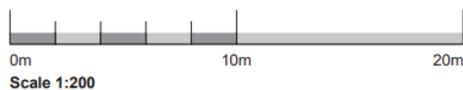


TORBAY COUNCIL

Application Site Address	Municipal Chambers, Union Street, Torquay
Proposal	Conversion of upper floors and former public conveniences to form ten 1-2 bed apartments, cycle and bin storage. Creation of courtyard extension and relocation of three windows on south elevation.
Application Number	<u>P/2022/0089</u>
Applicant	Mr E.K Richardson
Agent	Kay Elliott Architects
Date Application Valid	3 rd March 2022
Decision Due date	2 nd June 2022
Extension of Time Date	N/A
Recommendation	Approval: Subject to planning conditions as outlined within the report and final consultation response from the Environment Agency confirming no objection. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Divisional Director - Planning, Housing & Climate Emergency
Reason for Referral to Planning Committee	The application has been referred to Planning Committee because it is a major application.
Planning Case Officer	Jim Blackwell



— Municipal Chambers

Site Details

Municipal Chambers lies in a prominent position on the corner of Union Street within the Upton Conservation Area. The site is bounded by Castle Lane to the north east, Castle Circus to the north and Union Street to the west and south.

Torquay Town Hall, a Grade II listed building is located immediately opposite to the north. Municipal Chambers dates from the late 19th Century and is one of a group of mid-late 19th and early–late 20th Century public and commercial buildings set around the Town Hall. It is constructed of brick, with a slate roof and a circular tower containing the original staircase. All windows retain their timber sashes with horizontal glazing bars.

The ground floor has seen a number of units come and go, most recently a small café facing Castle Circus. The upper three floors are empty, but have been used previously as business space and most recently as a language school. The building requires substantial repair, renovation and its full occupancy would resolve any continued deterioration.

Description of Development

The application is for the following:

- 10 residential dwellings comprising six no. 2 bed apartments and four no. 1 bed apartments.
- Retention of two commercial units on the ground floor.
- A vertical extension to the third floor is proposed to the rear of the building to replace a dilapidated outbuilding.
- All apartments will be accessed from one main entrance utilizing the existing doorway. A lobby will lead into the stairwell for access to floors one to three. The lobby would also provide a disabled access lift, cycle store, plant room and access to a ground floor apartment.
- Internal floor heights would need to be adjusted to provide level access to a bike store, lift and apartment across the basement.
- A separate bin store would be accessed from an existing exterior door.
- At the south side of the property is a courtyard which would be reinstated to provide exterior space for the ground floor apartment and to increase light into the basement.
- Two existing windows on the east elevation will be raised to align with the rest of the windows on the facade. This is to provide light into the new accommodation floor plan located in the pre-existing back staircase.
- The existing blocked door to be replaced with two windows to match existing and provide light into the basement.
- Materials such as bricks and lintels would be reused.

Pre-Application Enquiry

The proposal was not subject to pre-application discussions.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 (The Local Plan)
- The Adopted Torquay Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Published standing advice
- The need to have special regard to the desirability of preserving the setting of nearby listed and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

P/1994/1342:Modernisation of public toilets. Approved 16/01/1995

P/1994/1343:Modernisation of public toilets. Approved 10/01/1995

P/2006/1236:Conversion of upper floors to form 12 one bedroom flats. Approved 17/04/2007

Summary of Representations

Summary of Consultation Responses

Devon County Council Ecology:

No objection subject to submission of a Construction and Environmental Management Plan and the development is carried out in accordance with the submitted Ecology report.

Neighbourhood Plan Forum:

No response received.

Environment Agency:

No comments received at the date of writing this report.

Natural England:

No comment received.

Highways:

No objection.

Drainage Engineer:

No objection subject to the development being carried out in accordance with the Flood Risk Assessment.

South West Water:

No objection.

Devon and Cornwall Police:

No objection subject to details on access and entry control measures being installed.

Senior Environmental Health Officer:

No objection.

Waste Client Officer:

No objection. The space allocated as a bin store is adequate for refuse and recycling for 10 flats. Although all of the 240 litre bins have been marked as being for residual waste, approximately half of those would be for recycling and food waste.

SWISCo's Collections Managers have advised that waste collection would be from Castle Lane, rather than outside the bin store.

As a communal recycling and waste arrangement is proposed for the site, waste management contributions are suggested.

Key Issues/Material Considerations

Planning Officer Assessment

1. Principle of Development
2. Design and Visual Impact
3. Heritage Assets
4. Residential Amenity
5. Highway Safety
6. Ecology and Biodiversity
7. Drainage and Flood Risk
8. Low Carbon Development
9. Other Considerations

1. Principle of Development

There are a range of commercial, retail and residential uses around the site and the proposed use is therefore considered acceptable. 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 3 year housing supply. This accords with the objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan.

Local Plan Policy SS1 sets out a growth strategy for a prosperous Torbay, supports regeneration that creates sustainable living, working and leisure environments, and seeks delivery of homes. Policy SS12 emphasises the importance of regeneration of brownfield sites and town centre sites in contributing to housing supply.

Local Plan Policy H1 states that proposals for new homes in the built-up areas of Torbay will be supported (subject to other Plan policies); promotes re-use of brownfield land and urban regeneration; and seeks to reduce the need to travel by car. The Torquay Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported in principle.

Local Plan Policy TC1 focuses on the three town centres of Torquay, Paignton and Brixham and refers to the Torquay town centre Masterplan SPD. Neighbourhood Plan Policy TS2 states that major development proposals within the town centre will be supported where they conform to the Masterplans adopted by the Council. The Masterplan identifies a zone surrounding Fleet Walk, within which the application site is located, to “maximise residential uses to increase footfall in the Town Centre”.

The Council cannot demonstrate a 3 year housing land supply. The site is within the built-up area and would help to address the need to provide a range of homes and would contribute to housing delivery. Therefore, given its highly sustainable, town centre location, the proposed redevelopment is supported in principle by Local Plan Policies H1, SS11, SS12, SS13, SDT2 and TC1, by Neighbourhood Plan Policies TS2 and TS4.

2. Design and Visual Impact

The National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. In addition, it 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'. Policy DE1 Design of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings.

The proposal aims at sensitively repairing and converting the building to bring it back into full use. The north and north west elevation remain largely unaltered other than works to improve the windows and doors and the removal of the existing signs and canopy. The north east elevation introduces opaque windows to the blocked up windows on the ground floor to enable light into the basement level. The left hand bay

rising up Castle Road requires the windows to be realigned to match to changing floor levels. The windows would match the existing timber frames.

The rear elevation to the south would remove an existing dilapidated outbuilding and replace it with a new extension the full height of the building. This would be modest in scale, but create additional room within the units for an ensuite on each floor. An internal courtyard would also be created on the ground floor. The rear elevation would be presented by a blank rendered elevation with the internal wall providing narrow, vertical openings to serve the rooms.

All the external changes reflect the sensitivities of the original building whilst removing features which are considered unsympathetic. The proposed extension is considered appropriate in terms of scale, massing and materials. Its simple design approach will have a minimal impact on the streetscene.

Internally, the layout would be kept as simple as possible with access gained from the existing doorway on to Castel Circus. The lobby would link to the stairwell, with level access into the ground floor unit, bin store, secure cycle storage and a lift.

Given the overall proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene. The proposal is therefore considered to be in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

3. Heritage Assets

NPPF (2021) provides guidance as to when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 199). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Paragraph 200). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202).

In terms of the Local Development Plan, it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The site lies within the Upton Conservation Area. It is noted as dating from the late 19th century and an important and sensitive building attractively decorated, with a continuous frontage, stair turret and oriels. It makes a positive contribution to the character and appearance of the Conservation Area, and the Conservation Area Appraisal identifies Municipal Chambers as a key building which makes a significant contribution to the townscape. It also lies directly opposite the Town Hall, a grade II listed building. No. 2 Tor Hill Road is also grade II listed and lies to the west of the site. Any changes to the building would therefore impact on the setting of these buildings.

The proposal aims to conserve the historic fabric and character of the building. There would be a sensitive approach taken to renovating, repairing and de-cluttering the street façades. The insertion of double glazing within the existing timber frames would retain the character of this element of the building. The repair and where needed, replacement of doors and windows on a like for like basis would also improve the character of the building.

The proposed extension although modest in scale would be visible against the backdrop of the Town Hall when seen from Castle Road. The blank rendered elevation would have a positive impact on the setting of the building and is therefore considered appropriate.

The proposal is considered to enhance the setting of the Upton Conservation Area. It would comply with the NPPF, Policies HE1 and SS10 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan which together requires that development respects the character of the built environment including areas and buildings of historic interest.

4. Residential Amenity

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings, gardens and better designed homes.

The proposal would include provision of level access into the building, through the lobby and to a disabled lift. The ground floor bin store and cycle store are at an appropriate level to serve the occupants.

The newly inserted windows would not cause any intervisibility between occupants.

Future Occupants

The proposal comprises 4no. 1 bed units of between 44-47m² and 6 no. 2 bed units of between 60-70m². The technical housing standards, nationally described space standard, sets out the minimum area requirements for new build dwellings. For a 1 bedroom apartment the required area is 37m² for 1 person apartment and 50m² for a 2 person apartment. A 2 bedroom apartment requires 61m² for a 3 person apartment and 70m² for a 4 person apartment.

A number of the apartments fall marginally short of the minimum area requirements, however the following has been taken into consideration:

- The proposal involves adapting the existing historic building, which is constrained by existing wall, window and stair positions.
- The proposed apartment layouts work within the constraints of the existing building to provide well balanced accommodation that is appropriate for the town centre location.
- Communal facilities have been prioritised in the development with the provision of a new lift and accessible internal cycle and bin storage.
- The rooms also benefit from large ceiling heights up 3m and tall windows which contribute to the sense of spaciousness.
- The 2 bed 60-62m² apartments will be classified as 3 persons.
- The 1 bed apartments at 44-47m² are within 10% of the space standard for 2 person units and substantially larger than the 37m² for 1 person units.

Amended plans are being submitted to provide clarity on the proposed layout and expected occupation. It is therefore considered the combined effect will contribute towards an acceptable quality living environment.

Given the enclosed nature of the site and urban location, the proposal is only able to include a single courtyard deck for the ground floor apartment. However, the site has access to open space, local green space, such as Upton Park and a number of beaches within walking distance.

No letters of representation have been made towards this planning application concerned with residential amenity.

Neighbouring Occupants

The proposal does not introduce any built form that would impact neighbouring occupiers in terms of outlook, overshadowing or loss of sun/daylight. The proposed window repositioning would not result in an increase in overlooking of neighbours over and above the existing situation.

The units are all acceptable in terms of outlook 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 Local Plan.

5. Highway Safety

The NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 108).

It also furthers (Para 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TA1 Transport and accessibility of the Local Plan seeks to create to develop a sustainable and high quality transportation system which recognises walking and cycling as being at the top of the transport hierarchy.

Policy TA2 Development Access states that all development should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. For major developments this means that a good standard of access for walking, cycling, public and private transport should be provided.

There are bus stops located on Union Street, approximately 100m east of the site, with footways and street lighting present for the pedestrian movement between the two. The bus stops are serviced by Stagecoach Routes which provide onward connection towards Brixham, St Marychurch, Preston and Torquay Harbour. Torquay Rail Station is located approximately 1.3km to the south west of the site.

There are footways and street lighting present for pedestrian movement from the site to a range of local amenities (retail, healthcare and employment facilities) within Torquay. There are on-carriageway cycle lane markings from the site through Union Street.

It is considered that the site is located within a sustainable location with good links to public transport facilities and a range of local amenities that can be accessed by walking and cycling.

No car parking is proposed for the re-development site. Referencing the Torbay Local Plan (2012 – 2030) Appendix F, the provision of car free developments within town centre locations with good access to public transport and local amenities is considered acceptable.

The applicant has stated that there is existing on-street car parking on Union Street, however this is restricted to Loading Only and Taxi spaces. There is on-street car parking available on Castle Lane which is a CPZ between Monday – Saturday from 08:00 – 18:00.

The applicant has proposed a total of 20 cycle parking spaces, two per apartment, in a secure storage area which is considered acceptable.

Considering the existing use and quantum of development, and the car free nature of the redevelopment proposals, it is considered that the site will have a negligible impact upon the operation and capacity of the local highway network.

Considering the points above, and having regard to guidance contained within the NPPF, the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA1 and TA2 of the Local Plan, The Paignton Neighbourhood Plan and the NPPF.

6. Ecology and Biodiversity

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale. Policy TE5 of the Torquay Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

Ecology

The site is approximately 660m north of Lyme Bay and Torbay SAC and Torbay Marine Conservation Zone (MCZ).

Lyme Bay and Torbay SAC

There are no increases in impermeable area associated with this application given it involves a change of use in the most part. There are no changes in the built form and it is proposed to retain the existing surface water disposal system. Similarly, the existing foul network within the building will be retained as there will be less flow following the works.

Torbay Marine MCZ

In view of the nature of the application for the new apartments, one impact pathway has been identified that has the potential to affect the interest features of the MCZ. Effects on water quality: Dust, sediment and pollutants reaching the MCZ via construction activities.

The effects of increased recreational pressure are also considered to be minimal given the scale of the proposal.

The Devon County Council Ecologist has therefore no objection subject to conditions. A condition has therefore been included to require a Construction and Environmental Management Plan (CEMP) to be submitted and agreed. The document will need to provide measures of construction controls on dust and reducing contaminated run-off. Details of pollution control measures, including mitigation for the increased demand on foul water systems, post-construction will be submitted and also agreed with the LPA.

A HRA Appropriate Assessment has been completed by the Devon County Council Ecologist. Natural England have not provided a comment and it is concluded they do not object to the proposal.

Habitats

The works are within the existing building footprint and there are to be minimal negative impacts on habitats. There was no evidence of bats during the ecological survey and there would be limited opportunity for bats to access the building. Roosting bats are therefore unlikely to be impacted by this development. There is an opportunity for enhancement and a bat box is suggested. This is included as part of a condition. Nesting birds were found on site and work should be avoided outside the nesting season providing a suitably qualified ecologist is on site. The development is therefore considered acceptable providing the development is carried out in accordance with the Ecology Assessment.

The Devon County Council Ecologist has no objection. The submitted Ecology Report is considered an appropriate and proportionate assessment on the suitability of the site for protected species. Conditions have been included to ensure that no works take place unless a suitably qualified ecologist is present on site and details of numbers, location and design of biodiversity enhancement features including a bat box are provided in a CEMP and submitted prior to construction works commencing.

Subject to NE, the proposal therefore complies with Policy NC1 of the Local Plan and Policy TE5 of the Torquay Neighbourhood Plan.

7. Drainage and Flood Risk

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere, which is aligned with guidance contained within the NPPF.

The site is located within a flood risk and critical drainage area. A full Flood Risk Assessment (FRA) is included with the application. The report provides the following conclusions. The building is considered to be in Flood Zone 1 and on the edge of Flood Zone 3.

There is no variation to the developed area as part of this proposal. It is advised that all foul and surface water from the property be discharged via the existing connections to the public sewer that cross below the site.

To provide resilience against minor water entry into the building a flood door or flood barrier system should be provided to achieve a 600mm protection standard.

The FRA demonstrates how the proposed development provides no detrimental impact for new residents or neighbouring properties. Under the 1 in 100 year + 40% design event there will be no change in effect of the local surface water regime. The flow routes for exceedance events around this site will be unaffected by the proposals.

The Council's Drainage Engineer has no objection providing the flood mitigation measures identified in the submitted FRA are implemented.

Subject to the comments from Environment Agency, the proposal is considered to be acceptable, having regard to Policy ER1 of the Local Plan and guidance contained within the NPPF.

8. Low Carbon Development

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 - Energy seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The effects on the environment and sustainability have been considered as an integral part to the proposal. The construction aims to meet the highest design and performance qualities, with Building Regulation required u-values being met or exceeded. The strategic approach to the development will be to reduce demand for energy consumption in the first instance (Be Lean) Prior to the consideration of integrating low carbon/zero carbon energy sources (Be Clean and Be Green). Aspiration 5 of the Torbay Local Plan sets an objective to promote the installation of low carbon and renewable technologies. Policy SS14 also asked how taking a low carbon approach has influenced the design strategy for the development proposed. The development proposals will look to minimise CO2.

The energy strategy aims implement passive design and energy efficiency measures to reduce energy demand and CO2 emissions. Measures include the refurbishment of the exiting sash windows with double glazing, higher levels of thermal insulation, internal insulated wall lining between apartments and new floor and ceiling/loft. Electricity Energy efficient LED light fittings and controls will also be installed.

This design approach is therefore in accordance with Local Plan Policies SS3 and ES1.

9. Other Considerations

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good

relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106:

A contribution to additional waste and recycling services has been requested which is charged at £85 per dwelling.

CIL:

The residential aspect of the site is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm. An informative can be imposed, should consent be granted, to explain the applicant's, developer's, landowner's obligations under the CIL Regulations.

EIA/HRA

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA: A HRA Appropriate Assessment has been provided for the application which concludes that subject to the mitigation measures being secured, there will be no adverse effect on the integrity of the SAC or MCZ.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme would contribute to addressing the Development Plan aspiration to provide housing. The development is also considered to have a positive impact on the building with the added public benefit through the re-use of the building in the Conservation Area.

Statement on Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age,

disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Proactive Working

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.

Conclusions and Reasons for Decision

The proposal is acceptable in principle as it would not result in unacceptable harm to the character of the area, the setting of the Conservation Area or local amenity; would provide acceptable arrangement in relation to residential amenity, highways and flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

The development is also considered to have a positive impact on the building with the added public benefit through the re-use of the building in the Conservation Area and the provision of much needed additional housing.

The proposals are considered to be in accordance with the provisions of the Development Plan. The Officer recommendation is therefore one of conditional approval.

Conditions

Construction Ecological Management Plan (CEMP):

Prior to the commencement of development (including ground works, vegetation clearance) a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall be prepared in accordance with specifications in BS42020; clause 10.2 and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CECoMP, and the actions that will be undertaken.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the biodiversity enhancement features shall be retained for the lifetime of the development.

The development shall be carried out in accordance with the approved Construction Ecological Management Plan which shall be implemented in full.

Reason:

To secure a satisfactory form of development in accordance with Policies SS2, SS8 and NC1 of the Torbay Local Plan 2012-2030

This condition needs to be a pre-commencement condition to ensure the impacts of the development are mitigated from the beginning of the development.

Ecology Mitigation Measures:

The development shall proceed in full accordance with the submitted and approved Preliminary Ecological Assessment by Green Lane Ecology received 10 February 2022.

Reason:

In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Ecological Mitigation Measures:

Prior to the first use of the development hereby approved, a bat box shall be incorporated into the development (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter.

Reason:

To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Bird nesting season:

No building works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason:

To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Flood Risk Assessment:

The development shall proceed in full accordance with the submitted and approved Flood Risk Assessment by Case Consultants received on 4 March 2022. The use shall thereafter be operated in accordance with the approved details which shall include the provision and retention for the life of the development of a flood door or flood barrier system to achieve a 600mm protection standard.

The drainage system and soakaway(s) shall be provided prior to the occupation of the development hereby approved and shall be retained and maintained for the lifetime of the development.

Reason:

In the interests of managing flood risk to occupiers in accordance with the NPPF, and to comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

Designing Out Crime:

Prior to the first use of the development hereby approved, a scheme of measures for designing-out crime shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.

Reason:

In the interests of amenity and preventing opportunities for criminal activity, in accordance with Policies DE1 and DE3 of the Torbay Local Plan 2012-2030.

Bicycle Storage:

Prior to the first occupation of the development hereby permitted, the bicycle storage shown on the approved plans (plan reference 4750-KE-00-DR-A-(22)000-S2-P4 -(GF) received 9 February 2022) shall be provided. Once provided, the agreed bicycle storage shall be retained for the life of the development and made available for use to all residents of the development.

Reason:

In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan 2012-2030.

Waste and recycle store:

Prior to the first occupation of the development hereby permitted, the waste and recycle storage area shown on the approved plans (plan reference 4750-KE-00-DR-A-(22)000-S2-P4 -(GF) received 9 February 2022) shall be provided. Once provided, the agreed storage shall be retained for the life of the development and made available for use to all residents of the development.

Reason: To ensure a satisfactory completion of development and protect the amenity of future and neighbouring occupants in accordance with Policies DE3 and SS10 of the Torbay Local Plan 2012-2030.

Making Good:

All new external works and finishes and works of making good to the retained fabric shall match the existing adjacent work in respect of finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining and enhancing the character and appearance of the building and the local area further to Policies DE1 and DE5 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

Joinery Details:

No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing the character and appearance of the building and the local area further to Policies DE1 and DE5 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

Materials:

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of maintaining and enhancing the character and appearance of the building and the local area further to Policies DE1 and DE5 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

Removal of PD Rights Class L Part 3 (HMO):

Notwithstanding the provisions of Class L of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the residential use of the building known as the Municipal Chambers, hereby granted shall not be changed to a House in Multiple Occupation, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and the living environment conditions in this locality in accordance with Policies DE1, DE3, H4 and SS11 of the Torbay Local Plan 2012-2030.

Relevant Policies

Local Plan

DE1 – Design
DE3 – Development Amenity
ES1 - Energy
TA2 – Development Access
TA3 – Parking Requirements
ER1 – Flood Risk
ER2 – Water Management
NC1 – Biodiversity and Geodiversity
HE1 – Listed Buildings
SS3 – Presumption in favour of Sustainable Development
SS4 – The Economy and Employment
SS10 – Conservation and the Historic Environment
SS11 – Sustainable Communities
SS14 - Low carbon development and adaptation to climate change
C4 – Trees, hedgerows and natural landscape features

Torquay Neighbourhood Plan

TH8 – Established Architecture
TH9 – Parking Facilities
THW5 – Access to sustainable Transport
TE5 – Protected species habitats and biodiversity
TH10 – Protection of the Historic Built Environment
TS1 – Sustainable Development
TS4 – Support for Brownfield and Greenfield development
TT2 – Change of use in Conservation Areas and Listed Buildings