



Friday, 3 February 2017

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 13 February 2017

commencing at **2.00 pm**

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

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby
Councillor Cunningham
Councillor Morey
Councillor Robson

Councillor Stringer
Councillor Winfield
Councillor Pentney
Councillor Tolchard

A prosperous and healthy Torbay

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

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

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

(1)

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

To confirm as a correct record the Minutes of the meeting of this Committee held on 9 January 2017.

(Pages 5 - 6)

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. **Former B&Q, Korean Martial Arts Academy and Zion Road Chapel, Tor Hill Road and Zion Road, Torquay - P/2016/0730 P/2016/0729 P/2016/0914** (Pages 7 - 23)
Former B & Q site, 41 Tor Hill Road, Torquay (P/2016/0730) -
 Change of use, alterations and extensions to form 19 residential units to include parking/storage facilities and the retention of 663 sqm retail/commercial floorspace.
- Former Korean Martial Arts Academy (P/2016/0729) -** Change of use from Martial Arts Centre into three dwellings, to include roof extension and alterations.
- Former Zion Road Chapel (P/2016/0914) -** Alterations to and conversion of former chapel to form 6 apartments including car parking at ground floor level and extensions to both roof slopes. Demolition of northern workshop extension and formation of single dwelling.
6. **1-2 Kents Road, Torquay - P/2016/1316/MPA** (Pages 24 - 33)
 Conversion and change of use from care home (C2) to 12 residential apartments (C3); Internal and external alterations.
7. **1-2 Kents Road, Torquay - P/2016/1317/LB** (Pages 34 - 38)
 Conversion and change of use from care home (C2) to 12 residential apartments (C3); Internal and external alterations.
8. **Hotel Blue Conifer, Higher Downs Road, Torquay - P/2016/1354/PA** (Pages 39 - 52)
 Demolition and redevelopment to form 9 sheltered apartments for the elderly including communal facilities, access, car parking, and landscaping.
9. **Telephone Exchange, Goshen Road, Torquay - P/2017/0030/CU** (Pages 53 - 56)
 Proposed 15m mast and associated cabinets (the proposed development to which the application relates is situated within 10 metres of relevant railway land).
10. **Land At Raleigh Avenue, Adj. Davis Avenue, Torquay - P/2017/0031/CU** (Pages 57 - 60)
 Installation of 12.5m monopole, 2 microwave dishes, 2 equipment cabinets and associated works.
11. **Land West Of Brixham Road, Paignton - P/2016/0188/MRM** (Pages 61 - 91)
 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park (proposal / description amended 5 April 2016).
12. **Public speaking**
 If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

13. Site visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 8 February 2017. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

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



Minutes of the Development Management Committee

9 January 2017

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Brooks, Cunningham, Doggett, Morey, Robson,
Pentney and Tolchard

(Also in attendance: Councillors Excell)

70. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group and Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Brooks instead of Councillor Winfield and Councillor Doggett instead of Councillor Stringer.

71. Minutes

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

72. Urgent Items

The Committee considered the items in Minute 73, 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.

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

The Team Leader for Development Management sought members approval for an extension of time in order to conclude the Section 106 Agreement.

Resolved:

That an extension of time until 31 March 2017 to conclude the Section 106 Agreement be approved.

74. Claylands' Cross Site, Brixham Road, Paignton - P/2016/1123/MOA

The Committee considered a hybrid application for alterations to Claylands Cross junction to create an access to the site, access roads within the site including related infrastructure, drainage and earth retaining works. Outline Application with

all matters reserved except access for the erection of two buildings to provide four industrial B8 (storage and distribution) and B1 (business) units including car parking areas, loading yards and a central service road.

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

Resolved:

Approved subject to the submission of a Habitats Regulation Assessment (Screening) that concludes the proposed development would not have a likely significant effect on the South Hams Special Area of Conservation, the submission of additional information about groundwater, landscaping, highways, biodiversity, noise, lighting and securing financial contributions where necessary. The final drafting of conditions relating to those set out in the submitted report be delegated to the Executive Head of Business Services.

75. Windmill Hill Sports Pavilion, Higher Audley Avenue, Torquay - P/2013/0312/PA

The Committee considered an application for extensions and alterations to existing sports pavilion (re-advertised 7 December 2016).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting additional representations were presented to members by the Team Leader for Development Management. At the meeting Mrs Jackie Wakeham addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Excell addressed the Committee. The Team Leader for Development Management advised the Committee that due to the information contained in late representations the officer recommendation had changed to refusal.

Resolved:

That the application be refused on the grounds of insufficient information in respect of flood risk and surface water management, protected species and the impact of traffic on the local area.

76. Electric House, Castle Circus, Tormohun, Torquay - P/2016/1231/LB

The Committee considered an application for internal works to remove studwork partitions and portions of suspended ceiling first and second floor.

Prior to the meeting written representations were circulated to members.

Resolved:

That Listed Building consent be granted.

Chairman

Agenda Item 5

Application Number

Site Address

P/2016/0730
P/2016/0729
P/2016/0914

Former B & Q
41 Tor Hill Road
Torquay
TQ2 5RY

Former Korean Martial Arts Academy
37 Tor Hill Road
Torquay
TQ2 5RY

Former Zion Road Chapel
Zion Road
Torquay
TQ2 5RZ

Case Officer

Ward

Mrs Ruth Robinson

Tormohun

Description

P/2016/0730 – Former B & Q site: Change of use, alterations and extensions to form 19 residential units to include parking/storage facilities and the retention of 663 sqm retail/commercial floorspace.

P/2016/0729 – Former Korean Martial Arts Academy: Change of use from Martial Arts Centre into three dwellings, to include roof extension and alterations

P/2016/0914 – Former Zion Road Chapel: Alterations to and conversion of former chapel to form 6 apartments including car parking at ground floor level and extensions to both roof slopes. Demolition of northern workshop extension and formation of single dwelling

Executive Summary/Key Outcomes

This report relates to three associated applications on closely related vacant sites which are prominent within the Tormohun Conservation Area.

They are:

- P/2016/0730: The former B&Q site 47 Tor Hill Road. This involves refurbishment and extension of the existing buildings to provide (following amendment) 19 residential units, ground floor commercial floor space, 10 car parking spaces and 3 garage spaces.
- P/2016/0729: The former Martial Arts Academy (MMA) 37 Tor Hill Road. This involves the extension, refurbishment and alteration of the existing building to provide 3 residential units.
- P/2016/0914: The former Zion Road Chapel Zion Road. This involves the extension, refurbishment and alteration of the former chapel building to provide 7 residential units and 7 car parking spaces.

These buildings have been disused for many years and are all in a very poor physical condition. They are each of some architectural or historic merit and have the potential therefore to contribute positively to the regeneration of this rather run down part of the town centre.

It is a defined Community Investment Area in the newly adopted Local Plan.

The first two applications occupy contiguous sites. The former B&Q site extends along the majority of the Laburnum Row frontage and extends eastwards to the head of Southlands Road. A more recent 3 storey extension to the building occupies the corner of the plot and it extends at this height along Tor Hill Road until it meets the more diminutive MMA former chapel building.

The Zion Road chapel, previously used for tyre fitting sits opposite the MMA building.

The three sites have been recently purchased by the same applicant. Only the application on the B&Q site which is a 'major development' could not be determined under delegated powers.

However, it is useful to consider the B&Q site and the MMA building together as there are design issues which are common and they are interrelated in terms of amenity and the overall functioning of the site.

The Zion Road Chapel site is more of a separate entity however the design approach is quite unorthodox and it could be argued that this does not sit entirely in accordance with national and local plan expectations in relation to the extension of traditional buildings.

Historic England and the Council's Conservation Officer, whilst finding much positive about the proposals have reservations about the dominance of the roof extension to the B&Q building and the nature of the extension to the MMA chapel building. There have been amendments to both these features to try and overcome these concerns although they still remain.

The Conservation Officer has particular concerns about the nature of the roof extensions to the Zion Road Chapel and considers that this will harm the traditional chapel building and the wider Conservation Area in terms of its impact on public views. Historic England have not expressed a view in relation to this proposal as due to the size of the development, they are not statutory consultees.

However it does tie in with the overall design ethos emerging from these closely related and prominent sites and on balance it is considered that the rather quirky but high quality approach to converting this former chapel building is acceptable

in the circumstances of effecting a wider regeneration of Torre.

Under NPPF guidance, whilst there is a clear responsibility to first consider the duty embodied in the legislation to 'preserve and enhance' the character of the Conservation Area, 'harm' to the historic environment can be weighed against the public benefit of bringing these redundant buildings back into use and the contribution this will have in terms of regenerating what is a very run down area.

It is considered overall that all three applications are acceptable. They involve the retention of significant elements of the historic fabric of buildings which form an integral part of the townscape of this part of the Tormohun Conservation Area, the interventions and extensions are contemporary and high quality.

The residential accommodation to be provided meets local plan standards in terms of size of units, outlook and access to amenity space. The scheme includes the provision of ground floor commercial space which will help to boost the local economy.

Of prime importance is that these applications, if implemented, represent an opportunity to achieve the reuse of vacant and redundant buildings for beneficial uses that will lift this neglected part of the town and enhance the character and appearance of the Tormohun Conservation Area.

Recommendation

1. That application No P/2016/0730 in relation to the B&Q building be approved subject to the TDA confirming the IVA presents a robust assessment of the viability of the scheme and to the possible inclusion of minor works to secure improved connectivity with the wider urban area and to the conditions detailed below.
2. That application No P/2016/0729 in relation to the MMA Building be approved subject to the conditions detailed below.
3. That application No P/2016/0914 in relation to the Zion Road Chapel be approved subject to the submission of a revised plan incorporating the Council owned land to be purchased adjacent to Tor Hill Road and extending the redline to include this land within the application site and to the conditions detailed below.

Statutory Determination Period

P/2016/0730: The applications in relation to the B&Q site which is a major development should have been determined by the 9.10.16.

P/2016/0729: The application in relation to the MMA building should have been determined by the 4.09.16

P/2016/0914: The application in relation to the Zion Road Chapel site should have been determined by the 21.10.16.

Determination has been delayed due to ongoing negotiations in relation to design and amenity but extensions of time to the end of January have been agreed by the applicant.

Site Details

The character of the area is of mixed commercial and residential uses.

These sites have long been left with vacant buildings which have deteriorated to the point where they now blight the area.

There has been increasing pressure from the local community to achieve refurbishment or redevelopment of these sites which are prominent within the Tormohun Conservation Area and which in their current condition seriously detract from its architectural and historic value.

The B&Q site extends along the majority of the Laburnum Row frontage. This part of the building comprises four, two storey, surprisingly unspoilt terraced units with ground floor shopfronts that step up the hill culminating in a more recent but unattractive two/three storey modern extension that occupies the corner of the plot with Tor Hill Road. This extends along the Tor Hill Road frontage to meet the MMA building which is single storey to the street.

The site extends to the east to the head of Southlands Road and to the north to the rear of properties on Higher Union Street. Within the site area are some existing buildings including some original warehouse buildings which have over time been included within the wider B&Q site.

The MMA building is a simple single storey chapel building to the street with a brick finish and felted pitched roof. It increases to two storeys facing into the site.

The two sites are bounded by busy traffic routes to the south and west which isolate it from the wider urban area.

The Zion Road Chapel sits opposite the MMA building. It is a traditional stone built chapel building which faces Zion Place. It is equivalent in height to adjacent three storey buildings. It has a very distinctive pitched slated roof and due to its height and elevated position this feature of the building is widely visible from the lower parts of the town and from higher land across the valley.

It has been previously used for Tyre Fitting and has been much altered through operation of these uses. A vehicular access to the building has been created through the stone façade which is now secured with metal shutters. Windows have been blocked off and a large single storey flat roofed extension occupies the Tor Hill Road frontage. This is immediately bounded by a stone wall and abutting this is a strip of Council owned land which is let out for car parking.

The building has been vacant for many years and is in a very poor condition. In its current condition, it is seriously damaging to the amenity of the area.

The area immediately surrounding the chapel is otherwise a very attractive part of the Conservation Area in quite stark contrast to the area to the north of Tor Hill Road.

Detailed Proposals

P/2016/0730: B&Q site: This involves the retention and refurbishment of a majority of the historic fabric of the former B&Q site and recladding of the more modern corner extension to give it an 'Art Deco' appearance with a strong horizontal emphasis created by the fenestration along with a three storey part building/roof extension to a modern design.

The Laburnum Row frontage provides for ground floor retail floor space with 2, 2 bed apartments above in a refurbished terrace.

The balance of the B&Q building is converted to provide 11 apartments with ground floor commercial space and parking for 10 vehicles.

Along a private lane off Laburnum Row is proposed a short terrace of 3 two storey 2 bed houses to a contemporary design and to the east of the site a former warehouse building is converted to provide a further 3 two storey houses with integral garages.

P/2016/0729: MMA building: this involves the refurbishment of the former chapel to provide 3 dwellings. The roof is re slated, fenestration restored and alterations otherwise kept to a minimum. In order to achieve sufficient useable space an existing single storey flat roofed extension to the chapel is redeveloped to provide a distinct standalone three storey link which is intended to form a transition between this and the adjacent B&Q building. This takes the form of a single storey extension with a double height dormer extension to an unusual cuboid design. To the rear of the building are minor roof level alterations to provide amenity space.

P/2016/0914: Zion Road Chapel: This involves the extension and conversion of the chapel to provide 7 dwellings; 6 apartments within the existing fabric of the chapel along with 7 car parking spaces on the ground floor and a single/two storey metal clad extension to the Tor Hill Road elevation to provide a single two bed dwelling. In order to accommodate the required level of accommodation, it is proposed to construct two flat roofed copper clad dormers to each roof slope. The scheme also includes alterations to the scale and form of the vehicular entrance and to retain the blocked off nature of a majority of the windows. It is proposed to remodel and introduce new windows to the south facing elevation.

As a later amendment and in response to concerns about the shortage of external amenity space and the need to soften the impact of the Tor Hill Road frontage and deliver some public realm improvements, the applicant has agreed to purchase a narrow strip of Council owned land which runs along the side elevation of the chapel building currently used for car parking. It is proposed that this will be used to provide some garden space, some parking, be enclosed by a natural stone wall include tree planting and landscaping and thus better meet the needs of the development, soften the impact of the side extension and introduce a considerable upgrade to the appearance of the site and the adjacent public realm. Negotiations are well advanced in relation to this aspect of the proposal and revised plans are awaited. It is proposed to secure the implementation of this aspect of the scheme via a Grampian condition.

Summary Of Consultation Responses

In relation to statutory consultees, **Historic England** raised a formal objection to the original scheme to extend and convert the B&Q building due primarily to the scale, massing and elevational treatment of the three storey extension to the corner part of the plot which they consider produces a building that is out of character with the lower scaled, more domestic grain of the surrounding area and to the impact of the transitional link designed to infill the gap between the B&Q building and the adjacent MMA building.

This concern was echoed by the **Council's Conservation Officer**. The roof extension has since been substantially modified and whilst the original form of the transitional link has been amended this has not overcome concerns. A comment in relation to the revised scheme is awaited from Historic England and Members will be updated verbally.

The Council's Conservation Officer has concerns about the form, scale and dominance of the building/roof extension to the B&Q building and takes particular exception to the form and appearance of the transitional link between the B&Q site and the MMA building.

He also raises objection to the proposals to convert and extend the Zion Road chapel. He particularly takes exception to the form of the flat roofed copper clad dormers which occupy both these prominent roof slopes. In his view, the development of all three sites include aspects that amount to a significant level of harm.

There have been continuing negotiations to try and ameliorate the impact of the conversion on the character of the building which have been positively responded to as will be explained in the body of the report.

It is of significance to note that earlier 'pre app' discussions on the site took place when the Council relied on external 'conservation' advice. This produced a more positive response to the schemes in relation to all three buildings. Whilst the

building/roof extension to the B&Q site was considered over dominant and top heavy, the transitional link between the B&Q site and the MMA building and the proposals to convert and extend the Zion Road chapel were broadly supported subject to detail which has largely been secured.

Strategic Transport have no objection to the scheme subject to a servicing plan being secured and improved linkages to the surrounding area to improve accessibility to nearby services and facilities. A Travel Plan to encourage more sustainable means of movement generated by the site should be secured by condition.

Drainage raise no objections to the proposals as the schemes are essentially conversions and include no increase in surface water discharge.

The **Police Architectural Liaison Officer** raises only one issue that would require an amendment to the scheme and that is the inclusion of a gated access to the cottages off Laburnum Row.

The **Green Infrastructure Coordinator** confirms that no further investigative work is required in relation to bats and bird nesting but asks that a condition is applied to ensure that if evidence of bats is found then work should cease immediately and that works that involve ivy removal should only take place out of the bird nesting season unless otherwise advised by a suitably qualified ecologist. A greenspace contribution is also requested towards Upton Park.

Summary Of Representations

There is support from the Community Partnership in relation to the wider proposals.

Of 5 letters received in relation to the B&Q site, 1 offered unqualified support, 3 qualified support and 1 objected to the inclusion of cottages on the lane off Laburnum Row on the grounds of land ownership issues, loss of privacy and noise.

Neighbours who offered overall support for the scheme expressed initial concerns about the design of the extensions to both the B&Q building and to the Zion Road Chapel and raised concerns regarding the loss of privacy arising from the roof extensions to the Zion Road Chapel.

In terms of design, the roof extension to the B&Q building has been scaled back and its dominance reduced and improvements have been secured to soften the impact of the extensions to Zion Road Chapel.

The privacy concerns have been to some extent mitigated by subsequent modifications to the form and design of the dormer roof extensions and whilst there will inevitably be some overlooking, neighbours to the south of the chapel have confirmed that any residual impact is 'worth it' to get the future of the

building resolved and to ensure that an un-neighbourly use doesn't re-establish on the site.

In respect of the objection, land ownership issues are not a planning matter and 'noise' from new residential properties would not be a sustainable reason to resist otherwise acceptable development.

In terms of privacy, the area is densely developed and some overlooking is unavoidable between the rear of properties on Union Street and the site. Due to the nature of the site and its configuration it is not considered that this would represent grounds for refusal and the external roof terraces include screening.

Relevant Planning History

There is limited planning history of note in relation to the three buildings due to the length of time they have been vacant.

The B&Q building has a lawful use for retail purposes and was subject to a pre app inquiry some years ago for redevelopment for residential purposes. It has been vacant since 2008.

The MMA building has a lawful for community use.

Zion Road Chapel has a lawful use for exhaust and tyre fitting. Planning permission was granted in 2007 for conversion of the building to provide 8 flats but was not implemented.

Key Issues/Material Considerations

The key issues are:

- the impact of the alterations and extensions to the buildings on the character and appearance of the Tormohun Conservation Area and the ability of these proposals to cumulatively lift the quality of the area and deliver genuine regeneration of a very rundown part of the town centre ,
- the quality of the residential accommodation created and its compliance with local plan policies in relation to size of units, outlook, arrangement of space, access to amenity space and parking levels,
- the impact on the amenity of neighbours to the site
- the impact on the wider highway network and the means of integrating the proposals into the wider urban area through the promotion of more sustainable means of movement.
- the scale of contribution towards the local infrastructure bearing in mind viability and its location in a Community Investment Area.

Of particular relevance are policies SS11 which identifies the area as a Community Investment Area and one that requires additional support and investment in the fabric of the place that will help secure regeneration and create more mixed and balanced communities, SS10 in relation to the impact on the

historic environment, policies DE1 and DE3 in relation to the innate quality of the schemes and the impact on neighbours, DE4 in relation to the height of the B&Q building within its immediate context, TA2 and TA3 in relation to the impact on the highway network and the means of improving connectivity with the wider urban area. Each will be addressed in turn.

1. The Impact on the Character and Appearance of the Tormohun Conservation Area and the contribution to the Regeneration of Torre Community Investment Area.

In their current condition, these three buildings seriously compromise the character and appearance of the Tormohun Conservation Area. The impact of this dereliction is causing blight to the neighbourhood.

This part of Torre is within a defined Community Investment Area in recognition of the fact that it experiences significant deprivation as confirmed in the 2010 Indices of Multiple Deprivation. Policy SS11 requires development to 'improve the sustainability' of new and existing communities and to try and create more cohesive communities in a high quality environment where people want to live and work. It is important to approach development opportunities in a positive way and to recognise how vital it is to achieve development with a capacity to deliver regeneration.

As a starting point, all three schemes seek to maximise the retention of the existing historic fabric which is welcomed. This approach contributes significantly to maintaining a sense of place and belonging. There is a common design ethos in relation to all three sites in terms of the contemporary design detail and consistent use of high quality materials.

The concerns that have been expressed relate to the new extensions and interventions.

In relation to the B&Q site and the MMA building the concerns related to the size and form of the three storey building/roof extension to the corner of the B&Q plot and the three storey transitional link to the MMA building.

As submitted, the extension to the former B&Q building provided for three new storeys of accommodation comprising an additional floor along with a two storey roof extension. The roof extension included little set back between the main part of the building and the new roof. This led to a very dominant and top heavy impact.

This has since been modified by some adjustment of the cladding to the lower levels of the extension to create a more balanced appearance and the deletion of one of the roof top flats to allow a greater level of setback and subservience to be achieved. This does reduce its overall dominance. Design amendments have

produced a more consistent relationship with the character of the 'Art Deco' levels beneath.

However Historic England and the Council's Conservation Officer consider that this doesn't overcome their concerns about the impact of this roof extension on the character of the Conservation Area and on wider public views. Their position is that the development in this form will be harmful and suggest that the whole of the top floor should be deleted. This has been resisted by the applicant on the grounds of viability.

The transitional link between the B&Q building and the MMA building has been modified since submission by amending the design to create a standalone link rather than it being read purely as a rather quirky roof extension set between two very different buildings. It therefore is more successful as a transitional link although the rather unusual cuboid double height roof extension persists in the revised scheme.

These changes have gone some way to responding to concerns about the impact of the scheme on the conservation area. A LVIA has been submitted which does show that the revisions to the form and dominance of the roof have succeeded in reducing its impact on wider views and on the immediate townscape. Nonetheless, there is no disguising the fact that the roof extension to the B&Q building is prominent within the townscape and will be widely visible from a number of key vantage points as it occupies such a prominent and elevated location in the town.

Policy DE4, which provides guidance in relation to tall buildings recognises that whilst new buildings should generally be constructed to the prevailing height, particularly in sensitive locations such as conservation areas, they may exceptionally be acceptable if they introduce positive benefits in terms of enhancing vitality, achieving regeneration and delivering socio economic benefits. It is considered that the wider benefits do mitigate for concerns in relation to the impact on the historic environment.

The form of the roof extension to the MMA building is of an unusual design that is somewhat at odds with the prevailing character of this part of the Tormohun Conservation Area. However it is relatively well screened from wider views and its rather playful design, subject to detail, represent quite an interesting means of transition between these two quite different buildings.

It must be stressed however that apart from the impact of the roof extensions, the retention and refurbishment of both these buildings is welcomed by Historic England and the Council's Conservation Officer alike.

The more unorthodox approach to dealing with the Zion Road Chapel is also problematic in terms of its impact on the character of the building and the wider

conservation area.

The scheme involves the insertion of two large flat roofed copper clad dormers to each roof slope along with redevelopment of the existing side extension in a matching style to provide a separate dwelling. Whilst well designed and using good quality materials, their contemporary appearance sits in contrast to the more solid traditional character of the chapel.

This is most apparent in relation to the changes to the roof which is the most attractive part of the building. The banded slated roof is very prominent within the townscape particularly from views up to Tor Hill from the south of the site and from higher ground across the valley.

The applicant has sought to minimise the impact of the roof extension by reducing its size and scaling it back from the ridge and eaves. It has also been designed with care in terms of maintaining as open a character as possible. On the south facing slope the inclusion of an open balcony (albeit set behind a framework of copper columns) does allow views and light to penetrate and lighten the visual impact of the structure. A recent revision extends the same principle to the north facing roof slope and a glazed roof to the stairwell acts in a way to lighten its impact.

The replacement side extension, similarly clad in metal and with limited openings is quite 'harsh' in terms of its relationship to the street. This is to some extent mitigated by the applicant's agreement to purchase the Council owned car parking land which sits between the Chapel and Tor Hill Road and to incorporate this within his site. A new stone wall is to be constructed along the street edge and although it will accommodate some parking, landscaping and tree planting will be included which will act in a way to considerably soften and screen the new extension. It will also provide an opportunity to improve the public realm along this part of Tor Hill Road.

As originally submitted the scheme involved painting the stone and brick detailing, leaving windows boxed in and maintaining the rather squat scale of vehicular opening to the building. In response to pressure from Officers, the stone façade and brick detailing is now to be repointed repaired and cleaned, although windows cannot be fully opened up, frames are to be reinstated which will improve the external appearance and the proportions of the vehicular opening are to be restored to a close approximation of the original entrance.

Whatever reservations there might be about the nature of the extensions on the historic character of this building, it is demonstrably of a high quality in terms of the use of materials and detailing. The extensive use of copper cladding ties it into the new roof extension on the B&Q site and this common palette and its rather quirky appearance does tie these proposals together in a way that will lift this part of Torre.

Less than substantial harm to the historic environment can be acceptable providing the decision maker has fully taken into account the duties under S.66 and S.72 of the 1990 Act regarding the need to preserve and enhance the character of the Conservation Area. The public benefits of proposals can then be weighed in the balance as explained in paragraphs 131 to 138 of the NPPF.

Revised proposals in relation to all three sites have been submitted by the applicant in an attempt to overcome concerns particularly from Historic England. These have significantly improved the visual quality of the overall scheme but have not entirely overcome the concerns about the impact on the historic environment. It must be recognised that the scheme is high quality, it involves retention of much of the original fabric of the respective buildings, uses good quality materials and whilst the design approach may be unusual it is capable of creating a cohesive piece of townscape in an area that is in dire need of investment.

A key priority has to be achieving the reuse of these buildings which have been left vacant for many years. They contribute in no small way to the blight that affects this part of the town and despite understandable concerns about the impact of the various roof extensions it is considered that this is outweighed by the wider benefits of the proposals in terms of delivering new homes, jobs and regeneration of the townscape.

2. The quality of the residential accommodation created and its compliance with local plan policies in relation to size of units, outlook, arrangement of space, access to amenity space and parking levels.

In respect of the overall quality of the residential environment, the scheme on all three sites is largely in compliance with policy DE1 and DE3 of the Local Plan in terms of dwelling size, access to amenity space, outlook and arrangement of space.

One of the units in the B&Q site is at 50m², just compliant with the minimum specified dwelling size. The remaining units are all of a good size. All the dwellings have access to external terraces or balconies most of at least 10m².

The dwellings converted from an existing warehouse building to the north of the B&Q building have, through the internal arrangement of space, more limited outlook to the living accommodation as it is set within the building and lit with roof lights. The applicant did look to improve this by swapping bedroom and living accommodation but this resulted in very limited living space and on balance, the accommodation is considered to be of an acceptable standard. They are spacious and include roof terraces off the living space and will not present poor quality residential environments.

The standard of amenity has been improved in respect of the Zion Road Chapel site by the inclusion of the Council owned car parking area which delivers useable garden space and some screening from traffic on Tor Hill Road. In terms of outlook and arrangement of space, the dwellings are to a high standard.

In terms of car parking, the B&Q building includes 10 car parking spaces to serve 11 apartments, the conversion of the existing warehouse building to the north includes existing integral garaging, the MMA building will be allocated spaces in the newly acquired strip of land adjacent to the Zion Road Chapel site the conversion of which includes 7 car parking spaces for 7 dwellings.

Given the central and very accessible nature of the site, this level of car parking is considered acceptable.

3. The impact on the amenity of neighbours to the site

The only concerns in terms of impact on neighbours arose from the inclusion of dormer extensions on the southern slope of the Zion Road Chapel roof. Amendments to the design and to the position of the internal balcony have resulted in this objection being withdrawn and an acceptance that some impact is preferable to the building being left derelict any longer or a more unneighbourly use being introduced.

4. The impact on the wider highway network and the means of integrating the proposals into the wider urban area through the promotion of more sustainable means of movement.

A Transport Assessment has been submitted to support the application.

This confirms that the impact on the wider highway network is negligible bearing in mind the uses that the B&Q building and the Zion Road chapel site could lawfully be put and that the site is well located in relation to shops and services and is close to cycling routes and public transport. Strategic Transport consider that the promotion of measures to reduce traffic impact and to increase more sustainable movement should be secured via a Travel Plan and are satisfied that this can be secured by condition along with achieving delivery of secure cycle storage/electric charging points.

It is important to try and integrate the more isolated traffic locked B&Q and MMA buildings into the wider urban area. This can be done through creating improved pedestrian linkages to local facilities and improving access to cycle lanes and public transport facilities. This can only partly be achieved via the Travel Plan.

Localised small scale improvements to connectivity can be achieved through conditions, a s106 Agreement or unilateral undertaking or through local infrastructure contributions. This aspect of the scheme is currently under review and Members will be advised at the meeting whether there are benefits to local cycling and pedestrian links that could be achieved to improve connectivity.

5. The scale of contribution towards the local infrastructure bearing in mind viability and its location in a Community Investment Area.

The sites are located in a community investment area and any contributions to be derived can be directed towards local improvements to the area which will improve its attractiveness as a place to live.

An IVA has been submitted in relation to the B&Q site; this is the only application which would, due to its size be liable for Affordable Housing and Community Infrastructure Contributions. This appears to indicate marginal viability and is currently in the process of being assessed by the TDA.

Initial feedback confirms that the scheme is likely to generate a level of profit well below the standard 20% margin. For this reason, the scheme cannot afford to meet the community infrastructure contributions defined in the Adopted SPD 'Planning Contributions and Affordable Housing'.

The schemes in relation to the MMA building and Zion Road Chapel, would not under current guidelines be liable for any scale of contributions unless aspects of the proposal were not policy compliant and this was capable of mitigation through investment in a nearby facility.

The Zion Road Chapel site for example was slightly deficient in terms of amenity space. This could have been mitigated through a 'greenspace' contribution to be invested in a nearby park or, addressed (as has been the case in this application) by the inclusion of adjacent land to overcome the deficiency. This measure will also improve the quality of the pedestrian environment thus potentially satisfying sustainable transport ambitions.

It would appear therefore that there is little justification for requesting any further contributions towards investment in the local area (subject to confirmation from the TDA that the IVA is robust) other than possible improvements to linkages to the wider urban area.

6. Impact of the commercial floor space

Commercial retail floor space (600m²) is included on ground floor of the terrace units on Laburnam Row and within the ground floor of the B&Q building. The lawful use of the entire premises is for retail purposes, therefore there are limited planning implications arising from the use of the premises for retail purposes. Clearly the space available within the B&Q building is quite significant and could

attract a food retailer or similar. Again, subject to servicing needs being met then this is of little concern in planning terms. A service bay is available to serve the B&Q site on the opposite side of Tor Hill Road which would ease servicing requirements. It is proposed to impose a condition to ensure that servicing and refuse needs are fully reflected in the ongoing design.

The applicant has explained that although potential occupiers are unknown, he hopes to provide space for small independent retailers and businesses and whilst this would be very welcome, it is not possible to restrict occupation to such more attractive uses.

7. Ecology

Whilst the buildings have the potential to accommodate bats and nesting birds, surveys have been submitted which confirm that there is limited likelihood of any adverse impact. This has been confirmed by the Council's Green Infrastructure Coordinator who requires advisory conditions to apply when works are in progress.

8. Contamination

A Desk top study identifies only limited contaminants arising from a fuel tank and provides advice about how to remove the structure and ensure no ongoing contamination results.

S106/CIL -

All these sites are within a Community Investment Area. Policy SS11 (Sustainable Communities) supports contributions as defined in the Adopted SPD 'Planning Contributions and Affordable Housing' being directed to improving the immediate area as a place to live through improvements to the local environment, creation of jobs and sustainable transport . A viability study suggests very limited profit margin but this is being assessed by the TDA. Some investment in the public realm may be justified on a site related basis to improve connectivity with the wider urban area and Members will be updated on this at the meeting.

Conclusions

It is considered that all three schemes are acceptable. They largely seek to retain and refurbish existing buildings that contribute in no small way to the sense of place. These are buildings that have been vacant for a significant period of time and are blighting what is a deprived neighbourhood that is in desperate need of investment.

Historic England and the Council's Conservation Officer, whilst finding much positive about the proposals have reservations about the dominance of the roof extension to the B&Q building and the nature of the extension to the MMA chapel

building. There have been amendments to both these features to try and overcome these concerns although they still remain albeit less strongly felt.

Historic England consider that the scheme would be acceptable if the top floor to the B&Q building were removed to present a more simple subservient roof extension and whilst this has been considered by the applicant it has been discounted as unviable. The IVA submitted to support the application confirms a very limited profitability and the loss of the top floor flat with its views would further erode viability.

In respect of the Zion Road Chapel, the Council's Conservation Officer is singularly opposed to the form and appearance of the extensions to this traditional chapel building.

In considering the schemes in the round and the benefit in terms of regeneration of Torre it is thought that this rather unusual design approach to the future use of the Chapel is acceptable.

Harm on the historic environment can be acceptable providing the decision maker has fully taken into account the duties under S.66 and S.72 of the 1990 Act regarding the need to preserve and enhance the character of the Conservation Area. The public benefits of proposals can then be weighed in the balance as explained in paragraphs 131- 138 of the NPPF.

The clear public benefits are the refurbishment of key local buildings, the regeneration of a deprived and run down part of the town where there has been long standing vacancy and dereliction, the delivery of good quality homes on brownfield sites in an accessible central location, the delivery of commercial floor space which will add vibrancy to the area and a boost to the local economy in terms of jobs.

Despite reservations about the impact on the historic environment, it is considered that the quirky unusual design approach and its evident quality in terms of materials will play a major role in kick starting the regeneration of this part of Torre and that planning permission should be granted.

Recommendation.

1. That application No P/2016/0730 in relation to the B&Q building be approved subject to the TDA confirming the IVA presents a robust assessment of the viability of the scheme, to the possible inclusion of minor works to secure improved connectivity with the wider urban area and to the conditions detailed below.
 - Large scale details.
 - Samples of materials.
 - Servicing Plan including refuse strategy based on preliminary strategy included in approved Transport Statement.

- Implementation of parking facilities prior to occupation.
 - Provision of bike storage and electric charging points.
 - Advisory conditions in relation to Bats and Breeding birds.
 - Implementation of recommendations included in contaminated land report.
2. That application No P/2016/0729 in relation to the MMA Building be approved subject to the conditions detailed below.
- Large scale details
 - Samples of materials
 - Advisory conditions in relation to Bats and Breeding birds
 - No PD.
3. That application No P/2016/0914 in relation to the Zion Road Chapel be approved subject to the submission of a revised plan incorporating the Council owned land to be purchased adjacent to Tor Hill Road and extending the redline to include this land within the application site and to the conditions detailed below.
- Implementation of works to former Council owned land adjacent Tor Hill Road including erection of natural stone wall in accordance with previously agreed sample panel prior to occupation.
 - Implementation of schedule of works including stone and brick detail cleaning, reinstatement of windows and works to restore appropriate dimensions to vehicular access prior to occupation.
 - Implementation and maintenance of landscaping.
 - Implementation of parking facilities prior to occupation.
 - Implementation of refuse storage, bike storage and electric charging points prior to occupation.
 - Large scale details.
 - Samples of materials.
 - Provision of bike storage and electric charging points.
 - Advisory conditions in relation to Bats and Breeding birds.

Agenda Item 6

Application Number

P/2016/1316

Site Address

1-2 Kents Road
Torquay
TQ1 2NL

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Conversion and change of use from care home (C2) to 12 residential apartments (C3); Internal and external alterations

Executive summary

The site is Numbers 1 and 2 Kents Road, which is a former 30-bed care home that sits at the eastern entrance to Kents Road. The care home use has ceased and the building currently lies empty. The building is two former Victorian townhouses that are part of a wider Grade II listed terrace.

Consent is sought for internal and external alterations and the change of use of the building to provide 12 apartments. The scheme proposes 5 one-bed apartments, 6 two-bed apartments, and 1 three-bed apartment, together with bin storage, cycle storage, garden space and parking for 5 cars.

The use of the building for good quality self-contained residential apartments is welcomed. The use will sit comfortably aside and would reinforce the overriding residential character of the street and area. When considering the buildings' former use the proposal would have little impact upon the amenity of adjacent occupiers. It would also provide a viable use to bring the empty listed building back into use.

The apartments provide a good standard of accommodation in terms of space, natural lighting and outlooks, and the units are well located as occupants will benefit from a location in close proximity to a diverse local shopping centre and bus links.

The proposal takes the opportunities available to provide on-plot parking without undue harm on the setting of the listed building, but fails to meet the expected requirement outlined in the local plan of one space per flat. As the building sits in close proximity to a relatively strong and vibrant Local Centre and is also close to bus links to a Town and District Centre, it is considered reasonable to accept parking below the expected standard, as occupants could reasonably enjoy good access opportunities without the need for a car, in the context of bringing a listed building into good use.

The scheme secures suitable enhancements to the heritage asset with a number of deleterious features being removed and the exterior and internal fabric being improved and made good where necessary.

The proposed development is considered to provide good quality residential units in a sustainable location and provides a good use for an empty listed building, and is such comfortably aligned with the aims and objectives of Policies HE1, SS10, DE1 and DE3 of the Local Plan and advice contained within the NPPF.

Recommendation

Approval, subject to:

1. conditions delegated to the Head of Business Services to include those outlined within this report.
2. signing of a S106 legal agreement or the receipt of an upfront payment to secure necessary planning obligations, delegated to the Head of Business Services, prior to the 14th March 2017 or within 3 months of the date of this Committee if an extension of time is agreed with the applicant.

Statutory Determination Period

Major Application - 13 week deadline 14.03.2017.

Site Details

The site is Numbers 1 and 2 Kent's Road, which is a former 30-bed care home that sits at the eastern entrance to Kent's Road. The care home use has ceased and the building currently lies empty.

The building is two former Victorian townhouses that were subsumed into a single operating care home, with interconnecting doors created through the central party wall.

The building forms Part of a Grade II listed terrace that is numbers 1-7 Kent's Road, which date from the 1870s and set in a pleasant tree lined street with a residential character. The listed terrace also sits in the Lincombes Conservation Area and is adjacent to the Wellswood Local Shopping Centre.

In terms of setting there are two vehicular entrances to an expanse of hardstand that sits to the east of the building adjacent to Higher Erith Road which provide an un-marked parking area. To the rear of Number 1 there is a modern flat-roofed extension that has removed the natural circulation around the building to the rear garden.

Detailed Proposals

Consent is sought for internal and external alterations and the change of use of the building from a 30-bed care home to provide 12 apartments.

The scheme proposes 5 one-bed apartments, 6 two-bed apartments, and 1

three-bed apartment.

Two apartments are proposed within the basement and these will be independently accessed from the rear of the building. Four apartments are proposed on each of the ground and first floors, with access split from the two historical front doors. Two apartments are proposed at second floor in the roof storey.

There are a number of internal alterations proposed to the listed building in order to permit the building's conversion from the care use layout to provide 12 apartments.

The general concept is to remove the various partitions and interventions to the historical fabric from the care use era, make good all detailing such as cornicing, and then to provide a layout for an apartment scheme that seeks to re-emphasise the building as two buildings with each function around a principal entrance to a central lobby and stairs, with principal rooms restored where possible.

Externally it is proposed to remove modern Upvc windows where they exist and replace with timber windows to match the historical window form, to repair and redecorate the original timber windows where necessary, and to repair and replace lead flashing where required. The scheme also ensures the removal of the care home signage, the removal of a metal escape stair and small extension to the rear. The scheme also proposes to introduce an archway in the modern rear extension at lower ground floor to reintroduce circulation around the building and provide access to the two basements apartments and also access to bin and cycle storage and rear garden space.

The informal parking area to the east of the building adjacent to Higher Erith Road will be formalised to provide 5 parking spaces to serve the development.

Around the building boundary landscaping is to be reinforced, light wells to the south fronting Kent's Road will be restored to aid light ingress to the basements units, high quality patio covering will be provided adjacent to the building and a garden formed to the rear of the building.

Summary Of Consultation Responses

Design and Conservation Team

The scheme is an improvement on the 13 unit scheme seen at pre-app and the basement configuration of 2 flats rather than 3 as suggested is welcomed. The archway intervention to allow access to the rear is acceptable as it provides a number of benefits in terms of circulation and general use. The scheme is supported.

Strategic Transport / Highways

The proposal provides 5 parking spaces and this appears the maximum level that can be provided on site. This is below the expected requirement outlined within the Local Plan which is one space per flat. It is accepted that traffic movement is unlikely to increase when considering the former care home use and sustainable transport obligations would be fully mitigated and not required.

It is noted that the police liaison officer has highlighted concern about provision below parking standards and the potential conflict of this. Should the Highway Authority justify the requirement it is suggested that a monitoring/enforcement obligation would be necessary to the sum of £5760.00 in order to mitigate the likely increase in pressure for evening and weekend parking. The absence of mitigation will present development that is contrary to Local Plan Policy TA3 (Parking standards) and the application would not be supported by the Highway Authority.

The provision of cycle parking is welcomed and it would be beneficial to seek an electric charging point within reach of the parking area.

Drainage Engineer

The scheme will not increase the risk of flooding in a Critical Drainage Area as there is no increase in impermeable area.

South West Water

No objection.

Green Infrastructure Officer

There is no identifiable scheme in the area to pool obligations towards and hence greenspace obligations should not be sought.

Community Safety

No comment.

Police Liaison Officer

The ramifications of sub-policy level parking should be duly considered. General advice on security based design is also provided.

Summary Of Representations

None.

Relevant Planning History

Pre-Application Enquiry for 13 units - General support given but advised that the scheme could be improved by providing 2 units at basement level.

Historical application for Number 2 only - Conversion to 8 units - Refused- Due to poor design and impact upon the listed building and with an informative that the

proposal should deal with the entire care home which occupies No.1 and No.2.

Key Issues/Material Considerations

The key issues are:

1. Impact upon the listed building, its setting and the Lincombes Conservation Area
2. Quality of the residential environment proposed
3. Impact upon local amenity
4. Impact upon highways and parking
5. Surface water drainage and flood risk
6. Other matters.

1. Impact upon the listed building, its setting and the Lincombes Conservation Area

The key issue is whether the proposals have due regard to the desirability of preserving the listed building and its setting, as outlined within Policies HE1 and SS10 of the Torbay Local Plan 2012-2030.

HE1 states that suitable uses for listed buildings will be supported where it will help to conserve the historical fabric and character of the building.

In addition Paragraph 131 of the National Planning Policy Framework (NPPF) 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.

Also relevant is Paragraph 132 of the NPPF which states that great weight should be given to a heritage asset's conservation and that as heritage assets are irreplaceable any harm or loss should require clear and convincing justification.

Further to the above Paragraph 137 cites that Local Planning Authorities should look for opportunities to enhance or better reveal the significance of heritage assets.

The proposed external alterations provide a comprehensive scheme to address certain deleterious features and to make good areas that are in poor repair. By addressing the window stock and alien elements such as signage and a metal escape stair the external appearance of the building will be positively addressed to an acceptable level.

In terms of setting the proposal seeks to provide a balance between the provision of parking and the ability to provide a garden setting for the building. The

scheme proposes that the expanse of parking will be softened by landscaping and the area formalised by parking bays, which will help create some order to the area. High quality paving is also proposed closer to the building to provide patio areas. Considering the constraints of the plot the setting of the listed building is also adequately addressed.

Internally the scheme recreates the vertical division between No.1 and No.2 and will return the building back to the two operating buildings as per the original townhouse arrangement. Excluding the basement units, which will be independently accessed, each building will be accessed and circulated through the principal doors with units off the communal lobby and feature staircases. The overriding principal of seeking to return the layout as close to the original principal rooms is welcomed, as is the return of missing architectural features such as cornicing.

The elements outlined above are considered to present a positive and well thought out treatment of the building, its fabric and its setting, which have due regard to the desirability of preserving the listed building.

The proposal is considered comfortably aligned to the aims of Policies SS10 and HE1 of the Torbay Local Plan and relevant guidance contained within the NPPF in regard to heritage assets.

2. Quality of the residential environment proposed

Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030 seeks a good level of amenity for all future residents or occupiers and provides specific guidance on internal and external space standards for residential units .

The units are self-contained and provide key rooms with natural light and generally good standards of outlook. The apartments appear a suitable size in order to provide a good standard of accommodation for future occupiers. In regard to internal floor areas the one-bed units range from 51 square metres to 59 square metres, the two-bed range units from 79 square metres to 140 square metres, and the three-bed unit has a floor area of 167 square metres. All units exceed the minimum space standards which are expected of new dwellings as outlined within Policy DE3 (Development amenity) of the Local Plan.

The creation of circulation around the building to a lower level bin and cycle stores is welcomed within what is a restricted plot and in an area where subdivided buildings have created unfortunate bin clutter in the street scene.

The proposal has considered the provision of operable parking spaces that provide adequate space (2.4m by 4.8m spaces) and manoeuvring (6m behind spaces for turning) and proposes 5 spaces to serve the 12 apartments. Guidance within the Torbay Local Plan 2012-2030 states an estimated requirement of one space per flat and hence the scheme is deficient when

considered against policy guidance. The lack of parking is unlikely to demonstrably affect the quality of the residential environment for occupants as the building is close to shops and services and also to transport links.

The general level of amenity for occupants would be good and the proposal would provide an adequate level of amenity in-line with Policy DE3 of the Local Plan.

3. Impact upon local amenity

The proposal has been considered against the aims and objectives of Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030, which seeks that development should not unduly impact the amenity neighbouring and surrounding uses.

A residential use is comfortably aligned with the prevailing residential character of the street within which it sits. It is unlikely that the subdivision and use would demonstrably affect the amenity of adjacent occupiers.

Although the level of movement to and from the plot is unlikely to increase the pattern of movement may change with greater pressure on street parking in the evening and weekends. The proposal seeks to provide the maximum available on-plot parking to limit any impact, which is welcomed. It is also appreciated that the entire terrace is subdivided and none of the adjacent flatted buildings in the terrace provide any on-plot parking and hence the proposal is a better arrangement than the established residential uses adjacent.

On balance the proposed use would retain an adequate level of amenity for occupants of adjacent buildings in-line with Policy DE3 of the Torbay Local Plan 2012-2030.

4. Impact upon highways and parking

The proposal has been considered against the aims and objectives of Policy TA3 (Parking requirements) and Appendix F of the Local Plan, which seeks that development should provide adequate parking and cycle parking facilities.

There is parking provision for 5 spaces to serve the 12 units, which is below the 1:1 ratio of the expected requirement for flats as identified within the Local Plan.

The development may increase pressure on local roads in the evening and weekends due to the change in transport patterns, but overall there is unlikely to be an increase in transport movement to and from the site due to the extent of vehicular movements that the previous use as a 30-bed care home is likely to have generated. .

It is however accepted that the proposal seeks to maximise the provision of on-plot parking without harming the setting of the listed building and there is the

consideration to be made on the scheme bringing forward a viable use for a large listed building.

It is also appreciated that the site sits very close to a thriving local centre and school and is close to bus links, which may limit the need for occupants to own or use a car generally.

In the context the level of parking is considered acceptable as the scheme is a well-balanced residential conversion that will bring wider improvements to the listed building and its long-term condition.

Although the previous use fully mitigates any requirement for sustainable transport obligations it may be justified to seek mitigation towards parking enforcement issues in line with advice from the Police Designing Out Crime Officer. The Highway Department have been requested to confirm whether this may be necessary in the context of Kent's Road.

Cycle parking has been provided and an electric charging point should be located close to the car park in-line with guidance. These should be secured by planning conditions.

Subject to clarification on the need for a monitoring contribution the proposal would provide an acceptable form of development in-line with Policy TA3 of the Local Plan.

5. Drainage and flood risk

With no increase in impermeable area the proposal would not increase the risk of flooding with the Critical Drainage Area and it is aligned with Local Plan Policies ER1 and ER2.

6. Other matters

In line with Natural England's SSSI Impact Risk Zone designations, the development is not considered likely to have an effect on the nearby SSSI designations.

The proposal is unlikely to impact protected species due to the limited nature of external works. An informative in regard to having due care is recommended.

S106/CIL -

Policy SS7 (Infrastructure, phasing and delivery of development) of the Torbay Local Plan 2012-2030 sets out that a range of physical, social and green infrastructure will be sought commensurate to the type and scale of development.

The impact of the change of use to provide 12 apartments on infrastructure is likely to be limited when considering the existing use of the building as a 30-bed care home.

Based on the provision of 12 units as detailed the level of obligations is outlined below:

Site acceptability

Parking monitoring and enforcement - £5,760.00* (*subject to Highway Authority confirmation that it is necessary)

Affordable Housing - N/A

A scheme of 12 units on brownfield land does not trigger any affordable housing requirement, as identified within Policy H2 (Affordable housing) of the Torbay Local Plan 2012-2030.

Sustainable Development Obligations

Sustainable Transport - N/A (Fully mitigated by the existing use)

Greenspace - N/A (No schemes identified for pooling within the immediate area)

Education - N/A (not currently requested for Torquay applications)

Waste - N/A (Not currently requested)

Lifelong learning - £1,620.00

Sustainable Development Obligations subject to the revised draft Supplementary Planning Document being adopted by the Council prior to determination of the application

Education - £22,180.00

Lifelong learning - £1,252.00

Conclusions

The use of the building for apartments is acceptable as this will reinforce the overriding residential character of the street and area and would have little impact upon the amenity of adjacent occupiers.

The provision of 12 apartments provides a good standard of accommodation and the change of use secures a good use for an unoccupied listed building. It also secures suitable enhancements to the building to better reveal it as a heritage asset.

The layout takes the opportunities available to provide on-plot parking without undue harm on the setting of the listed building. As it is close to a relatively strong and vibrant Local Centre and also close to a bus route that links to a Town and District Centre, it is considered reasonable to accept parking below the expected standard as occupants could reasonably enjoy good access

opportunities without the need for a car. It also secures improvements to a heritage asset and a use for a presently unoccupied building.

The proposed development is considered to be appropriate and comfortably aligned with the aims and objectives of Policies HE1, SS10, DE1, DE3, H1, and TA3 of the Local Plan.

Proposed conditions:

- Completion of all external works prior to occupation
- Completion off all internal works prior to occupation
- Provision of parking prior to occupation and retention at all times thereafter for the purposes of parking for occupants
- Provision of bin and cycle storage prior to occupation and retention at all times thereafter for those purposes
- Submission of a detailed landscaping scheme and implementation within first available planting season following the first occupation of the building
- Submission of patio sample prior to commencement of development
- provision of an electric charging point prior to the first use of the building.

Relevant Policies

DE1 - Design

DE3 - Development Amenity

HE1 - Listed Buildings

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

ER1 - Flood Risk

ER2 - Water Management

TA2 - Development access

TA3 - Parking requirements

SS7 - Infrastructure, phasing and employment

H6LFS - Housing for people in need of care

Application Number

P/2016/1317

Site Address

1-2 Kents Road
Torquay
TQ1 2NL

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Conversion and change of use from care home (C2) to 12 residential apartments (C3); Internal and external alterations

Executive summary

The site is Numbers 1 and 2 Kent's Road, which is a former 30-bed care home that sits at the eastern entrance to Kent's Road. The care home use has ceased and the building currently lies empty. The building is two former Victorian townhouses that are part of a wider Grade II listed terrace.

Listed Building Consent is sought for internal and external alterations linked to the proposed change of use of the building to provide 12 apartments (5 one-bed apartments, 6 two-bed apartments, and 1 three-bed apartment), together with bin storage, cycle storage, garden space and parking for 5 cars.

The proposal presents as sensitive conversion scheme that secures suitable internal and external physical works to the Listed Building, removing a number of deleterious features and made good where necessary.

The proposed development is considered to provide good quality residential layout that enhances the character and appearance of the heritage asset.

The proposed physical works to the building are aligned with the aims and objectives of Policy HE1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF in regard to heritage assets.

Recommendation

Grant of Listed Building Consent, subject to conditions delegated to the Head of Business Services to include those outlined within this report.

Statutory Determination Period

8 week deadline, extended to 14.03.2017 in order to permit the listed building works to be considered aside the accompanying planning application that includes the change of use.

Site Details

The site is Numbers 1 and 2 Kent's Road, which is a former 30-bed care home that sits at the eastern entrance to Kent's Road. The care home use has ceased and the building currently lies empty.

The building is two former Victorian townhouses that were subsumed into a single operating care home, with interconnecting doors created through the central party wall.

The building forms Part of a Grade II listed terrace that is numbers 1-7 Kent's Road, which date from the 1870s and set in a pleasant tree lined street with a residential character. The listed terrace also sits in the Lincombes Conservation Area and is adjacent to the Wellswood Local Shopping Centre.

In terms of setting there are two vehicular entrances to an expanse of hardstand that sits to the east of the building adjacent to Higher Erith Road which provide an un-marked parking area. To the rear of Number 1 there is a modern flat-roofed extension that has removed the natural circulation around the building to the rear garden.

Detailed Proposals

Listed Building Consent is sought for internal and external alterations to permit the change of use of the building from a 30-bed care home to provide 12 apartments.

The change of use proposes 5 one-bed apartments, 6 two-bed apartments, and 1 three-bed apartment. Two apartments are proposed within the basement and these will be independently accessed from the rear of the building. Four apartments are proposed on each of the ground and first floors, with access split from the two historical front doors. Two apartments are proposed at second floor in the roof storey.

There are a number of internal alterations proposed to the listed building in order to permit the building's conversion from the care use layout to provide 12 apartments.

The general concept is to remove the various partitions and interventions to the historical fabric from the care use era, make good all detailing such as cornicing, and then to provide a layout for an apartment scheme that seeks to re-emphasise the building as two buildings with each function around a principal entrance to a central lobby and stairs, with principal rooms restored where possible.

Externally it is proposed to remove modern Upvc windows where they exist and replace with timber windows to match the historical window form, to repair and redecorate the original timber windows where necessary, and to repair and replace lead flashing where required. The scheme also ensures the removal of

the care home signage, the removal of a metal escape stair and small extension to the rear. The scheme also proposes to introduce an archway in the modern rear extension at lower ground floor to reintroduce circulation around the building and provide access to the two basements apartments and also access to bin and cycle storage and rear garden space.

The informal parking area to the east of the building adjacent to Higher Erith Road will be formalised to provide 5 parking spaces to serve the development.

Around the building boundary landscaping is to be reinforced, light wells to the south fronting Kents Road will be restored to aid light ingress to the basements units, high quality patio covering will be provided adjacent to the building and a garden formed to the rear of the building.

Summary Of Consultation Responses

Design and Conservation Team:

The scheme is an improvement on the 13 unit scheme seen at pre-app and the basement configuration of 2 flats rather than 3 as suggested is welcomed. The archway intervention to allow access to the rear is acceptable as it provides a number of benefits in terms of circulation and general use. The scheme is supported.

Summary Of Representations

None.

Relevant Planning History

Pre-Application Enquiry for 13 units - General support given but advised that the scheme could be improved by providing 2 units at basement level.

Historical application for Number 2 only - Conversion to 8 units - Refused- Due to poor design and impact upon the listed building and with an informative that the proposal should deal with the entire care home which occupies No.1 and No.2.

Key Issues/Material Considerations

The key issue is whether the proposals have due regard to the desirability of preserving the listed building and its setting, as outlined within Policies HE1 and SS10 of the Torbay Local Plan 2012-2030.

HE1 states that suitable uses for listed buildings will be supported where it will help to conserve the historical fabric and character of the building.

In addition Paragraph 131 of the National Planning Policy Framework (NPPF) 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.

Also relevant is Paragraph 132 of the NPPF which states that great weight should be given to a heritage asset's conservation and that as heritage assets are irreplaceable any harm or loss should require clear and convincing justification.

Further to the above Paragraph 137 cites that Local Planning Authorities should look for opportunities to enhance or better reveal the significance of heritage assets.

The proposed external alterations provide a comprehensive scheme to address certain deleterious features and to make good areas that are in poor repair. By addressing the window stock and alien elements such as signage and a metal escape stair the external appearance of the building will be positively addressed to an acceptable level.

Internally the scheme recreates the vertical division between No.1 and No.2 and will return the building back to the two operating buildings as per the original townhouse arrangement. Excluding the basement units, which will be independently accessed, each building will be accessed and circulated through the principal doors with units off the communal lobby and feature staircases. The overriding principal of seeking to return the layout as close to the original principal rooms is welcomed, as is the return of missing architectural features such as cornicing.

In terms of setting the proposal seeks to provide a balance between the provision of parking and the ability to provide a garden setting for the building. The scheme proposes that the expanse of parking will be softened by landscaping and the area formalised by parking bays, which will help create some order to the area. High quality paving is also proposed closer to the building to provide patio areas. Considering the constraints of the plot the setting of the listed building is also adequately addressed.

The elements outlined above are considered to present a positive and well thought out treatment of the building, its fabric and its setting, which have due regard to the desirability of preserving the listed building.

The proposal is considered comfortably aligned to the aims of Policies SS10 and HE1 of the Torbay Local Plan and relevant guidance contained within the NPPF in regard to heritage assets.

Other matters

In line with Natural England' SSSI Impact Risk Zone designations, the development is not considered likely to have an effect on the nearby SSSI

designations.

The proposal is unlikely to impact protected species due to the limited nature of external works. An informative in regard to having due care is recommended.

S106/CIL -

N/A to Listed Building Consent application.

Conclusions

The proposal secures suitable enhancements to the building to better reveal it as a heritage asset.

It also secures improvements supportive of a change of use that would bring an unoccupied listed building back into use and help secure its condition for the longer term.

The proposed development is considered to be appropriate and is comfortably aligned with the aims and objectives of Policies HE1 and SS10 of the Local Plan.

Proposed conditions:

- Completion of all external works prior to occupation
- Completion off all internal works prior to occupation.

Relevant Policies

HE1 - Listed Buildings

SS10 - Conservation and Historic Environment

Agenda Item 8

Application Number

P/2016/1354

Site Address

Hotel Blue Conifer
Higher Downs Road
Torquay
TQ1 3LD

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Demolition & Redevelopment to form 9 sheltered apartments for the elderly including communal facilities, access, car parking, and landscaping.

Executive Summary/Key Outcomes

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

The site is outside the adjacent designated Core Tourism Investment Area that covers the building group that fronts The Downs to the south. It also is outside of the designated boundary of the Babbacombe Downs Conservation Area, which covers the largely Victorian development to the south.

The application is a revised proposal to demolish the existing guesthouse and to redevelop the site to provide 9 sheltered apartments for the over-55s. The proposal includes the provision of a revised access point off Higher Downs Road to serve 9 car parking spaces. It follows a proposal for 9 sheltered apartments recently resolved to be refused by the Development Management Committee under planning reference P/2016/0571.

The proposed building would have an appearance derived from the principle of a pastiche of the prevailing character of the interwar estate in which it sits. The building has rendered elevations under a steeply pitched multi-planed clay tiled roof. It features traditionally formed bay, gable and dormer features and has small balcony areas enclosed by ornate metal railings. The design also includes the provision of two prominent ornate chimneys stacks. The architectural form is considered to successfully echo the local character of buildings from the interwar period in the area and is supported.

The building has been reduced in scale from the previously considered scheme (P/2016/0571) with the footprint reduced to around 444 square metres from around 494 square metres. The scale of building is considered acceptable in what is a large corner plot, as it retains suitable distances to the public realm and

adequate gaps to adjacent properties. The proposal also retains an open feel and landscape setting to the plot which is a positive local characteristic, with landscaping and amenity space softening the building.

Neighbour amenity is adequately protected. The height of building respects the prevailing form and adequate gaps to plots and properties are retained. It is not overbearing. The location and orientation of windows prevents any undue overlooking and loss of privacy, subject to obscure glazing to the upper floors adjacent to Number 6 Babbacombe Downs Road. To the rear the distances are satisfactory in order to protect privacy. There is some potential overlooking from the first floor balcony of Flat 8 and it has been requested that this area is reduced in size to take it away from the border of the plot, which would reduce any impact.

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

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

Recommendation

Approval, subject to:

- the submission of additional surface water drainage design that is to the satisfaction of officers prior to the 16th February 2017, or within 8 weeks of the committee date should there be agreement of an extension of time by the applicant,
- submission of revised plans that limit the impact of the balcony of Flat 8 on the occupants of Number 6 Babbacombe Downs Road, and
- conditions delegated to the Executive Head of Business Services, to include those outlined within this report.

Statutory Determination Period

8 weeks: 16th February 2017.

Site Details

Hotel Blue Conifer is a two-storey detached building of a principally domestic scale set on a corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, Torquay, close to the northern end of Babbacombe Downs. The building has a painted render exterior with a clay tiled multi-pitched roof. It sits at the southern extent of a predominantly residential estate that has a relatively strong character which was built out during the early part of the 20th

Century. This interwar estate displays a softer more open character than the grander scaled less suburban character of the Victorian development along The Downs and to the south.

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

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

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

Detailed Proposals

The proposal is to demolish the existing building on the site and replace it with nine sheltered apartments for the over 55s.

The scheme is for a two-storey rendered building under a red clay tiled roof. The architectural form of the building is principally a pastiche of the character of buildings of the interwar estate in the site sits. In terms of detail the building features traditionally formed bay, gable and dormer features and small balcony areas enclosed by ornate metal railings. The design also includes the provision of prominent ornate chimneys stacks and a more traditional fenestration pattern.

There are three floors of accommodation with four units provided on the ground floor, four units on the first floor and one unit together with supplementary accommodation for two of the first floor units on the second floor in the roof space.

The units are all generously scaled with the smallest providing 80 square metres of accommodation and the largest 140 square metres.

The access and parking arrangement removes the parking from the corner junction and a new access is to be formed off Higher Downs Road further away from the junction with parking for 9 vehicles. Mobility buggy and cycle storage is provided within an outbuilding set beside the car park.

Waste storage is also provided for within a small ancillary building adjacent to the

new access point set behind the boundary wall.

Summary Of Consultation Responses

Conservation and Design Team:

A less radical scheme than previously proposed with all of the modern interpretations of the architectural character of the interwar estate replaced with pastiche elements. Although much of the detail is attractive there are some less successful elements such as the elevated lift shaft topping, irregular roof lights and the two flat roofed dormers abutting the chimneys.

Natural England:

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

Drainage Engineer:

The treatment of surface water through a storage tank and controlled discharge is acceptable. The storage tank design has been appropriately detailed however broader elements of the design have been omitted and should be submitted and approved prior to the grant of planning permission.

South West Water:

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

Wales and West Utilities:

Advise that plant or equipment relating to Wales and West should not be built on.

Highways / Strategic Transport:

There is no in-principle objection on traffic/transport grounds. The proposed new vehicular access is better located than the existing access and allows turning on site. The existing access should be closed or a turning area provided to ensure vehicles can enter and exit in a forward gear. The proposal provides an over-provision of parking spaces with the Local Plan standard being 1 space per 5 units. The provision of a disabled space should be included. Mobility buggy/cycle storage should be provided and with an electrical charging point, ideally with space for 1 buggy/cycle per apartment.

Green Infrastructure Officer:

Previously advised that the accompanying ecological surveys suitably consider

the impacts of the development and adequate mitigation and ecological enhancement should be achieved by condition. The submitted landscape plan is suitable for approval however a lighting scheme should be informed by an ecologist.

Arboriculture Officer:

The proposal is suitable for approval on arboricultural merit subject to tree protection measures being in place prior to commencement of development and approval of a detailed landscape scheme that softens the development and provides landscape enhancement. Updated comment on the detailed landscape scheme awaited.

Police Designing out Crime Officer

Refers to previous advice that supported the referencing of Security and Secured by Design within the design and access statement and many important factors have been incorporated within the design. Suggest that a condition requiring full compliance with Secured BY Design be attached.

Summary Of Representations

Over 50 representations objecting to the scheme and one in support. A summary of the main planning related concerns are detailed below.

- Same impact as the previous application
- type of accommodation is not needed
- poor design and harmful visual impact
- impact upon the conservation area
- impact upon the character of the Hampton Estate
- too large
- out of character
- loss of views
- loss of light
- loss of privacy and overlooking
- noise and disturbance
- loss of holiday accommodation
- lack of parking
- drainage
- loss of garden space and ecological impact of this
- set a precedent for similar redevelopments
- adds to health care.

Relevant Planning History

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

P/2016/0571 - Demolition & redevelopment to form 9 sheltered apartments for

the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access - Development Management Committee Resolution - Refusal - Current appeal against non determination by the LPA in progress.

Key Issues/Material Considerations

The main issues are considered to be:

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

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

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

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

The principle of providing a larger building (and a greater number of units) on the site is generally supported in Local Plan policy guidance and in the NPPF, with the notion clear that development should seek to maximise the re-use of urban brownfield land, subject to other considerations. In further policy terms the provision of 9 units on the site will also aid the delivery of new homes and the Council's 5 year housing supply.

In regard to the loss of holiday accommodation Local Plan Policy TO2 (Change of use of holiday accommodation and facilities) provides key advice. Policy TO2 states that for accommodation outside of Core Tourism Investment Areas a change of use will be permitted where it does not undermine the holiday

character or range of facilities of the area and where the site is of limited significance in terms of its holiday setting, views etc. The loss of this small hotel/guesthouse will not undermine the holiday character or range of facilities of the Babbacombe Downs area which has a strong linear focus of facilities that directly front The Downs. The hotel/guesthouse is also considered to be of limited significance as although it is in close proximity to The Downs it is set away from the direct coastal frontage and in this area the character quickly moves to a residential suburban context, which limits its value and potential in terms of holiday provision.

Finally, the loss of the holiday accommodation is deemed acceptable as it would not undermine the holiday character of The Downs and it sits comfortably with the Council's Tourism Strategy (2009) "Turning the Tide for Torbay" that recommends that the oversupply of small and outmoded tourism accommodation be reduced, presenting general accordance with policy TO2 of the Local Plan.

In summary, in terms of planning policy and principle the demolition of the building is accepted. The site provides a good location for a residential use as there is a residential character to the area and the site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This presents general accordance with the aims and objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan.

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

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

In regard to scale and bulk the proposal is considered acceptable. The plot is larger than average and on plan it appears to be almost double the size of some of the other plots in the area. It is also corner plot which presents the opportunity to place a slightly stronger building to help define the corner. The current proposal covers a floor area circa 444 square metres. This a reduced footprint compared to the building recently considered by members which was circa 494 square metres. The proposed footprint permits the retention of adequate gaps to the adjacent plots and buildings in order to retain and reinforce the open character to the area. There is also sufficient space between the building and the public realm in order not to present a cramped feel when viewed from the adjacent highways. Around the building the proposal permits adequate amenity space and a landscape setting to be retained, which will reinforce the open character of the area. As the proposed building retains characteristic gaps and an open setting around the building it is considered that the plot could

successfully support the size of building proposed without undue impact upon the character of the area.

In terms of height the scheme presents a two storey building under a pitched roof and it sits comfortably aside the adjacent buildings. The proposal clearly responds to and reinforces the local building height and although there are three floors of accommodation the character is clearly that of a two-storey building, which aligns with the prevailing form. The height of the proposed building is aligned with the height of the existing building with only the chimney stacks and lift shaft slightly higher than the highest point of the existing ridge. In terms of the design the appearance of the building has been revised with a number of changes to the architectural detail previously proposed under planning reference P/2016/0571. Although the principal form is reminiscent of the previous scheme the architectural detail is now clearly pastiche and seeks to mimic the general building form that prevails within the interwar estate.

In terms of detail at roof level the dormers are appropriately scaled and are predominantly pitched in form with ornate timber detail above the glazing. The previous scheme featured flat roofed dormers throughout. Timber detail is also present in the larger gables of the main roof structure. There are two flat roof dormers set aside and behind the two chimney stacks and these stacks act to soften and reduce the prominence of these elements and, in the context, they are not unduly harmful elements upon the wider character and visual quality of the building. Within the two principal storeys there is traditional architectural detailing with more characteristic bay features with glazing set in the larger render detail, which is a change from the more vertical glazed bays inset with louvres of the previous scheme. In addition the balcony elements have been altered to be enclosed by an ornate metal railings rather than the glass of the previous scheme. In regard to the window openings the fenestration pattern displays a solid-to-void arrangement that is more traditional and the vertical glazed elements of the previous scheme have been removed to help reinforce a more traditional appearance to the building. It is noted that the clustered metal pipes of the previous scheme have been removed and the design has introduced two prominent chimney stacks. The design response is welcomed as a well considered response to the character of the area. It is accepted that the lift shaft to the rear of the building is an alien feature in the roofscape, however due to its location it will be largely obscured from public view. It is recommended that the finish of the element is carefully considered in order to limit its visual prominence and reduce its impact when viewed from the north along Higher Downs Road.

A detailed landscape scheme has been submitted and comment is awaited from the councils Arboricultural Officer. A landscape scheme that positively softens the building to help retain a verdant and spacious character is essential and could help improve the setting towards Babbacombe Downs Road which has been compromised by poorly designed deleterious extensions and outbuildings and prominent hardstand for parking.

To conclude the scheme submitted is a positive pastiche response to the context that responds well to the interwar estate and presents no harm to the setting of the adjacent Babbacombe Downs Conservation Area. The proposal is considered compliant with Policy DE1 (Design) and DE4 (Building heights) of the Local Plan and the NPPF in terms of seeking good design.

3. Impact upon the residential amenity of adjacent occupiers

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

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

To the west the plot borders number 6 Babbacombe Downs Road and the side elevation of this property faces eastwards over the site of the Blue Conifer Hotel. It is noted that the side elevation of Number 6 is inset with windows over two floors within a staggered building line that affords some overlooking of the application site. In terms of amenity having considered the distance between the proposed building and Number 6 Babbacombe Road, which at its nearest point would be a 7m gap, the scale of building presented would not present an overbearing relationship or result in an unacceptable loss of outlook or light to the occupiers of this property. In terms of privacy and overlooking there are window openings at first floor and roof lights within the roof. Privacy could be protected by obscure glazing these elements by a planning condition. The rear first floor terrace to Flat 8 is somewhat un-neighbourly and the agent has been requested to reconsider the scale of this and draw it back to the lounge building line to limit overlooking towards Number 6. The scale of building and the relationship it presents with the border is ultimately not uncharacteristic and presents an acceptable side-to-side relationship and maintains suitable amenity levels for both properties.

Subject to a revision to the first floor balcony and obscure glazing to certain

windows the design is considered a good response where the site suffers from some established overlooking from the adjacent property and enables habitable rooms to be provided with good outlooks and enhanced privacy. The proposal is considered acceptable in terms of its impact on residential amenity and compliance with policy DE3 of the Local Plan.

4. The quality of the proposed residential environments

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

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

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan.

5. Highway, parking and movement impacts

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

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

There is an absence of disabled parking and the layout should accord for one space being at least 3.6m wide. Once achieved the car parking arrangement provides adequate sized spaces and adequate manoeuvring space in order to enter and exit the site in a forward gear.

Cycle parking and mobility scooter storage has been engrained within the

scheme in an outbuilding adjacent to the car park in the northwest corner of the site. The provision is considered acceptable and these should be achieved by condition citing the provision prior to occupation and retention for such purposes at all times thereafter, and that this should include a charging point.

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

6. Flood risk and drainage impact

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

The Council's Drainage Engineer has reviewed the flood risk data and drainage strategy and it is accepted that infiltration drainage will not be viable for this site. As a result discharge into the public combined sewer at a controlled rate will be allowed subject to an acceptable design. The design of the holding tank has been agreed however there is some supporting detail that the drainage engineers require in order to ensure that the risk of flooding would not be increased as a result of the development. This detail has been requested from the applicant.

Members will be updated on the matter at the Development Management Committee and if the additional detail is agreed the scheme would accord with the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

7. Ecological impact

The existing building has been surveyed for bats and it is established that there is limited occasional roosting use. Appropriate mitigation and compensation has been identified within the accompanying ecological report to avoid disturbance to roosting bats and also to provide replacement roosting potential within the site. The appropriate mitigation and compensation can be achieved by a planning condition.

More widely the site holds little ecological value beyond that typical of a maintained garden space. National and local guidance outlines that development proposals should take opportunities available to enhance biodiversity in order to respond to guidance within the NPPF (Para 118) and Policy NC1 (Biodiversity and geodiversity) of the Local Plan. A detailed landscape plan is being considered and if insufficient a revised proposal should

be sought through planning condition.

Due consideration of the site's proximity to a SSSI at Babbacombe Downs to the south has been given and having cross-referenced Natural England's Impact Risk Zone standing advice Natural England were formally consulted. The resulting consultation response identified that there was no objection as the proposal is unlikely to affect any statutory protected sites or landscapes.

8. Arboricultural impact

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

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

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

A detailed landscape scheme has been submitted and comment is awaited from the Council's Arboricultural Officer.

Subject a condition relating to the submission of a detailed landscape scheme (if the current proposal is found to be inadequate) and a condition requiring the provision of tree protection measures during construction (which includes the protection of a protected Blue Atlas Cedar), the proposal is considered suitable for approval on arboricultural merit and aligned with Policies C4 (Trees, hedgerows and natural landscape features) and SS10 (Conservation and the historic environment).

S106/CIL -

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

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

Conclusions

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

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

The traditional design is considered to respond positively to the context and character of the area, in relation to the interwar estate.

The proposal is considered to afford future occupiers a good level of residential amenity and would not unduly impact the amenity of adjacent occupiers as its scale, location and detailed design will retain suitable outlooks, light levels and privacy (subject to obscure glazing and a reduced balcony area to Flat 8).

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

The scheme is considered suitable for approval for the reasons stated above and in this report.

Conditions to include:

- Over 55s occupancy condition
- samples of external materials and finishes
- detailed design of all glazing, louvers, vent pipes, recesses, eaves and fascias
- removal of existing parking and vehicular access and provision of new parking and access prior to the first use of the building, to include the demarcation of one disabled space no less than 3.6m wide by 4.8m long
- provision of waste and cycle/mobility scooter stores prior to the first use of the building including a charging point
- provision of any approved surface water drainage strategy prior to the first use and its retention thereafter
- obscure glazing to first floor and second floor openings on the north west elevation
- tree protection measures in place prior to the commencement of development
- Development to be carried out in accordance with the ecological mitigation strategy.
- Vegetation clearance to be restricted to periods outside of the bird nesting season (undertaken between September and end of February) or following confirmation from a suitably qualified ecologist that no breeding birds are present.
- A detailed landscape scheme to be submitted to Torbay Council for approval, to include proposed species, plant sizes, numbers/densities and

details for on-going management, designed to seek biodiversity enhancement (if not already agreed).

Relevant Policies

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

SS3 - Presumption in favour of sustainable dev

TA2 - Development access

TA3 - Parking requirements

TO2 - Change of use of tourism accommodation

NC1LFS - Biodiversity and Geodiversity

H1LFS - Applications for new homes

ER1 - Flood Risk

ER2 - Water Management

DE1 - Design

DE3 - Development Amenity

DE4 - Building heights

Application Number

P/2017/0030

Site Address

Telephone Exchange
Goshen Road
Torquay
TQ2 6AZ

Case Officer

Verity Clark

Ward

Cockington With Chelston

Description

Proposed 15m mast and associated cabinets (the proposed development to which the application relates is situated within 10 metres of relevant railway land).

Executive Summary/Key Outcomes

The proposal is for the erection of a 15m monopole with 2 microwave dishes, three additional cabinets and ancillary development.

The siting of the proposed monopole and equipment constitutes permitted development and does not require planning permission. This submission is for determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

The siting and design of the proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality.

The application is deemed to be acceptable for prior approval on the grounds of siting and design.

Recommendation

Committee Site Visit; Prior Approval granted.

Statutory Determination Period

8 weeks, expires 17.03.17. The application must be determined within 56 days of the validation of the application. If a decision is not issued within this time period the development is granted automatic approval.

Site Details

The application site is an area of hardstanding and grass to the south east of the telephone exchange building. The site is located within the Chelston Conservation Area.

Detailed Proposals

The proposal is for the erection of a 15m monopole with 2 microwave dishes, three additional cabinets and ancillary development.

Summary Of Consultation Responses

Conservation: On balance the proposal is acceptable.

Highways: Awaiting comment.

Network Rail: Awaiting comment.

Arboriculture: Awaiting comment.

Summary Of Representations

The consultation period for the application expires on the 15th February and at the time of writing 3 letters of objection have been received. The neighbour consultation period for this application is due to expire on the 15/02/17, after the date of the February Development Management Committee meeting. Therefore, no decision shall be issued until after the neighbour consultation period has finished.

Issues raised by representations:

- Ability to sell properties
- Previous planning decision
- Proximity to residential housing
- Impact on Conservation Area
- Visual impact
- Health issues
- Not in-keeping
- Future proliferation of equipment
- Impact on views
- Property values.

Relevant Planning History

P/2002/1289 Installation Of Telecommunications Apparatus Of A 20m Monopole (With 3-4 Stack Directional Dipoles At 17.4) And Equipment Cabin For Airwave Mm02. Withdrawn 03/10/02

Key Issues/Material Considerations

This application is for determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

In terms of siting, the 15m monopole would be located on an existing area of hardstanding 8.2m to the south east of the telephone exchange building. The site is screened by a large level of vegetation and the typography of the area results

in the ground level of the proposed equipment being significantly lower than the properties on Rousdown Road. The location of the site is significantly set back from the street scene along Goshen Road, with the telephone exchange building and vegetation obscuring the majority of the proposed pole. The proposal will be visible from the rear of the properties along Rousdown Road however the separation distance and difference in levels mitigates the impact and height of the proposal, reducing the detrimental impacts on neighbour amenity of the closest properties. The proposed pole is not considered to impact upon light levels, or to be of a visually obtrusive or overbearing in nature. The location is considered to be well screened and will provide limited views from the street scene thereby reducing the impact on the Conservation Area and preserving its character and quality. As such the siting is considered to be acceptable.

Whilst it is acknowledged that the telecommunications equipment is located within the Conservation Area the design of the pole with associated antenna and dishes is of a fairly streamline design that is considered to be appropriate within the context of the locality. The colour of the mast would be dark green which is considered to be acceptable in this location and will blend in with the surrounding tree cover. This element of the proposal is therefore considered to be acceptable in terms of design and visual appearance.

The three additional cabinets would be located to the south east of the proposed pole on an area of grass and will not be visible from the street scene. The siting and design of the proposed cabinets are considered to be acceptable.

Consultation from the Council's Senior Historic Environment Officer has not raised an objection. The levels in the application are given as GL & AGL - Ground Level and Above Ground Level. GIS notes that there is a spot height of 10.7m AOD near the entrance to the telephone exchange off Goshen Road; it is largely level with the GL of the exchange. Thus any 15m high pole will have a top height of c. 26m AOD. This is screened immediately on the east by the railway embankment, to the north by 5m height of the exchange itself and some tree cover; similarly there is tree cover to the south and west. The spot height near the Junction of Old Mill and Rousdown Road is 30.5m AOD so the roof and ridge heights of the 2-storey Crowndale and the listed Ambrook are likely to be about 35-37m AOD, obscuring most of the length of the pole, though its upper 2.5m clears the tree canopy

It should be noted that the existing telecommunications equipment provides coverage for the 2G network in the area. With the release of 4G the area requires additional equipment to allow for 3G and 4G coverage. The proposal is part of a joint venture by O2 and Vodaphone and is intended in the long term to reduce the number of base stations nationally by consolidating single use base stations. The proposal includes information detailing the site selection process and confirms that the current site provides the most suitable location to provide improvements to the existing network coverage and capacity as well as catering

for future demands.

Guidance from the NPPF on determining planning applications for communications infrastructure states that "Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure." As such this prior approval application cannot consider issues such as the need for the equipment, the potential health implications of the equipment or more general non planning issues such as impacts on property values.

The siting and design of the proposal is considered to minimise the impact on the character and appearance of the surrounding area and has utilised existing landscape features to reduce the impact on visual amenity in accordance with Policy IF1 of the Torbay Local Plan 2012-2030.

Conclusions

The siting and design of the proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality.

Prior approval of the Local Planning Authority for the siting and design of the 15m monopole with 2 microwave dishes, three additional cabinets and ancillary development is not required.

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

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

IF1 - Information and communications tech

Application Number

P/2017/0031

Site Address

Land At Raleigh Avenue, Adj. Davis Avenue
Chelston
Torquay
TQ2 6DU
TQ2 6DU

Case Officer

Verity Clark

Ward

Cockington With Chelston

Description

Installation of 12.5m monopole, 2 microwave dishes, 2 equipment cabinets and associated works

Executive Summary/Key Outcomes

The proposal is for the erection of a 12.5m monopole with 2 microwave dishes, two additional cabinets and ancillary development.

The siting of the proposed monopole and equipment constitutes permitted development and does not require planning permission. This submission is for determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

The siting and design of the proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality.

The application is deemed to be acceptable for prior approval on the grounds of siting and design.

Recommendation

Committee Site Visit; Prior Approval granted.

Statutory Determination Period

8 weeks, expires 17.03.17. The application must be determined within 56 days of the validation of the application. If a decision is not issued within this time period the development is granted automatic approval.

Site Details

The application site is highways land at the junction of Raleigh Avenue and Davis Avenue situated on an area of grass verge next to a pedestrian footpath to the south of an existing cabinet and on the opposite side of the road from an existing telegraph pole.

Detailed Proposals

The proposal is to erect a 12.5m monopole with 2 microwave dishes, two additional cabinets and ancillary development.

Summary Of Consultation Responses

Highways Engineer: Awaiting comment.

Summary Of Representations

The consultation period for the application expires on the 15th February and at the time of writing 10 letters of objection have been received. The neighbour consultation period for this application is due to expire on the 15/02/17, after the date of the February Development Management Committee meeting. Therefore, no decision shall be issued until after the neighbour consultation period has finished.

Issues raised by representations:

- Health issues
- Property values
- Ability to sell and rent properties
- Impact on social housing
- Alternative locations
- Interference of TV signals
- Vandalism

Relevant Planning History

None.

Key Issues/Material Considerations

This application is for determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development.

In terms of siting, the 12.5m monopole would be located on an existing grass verge in the vicinity of existing telecommunications cabinets. The pole will be situated close to the road, mimicking the location of two telegraph poles in very close vicinity whilst retaining pedestrian access via the existing pathway. The pole is located to the side of 2 Davis Avenue and across the road from 1 and 3 Davis Avenue thereby reducing any detrimental impacts on the neighbour amenity of the closest properties by the siting of the equipment. The proposed pole is not considered to impact upon light levels, or to be of a visually obtrusive or overbearing in nature and as such the siting is considered to be acceptable.

The location of the pole is within close proximity to existing street furniture although the proposed pole will be approximately 5.65m higher than the existing telegraph poles in the area. Due to the fairly open location of the site, the increase in overall height is not considered to significantly impact upon the visual

appearance of the street scene. In terms of the design, the column with associated antennas would be a fairly slimline structure which is considered to be compatible with the context of the locality. The colour of the mast would be grey which is considered to be acceptable in this location. This element of the proposal is therefore considered to be acceptable in terms of design and visual appearance.

The two additional cabinets would be located to the south of the existing green cabinet, set back from the pedestrian pavement. The siting and design of the proposed cabinets are considered to be in-keeping with the existing street furniture in the area.

It should be noted that the existing telecommunications equipment provides coverage for the 2G network in the area. With the release of 4G the area requires additional equipment to allow for 3G and 4G coverage. The proposal is part of a joint venture by O2 and Vodafone and is intended in the long term to reduce the number of base stations nationally by consolidating single use base stations. The proposal includes information detailing the site selection process and confirms that the current site provides the most suitable location to provide improvements to the existing network coverage and capacity as well as catering for future demands.

Guidance from the NPPF on determining planning applications for communications infrastructure states that "Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure." As such this prior approval application cannot consider issues such as the need for the equipment, the potential health implications of the equipment or more general non planning issues such as impacts on property values.

The siting and design of the proposal is considered to minimise the impact on the character and appearance of the surrounding area allowing the proposal to blend in with existing street furniture in accordance with Policy IF1 of the Torbay Local Plan 2012-2030.

Conclusions

The siting and design of the proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality.

Prior approval of the Local Planning Authority for the siting and design of the 12.5m monopole with 2 microwave dishes, two additional cabinets and ancillary development is not required.

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

DE1 - Design

DE3 - Development Amenity

IF1 - Information and communications tech

Application Number

P/2016/0188

Site Address

Land West Of Brixham Road, Paignton

Case Officer

Carly Perkins

Ward

Blatchcombe

Description

Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park (proposal/description amended 5 April 2016)

Update Report:

On the 8th August 2016, the Development Management Committee considered a reserved matters application for the approval of the appearance, landscaping, layout and scale of a full size senior FA 3G football pitch with 4.5m high perimeter fencing, one open tarmac MUGA court, for community use, one secure polymeric surface with controlled use and a new sports pavilion with parking to serve the development. The Committee resolved to delegate the approval of the application to the Executive Head of Business Services in consultation with the Chairman and Vice Chairman of the Development Management Committee in the event that further information was submitted to the Council within two months of the date of the committee which overcame the reasons of refusal presented to the Committee. These reasons for refusal were as follows:

- 1) Insufficient information has been submitted to demonstrate that there will be no likely significant effect on the South Hams Special Area of Conservation and contrary to paragraph 118 of the National Planning Policy Framework and policies SS8 and NC1 of the Torbay Local Plan 2012-2030.
- 2) Insufficient information has been submitted to demonstrate that there will be no detrimental impact on the South Devon Area of Outstanding Natural Beauty or wider countryside and contrary paragraph 109 and 115 of the National Planning Policy Framework and policies SS8 and C4 of the Torbay Local Plan 2012-2030.
- 3) By reason of its form and materials, the proposal is not considered to represent good quality design nor would it enhance the built environment contrary to paragraph 17 and 64 of the National Planning Policy Framework and policy DE1 of the Torbay Local Plan 2012-2030.
- 4) Insufficient information has been submitted to demonstrate that there will be no detrimental impact on neighbouring residential amenity by reason of

light nuisance contrary to paragraph 17 of the National Planning Policy Framework and policy DE3 of the Torbay Local Plan 2012-2030.

Since the Committee in August, further extensions of time to allow for additional negotiation have been agreed with the Members of the Development Management Committee. The current date to determine the application is the 14th February 2017. Since August, additional information has been submitted to address the reasons for refusal. Below each of the reasons has been considered:

Impact on the South Hams Special Area of Conservation:

Paragraph 118 of the National Planning Policy Framework states that in terms of biodiversity, if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. It is also clear within the National Planning Policy Framework that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered, planned or determined which is the case with this application. Similar objectives are detailed within Policies SS8 and NC1 of the Torbay Local Plan 2012-2030.

The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. Contrary to the information submitted at outline stage, flood lighting is proposed to serve the sports pitches. Whilst there was no condition on the outline consent preventing the inclusion of external lighting, the application was determined on the basis of the information submitted which noted that no floodlighting would be provided to the sports pitches due to harmful visual impacts and impacts upon protected species. Natural England have confirmed that the permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony and that further information was required to demonstrate that the proposed floodlighting would not have a detrimental light spillage upon greater horseshoe bat habitats (adjoining hedgerows) and that a Habitat Regulations Assessment will be required in advance of any decision being made by the Council.

Further information has been submitted to the Council and this has enabled the Council's Ecological Consultant to carry out a Habitat Regulations Assessment (HRA) in accordance with Natural England's advice. This additional information included a lighting plan showing the areas that will remain dark (less than 0.5 lux), a lighting strategy demonstrating that the use of floodlighting would not have a significant negative impact and an ecology technical note to inform the HRA which included information to confirm that there would be 'no likely significant

effect on the South Hams Special Area of Conservation' and details of additional landscape features that would provide a biodiversity gain. The amended proposals now include the realignment of the sports pitches to increase the distance between the pitches and the retained hedgerow boundaries. A revision to the lighting design to ensure compliance with the required sport standards whilst also ensuring that dark corridors are maintained around the application site and will remain suitable for continued use by foraging and commuting bats. The proposed lighting design includes the following:

- a. Eight 12m columns around the proposed football pitch, each with two Thorn Champion 2kW luminaires.
- b. Eight 6m columns around the southern MUGA, each with a single Thorn Champion 1kW luminaire.
- c. Two 8m columns within the car park, each with a single Thorn Area 1 luminaire, and five iGuzzini Full wall-mounted luminaires on the buildings.

The lighting will operate primarily between late October and late March which the Council's Ecological Consultant has confirmed as being outside of the main activity period for greater horseshoe bats. It is noted that whilst occasional use outside of this period may be required, flood lighting will be avoided for the majority of the activity period for this species. The submitted lighting modelling demonstrates that a minimum 10m width dark corridor of less than 0.5 lux is maintained around all boundaries of the application site with the exception of a small pinch point where the proposed car park adjoins the eastern hedgerow boundary. Irrespective of this, the face of the hedgerow in this location would be maintained at below 0.5 lux and light spill would be further reduced by the proposed landscaping as it matures. In summary, the proposed lighting design is considered to ensure that there would be no risk or probability of a likely significant effect on commuting or foraging greater horseshoe bats for the following reasons:

- a. The flooding lighting will be largely operational outside of the main activity period for greater horseshoe bats,
- b. The floodlighting will be switched off by 10pm
- c. A dark corridor of minimum 10m width will be maintained around retained hedgerows with the exception of a small area to the north,
- d. A 15-20m dark corridor will be maintained around the southern and western boundary hedgerows,
- e. Increased screening and habitat enhancement will be provided by new landscape planting as it matures and
- f. Lighting during construction can be controlled and specified in a Construction Ecological Management Plan.

In line with the above, the proposal, particularly the floodlighting, is considered compliant with paragraph 118 of the National Planning Policy Framework and policies SS8 and NC1 of the Torbay Local Plan 2012-2030. This consideration is

subject to the inclusion of conditions relating to the implementation of landscaping, installation and maintenance of floodlighting in accordance with submitted lighting strategy, the submission of a dark areas plan, construction environmental management plan, landscape and ecological management plan and an ecological monitoring and early warning strategy. A Habitat Regulation Assessment has been completed and further consultation is being carried out with Natural England, comments from Natural England will be presented at the Development Management Committee meeting.

Impact on the South Devon Area of Outstanding Natural Beauty:

Paragraph 109 of the National Planning Policy Framework which states that 'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes' is noted together with paragraph 115 which states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection. In addition paragraph 125 continues that planning decisions 'should limit the impact of light pollution from artificial light on... intrinsically dark landscapes and nature conservation'. Similarly policies of the South Devon AONB Management Plan refer to the conservation and enhancement of the special qualities, distinctive character and key features of the South Devon AONB landscape, the maintenance and where practicable enhancement of levels of tranquillity in order to ensure this special quality is not further devalued and the protection of the character of skylines and open views into, within and out of the South Devon AONB. In addition the need find suitable alternatives to infrastructure responsible for visual intrusion together with improvements to reduce the visual impact of unsightly past development is noted. Priorities are noted as including protection against external lighting that creates night time scenic intrusion. The Authority is also aware of its duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB under section 85 of the Countryside and Rights of Way Act 2000. Policy SS8 of the Torbay Local Plan also recognises the importance of ensuring that development outside of the AONB does not have an unacceptable impact on the special qualities of the nearby AONB.

Whilst the site lies outside of the South Devon Area of Outstanding Natural Beauty (AONB) it is visible from the AONB. The application site is noted in the Torbay Landscape Character Area Assessment as being of Type 1, Rolling Farmland as specified on Figure 1. The Assessment states that much of this land is open to views from the AONB to the west and the south and that there is limited potential to accommodate change without substantial wider impact. It is also noted that mitigation of any proposed development should be achieved through a combination of careful siting with strong screen planting and the reinforcement of existing field hedgerow boundaries. This type of mitigation was proposed at outline stage with a Landscape and Ecological Management Plan being secured to provide offsite landscaped buffers.

Contrary to the information submitted at outline stage, floodlighting is now proposed to serve the sports pitches. The Environmental Statement and associated Lighting Assessment submitted at outline stage stated that floodlighting for the playing pitch on elevated ground would result in a significant negative visual impact and has been discounted on this ground. The South Devon AONB Manager noted that if the scheme was to include floodlighting then the fundamental question is whether or not floodlighting can be accommodated on the site without negative landscape and visual impacts, including in particular, impacts upon the nationally protected landscape of the South Devon AONB, its natural beauty and special qualities. In addition the South Devon AONB Manager confirmed that without an updated lighting strategy and assessment, LVIA or Environmental Statement insufficient information was available to enable the Council to consider the application. The South Devon AONB Manager noted specifically that one of the South Devon AONB's ten special qualities includes 'areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement' and that the dark sky and natural nightscape resource of the AONB is particularly highly valued.

Further information has been submitted to the Council which includes an addendum to the Landscape and Visual Impact Assessment which specifically considers the impact of the floodlighting. In addition a landscape mitigation strategy which includes accelerated planting options and management and sections through the site to show planting at 0 and 10 years growth and the implications of cut and fill requirements have been provided together with further information relating the use of the pitches, hours of operation and colour of floodlighting. The applicant has also noted that the impact of the floodlighting is temporary in nature, occurring only when the floodlighting is in operation. This understanding that the impact was neutral when the floodlighting was turned off was agreed by officers and the South Devon AONB Manager.

The South Devon AONB Manager has been consulted on the additional information provided and has maintained his objection to the proposal. The South Devon AONB Manager has stated there is no scope to mitigate the predicted residual harm resulting from increased glare, conspicuousness and sky glow effects. Whilst they have acknowledged that there is some limited scope to filter lighting impacts through establishment and maturity of trees and woodland to the south and west of the sports pitch, they consider that the proposals would add to the existing urbanising effect of artificial lighting on the edge of Paignton as perceived from within parts of the AONB. The AONB Manager has also queried the accuracy of some of the information submitted, and this will be raised with the applicant. The response from the applicant will be presented at the Development Management Committee meeting.

The impact on the setting of the South Devon AONB is noted and is a material consideration which should be given great weight with regard to paragraph 115 of the National Planning Policy Framework. However in the case of this

application, the need for sports facilities in Torbay is also a material consideration and the two considerations are considered finely balanced. It is noted that it is for the decision maker to decide what weight is to be given to material considerations in each case. In this case it needs to be considered whether the public benefits of providing the sports facilities outweigh the harm to the setting of the AONB as noted by the South Devon AONB Manager having regard to both local and national policy.

Paragraph 70 of the National Planning Policy Framework states that planning decisions should plan positively for the provision and use of community facilities such as sports venues to enhance the sustainability of communities and residential environments. Paragraph 73 also recognises that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. It continues that planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provisions. Information gained from these assessments should be used to determine what open space, sports and recreational provision is required. Policy SC1 of the Torbay Local Plan refers to the health and well-being of communities with supporting paragraph 6.4.3.5 noting that new development should contribute towards creating healthy and sustainable communities and neighbourhoods through (amongst others) more opportunities for physical activity and healthier lifestyle choices including improvements to sports and recreation facilities. Following on from this, policy SC2 of the Torbay Local Plan supports the provision of sports facilities to serve additional demand generated by the wider development. It does however note that where a need is identified for new facilities, they should be provided in appropriate locations, preferably co-located with existing and other planned sports facilities, where they are accessible by a range and choice of transport and comply with other policies in the Local Plan. It is recognised that the Local Plan has an important role in supporting the development of new facilities and helping to bring forward the ambitions of people, clubs and representative organisations. Whilst projects are identified within the Local Plan for sport, it is noted that suitable alternative provision which is more viable and sustainable to satisfy demand may come forward. Paragraph 6.4.3.12 recognises that the provision of sports facilities often involves significant investment and proposed new sites must be capable of sustaining and serving any development. However in accordance with other policies of the Local Plan, relating specifically to countryside and design, provision of sport, recreation and leisure facilities in more rural areas will need to be sensitively designed to ensure the facility and its use complements and does not harm the character and appearance of the area.

In addition to planning policy, the Torbay Sports Facilities Strategy 2014-2021 sets out the vision for sport in Torbay including being the most active local authority amongst its nearest neighbours in terms of adult participation in sport and active recreation, reducing health inequalities through contribution of more

people leading more active lifestyles and to be an area where the attitudes of inactive people towards sports and active lifestyles have changed with previously inactive people taking part in some form of basic fitness activity. It is also noted that similar aims are outlined in policy SC1 of the Torbay Local Plan. The Torbay Sports Facilities Strategy also supports the need for a 3G artificial grass pitch at South Devon College (on or off site) and that the sports hub at South Devon College is currently over-capacity. In addition the strategy looks to promote the community use of the sports facilities on educational sites making specific reference to South Devon College. The Torbay Playing Pitch Strategy exhibits similar objectives recognising the importance of addressing the need for artificial grass pitches to meet the increasing demand for artificial surfaces or both training and competition in football, hockey and rugby and other pitch sports.

A consultation response from the Council's Sports Development Officer has confirmed support for the proposal. The Sports Development Officer has noted that there is currently sufficient provision of sports pitches in Torbay however has highlighted the poor quality of the existing playing pitches in Torbay that results in games being cancelled, suggesting that Torbay need to improve the quality of the pitches. The Officer has recognised that the Playing Pitch Strategy demonstrates a need for 3G pitches in Torbay and that Clennon Valley would be the priority site due to its central location, existing leisure operator and other sporting facilities. Whilst the Council is hopeful that a 3G pitch will be delivered at Clennon Valley in the near future together with improving the maintenance and drainage of existing pitches, funding and planning permission are yet to be secured and therefore a date for delivery is unknown. Letters of support from Paignton Villa and Brixham Football Club are also noted.

There are clearly two conflicting considerations which need to be weighed up when reaching a view on the acceptability of the proposal. Health indicators for Torbay relating to poor health and premature mortality show a relationship strongly related to demographics and levels of deprivations, including examples of significant levels of health inequality. Torbay's population exhibits lower levels of physical activity and a higher proportion of persons who are overweight or obese compared to regional and national averages. It is recognised that development can contribute to creating healthier communities partly through providing open space and recreation areas and that there are clear links between sports and recreation and health, well being and productivity. It is also noted that community halls like the sports pavilion proposed can help to strengthen dynamism and integration of communities. It is understood that there are clear social benefits to health as a result of providing this facility. It is possible to argue that similar benefits could be achieved from a scheme that did not adopt floodlighting or an artificial 3G pitch. However evidence submitted by the applicant suggests that a 3G pitch will have added benefits in terms of the ability for more intensive usage meeting the sports curriculum needs of the College and a facility for community use at evenings and weekends. It is understood that a grassed pitch cannot be used as intensively as it can become waterlogged and

requires a period of non-use (an issue already experienced on Torbay's existing grass pitches). Due to viability the facility would not be deliverable without the provision of floodlighting as it will not be able to be occupied at 100% capacity which would place a financial burden on the college. As a guide, a 3G artificial grass pitch can be made available for use for 85 hours per week in comparison to a well drained natural turf pitch which can tolerate a maximum of 6 hours per week demonstrating the key benefits of an artificial pitch when compared to a natural grass pitch.

Whilst the benefits are understood in terms of health and active living, the harm of the development on the special qualities of the South Devon AONB is also illustrated in the submitted information and identified in comments from the South Devon AONB Manager. The level of weight given to such considerations is evident in local and national policy. Whilst there remains a need for further clarification on the matter of accuracy of the submitted landscape and visual impact assessment information, it is clear that significant effort has been made to mitigate the impact of the lighting which is the matter of contention. These include the inclusion of fast growing trees in conjunction with native species to reduce the impact of the floodlighting by growing to a comparable size. These fast growing trees would then be removed as part of a management strategy once native species have reached a suitable height and density. Further clarification has been provided on the lux levels required during both match times and training times. During match times lighting at 200 lux will be required which is approximately 27.5% of the time that the 3G pitch is in use. During training times this will be reduced to 120 lux. The colour of the lighting has been amended to 4200K which is a neutral white. It is noted that this is an improvement in terms of reducing the impact on sky glow; however a colour temperature of no more than 3000K would be preferred. In addition and as noted above it is understood that the harm to the setting of the AONB is limited to the impact of the floodlighting and once turned off the impact is neutral.

Having considered social benefits of the scheme to the residents of Torbay in terms of health and well-being and the harm to the setting of the special qualities of the South Devon AONB, a balanced view must be taken. On balance and whilst acknowledging that the view of the South Devon AONB Manager cannot be fully resolved, it is considered that the benefits of the scheme when viewed together with the level of mitigation proposed would outweigh the time limited impacts on the special qualities of the South Devon AONB specifically the natural nightscapes. Whilst alternative sites are available for the provision of similar facilities it is recognised that these do not benefit from funding or planning permission bringing their deliverability into question such that it is not considered that suitable alternative sites are available. This view however is subject to further clarification from the applicant regarding the accuracy of the submitted information and revisions to the proposed landscaping mitigation in line with comments from the Council's Arboricultural Officer.

The Design of the Proposal:

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

Within the Design and Access Statement submitted at outline stage it stated that 'given the elevated nature of the part of the site upon which the pavilion building is proposed, the building will be single storey with careful attention given to elevation treatment and roofing materials. It is possible that this building could have a green roof, and with landscaping around it, this would further support the potential for it to be embedded into its setting.' In addition the outline application was supported by an LVIA, which noted that as a result of the assessment of the predicted landscape and visual effects significant adverse effects were identified. In response to this assessment, mitigation measures were identified. One of the mitigation measures identified stated that 'the pavilion building would be designed to look like an agricultural building with timber cladding'.

The design of the sports pavilion has been revised, and the revised proposal was presented at the Development Management Committee meeting in August 2016. On balance the design of the proposal is considered acceptable and in accordance with policy DE1 of the Torbay Local Plan. It is recommended that materials be submitted for approval by condition.

In addition to the external design, the floor plan for the building has been revised to take into account comments from Members at the Committee meeting in August 2016. The building now includes a larger kitchen area to cater for community events and a larger gym and inclusion of community rooms rather than classrooms as previously identified. The agent has also confirmed that the sports pavilion will offer community users a state of the art gym and fitness site with professional trainers, a full programme of fitness and health and well being classes. The building will have community use spaces which can be booked for a variety of uses and events such as children's parties, club and charity committee meetings, private and public events. Room hire will also be supported by the use of kitchen facilities and separate toilet, shower, changing areas and facilities for wheelchair users are also provided for non-playing visitors, community users and gym users. Separate areas are provided for team changing, showers and match officials. As recommended in comments from

Sport England, a community use agreement will be secured by condition to secure the provision of the facilities.

Impact on Residential Amenity:

The proposals are to be sited to the west of the approved residential development (P/2011/0197 and P/2013/1229). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution.

The proposed building is single storey and positioned some distance from the dwellings to the east such that the proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing. Contrary to the information submitted at outline stage, floodlighting is proposed to serve the sports pitches. The proposed floodlighting has the potential to detrimentally impact neighbouring residential amenity however it is noted that increased landscaping has been proposed to act as a screen separating the residential properties from the development. Further consultation is being carried out with the Council's Environmental Health Officer to ensure that there is no unacceptable impact to residential amenity as a result of the proposal. There is potential for the proposal to have a noise impact and as such a condition restricting the hours of use would be imposed. This would also help to limit the impact of any floodlighting in terms of light nuisance.

Conclusion:

On balance and whilst acknowledging that the view of the South Devon AONB Manager cannot be fully resolved, it is considered that the benefits of the scheme when viewed together with the level of mitigation proposed would outweigh the time limited impacts on the special qualities of the South Devon AONB specifically the natural nightscapes. The proposal is considered acceptable having considered paragraphs 70, 73, 109, 115 and 125 of the National Planning Policy Framework and policies SC1, SC2 and SS8 of the Torbay Local Plan 2012-2030. This view however is subject to further clarification from the applicant regarding the accuracy of the submitted information and revisions to the proposed landscaping mitigation in line with comments from the Council's Arboricultural Officer.

Subject to further consultation with Natural England and the inclusion of

conditions the proposal is considered compliant with paragraph 118 of the National Planning Policy Framework and policies SS8 and NC1 of the Torbay Local Plan 2012-2030.

The design of the proposal is considered acceptable and compliant with policy DE1 of the Torbay Local Plan 2012-2030. The layout of the site is considered to adequately provide for a dual use for both education and the community and the use of the site can be secured by the submission of a community use agreement in accordance with policy SC1 and SC2 of the Torbay Local Plan 2012-2030.

Further consultation will be carried out with Environmental Health to determine the need for conditions relating to the use of the site to ensure no detrimental impact to the residential amenities of nearby occupants. Subject to these comments, the proposal is considered acceptable and compliant with policy DE3 of the Torbay Local Plan 2012-2030.

Recommendation:

Conditional approval, subject to further consultation with Natural England confirming the acceptability of the Habitat Regulation Assessment, further consultation with Environmental Health with regard to the impact on future occupants of nearby dwellings, clarification from the applicant with regard to the accuracy of the submitted landscape and visual impact assessment and amendments to the landscape mitigation and the submission of surface water drainage information. Final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Executive Summary/Key Outcomes:

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters applications were approved under references P/2013/1229 and P/2014/0071 for the dwelling houses. The application site relates to the eastern bowl of the wider White Rock site and is largely grassed scrubland. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete.

The application site is to the south of industrial units on Long Road and west of the proposed residential development associated with application references P/2011/0197 and P/2013/1229. To the south and west of the site is open countryside. To the south of the site, offsite planting works are proposed as part of the original outline application P/2011/0197 adjacent to the southern boundary.

The proposals are a provision of the section 106 agreement secured at outline stage. The sports pavilion and public open space must be completed prior to the occupation of the 250th dwelling. The proposal is for a full size senior FA 3G

football pitch 120m x 80m with 4.5m high perimeter fencing, one open tarmac MUGA court 37m x18.5m, for community use, one secure polymeric surface 37m x 18.5m with controlled use and a new sports pavilion. The site area is approximately 4.2 hectares. The proposal includes parking provision and some landscaping. It is understood that the proposals will be managed by South Devon College.

Contrary to the information submitted at outline stage, floodlighting is proposed to serve the sports pitches. It is considered that insufficient information has been submitted to demonstrate that the development (particularly the floodlighting) can be implemented without harm to neighbouring residential amenity, the character of the open countryside, area of outstanding natural beauty and the South Hams Special Area of Conservation. In addition the proposal, by reason of its form and materials, is not considered to represent good quality design nor would it enhance the built environment. In line with the above the proposal would be contrary to paragraph 17, 64, 115 and 118 of the National Planning Policy Framework and policies DE1, SS8, NC1 and C4 of the Torbay Local Plan 2012-2030.

Recommendation:

Refusal, reasons for refusal are set out at the end of the report

Statutory Determination Period:

13 weeks, an extension of time to determine the application has been agreed up to the 19th August 2016.

Site Details:

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and subsequent reserved matters applications were approved under references P/2013/1229 and P/2014/0071 for the dwelling houses. The application site relates to the eastern bowl of the wider White Rock site and is largely grassed scrubland. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 with a number of dwelling houses complete and occupied.

The application site is to the south of industrial units on Long Road and west of the proposed residential development associated with application references P/2011/0197 and P/2013/1229. To the south and west is open countryside. To the south of the site, offsite planting works are proposed as part of the original outline application P/2011/0197 adjacent to the southern boundary.

Detailed Proposals:

The proposal is for a full size senior FA 3G football pitch 120m x 80m with 4.5m high perimeter fencing, one open tarmac MUGA court 37m x18.5m, for community use, one secure polymeric surface 37m x 18.5m with controlled use and a new sports pavilion. The site area is approximately 4.2 hectares. The sports pavilion is single storey and features a shallow pitched roof. The sports pavilion has a floor area of approximately 550sqm. The proposal includes parking provision and some landscaping.

Summary Of Consultation Responses

Arboricultural Officer: The proposed trees lack the potential mature height and spread required to screen the proposal. The tree species selected are of only limited internal benefit and in the example of the Japanese maple, will struggle to establish and achieve any stature greater than that of a large shrub. This is amplified by the open topography of the site amongst the wider field systems. Tree numbers are low given the size of the site and increased density is necessary with attention given to important boundaries where screening will be required from residential areas.

The scheme is suitable for approval on arboricultural merit subject to the proposed tree species being substituted for species capable of attaining a height and spread significant enough to effectively screen the proposal and are suitable given the character of the surrounding area, increased numbers of trees across the site and hedge/ tree protective fencing plan to be submitted prior to any commencement on site that is based upon an arboricultural survey in accordance with BS5837.

No additional information has been submitted in relation to the comments above however a letter of justification was provided to which the Arboricultural Officer responded as follows:

"The letter makes comments addressing the arboricultural concerns with the hedge management being covered by the management proposed in the outline proposal for the White rock development; however it does not address specific tree protective fencing for the existing hedgerow. Screening is addressed by reference to the single storey height of the building and MUGA and thus it is suggested that the proposed landscaping is sufficient to screen. However the species suggested do not reliably exceed the height of the proposed building and are incapable of attaining a sufficient scale to be the dominant landscape feature of the proposal site. Therefore the landscaping is insufficient to prevent the proposal from having a negative impact on the South Hams AONB."

Senior Strategy and Project Officer: The application shows parking for around 36 cars, plus 4 minibus bays. The Local Plan sets a parking standard of 1 space per 25 sq m, which would come to a greater number of spaces if the external space

was taken into account. There is concern about parking spilling out onto surrounding residential streets. A Transport Statement has not been submitted to justify the proposed parking level. Given that there could be a significant impact on the area, it is considered reasonable to request a Transport Statement, and a Travel Plan to maximise the use of sustainable transport.

Irrespective of the above, a minimum of 4 spaces or 10% of spaces should be provided as spaces for disable persons (to dimensions of 4.8m x3.6m, or where side by side 4.8x2.4 with a minimum of 1.2m between them). . Appendix F of the Torbay Local Plan also states that all new development should include provision for electric charging points and their necessary infrastructure.

The application is within the LEMP (Policy SS9.3) and close to the boundary with South Hams. Therefore the impact of the development, lighting etc on the landscape and biodiversity will need careful consideration. It is acknowledged that this may impact upon parking provision, but this does not obviate the need for the parking provision to be justified.

Paragraph 8.1.3 (p58) of the Transport Assessment indicates that the trip rate has not been calculated for the pavilion building, which will primarily serve the new community within the masterplan area, and that community events will take place at weekends and evenings outside peak travelling times. Whilst this is good from a junction capacity point of view, it could mean that parking may spill over onto the streets at a time when there are lot of cars parked already, albeit only at match times.

The Adopted Local Plan seeks 1 parking space per 25 sq m of floor space. Whilst this would not be applied to the MUGAs and the 3G pitch, provision should be made, particularly for the 3G pitch. The detailed plan shows covered seating for 50 spectators and 160 standing spaces. In addition, the teams on the pitch could amount to up to around 75 people at team cross-over times.

On this basis, there would appear to be a shortfall in parking. The applicant should justify the parking level proposed and see whether alternative solutions can be found such as provision of overspill car parking (e.g. at South Devon College). In any event it would be preferable to encourage greater use of walking, cycling and public transport as an alternative to requiring the provision of hundreds of car parking spaces. A Travel Plan would be a way of encouraging this, and is directly related to the reserved matters.

It is noted that there may be some sensitivity with the LEMP and landscape impact (especially given that the pitch will be floodlit), which is another reason why demand management is more likely to be an acceptable solution than providing car parking up to the required standard.

Provision should also be made for cycle parking. This would be part of the travel

plan measures noted above.

In response to the revised plans submitted the Senior Strategy and Project Officer noted the following:

"I am happy that the revised plans make provision for electrical charging points, cycle provision and increased disabled parking. The disabled spaces should be a minimum of 4.8m x3.6m as per Appendix F of the Local Plan. It would also be appropriate to get details of the 6 secure cycle spaces, either now or through a condition. However I am pleased that these changes have been made, which improve the proposal.

Turning to parking provision. It is accepted that the parking slightly exceeds the requirement for the building floorspace. The Local Plan sets no standard for pitch area, but it is reasonable in the context of Policy TA3 to ensure that there are not severe problems with parking overspilling into residential areas during high demand times. Conversely it is accepted that it is not in the interests of sustainability to demand large areas of parking that will only be occasionally used. It would therefore make sense to seek to ensure that alternative provision can be made for overspill parking at the College. Peak demand for the sports pitches will be evenings and weekends when the college's car park is likely to be less used."

Police Architectural Liaison Officer: Opportunities to design out crime, antisocial behaviour (ASB) and conflict have been considered and incorporated into the layout and design of the proposal. Having carried out a basic crime pattern analysis, specifically for Sports Pavilions, it is advised that theft and criminal damage are the most reported offences, as such it is recommended that the Sports Pavilion is constructed to comply with the standards and specifications of Secured by Design to ensure a consistent level of security throughout and opportunities for criminal activity and misuse or abuse of the facilities are minimised.

The proposed 4.5m fencing will assist well in securely enclosing the site preventing unauthorised access and the type of fencing will enable good surveillance opportunities in to the spaces.

It is recommended the pedestrian access to the right side of the Pavilion is made inaccessible to prevent providing those with criminal intent a legitimate excuse for access the building and changing rooms. The gated accesses into the MUGAs must be capable of being locked when not in use.

There should be no access to the left of the Pavilion or the space is left as open to view as possible to prevent creating a concealed area as this can provide cover for doors and windows to be tampered with. Any trees here should not be positioned so they can be used as climbing aids up onto the roof and the proposed choice of trees should have trunks that are clear of foliage (approx 2m)

to enhance surveillance into the space.

The outside storage container for equipment is noted. Initial generous storage provision should help to avoid future need for additional outbuildings which can be more vulnerable to attack.

Care should be taken with regard to landscaping/planting so as to not restrict natural surveillance, create hiding places for those with criminal intent, impede CCTV (if applicable).

Please be mindful that if there is to be CCTV it must be accompanied by compatible lighting as come the hours of darkness the CCTV system will not be fit for purpose.

The parking area will need to have good natural surveillance from both the road and buildings beyond and ideally be lit to assist residents and deter vehicle crime.

Preventative measures should be put in place to prevent anti social driving/behaviour in the open space of the car park when premises are closed. Consideration should be given for a gate/barrier to be fitted to the car park entrance for use when the premises are closed or the open space is broken down by introducing obstacles, for example one or two speed bumps, planters, low level hedging or kerbing as this will effectively reduce the amount of open space vehicles need to gain speed and drive anti socially.

Vehicle access onto grassed areas should be prevented by use of bollards are some form of solid structure

External illumination of the facilities may draw local attention at night. The lighting will need to be coordinated with actual occupation and use to avoid unwanted attention at times when there are no users or 'capable guardians' present.

Bollards to the front of the Pavilion must be capable of stopping a vehicle making contact with the building.

Secure motorcycle and bicycle parking should be provided and located within view of active areas e.g. reception. This area should be roofed and lit.

Care should be taken to not inadvertently design in climbing aids, such as trees, bollards, sills, bins, benches etc as these can provide access on to the roof to vents/roof lights or over into the grounds.

To control access and deter unwanted trespassers there should be only one main access and egress into the building and through to the MUGAS.

All doors, windows and locks should meet the standards of specifications of Secured by Design.

Storage and security of valuables and personal belongings will require special consideration. Lockers must be open to view and not hidden away to deter anyone wishing to tamper with the lockers

Cubicles and changing rooms should be designed to prevent voyeurism or the use of a mirror or similar to look over or under cubicle walls.

It is recommended that spectators are provided their own WC facilities to prevent providing a legitimate excuse for those with criminal intent easy and open access into the changing rooms where personal belongings and clothes can be left.

It may be worth considering an additional corridor door that can be used to prevent open access to the team and official changing rooms on match days.

Green Infrastructure Co-ordinator: There are serious concerns in relation to the proposed floodlighting and impacts on bats, including Greater Horseshoe Bats which are known to be very light sensitive. Further information on levels of predicted illuminance and light spill, shown by appropriate isolines, is required prior to determination to ensure that bat flight corridors can be maintained through/around the development site in accordance with the Habitats Regulations Assessment undertaken for the outline application.

It should be noted that the Lighting Assessment submitted as part of the outline application (attached) stated that no floodlighting would be provided: "The lighting requirements for the Public Park and open spaces should be minimal as they will be used primarily during daylight hours. Although some of these spaces will contain play areas (and within the central elevated area, a sports pitch and youth play area is proposed, it is unlikely that they will be used during the hours of darkness so lighting will not be required. Floodlighting for the playing pitch on elevated ground would result in a significant negative visual and has been discounted on this ground."

The Ecology Addendum to the Environmental Statement submitted as part of the outline application also makes reference to sensitive use of lighting in paragraphs 6.6-6.12. The landscape and visual impacts of floodlighting need to be considered, particularly with regard to impacts on the nearby Area of Outstanding Natural Beauty. The Council's Arboricultural Officer and Urban Design Officer (Landscape) should be consulted with regard to the suitability of the landscape proposals. There is no plan showing the context of the proposals in relation to the wider development proposals and the relationship with the adjacent development including allotments, orchards and housing needs to be shown on a plan. Notwithstanding the further detail requested above, the following would need to be secured by planning condition or provided prior to determination of the

reserved matters application:

Submission of a Construction Environmental Management Plan (CEMP) for approval by Torbay Council prior to commencement. The CEMP could be part of a wider CEMP covering the whole development site. The CEMP should be produced in accordance with clause 10.2 of BS 42020:2013 and should include full details of all ecological mitigation proposed during construction.

An informative would be required noting that the development must be carried out in strict accordance with both the on and off site LEMPs. It should be noted that Torbay Council is currently in discussion with Linden Homes regarding progress with the LEMP works. Further conditions may be required following the review of the additional information requested above.

Summary

The application is not suitable for approval until further details regarding lighting have been provided and acceptability discussed and agreed with the Council's Ecological Adviser and Natural England. Relevant Council officers should be consulted with regard to landscape proposals and landscape and visual impact. A plan showing the context of the development in relation to wider development proposals is required. Notwithstanding the further details required, preliminary recommendations are made for conditions and informatives.

Natural England: Greater horseshoe bats are among the rarest and most threatened bats in Europe. During the last 100 years, numbers have declined significantly throughout northern Europe. South Devon represents an international stronghold for the species supporting the largest recorded roost in northern Europe. The proposed development site falls within a greater horseshoe bat sustenance zone² associated with the SAC roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential habitat within the sustenance zone² and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony.

The proposals to include floodlighting are a departure from the approved outline application. Our previous supporting advice, and the conclusions of the Habitats Regulations Assessment carried out by the authority, were based upon the details provided with the outline application. The outline application included greater horseshoe bat mitigation measures surrounding the proposed sports pitch/play areas, included the retention and enhancement of hedges, and planting of new hedgerows. The Environmental Statement (February 2011, Final Issue) states that "No floodlighting of sports pitches will be used; play areas will not be lit..." The latest proposals include the provision of floodlighting. Where there is a material change to the approved outline application, it will be necessary for your authority to carry out a Habitats Regulations Assessment in advance of

reaching a decision regarding this application.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

An updated lighting strategy to ensure that light spillage parameters are set in advance of reaching a decision. Typically, detrimental light spillage upon greater horseshoe bat habitats (adjoining hedgerows) is thought to be associated with Lux levels of 0.5 and above.

The assessment of light impact is best informed by identifying all potential sources of light (in this instance floodlights) and combining this information as part of a Lux analysis. All potential sources of light will require appropriate mitigation to prevent impact upon the greater horseshoe bat.

Assessment of potential light impacts at both construction and operational phases is often best informed by a suitably qualified lighting designer and ecologist.

To assess light impacts upon greater horseshoe bat habitat from the proposed development, it will assist to provide contour mapping (0.1lux intervals or less) that represents the lux modelling results (including vertical plane, and sample intervals of 200mm) on an OS map backdrop, and that can be used in conjunction with greater horseshoe bat habitat maps.

From the information available Natural England is unable to advise on the potential significance of impacts on South Devon Area of Outstanding Natural Beauty (AONB). It is therefore advise that advice is sought from the AONB Partnership / AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan. The addition of floodlighting in a prominent location has the potential to adversely affect the AONB, and was a reason for their exclusion at outline application stage.

Ecological Consultant: The application cannot be determined until a full lighting assessment for the proposed flood lighting of the sports pitches is received. A HRA Screening Assessment cannot be conducted until such an assessment is provided.

The HRAs prepared for the outline application (dated February 2012 and September 2012) contain copies of application drawings showing proposed new hedgerow planting (Ecosulis Nov 2011) and the offsite landscape buffer planting (Stride Treglown). Together, these drawings show new planting intended immediately adjacent to the proposed sport pitches.

It is understood that the proposed offsite landscape planting only commenced during the winter 2015/2016. This appears to be significantly late, since it should have occurred in the first planting season after the commencement of Phase I development.

It is not clear whether the proposed hedgerow that would run down the western boundary of the flood lit sports pitches has been planted - and it is not shown on the landscaping proposals for the Sports Pavilion. In light of the above tardiness over landscape buffer planting and the uncertainty over the provision of other landscape mitigation (e.g. hedgerow planting) there is concern about the applicant's commitment to necessary mitigation. Since the provision of flood lighting is a departure from the outline application, it appears that there is at least a break in consistency and continuity from the original outline application and these recent proposals for the Sport Pavilion.

It is also understood that there is a commitment to provide a new bespoke bat roost in Peter's Copse. Outline proposals were submitted as part of the original application based on designs for lesser horseshoe bats (see attached Ecosulis Figure 7 White Rock Ecological Enhancements). In light of the delay with provision of landscape mitigation it is considered an appropriate time to seek the submission of detailed proposals (both in terms of design and location) for this roost.

In light of failures to implement works in accordance with approved timescales etc, an 'update report' on ecological mitigation works carried out to date and those still remaining to be implemented should be requested. Following this, it is recommended that a site visit take place to inspect both finished works and the locations for remaining further works.

In response to these comments the applicants stated that to reduce any light spillage from the flood lighting they would implement the use of baffles. The Ecological Consultant then provided the following additional comments:

"I have sought advice from one of my lighting engineer contacts that has

considerable experience of schemes where lighting may have an adverse effect on greater horseshoe bats.

While it is true that many baffles and shields cannot be easily modelled in lighting software, this is often more common for sports lighting and often manufacturers are able to provide this info. e.g. Abacus Lighting can provide modelling data (photometrics) for their backshields on sports lights. Also, depending on the style of the shield it is sometimes possible to crudely model it as an object within the lighting software to give an indication of its effect.

It will certainly not be acceptable to rely on the approach outlined in [the agent's] email to you dated 13th June. If lighting is to be first installed before the baffles are then retrofitted, this would mean we would have no prior knowledge of the likely outcome until light levels were measured post installation. This is not acceptable.

If no information is available from the manufacturers and the lighting consultant feel unable to model the effects (questionable) then the lighting will need to be modelled without the baffles fitted, so we have an idea of worst case scenario. We will then know the reduction in light spill in metres needed for the scheme to be acceptable. We would then need evidence to indicate the extent to which the baffles are likely to reduce light spill. For instance, as a guide an Abacus light shield on a sports light mounted at 15m high, results in a 10-15% reduction in the light spill. At the moment, we have no idea whether light spill with the baffles will be less or more than this. Baffles are unlikely to provide a sharp cut-off of light spill, especially when considering levels down to 0.5 lux, due to the high levels of illuminance required on the sports pitch. So how achievable the reduction in light spill is depends on how close the proposed dark areas are to the pitch.

Furthermore, baffles are unlikely to provide a sharp cut-off of light spill, especially when considering levels down to 0.5 lux, due to the high levels of illuminance required on the sports pitch. So how achievable the reduction in light spill is depends on how close the proposed dark areas are to the pitch. So we also need this information.

I would also ask again for a response from the applicant to the concerns raised in my email dated 28th April, which stated:

I do not know whether the proposed hedgerow that would run down the western boundary of the flood lit sports pitches has been planted - and it is not shown on the landscaping proposals for the Sports Pavilion. We need this information.

In light of the above tardiness over landscape buffer planting and the uncertainty over the provision of other landscape mitigation (e.g. hedgerow planting) I am concerned about the applicant's commitment to necessary mitigation. Also, since the provision of flood lighting is a departure from the outline application, it

appears that there is at least a break in consistency and continuity from the original outline application and these recent proposals for the Sport Pavilion.

In view of the applicants failure to implement necessary greater horseshoe mitigation to agreed timetables, I have no faith in non binding statements from Mr Chick stating that his lighting consultant "once the baffles are in place on the floodlights he is confident this would as good as remove the necessary amount of light illuminance to mitigate impacts on the surrounding bat runs".

Drainage: No drainage details have been submitted to allow a comment to be made.

Sport England: Sport England seeks to ensure the new sports facilities are fit for purpose. Given the nature of the proposal, Sport England has sought the views of the FA, who advise:

- a. Four player changing rooms are indicated and it is assumed two will be for the 3G FTP and should have a clear changing area excluding showers and wc's of 18m² and not 16m² as drawn. The layouts of the two rooms to the left with direct access to the pitch are fine apart from the area. 16m² is fine for community use but 18m² would be required for the league use.*
- b. Two officials changing rooms are provided and are fine. There may need to be a corridor door provided, which can be locked on match times separating the player official changing area from the other changing and public access. The internal arrangement of the gymnasium changing room may need adjusting to move the access door to the other side of a corridor door position.*
- c. Spectator wc's are not provided separate from the player changing area. Unless the spectators can use the wc's of one of the other changing rooms they would need to be provided.*

The primary purpose of this development is to deliver community sport and as such Sport England would wish to see this intention consolidated by way of a Community Use Agreement.

Subject to the satisfactory establishment of a Community Use Agreement through a condition of approval, Sport England is satisfied that the changing facility will deliver benefits to community sport.

This being the case, Sport England offers its support for this provision of the Sports Pavilion, as it is considered to meet the Objective regarding new provision.

In respect of the proposed artificial grass pitch (AGP) Sport England's comments are as follows:

It is Sport England's understanding that the proposed playing pitch (artificial grass pitch 3G) is proposed as part of the housing s106. It is to be provided to meet the policy needs of providing open space, sport and recreation in new housing developments. This proposal appears to have a new angle with the College now seeking to develop this playing pitch proposal for the College students with community access. The natural turf playing pitch/open space area in the s106 is to be superseded by the provision of an artificial grass pitch (3G) with sports lighting and fencing.

The current proposal for a significant intensive use sports facility may affect the Council's (to be adopted shortly) Playing Pitch Strategy which identifies a strategic need for an artificial grass pitch (3G) at Clennon Valley depending upon design, access and management. This proposed 'pitch' design appears to be 'work in progress'. It is shown as to be large enough for competitive rugby but no firm commitment to deliver that specification needed - World Cup 22. It is misleading within the paperwork to say that this pitch can be used for cricket. In the main, it will be an artificial grass pitch to deliver football - training and competition play providing it is designed and maintained to meet FIFA/FA requirements. If no rugby use is planned to meet World Cup 22 standards, the pitch size may be reduced to a football size. See planning condition below. Given the original requirement of a playing pitch to meet needs of the new residents, we would strongly encourage the development and to be secured by planning condition, a community use agreement that develops sport for the end user including the College and community. This community use condition should be extended to include the proposed AGP and MUGAs.

Sport England has contacted both The FA and RFU for their comments.

The FA advise that the pitch size at present is big enough to accommodate a Rugby size compliant 3G. All relevant information is being sent to RLF from the College, RLF will then assess the reports and surveys carried out to date and make recommendations on what further surveys and drawings are required. The College are in the position to progress with a rugby size and IRB 22/world rugby compliant pitch that can also meet the requirements for Step 6 football. But it is likely that they will seek to submit an addendum to the LPA and work up a detailed design for a step 6 football compliant 3G stadia pitch.

The FA has suggested two sets of conditions.

In principle the FA support the application, there is the knowledge that further information is to be submitted to ensure the pitch is compliant for Step 6 football.

The RFU advise that they are supportive of this proposal at White Rock and are exploring the strategic benefits this development could bring to Rugby Union in the Torbay area. Currently there are no artificial surfaces in the locality that are designed and built to achieve World Rugby Regulation 22, which provides an

opportunity for the operator. The RFU is aware that this site has strong strategic importance for the Football Association and this could provide a challenge for the RFU to invest into the site due to the high football demand. There are three community rugby clubs within the area that could potentially access and use the facility if capacity levels allowed, all having strong junior sections. These sites within the Torbay PPS are classified as being over capacity, and two are shared sites with cricket. If appropriate community usage can be agreed and profiled, the RFU will continue to explore the feasibility of supporting this site.

The MUGA's design should reflect the end usage/operation and management. For example, if predominantly for tennis, it should be designed with LTA guidance. If more a general space for numerous activities the design will move away from those needed for specific sports. It is noted that both will have sports lighting with one having a tarmac surface, the other a polymeric. This may help with providing opportunities for netball and football training.

In summary, Sport England generally supports the application as new sports facilities are proposed which should have positive sports benefits for the College and wider community (to be secured by planning condition). But raise comments around the pavilion design, the strategic need for a 3G AGP in this location and the proposed design specification of the AGP 3G.

Summary Of Representations:

3 representations have been received. Issues raised:

- o One representation of support*
- o Detrimental impact on Greater Horseshoe Bat habitat*
- o Detrimental impact on the AONB*
- o Concern that it is appropriate to make a decision on an application that does not reflect the outline permission in terms of the inclusion of a lighting scheme*

Relevant Planning History:

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 PENDING CONSIDERATION subject to the outcome of this application

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 DO NOT MAKE PROVISION FOR PUBLIC COMMENT ON REQUESTS FOR SCREENING/SCOPING OPINIONS EIA NOT REQUIRED

P/2015/1126 Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016

P/2016/0094 Erection of 42 dwellings and associated infrastructure PENDING CONSIDERATION

P/2016/411 Reserved matters for a food retail store including parking and other associated works (relates to P/2011/0197) PENDING CONSIDERATION

(Variation of condition P1 of P/2014/0071)

Key Issues/Material Considerations:

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

Principle:

Outline consent has been granted for the mixed use development of the site. This application was approved subject to extensive consultation and was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development in this location was established by this application and the position and scale of the proposal is in accordance with the indicative layout agreed at outline stage.

Policy SC2 of the Torbay Local Plan supports the provision of sports facilities to serve additional demand generated by the wider development. Sport England

support the development subject to the inclusion of conditions as noted in their response.

Appearance, Scale and Layout:

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

Within the Design and Access Statement submitted at outline stage it stated that 'given the elevated nature of the part of the site upon which the pavilion building is proposed, the building will be single storey with careful attention given to elevation treatment and roofing materials. It is possible that this building could have a green roof, and with landscaping around it, this would further support the potential for it to be embedded into its setting.' In addition the outline application was supported by an LVIA, which noted that as a result of the assessment of the predicted landscape and visual effects significant adverse effects were identified. In response to this assessment, mitigation measures were identified. One of the mitigation measures identified stated that 'the pavilion building would be designed to look like an agricultural building with timber cladding'.

The design of the sports pavilion has been revised during the course of the application. The amended design omitted a parapet wall design in lieu of a fascia and soffit, changed the wall material from timber cladding and render to facing brick and metal cladding, changed the window materials from powder coated aluminium to white upvc and raised the roof pitch from flat to 5 degrees. The previous design adopted high quality materials and whilst there was an element of render this was positioned fronting on to the car park rather than the wider countryside. The amended design does not reflect the principles of the Design and Access Statement submitted at outline stage nor is it considered to represent high quality design as required by paragraph 17 and 64 of the National Planning Policy Framework and policy DE1 of the Torbay Local Plan. In addition no evidence has been submitted to justify a change in materials away from that noted at outline stage. The change in materials away from those detailed at outline stage particularly in terms of the wall materials has the potential to impact upon the character and appearance of the wider countryside and views from the nearby AONB.

In line with the above, the proposal, by reason of its form and materials, is not considered to represent good quality design nor would it enhance the built environment and therefore is considered contrary to paragraph 17 and 64 of the National Planning Policy Framework and policy DE1 of the Torbay Local Plan 2012-2030. Revised plans are however expected in order to resolve the issues outlined above, the Committee will be updated on this information and officer considerations at the Committee Meeting.

Landscaping and Impact on the AONB and Surrounding Countryside:

Paragraph 115 of the National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection. Whilst the site lies outside of the South Devon Area of Outstanding Natural Beauty (AONB) it is located such that it is visible from the AONB. The application site is noted in the Torbay Landscape Character Area Assessment as being of Type 1, Rolling Farmland as specified on Figure 1. The Assessment states that much of this land is open to views from the AONB to the west and the south and that there is limited potential to accommodate change without substantial wider impact. It also noted that mitigation of any proposed development changes should be achieved through a combination of careful siting with strong screen planting and the reinforcement of existing field hedgerow boundaries. This type of mitigation was proposed at outline stage with a Landscape and Ecological Management Plan being secured to provide offsite landscaped buffers however it is noted that this does not appear to have been provided in line with agreed phasing plans nor is some of this landscaping shown on the submitted plans.

Contrary to the information submitted at outline stage, floodlighting is proposed to serve the sports pitches. The Environmental Statement and associated Lighting Assessment submitted at outline stage stated that floodlighting for the playing pitch on elevated ground would result in a significant negative visual impact and has been discounted on this ground. The South Devon AONB Office have been consulted on the application but have not provided a response. However the information submitted at outline stage confirmed that the use of lighting would have a negative visual impact which justified its exclusion at outline stage. No further information has been submitted with the application to demonstrate that the proposed floodlighting would not result in adverse light spill and sky glow that can be seen from surrounding areas to the detriment of the landscape character of the area particularly the appearance and character of the AONB.

The proposed landscaping within the site is considered insufficient and would not effectively screen the proposal from wider views. In line with the comments from the Council's Arboricultural Officer, the proposed landscaping would not reliably exceed the height of the proposed building and would be incapable of attaining a sufficient scale to be the dominant landscape feature of the site. As noted above 'strong screen planting' is required to help mitigate the impact of any

development in this location, and whilst strategic planting around the application site will help somewhat, additional landscaping within the site would be required to help assimilate the development with its surroundings, particularly in views from the AONB. This was supported by the Design and Access Statement submitted at outline stage which stated that 'given the elevated nature of the part of the site upon which the pavilion building is proposed, the building will be single storey with careful attention given to elevation treatment and roofing materials. It is possible that this building could have a green roof, and with landscaping around it, this would further support the potential for it to be embedded into its setting.'

In line with the above insufficient information has been submitted to demonstrate that there will be no adverse effect on the AONB and surrounding landscapes and therefore the proposal is considered to be contrary to paragraph 115 of the National Planning Policy Framework and policy SS8 of the Torbay Local Plan 2012-2030. Additional information is expected in order to resolve the issues outlined above, the Committee will be updated on this information and officer considerations at the Committee Meeting.

Biodiversity:

Paragraph 118 of the National Planning Policy Framework states that in terms of biodiversity, if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. It is also clear within the National Planning Policy Framework that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered, planned or determined which is the case with this application. Similar objectives are detailed within policy SS8, Natural Environment and NC1, Nature Conservation.

The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. Contrary to the information submitted at outline stage, flood lighting is proposed to serve the sports pitches. Whilst there was no condition on the outline consent preventing the inclusion of external lighting, the application was determined on the basis of the information submitted which noted that no floodlighting would be provided to the sports pitches due to harmful visual impacts and impacts upon protected species. Natural England note that the permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony and no information has been submitted with the application to demonstrate that the proposed floodlighting would not have a detrimental light spillage upon greater horseshoe bat habitats (adjoining hedgerows).

In line with consultee advice, insufficient information has been submitted in relation to light spillage (a lux analysis, mitigation measures, contour mapping etc). Natural England has confirmed that a Habitat Regulations Assessment will be required in advance of any decision being made by the Council. Based on the level of information submitted, it is considered likely that the results of this assessment will detail that the development is likely to result in a significant adverse effect and therefore should be refused. Paragraph 62 of the Habitats Regulations sets out the steps required should the appropriate assessment conclude the proposed development will adversely affect the integrity of the European site. This sets out that there must be consideration of alternatives to the proposal and if there are no alternatives, permission can only be granted if there are exceptional circumstances and the development is in the public interest. This is similarly set out within paragraph 118 of the NPPF. No details of alternative sites have been put forward within the application submission and whilst undoubtedly there will be some social benefits resulting from the use of the site by the community and the nearby College, proposed visitor numbers have not been submitted to support such a justification.

In line with the above insufficient information has been submitted to date to demonstrate that there will be no likely significant effect on the Berry Head South Hams Special Area of Conservation and therefore the proposal is considered to be contrary to paragraph 118 of the National Planning Policy Framework and policies SS8 and NC1 of the Torbay Local Plan 2012-2030. Additional information is expected in order to resolve the issues outlined above, the Committee will be updated on this information and officer considerations at the Committee Meeting. Were the proposals to be considered acceptable, a Construction and Ecological Management Plan would be required by a condition of approval. At the time of writing this report the HRA screening has not been carried out, further information is awaited from the agent to inform the screening of the development. The application cannot be determined positively until a HRA screening and where necessary and appropriate assessment is carried out.

Residential Amenity:

The proposals are to be sited to the west of the approved residential development (P/2011/0197 and P/2013/1229). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is single storey and positioned

approximately 22m from the dwellings to the east such that the proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing. Contrary to the information submitted at outline stage, floodlighting is proposed to serve the sports pitches. The proposed floodlighting has the potential to detrimentally impact neighbouring residential amenity however no details have been provided regarding proposed light levels to determine this with any certainty. There is also the potential for the proposal to have a noise impact and as such were the proposal to be considered acceptable a condition restricting the hours of use would be imposed.

In line with the above insufficient information has been submitted to demonstrate that there will be no detrimental impact in terms of neighbouring residential amenity and therefore the proposal is considered to be contrary to paragraph 17 of the National Planning Policy Framework and policy DE3 of the Torbay Local Plan 2012-2030. Additional information is expected in order resolve the issues outlined above; the Committee will be updated on this information and officer considerations at the Committee Meeting. Were the proposals to be considered acceptable, it is likely that limitations on the number of evenings a week that the outdoor pitches could be used and the hours of use would be required by condition.

Drainage

Surface water drainage methods were agreed at outline application stage. However the Council's Drainage Engineer has requested confirmation that the proposals reflect the agreed drainage design and this information is expected shortly. The Members will be updated on this at the Committee Meeting.

Parking:

The application shows parking for around 36 cars, plus 4 minibus bays. The Local Plan sets a parking standard of 1 space per 25 sq m, which would require a greater number of spaces if the external space were to be taken into account. The Local Plan sets no parking standard for pitch area, but it is considered reasonable within the context of policy TA3 of the Torbay Local Plan to ensure that there are not severe problems with parking over spilling into residential areas during high demand times. However on balance it is also accepted that it is not in the interests of sustainability to demand large areas of parking that will only be occasionally used. In light of this were the application considered suitable for approval, a condition requiring the submission of travel plan would be imposed in order to maximise the use of sustainable transport and detail measures for over spill car parking.

The plans submitted include annotations to show provision for electrical charging points, cycle provision and disabled parking. The submitted plans, however, do

not show parking spaces of a sufficient scale to accommodate a disabled parking space. Revised plans would be required to show that such spaces could be provided in line with policy TA3 and associated appendix F. Were the application to be approved, a condition requiring details of the 6 secure cycle spaces would be required.

Conclusions

It is considered that insufficient information has been submitted to demonstrate that the development can be implemented without harm to neighbouring residential amenity, the character of the open countryside, area of outstanding natural beauty and the South Hams Special Area of Conservation. In addition the proposal, by reason of its form and materials, is not considered to represent good quality design nor would it enhance the built environment. In line with the above the proposal would be contrary to paragraph 17, 64, 115 and 118 of the National Planning Policy Framework and policies DE1, SS8, NC1 and C4 of the Torbay Local Plan 2012-2030.

Relevant Policies

SS8 - Natural Environment
SC2 - Sport, leisure and recreation
NC1LFS - Biodiversity and Geodiversity
C4 - Trees, hedgerows and natural landscape
DE1 - Design
DE3 - Development Amenity
ER1 - Flood Risk
ER2 - Water Management
SS11 - Sustainable Communities Strategy
TA3 - Parking requirements
TA1 - Transport and accessibility
SC1 - Healthy Bay