are various building designs with two storey terraces to the west and large scale flat roof commercial buildings to the north and west. The proposal is a higher scale and density than the immediate area and due to

the change in land levels will be visible in views from Teignmouth Road. However due to the topography of the site and the land to the east which slopes steeply upwards to the east, the three storey nature of the proposal is considered to sit comfortably in this location without undue impact on the character of the surrounding area.

In terms of the street scene, the proposal would follow the topography of the site with the height of the buildings stepping up from north to south providing visual interest whilst breaking up the mass of the development. The form of development in two blocks would continue to allow views of Daison Woods to the east of the site from Teignmouth Road. Due to the separation of the two blocks, which helps to break up the mass of the building together with the topography of the adjacent land to the east, the scale of development is considered to assimilate well with its surroundings. In addition it is noted that much of the development nearby is largely commercial and lacking architectural merit. The design of the building together with the associated landscaping scheme improves upon this predominant building form in this area which is large scale, hard landscaped and stark in appearance.

The contemporary form of the building is considered suitable in this location. The form of the building being flat roofed and large scale is comparable with nearby commercial buildings however the overall design much improves upon the design of these nearby buildings in terms of quality of materials and design details which add interest to the elevations of the proposals. The increase in soft landscaping and communal amenity areas for residents creates a softer appearance to the site and would improve the appearance of the site in views from Teignmouth Road.

Revised comments from the Urban Design Consultant have been sought and the Members will be updated at the Committee meeting.

Impact on highway safety and parking provision:

The proposal includes 13 parking spaces, which results in 1 parking space per unit plus 1 additional visitor space. One parking space with an electrical charging point and cycle storage provision are also proposed. The parking provision and communal facilities are located centrally within the site between the two apartment blocks. The area is visible from units 2, 4, 6, 7, 9 and 11 and therefore is well overlooked in terms of surveillance and security. Being centrally positioned is easily accessible for each of the units and therefore is likely to be well used and deter unneighbourly parking arrangements.

The parking provision proposed is policy compliant in terms of the number of spaces being provided per unit. However the scheme only provides one visitor space. Whilst appendix F does not specify a level of visitor provision per flat, one parking space is noted as being a low level of provision. Whilst there may be opportunities to increase visitor provision within the site, this is likely to be at the

expense of cycle storage and/or soft landscaping which would not be acceptable. In line with comments from the Senior Project and Strategy Officer, it would be reasonable to request contributions in order to mitigate the lower level of visitor parking provision. Such contributions would be used to improve sustainable transport links between the site and the coach station or Hele local centre. Should the application be approved, a travel plan will also be requested by condition.

Representations in relation to the level of parking provision are noted. However on balance and subject to the submission of a travel plan and contributions to improve sustainable transport links the level of parking provision on site is considered acceptable and would not warrant the refusal of the application.

In terms of access, the proposal utilises an existing access to the site. The existing access currently serves a single residential dwelling and two existing retail units. Prior to the submission of this application, through the pre-application enquiry service, advice was sought from the Council's Highways Engineer which confirmed that the visibility at the access was suitable for the intensified use of the site. The access is considered compliant with policy TA2 of the Torbay Local Plan.

Impact on residential amenity:

The proposals are separated from neighbouring residential dwellings to the west by a minimum of approximately 15m. The application site is located at a higher level than existing dwellings to the west such that views from the proposed units will largely be above and beyond those to the west. The position of the proposals is such that direct views are offset and where the distance and orientation may allow for inter-visibility between plots there are opportunities to adopt obscure glazing to prevent overlooking. Obscure glazing can be secured by condition and would be imposed upon the secondary west facing lounge windows to units 2, 4, and 6. Other west facing windows are separated from neighbouring dwellings to the west by a minimum of 23m which is considered sufficient to avoid loss of amenity through overlooking between plots.

The proposals are located alongside a quarry which slopes up steeply from west to east. The proposals are separated from neighbouring buildings by a minimum of 14m and a significant change in land levels with the application site being positioned higher than existing properties on Teignmouth Road. Whilst there is likely to be an impact on light levels as a result of the development of this site, due to the existing situation on site specifically the quarry and existing vegetation, the separation distances between the existing units to the west of the proposal and the orientation of the site, the proposal is not considered to result in serious detriment to residential amenity by reason of loss of light for neighbouring occupiers to the west.

Whilst the proposal will change the relationship between the development site

and neighbouring dwellings, due to the position and separation distances the proposals are not considered to result in a detrimental impact to neighbouring residential amenity by reason of being overly dominant.

The existing dwelling to the south is separated from the development site by a minimum of 28m and is largely obscured by existing tree planting. As such the proposal is not considered to result in any serious detriment to residential amenity by reason of loss of light, privacy or by reason of being unduly dominant or overbearing.

The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in light of the scale of the development and its location, a construction method statement would be requested via condition. Representations regarding an increase in pedestrian activity are noted. The site is largely inactive at present due to it being vacant and secured by a gated entrance. Whilst it is accepted that there will be an increase in activity as a result of the development, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers. Representations regarding private rights of access are not planning issues and therefore would not warrant the refusal of the application.

Due to the submission of revised plans, the proposal has been re-advertised with opportunity for further comment. Should any further representations be received prior to the Committee meeting they will be presented verbally during the meeting.

Standard of residential accommodation:

The supporting text to policy DE3 of the New Torbay 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. An area of communal garden space is provided and is consistent with the guidance attached to policy DE3. 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. Whilst it is noted that the topography of the surrounding site is likely to impact upon the internal light levels, the window positions and numbers help to maximise the light levels within the accommodation.

The proposal is in close proximity to existing retail and office buildings however in line with a consultation response from Environmental Health these adjacent uses are not considered to cause harm to the residential amenities of future occupants of these properties by reason of noise or nuisance. Such neighbouring uses are considered suitable in residential areas and as such the proposal is considered compliant with policy DE3.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. A communal bin storage area has been provided within the development. This has been located centrally within the site in a convenient location. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

The stability of the quarry face could affect the suitability of the site for residential redevelopment in terms of the safety of the site. Further information is expected in relation to this and will be assessed by the Council's Engineers. Conditions relating to contamination are recommended for inclusion in line with comments from the Council's Environmental Health Officer.

Landscaping:

The revised landscaping scheme is an improvement on the quality of landscaping that currently exists on site. The proposals include communal landscaped areas providing outdoor amenity for occupants and due to the location of such landscaping will provide improved visual amenity in views from outside of the site. The Council's Arboricultural Officer has been consulted on the proposal and subject to amended tree species and further details regarding implementation and maintenance which can be sought via a condition, has confirmed the acceptability of the landscaping scheme.

The site is located alongside an Urban Landscape Protection Area. Comments from the Arboricultural Officer suggest that the development of this site will not result in detriment to the tree group within this area subject to compliance with the tree protection plan. Policy C5 refers to development within the Urban Landscape Protection Area rather than that affecting its setting. Irrespective of this, the development of this site is not considered to undermine the value of the Urban Landscape Protection Area as a landscape feature with the tree group being unaffected by the development due to the existing situation on site. The proposal is not considered to detrimentally affect the character or appearance of the Urban Landscape Protection Area and will continue to allow views of the area from Teignmouth Road.

Impact on biodiversity:

Representations regarding the impact on wildlife are noted. The ecological survey states that the redevelopment of the site is unlikely to cause disturbance to bats, nesting birds, reptiles or amphibians however all works should be carried out using a precautionary approach. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is

considered acceptable and compliant with policy NC1 of the New Torbay Local Plan. Further comments are expected in relation to the revised scheme and will be presented at the Committee meeting.

Impact on drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site. The surface water drainage proposal has not been fully detailed and further information is expected from the applicant to resolve these issues.

S106/CIL -

In the event that the application is approved, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.

The contributions would be requested as follows:

Waste Management: £600
Sustainable Transport: £20,640
Lifelong Learning: £2,640
Greenspace and Recreation: £13,440

Conclusions

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. The design of the proposal needs to be reviewed by the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage, landscaping and stability the proposal is recommended for approval.

Condition(s)/Reason(s)

01. Materials
02. Landscaping
03. Tree Protection
04. Nesting Birds
05. Removal of trees and requirement for bat surveys

06. Removal of vegetation on bank to south and west and requirement for wildlife surveys
07. External Lighting
08. Travel Plan
09. Parking Provision
10. Cycle Storage Provision
11. Bin Storage Provision
12. Drainage
13. Construction Method Statement
14. Stability
15. Contamination
16. Obscure Glazing

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

- SDT1 - Torquay
- H1LFS - Applications for new homes
- SS1 - Growth Strategy for a prosperous Torbay
- SS12 - Housing
- SS8 - Natural Environment
- C4 - Trees, hedgerows and natural landscape
- NC1LFS - Biodiversity and Geodiversity
- ER1 - Flood Risk
- ER2 - Water Management
- H2LFS - Affordable Housing
- TA1 - Transport and accessibility
- TA2 - Development access
- TA3 - Parking requirements
- C5 - Urban landscape protection areas
- DE1 - Design
- DE2 - Building for life
- DE3 - Development Amenity

Agenda Item 10

Application Number

P/2016/0932

Site Address

42 Whidborne Avenue
Torquay
TQ1 2PQ

Case Officer

Mr Robert Pierce

Ward

Wellswood

Description

Demolition of dwelling and proposed replacement dwelling.

Executive Summary/Key Outcomes

This is a full planning application which along with a concurrent outline planning application seeks the demolition of the existing single storey bungalow and its attached double garage and their replacement with two modern style detached dwellings within a sub-divided plot (42 and 42a). This application relates to the construction of one detached dwelling on the western side of the site, noted as plot 42 on the submitted plan.

The proposed dwelling would be three storeys in height and would have a contemporary appearance. It would have a flat roof and would be predominantly finished in white render. A distinctive projecting corten steel fascia box is proposed on the front elevation that would sit above the double garage. The first floor windows on the front elevation would be notably recessed into the dwelling. The rear elevation would contain extensive glazing. The proposed dwelling would be sited further forward than the main front building line of the existing dwelling. There would also be an increase in the scale of development on the site as a result of this proposal.

Vehicular access to the site would be from the existing access. The proposal includes construction of a 2 metre high stepped garden wall on both the western and northern boundaries of the site which would be finished in render with a stone coping on top. The proposal includes provision of balconies and terraces at the rear at lower ground, ground floor and first floor level.

The proposal is considered acceptable in this location and without any material detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. As such the proposal is consistent with Policies DE1 (Design) and DE3 (Development Amenity) of the Torbay Local Plan 2012-30.

Due to the site being within the Critical Drainage Area as designated by the Environment Agency details of the surface water drainage strategy are required to be submitted prior to planning permission being granted, as set out in Policy ER2. This information is awaited.

A considerable number of objections to the proposed development have been received.

Recommendation

Conditional Approval (conditions at end of report) : Subject to the submission of details of a surface water drainage system that will not result in any increased risk of flooding to properties or land adjacent to the proposed development for the critical 1 in 100 year storm event plus 30% for climate change, these details to be to the satisfaction of the Executive Head - Business Services.

Statutory Determination Period

8 weeks Extension of time agreed.

Site Details

The site is currently occupied by a a bungalow style of dwelling which has a limited amount of accommodation included at first floor within its roof form, that has a distinctive 'eye - brow' dormer to the front. The site has a broad street frontage with two existing vehicular driveways. The appearance of dwellings in the vicinity of the application site is not uniform, however the characteristic form of buildings along this suburban street is for them to be wide-fronted with their main roof pitches orientated parallel to the highway and smaller secondary gabled features presenting perpendicularly to the street. Whidborne Avenue is sloping at the application site, and No 42 occupies a position that is slightly before a small summit in the street is reached (which occurs further to the west). The plots along this side of Whidborne Avenue have far reaching views to the rear and their roof line is clearly visible from certain locations on the other side of Ilsham Valley, in particular from Kent's Cavern and the lower end of Higher Warberry Road. A public footpath runs alongside a recently constructed 2 metre high wall which defines the side (west) and rear (north) boundaries of the site. This footpath follows the steep slope down to Bishops Rise.

Detailed Proposals

The plans indicate that the proposed dwelling would be sited within the western half of the sub-divided site (plot 42) and would be set slightly further forward than the building line of the existing property. It would be split level with the site being excavated to allow the new dwelling to be partly set down. The proposed dwelling would be of a modern flat roofed design and would be slightly lower than the ridge height of the existing property.

The resulting accommodation would be arranged on three levels as follows:
Lower Ground Floor - Integral double garage, utility room and two en suite bedrooms leading out onto a rear garden terrace, ground Floor - entrance porch leading to a hall/reception area and open dining, kitchen and living areas with the latter leading out onto a balcony with steps leading down to the garden. First floor - master bedroom with folding patio doors leading out onto a roof terrace, large

en suite facilities and a dressing room.

The external finishes would be white smooth render with a feature Corten steel Clad box projecting out to the front elevation above the double garage. The windows would have black steel frames. The driveway will be surfaced with permeable paving slabs. Details of the wall that is under construction alongside the public footpath have also been submitted as part of this application. The drawings indicate that it will have a rendered finish with stone coping on top. In the interests of biodiversity the wall will accommodate bird nesting boxes with frog and hedgehog highways built in along the whole wall.

Summary Of Consultation Responses

Highways Engineer: No objections subject to details of the design and calculations of the wall that has been built alongside the public footpath to the side and rear of the property.

South West Water: No objection.

Drainage Engineer: There are no details of the proposed location or design for the soakaway. The developer must carry out trial holes and infiltration tests in accordance with BRE 365 at the location and invert level of the proposed soakaway. These infiltration tests are required in order to confirm that the ground conditions are suitable for a soakaway and in addition the infiltration rates will be used to design the required soakaway. At each trial hole three tests must be carried out with the lowest test used in the design of the soakaway.

Summary Of Representations

2 letters in support

32 representations objecting

Main issues raised:

- Impact on local area
- High density of the site
- Design will date quickly
- Impact on open aspect
- Increase in vehicular movements to and from the site
- Loss privacy from balconies
- Will alter the skyline
- Visual appearance of the new boundary wall
- Out of character with the area
- Will set a precedent for multiple builds
- Impact on immediate neighbour (No 40) -loss of light, noise from the terrace
- Closure of gap.

Relevant Planning History

P/2016/0933 - Dwelling in Outline on Plot 42a - concurrent application.

The following application relates to a nearby site and is considered relevant to the consideration of this proposal.

P/2012/0896 - Formation of two dwellings - 2 Whidborne Close - Approved 29.07.2013.

Key Issues/Material Considerations

General Principle and Planning Policy -

The plot has an established residential use and sits within a wider residential estate that is mostly comprised of single dwellings set in defined uniform plots some of which have already been sub-divided and redeveloped including the scheme for two modern houses currently under construction at 2 Whidborne Close. The sub division of the plot maintains the residential use of the site, which is commensurate with the established use and local character and which makes the best use of the built up area by providing an additional family home. It is noted that this plot is wider than plots to the east and its subdivision is not considered to have an adverse impact on the character of the area. As such the principle of subdivision of the plot would be consistent with the objective in Policy DE1 of respecting the local character.

Visual Impact -

The flat roof design and modernist form to the elevations, which feature clean render and a Corten Steel Clad projecting box to the front elevation reflects the regeneration genre that is becoming favoured in the area and noticeable in pockets throughout Whidborne Avenue, Whidborne Close, Thatcher Avenue and Ilsham Marine Drive.

The site will be partly excavated which will allow the integral garage to be set down and the upper floor will be recessed by approximately 1 metre above the Corten Steel Clad projecting box. As a result it is not considered that the proposed new dwelling will be visually prominent within the street scene.

The rear of the properties along Whidborne Avenue are visible from distant views from across Ilsham Valley. However because the proposed dwelling will be no higher than the ridge height of the existing property it is not considered that it will be visually prominent within this row of houses.

The proposal would increase the scale of the built form on this half of the site, particularly adjacent to the western boundary. It is considered that this increase in the extent of the built form would be acceptable in this location and would be consistent with the established character of the area. Due to the public footpath that runs along this boundary a visual gap between the site and number 44 Whidborne Avenue would be retained. The part of the proposed dwelling on the western side of the site would be two storeys in height and therefore would have

an acceptable relationship with the adjoining property, and would not be out of character with the established form of development in the area.

The proposal is considered to provide residential development that is appropriately scaled and formed, would sit comfortably within its surroundings and thus preserve the character and appearance of the street scene. As such the proposal would accord with Policy DE1 of the Torbay Local Plan 2012-30.

As a result of discussions with the agent it is proposed to plant a significant tree in the middle of the plot next to the road frontage. The idea is to select a specimen which once fully matured will grow to a height above the two proposed dwellings. Its foliage would then be visible from across Ilsham Valley and add a verdant backdrop to the rooflines. It would also result in making a positive contribution to the public domain by introducing a mature specimen (as opposed to ornamental planting) within the street scene.

Residential Layout -

The proposed detached dwelling has adequate separate parking and outdoor amenity space, offered through balconies, terraces and gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment. The proposal is considered to offer an acceptable residential environment for future occupants. As such the proposal would accord with Policy DE3 of the Torbay Local Plan 2012-30.

Neighbour Amenity -

In terms of immediate neighbours, No 44 Whidborne Avenue is well separated from the west boundary of No 42 by a public footpath and an adjoining strip of woodland. This level of separation between the two plots is considered to be enough to avoid any overbearing impact or overlooking from the proposed balcony and roof terrace to the rear of the property.. It is not considered that the proposed dwelling will have any negative impact on No 40 Whidborne Avenue as the gap between the two properties will be separated by the proposed dwelling in the other half of the plot which is subject of the Outline Planning Application. Also the proposed first floor terrace will be orientated to the opposite direction and will be screened from view due to the 'L' shape of the floor plan. Consequently the proposed dwelling will be consistent with the objectives of Policy DE3 (Development amenity) in the Torbay Local Plan 2012-30.

Highway, Parking and Access -

The proposed dwelling would utilise the existing vehicular and pedestrian access which would serve a large integral double garage which would be set down below the level of the road frontage following excavation of part of the site. The Highway Engineer has raised no concern in regard to utilising this established access arrangement and the level of parking is considered in line with policy guidance.

Local residents have raised concern about the increase in traffic that would result from subdividing the existing plot. It not considered that the level of additional vehicular movements that would be generated from one additional dwelling in this location would be significant enough to justify refusing planning permission. Consequently the proposed development would be consistent with Policy TA1 (Transport and accessibility) in the Torbay Local Plan 2012-2030.

Ecology -

A Preliminary Ecological Assessment has been carried out and this has confirmed that no evidence of bat use or nesting bird activity was found in association with the roof or eaves of the property and therefore the proposed demolition of the existing bungalow will not impact on bats or nesting birds.

On the submitted plan it is indicated that an existing hedge along the western boundary of the site will be removed and will be replaced by a garden wall. The design of the proposed garden walls on the north and west boundaries would incorporate bird nesting boxes and frog and hedgehog highways.

Conclusions

The principle of sub-dividing the plot to form two dwellings is considered acceptable as the plot is of sufficient size and has enough natural frontage to accommodate them, without having a harmful impact on the character of the area. The proposed dwelling will sit quite comfortably within one half of the site.

The scale and design of the proposed dwelling reflects the style of recently approved redevelopment proposals in the area for clean-lined 'marine' inspired properties. It respects the roofline of properties along Whidborne Avenue and will not be visually prominent along the ridgeline from distant views across the valley to the rear.

The design and orientation of the proposed dwelling has addressed any issues of overlooking and loss of privacy to the immediate neighbours.

Highway safety for all users is protected by utilising the existing vehicular access with on site parking at a level that would mitigate any additional pressure for on-street parking (which is however low in this area).

All matters considered the scheme is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development.

Condition(s)/Reason(s)

01. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made

available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy TA3 of the Torbay Local Plan 2012 to 2030

02. Implementation of surface water drainage scheme prior to occupation of the dwelling.
03. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, and C of Part 1, Schedule 2 (which includes enlargement, improvement or other alteration, shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity. This is in accordance with Policies H1, DE1, DE3 of the Torbay Local Plan 2012-2030.

04. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (e) wheel washing facilities (f) measures to control the emission of dust and dirt during construction
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (h) measures to minimise noise nuisance to neighbours from plant and machinery.

The approved Statement shall be adhered to throughout the construction period.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring

uses and in the interests of the convenience of highway users.

05. Notwithstanding drawing reference No 01 Rev A, prior to the occupation of the dwelling, full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Details of hard landscape works shall include means of enclosure, boundary and surface treatments. Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. In terms of biodiversity, details shall include measures for biodiversity mitigation and enhancement, such as retention of hedges and trees where possible, replacement habitat features for any lost, planting schemes of benefit to biodiversity, incorporation of bird and bat box features; information shall also be provided on how these features are to be maintained in favourable condition to support biodiversity. The proposed landscaping scheme shall be implemented in full in the next planting season (October to March) following the approval of the submitted details. In the event of failure of any trees/plants, planted in accordance with any approved scheme, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees/plants shall be replaced.

Reason: In the interests of biodiversity and to secure a landscape scheme that will complement the development in the interests of visual amenity in accordance with Policies DE1 and NC 1 of the Torbay Local Plan 2012 to 2030.

06. No vegetation removal shall be undertaken during bird nesting season (March-September) unless a pre-works check is carried out by a suitably qualified ecologist to ensure that nesting birds are absent.

Reason: To prevent harm to nesting birds in accordance with Policy NC1 of the Torbay Local Plan 2012 to 2030.

07. Prior to construction above the damp proof course level, an External Materials Schedule shall be submitted to and approved in writing by the Local Planning Authority showing full details of all external materials of the dwellings, including specification and images. Development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of

the conservation area in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

Relevant Policies

H1 - New housing on identified sites

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

TA3 - Parking requirements

TA2 - Development access

DE4 - Building heights

NC1 - Protected sites - internationally import

Application Number

P/2016/0933

Site Address

42 Whidborne Avenue
Torquay
TQ1 2PQ

Case Officer

Mr Robert Pierce

Ward

Wellswood

Description

Demolition of dwelling and proposed replacement dwelling shown as 42A (in outline)

Executive Summary/Key Outcomes

This is an application for outline planning permission which along with a concurrent planning application for full planning permission seeks the demolition of the existing dwelling and its attached double garage and their replacement with two detached dwellings within a sub-divided plot (42 and 42a). Applications for each of these dwellings have been submitted separately. This application is submitted in outline. The original submission was for details of access, layout and scale to be agreed at this stage, but this has since been revised to access only being agreed at outline stage. Details of layout, scale, landscaping and appearance are reserved.

Vehicular access to the site would be from the existing access.

The principle of residential development in this location is considered acceptable and in accordance with policy H1 of the Torbay Local Plan 2012-2030. There are no planning grounds to resist demolition of the existing dwelling. The subdivision of the plot into two would not result in material detriment the character or appearance of the locality. A sensitively designed dwelling on this site would not harm the residential amenity of adjoining occupiers. As such the proposal is consistent with Policies DE1 (Design) and DE3 (Development Amenity) of the Torbay Local Plan 2012-30.

Due to the site being within the Critical Drainage Area as designated by the Environment Agency details of the surface water drainage strategy are required to be submitted prior to planning permission being granted, as set out in Policy ER2. This information is awaited.

A considerable number of objections to the proposed development have been received.

Recommendation

Conditional Approval (conditions at end of report) - Subject to the submission of

the design of a surface water drainage system that will not result in any increased risk of flooding to properties or land adjacent to the proposed development for the critical 1 in 100 year storm event plus 30% for climate change to be agreed by the Executive Head of Business Services.

Statutory Determination Period

22nd October 2016 Extension of time agreed.

Site Details

The site forms the eastern half of a plot that is currently occupied by a predominantly single-storey dwelling which has a limited amount of accommodation included at first floor within its roof form which has a distinctive 'eye - brow' dormer to the front. The site has a broad street frontage with two existing vehicular driveways. The characteristic form of buildings along this suburban street is for them to be wide-fronted with their main roof pitches orientated parallel to the highway and smaller secondary gabled features presenting perpendicularly to the street.

Whidborne Avenue is sloping here and No. 42 occupies a position that is slightly before a small summit in the street is reached (which occurs further to the west). The plots along this side of Whidborne Avenue have far reaching views to the rear and their roof line is clearly visible from certain locations on the other side of Ilsham Valley, in particular from Kent's Cavern and the lower end of Higher Warberry Road.

Detailed Proposals

The application is for outline planning permission which seeks approval for the principle of developing plot 42a. The applicant has revised the submission to details of access to be agreed at this stage only. Layout, scale, appearance and landscaping would be agreed at reserved matters stage. To assist the understanding of the proposal, a Design Guide was submitted which set out the design parameters for any subsequent reserved matters application for the development of plot no 42A and its relationship with the proposed dwelling on Plot 42. There was officer concern about the proposed layout and scale of the dwelling indicated in this document and therefore the application has been changed so that these issues can be addressed at reserved matters stage.

The access into the site would utilise the existing vehicular and pedestrian opening onto Whidborne Avenue. In terms of layout, the Design Guide and submitted plans indicate that there would be a gap between the two properties with the party boundary being defined by a proposed griselinia hedge.

Summary Of Consultation Responses

Highways Engineer: No objections subject to details of the design and calculations of the wall that has been built alongside the public footpath to the side and rear of the property.

South West Water: No objection

Drainage Engineer: There are no details of the proposed location or design for the soakaway. The developer must carry out trial holes and infiltration tests in accordance with BRE 365 at the location and invert level of the proposed soakaway. These infiltration tests are required in order to confirm that the ground conditions are suitable for a soakaway and in addition the infiltration rates will be used to design the required soakaway. At each trial hole three tests must be carried out with the lowest test used in the design of the soakaway.

Summary Of Representations

2 letters in support

32 representations objecting

Main issues raised:

- Impact on local area
- High density of the site
- Design will date quickly
- Impact on open aspect
- Increase in vehicular movements to and from the site
- Loss privacy from balconies
- Will alter the skyline
- Visual appearance of the new boundary wall
- Out of character with the area
- Will set a precedent for multiple builds
- Impact on immediate neighbour (No 40) -loss of light, noise from the terrace.
- Closure of gap.

Relevant Planning History

P/2016/0932 - Dwelling in Plot 42 - concurrent Detailed application.

The following application relates to a nearby site and is considered relevant to this decision.

P/2012/0896 - Formation of two dwellings - 2 Whidborne Close - Approved 29.07.2013.

Key Issues/Material Considerations

General Principle and Planning Policy -

The plot has an established residential use and sits within a wider residential estate that is mostly comprised of single dwellings set in defined uniform plots some of which have already been sub-divided and redeveloped including the scheme for two modern houses currently under construction at 2 Whidborne Close. The sub division of the plot maintains the residential use of the site, which

is commensurate with the established use and local character and which makes the best use of the built up area by providing an additional family home. It is noted that this plot is wider than plots to the east and its subdivision is not considered to have an adverse impact on the character of the area. As such the principle of subdivision of the plot would be consistent with the objective in Policy DE1 of respecting the local character.

Visual Impact -

The layout, scale, and appearance of the proposed dwelling are reserved matters and not for consideration as part of this application.

There is a linear form of development along Whidborne Avenue. There would be sufficient room on the application site for a dwelling that reflects the established grain and form of development in the area to be provided.

As a result it is not considered that the proposed new dwelling will be visually prominent within the street scene.

The rear of the the properties along Whidborne Avenue are visible from distant views from across Ilsham Valley. Providing the proposed dwelling would be lower than the ridge height of the existing property it is not considered that it will be visually prominent within this row of houses.

As such the proposal would accord with Policy DE1 (Design) of the Torbay Local Plan 2012-30.

Residential Layout -

There would be sufficient space on the site for a detached dwelling to provide adequate parking and outdoor amenity space which would offer an acceptable residential environment for future occupants. As such it would be consistent with Policy DE3 (Development Amenity) in the Torbay Local Plan 2012-2030.

Neighbour Amenity -

The existing dwelling on the site is located a minimum of 2.5 metres from the boundary with 40 Whidborne Avenue. There would be sufficient space on the site to maintain this level of separation to the adjoining dwelling. Subject to sensitive design a new dwelling could be provided that would have an acceptable relationship with the neighbouring property.

Consequently the principle of constructing a dwelling on this site would be consistent with the objectives of Policy DE3 (Development amenity) in the Torbay Local Plan 2012-30.

Highway, Parking and Access -

The proposed dwelling will utilise the existing vehicular and pedestrian access which will serve a large integral double garage. The Authority's Highways

Department do not raise any concern in regard to utilising this established access arrangement and the site is capable of providing a level of parking that would be in line with policy guidance.

Local residents have raised concern about the increase in traffic that would result from subdividing the existing plot. It is not considered that the level of additional vehicular movements that would be generated from one additional dwelling in this location would be significant enough to justify refusing planning permission. Consequently the proposed development would be consistent with Policy TA1 (Transport and accessibility) in the Torbay Local Plan 2012-2030

Ecology -

A Preliminary Ecological Assessment has been carried out and this has confirmed that no evidence of bat use or nesting bird activity was found in association with the roof or eaves of the property and therefore the proposed demolition of the existing bungalow will not impact on bats or nesting birds.

It is noted that the proposed garden wall on the north boundary would incorporate bird nesting boxes and frog and hedgehog highways.

Conclusions

The principle of sub-dividing the plot to form two dwellings is considered acceptable as the plot is of sufficient size and has enough natural frontage to accommodate them without having a harmful impact on the character of the area..

The site is of sufficient size to allow a dwelling that would respect the character and appearance of the existing townscape and not result in harm to the residential amenity of adjoining occupiers.

Highway safety for all users is protected by utilising the existing vehicular access and on site parking at a level that would mitigate any additional pressure for on-street parking (which is however low in this area) is achievable.

The scheme is considered to sit comfortably with local policy guidance and national guidance for the presumption in favour of sustainable development.

Condition(s)/Reason(s)

01. Reserved matters submitted
02. No PD classes A,B,C
03. construction management plan
04. parking provided

05. landscaping implemented
06. Installation of bird boxes and frog and hedgehog highways prior to occupation of the dwelling
07. Complete implementation of surface water drainage scheme prior to occupation of dwelling
08. No vegetation removal during bird nesting season

Relevant Policies

-

Summary of Appeal Decisions April 16 to October 16

Appeals dismissed – 12 cases

1. 18 Roundham Road, Paignton

LPA ref- P/2015/0870/PA

Date of decision -29.04.16

Proposals – refurbishment and extension of lower ground floor rooms

2. 1 White Rock Cottages, Brixham Rod, Paignton

LPA ref- P/2015/1014/PA

Date of decision -02.06.16

Proposals – barn cottage on building plot

3. 144 Clifton Road, Paignton

LPA ref- P/2015/1262/HA

Date of decision -28.06.16

Proposals – extensions and alterations

4. Flat 1 Southcourt Villa, Ridgeway Road, Torquay

LPA ref- P/2015/0168/PA

Date of decision -12.07.16

Proposals – extension to form kitchen/diner with glazed link

5. Rozel, Parkham Road, Brixham

LPA ref- P/2015/0775/PA

Date of decision -14.07.16

Proposals – conversion of a second floor and roofspace to create a 2 bedroom self- contained flat with external access

6. Corner Cary Avenue and Aveland Road, Babbacombe, Torquay

LPA ref- P/2015/1234/AD

Date of decision -04.08.16

Proposals – sign with name of club

7. 140 Totnes Road, Paignton

LPA ref- P/2015/1104/PA

Date of decision -22.08.16

Proposals – proposed starter home in the curtilage of 140

8. Cavern Mews, Cavern Road, Brixham

LPA ref- P/2015/0957/OA

Date of decision -26.08.16

Proposals – construct log cabin on derelict land off Cavern Mews

9. The Mews, Rear of 28 Elmbank Road, Paignton

LPA ref- P/2015/0281/PA

Date of decision -06.09.16

Proposals – redevelopment of site and construction of three dwellings

10. The Hermitage, 9 Church Road, Torquay

LPA ref- P/2015/1038/HA

Date of decision -23.09.16

Proposals – erection of a single storey timber framed conservatory replacing existing on same footprint

11. The Hermitage, 9 Church Road, Torquay

LPA ref- P/2015/1039/LB

Date of decision -23.09.16

Proposals – erection of a single storey timber framed conservatory replacing existing on same footprint

12. 23 Hartop Road, Torquay

LPA ref- P/2015/0355/HA

Date of decision -28.09.16

Proposals – remove front garden and wall to replace with hardstanding

Appeals allowed – 4 cases

1. Apartment 14 Level 5 and Apartment 12 Level 4, Abbey Sands, Torquay

LPA ref- P/2015/0636/PA

Date of decision -05.05.16

Proposals – enlargement and landscaping of external terrace to Apartment 14 Level 5 and Apartment 12 Level 4 and extension of glazed balustrade

2. 34 Barnfield Road, Torquay

LPA ref- P/2015/1177/HA

Date of decision -01.06.16

Proposals – enclosure of a balcony, formation of a dormer and a new balcony

3. 41 Mead Road, Torquay

LPA ref- P/2015/1151/HA

Date of decision -27.06.16

Proposals – detached garage, parking turning area and new vehicular access

4. 19 Manor Glade Court, Higher Warberry Road, Torquay

LPA ref- P/2015/1090/PA

Date of decision -13.09.16

Proposals – replacement windows (5 no.) with white UPVC

Split Decision – 1 case

1. Ben Venue, Middle Warberry Road, Torquay

LPA ref- P/2015/0562/LB

Date of decision -04.08.16

Proposals – retrospective formation and refurbishment of 3 en-suite bedrooms to first floor of main house

Costs Decision -1 case

Application for costs dismissed

1. Ben Venue, Middle Warberry Road, Torquay

LPA ref- P/2015/0562/LB

Date of decision -04.08.16

Proposals – retrospective formation and refurbishment of 3 en-suite bedrooms to first floor of main house

Spatial Planning Performance Report

Quarters 1 and 2, 2016 (01 April to 30 September 2016)

Executive Summary

This report provides information on the performance of the Spatial Planning Team in Quarters 1 and 2, 2016. It gives members of the Development Management Committee the opportunity to oversee performance against a number of indicators.

The Council's performance against the statutory function of determining planning applications and maintaining an up to date local plan is vital to investment in the Bay. A strong well functioning planning service is important for long term, sustainable economic growth. Investors look at, for example, the degree to which Members follow officer advice, the percentage of approvals on major applications, how quickly those decisions are made and how robust the policy framework is against which these decisions are made.

The Council has performed well in the determining all three categories against which it is assessed on performance in Development Management. The decision rate against target for major applications being well above target and there has been a significant improvement its performance for minor and other planning applications, bringing performance above target.

There are some areas that require attention such as production of neighbourhood plans, replacement of the site review meeting process which uses a disproportionate level of resources and can be a stressful experience for applicants. In addition that there is a need to review business processes within the department to look at making more efficient use of technology, in order that the service remains robust and fit for purpose.

Headlines

The following areas of performance are highlighted given their importance in national measures of Local Planning Authorities; these indicate a good picture for Torbay in the national context:

- Major planning applications 100% in quarter 1 and 90% in quarter 2 were determined in time (either within 13 weeks or within the time agreed with the developer). This is well above the Government's special measures threshold of 50%.
- 17 appeals have been determined, of which 70.5% were dismissed and 23.5% were allowed.
- The new Torbay Local Plan 2012-2030 is embedded into decision-making and is proving to be an effective tool for decision making. The rate of success at appeal has increased, with Inspectors supporting the Council in decisions that are contrary to the up-to-date policies.
- It is intended to adopt the Community Infrastructure Levy (CIL), with CIL applying to smaller developments and S106 agreements continuing to apply to major new developments. A public hearing will take place on 9th November. It is anticipated that CIL will be adopted in early 2017.

Performance against 8/13 week target time period:

The combined performance for quarters 1 and 2 is:

Major applications – 95% (In the same period in 2015 this was 77.5%)

Minor applications - 90.2% (In the same period in 2015 this was 50.6%)

(includes applications for fewer than 10 dwellings, small office, light industrial development and retail development)

Other applications – 95.38% (In the same period in 2015 this was 67.8%) (includes change of use, householder, listed building and certificate of lawfulness applications)

Performance

The following areas of performance are set out in this report:

- (1) Local and Neighbourhood Plans
- (2) Planning appeal decisions
- (3) Performance on Major planning applications
- (4) Performance on Minor and Other planning applications
- (5) Number of applications and fees
- (6) Forthcoming applications
- (7) Enforcement
- (8) Strategy and Transport
- (9) Operational Matters.

1. Local and Neighbourhood Plans

The new Torbay Local Plan 2012-30 (adopted December 2015) is proving an effective tool in decision making. Inspectors are supporting decisions that are contrary to adopted policies, and the rate of success at appeal has increased. The policy framework in the Local Plan provides an effective platform to improve the quality of development. This is especially apparent in terms of size of dwellings, provision of residential space and design quality within conservation areas.

Neighbourhood Plans are continuing to progress and the department has invested resource into supporting each of the Neighbourhood Forums where it has been possible. Torquay Neighbourhood Forum has completed their pre-submission consultation and the Council understands they are expecting to submit the plan to Council in January with examination around April, and a referendum in the summer. Both Paignton and Brixham Forums are working towards their pre-submission consultations, which are expected in the near future.

2. Planning Appeal Decisions

Seventeen appeals have been determined in the last six months. Twelve cases were dismissed, four were allowed and there was one split decision. One application for costs against the Council was dismissed (Ben Venue, Middle Warberry Road, Torquay). A summary of these cases is attached at Appendix A. All these appeals have been dealt with by the written representations process.

The Council has successfully defended 70.5% of appeals against a target of 60%. This should be seen as a good level of performance that reflects good quality decision making on planning applications. It is worth noting that a 100% success rate at appeal would indicate that the Council is not refusing enough planning applications and therefore would not be performing at the most effective level.

3. Performance on Major Planning Applications

Determinations within 13 weeks

Councils are expected by the Government to determine at least 50% of major planning applications within 13 weeks, or within an extended time period agreed with the applicant. Authorities that fail to reach this standard will be subject to special measures. Quarter 1's performance on Major Planning Applications was 100 % determined in time or within an agreed timescale and Quarter 2's performance was 90% determined in time or within an agreed timescale.

DCLG statistics that are published nationally include a measure of quality of decision making for major decisions. In the period January 13 to December 14 Torbay ranked 182 of 341 Local Authorities.

This reflects a strong performance on determining the larger applications at a rate well above the national target. These applications generally relate to major investment and regeneration proposals and performing well above target is a reflection of good performance.

Decisions made at Development Management Committee are in the majority of cases consistent with the officer's recommendation. In the six month period from April to September 2016 24 applications were determined, and of these 2 decisions were overturned by the committee. This is an 8% overturn rate. This demonstrates a strong consistency between officers and members of the committee in making planning decisions.

This level of consistency in decision making provides applicants with a high level of certainty that the eventual decision will be likely to follow the advice that they have received through the negotiation process.

4. Performance on 'Minor' and 'Other' Planning Applications

Last year the Government announced that it intends to extend performance measures to non- major development. No relevant criteria have been announced or timescales for this measure, although it is likely to apply to performance levels below 60%-70%. In response to this the DM team have focused on improving their performance against target. Performance for the last two quarters is;

Minor applications determined in time or with an agreed extension of time

Quarter 1	92.16%
Quarter 2	88.24%

Other applications determined in time or with an agreed extension of time

Quarter 1	96.53%
Quarter 2	94.38%

In comparison with the level of performance in the same period last year there has been a notable improvement. This has been achieved through a greater focus and prioritisation of targets. In addition, greater use of extensions of time where the case officer agrees an extended time period for determination of an application with the applicant has taken place.

In the DCLG published data for quality of minor and other decisions October 2012 to September 2014 Torbay ranked 79 of 341 Local Authorities. For speed of minor and other decisions July 2014 to June 2016 Torbay ranked 129 of 344 Local Authorities.

It is unlikely at this level of performance that special measures will be imposed.

5. Number of applications and fee income

In comparison with the same period in 2015 the number of planning applications received has increased with a commensurate increase in fee income. The number of pre application inquiries received has decreased but fee income has increased.

	1/4/15 - 25/10/15	1/4/16 - 25/10/16
Planning Applications (of which Majors)	679 (15)	740 (18)
Planning Application Fees	£210,286	£300,096
Pre-Applications	310	255
Pre-Application Fees	£29,020	£30,042

6. Forthcoming applications

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

Site Address	Summary proposal	Target DMC
Pavillion, Torquay	Hotel, Flats, Car Parking	Jan 17
Claylands	Industrial	December 16
Collaton St Mary	Residential	Appln awaited
Shedden Hall Hotel	Residential	December 16
Former B and Q site	Residential	December 16
White Rock Retail	Retail	TBC
Torquay Gateway	Mixed use	Appln awaited

7. Planning Enforcement

Planning enforcement remains challenged by the level of resource available. As previously reported it is intended to transfer this service into Community Safety to work alongside other posts undertaking the same or similar work in order that the Authority can provide a collaborative solution to complaints. This will be a more effective and efficient way of working for the Authority that will avoid duplication.

In the first two quarters of this year one Listed Building enforcement notice and two breach of condition notices have been served.

8. Strategy and Transport Performance

Community Infrastructure Levy

The adoption of CIL is subject to a public hearing with the examiner following a consultation period. The public hearing will take place on 9th November 2016. Following that hearing it is

expected that the examiner will consider the points raised and the evidence already submitted by all parties over a few weeks, before making a final decision. It is anticipated that CIL will be formally adopted in early 2017.

The Council proposed some modifications in September 2016 to the CIL policy, which have been out to consultation and those comments will be reviewed by both the Council and the examiner in due course. In principle the Council proposed seeking CIL for all qualifying developments with the exception of the larger sites in the Future Growth Areas – where it was suggested that S106 will continue to be used. The modification that was proposed in September for charging was as follows:

Zone	Site Size (£ per sq m)		
	1-3 dwellings	4-14 dwellings	15+ dwellings
Built up areas based on top 20% deprivation	Zero	£30	£30
Elsewhere in the built up area	£30	£70	£70
Outside the built up area	£70	£70	£140
Future Growth Area	£70	£70	Zero – S106 Obligations will be used to secure infrastructure funding

SPD Planning Contributions and Affordable Housing

The Supplementary Planning Document (SPD) Planning Contributions and Affordable Housing is in the process of being refreshed. A report will be presented to Full Council on 8th December 2016 seeking its adoption

Local Development Scheme

The LDS is a project management document for an Authority's Development Plan, setting out the range of documents that will be prepared and the timescales for their production. The requirement to produce a LDS was introduced by the Planning and Compulsory Purchase Act 2004. We must prepare and maintain an up to date scheme in accordance with the current Development Plan policy framework.

Following the adoption of the Local Plan we must now review and update this document and a check of this will be carried out by the DCLG during the assessment the Local Plan in April 2017.

Masterplans

The Strategy and Project Delivery Team are working alongside the TDA in support of the delivery of key Masterplan sites. Currently initial work has commenced on Development Briefs for some of the Town Centre sites.

Public Health

A Public Health Supplementary Planning Document (SPD) is in production and it is intended to consult on this document in early 2017. This will combine the key messages from public health and spatial planning and work towards a Healthy Torbay.

Heritage Action Zone

Although not successful with the zone designation, Historic England has confirmed their support for the Paignton proposal and will be working with officers to deliver individual elements of the scheme. The initial proposal included outcomes based around four themes, understanding the impact of the masterplan on heritage assets; manage and produce an action plan; promotion of culture through new initiatives; invest in disrepair of key buildings and the public realm.

Great Place Scheme

Working alongside the Torbay Culture Board, Spatial Planning has been successfully chosen to progress to the next round of the funding competition. There are three main areas of activity which are Creative Coastline (arts and heritage); Creative Coast (Coastline Strategy, public realm improvements, cultural and activity projects); and Create Commissioning (using partnerships to grow the capacity of arts, culture and heritage). We have sought £1.4m over 3 years for this project.

Local Enterprise Partnership Growth Deal

The LEP are setting the priority agenda for the South West Growth Deal 3 settlement. Further news is expected around the Autumn Statement. Officers have worked with the executive lead members to ensure that Torbay Transport Schemes are included within the priority list. The list contains 23 schemes, of which Paignton Town Centre (Train Station, Bus Station, Highway) is number 4. It is not expected that the settlement will fund more than 5 transport schemes across the LEP area.

Officers are also continuing with the delivery of Edginswell Station, following agreement of the LEP to fund £4m and the supportive resolution of the Development Management Committee in April 2016. The ongoing work has included the submission of technical documents to Network Rail for consideration and preparing a funding bid, to cover the remainder of the costs, for submission to DfT/Network Rail for New Stations Fund 2.

The LEP has also funded highway projects, in excess of £10m, within Torbay. The Strategy and Project Delivery team are responsible for ensuring the funding is spent as intended and updating business cases and claims accordingly for those schemes. The Western Corridor and Torquay Gateway schemes are on site currently with only minor works necessary to complete the Torquay Town Centre Access scheme.

Peninsula Rail Task Force

We have worked with the regional PRTF (Torbay, Somerset, Devon, Plymouth, and Cornwall) to secure improvements to the rail network around three key aims, resilience; journey times; and Capacity and Comfort. The 20 year plan, currently out for consultation, will be presented to Government in November and it is hoped it will form a blueprint for investment by Government in the region's railway network.

Access Fund

Following the completion of the School travel planning work at the end of the school year officers helped, through project management, to ensure the project delivered successful outcomes within budget. The project achieved a sign-up from 75% of primary schools and 11 nationally accredited awards. It has set the foundations for Public Health's "Healthy Learning Project" which is expected to be launched next year.

The Department for Transport then announced an opportunity to apply for further sustainable transport revenue funding, focused on public health and deprivation. A bid has been submitted and the decision is expected at the end of 2016.

Customer and Communities Investment Fund

A fund supported by Great Western Railway which is focused on community benefits at and around stations on their network. Officers are working on the delivery of funding to support new facilities at Torquay Station and a bid has been submitted for further enhancement of the forecourts and station appearance at both Torre and Torquay. If the bid is successful it will enable connections to the Masterplan work in Torquay, along with the Torbay Culture Board and Torbay Community Development Trust.

9. Operational Matters

The Head of Spatial Planning has taken up a two year secondment to the TDA as Regeneration Programme Director. This loss of experience and professional skill set will inevitably impact the operational efficiency of the department. It will be necessary to replace this high level of resource in order to ensure the department is robust and well placed to continue to deliver good quality place making. Without this post in operation Spatial Planning is operating below the resource level of qualified planning professional officers that is needed, and could potentially impact on the ability to meet statutory requirements in the event of absence of existing staff.

There are a number of processes within Spatial Planning that are outdated and need to be made more efficient and fit for purpose. Neighbouring authorities utilise technology to a greater extent than Torbay. The opportunities to transition from a largely paper based system to an electronic system needs to be investigated and implemented. Electronic document management would present an opportunity to streamline the service. The software package and document management system that is currently used are capable of underpinning an electronic operating system.

The Site Review meeting process is disproportionately resource hungry and not an efficient way of determining whether an application should be determined by the Development Management Committee or should be a delegated decision. On a number of occasions it has resulted in a stressful experience for applicants. With the reduction of resources in Development Management it is no longer possible to sustain this part of the decision making process.

Conclusion

The Spatial Planning team continues to be successful and has performed well in relation to key indicators. In addition the Council continues to perform well at appeal.

There will inevitably be challenges ahead. The change in the Head of Spatial Planning taking up a secondment opportunity will impact the operation of the department. On a national scale a new ministerial team may well make changes to the planning system. Changes in the way in which Local Authorities operate, such as devolution, has the potential to necessitate changes to service delivery. The Government has indicated that they will be carrying out trials of alternative providers to process planning applications which could in future change the way in which the service is provided for Local Authorities. There is a need to ensure that the Spatial Planning service remains robust and fit for purpose in order to make an effective contribution to securing inward investment into Torbay.

Performance could be improved through a review of the way in which the department operates. There are a number of outdated processes currently being undertaken that do not make effective use of the resources available. Making greater use of electronic business process systems needs to be investigated and implemented as this would streamline the way in which the service operates, and bring it into line with the operation of neighbouring authorities.