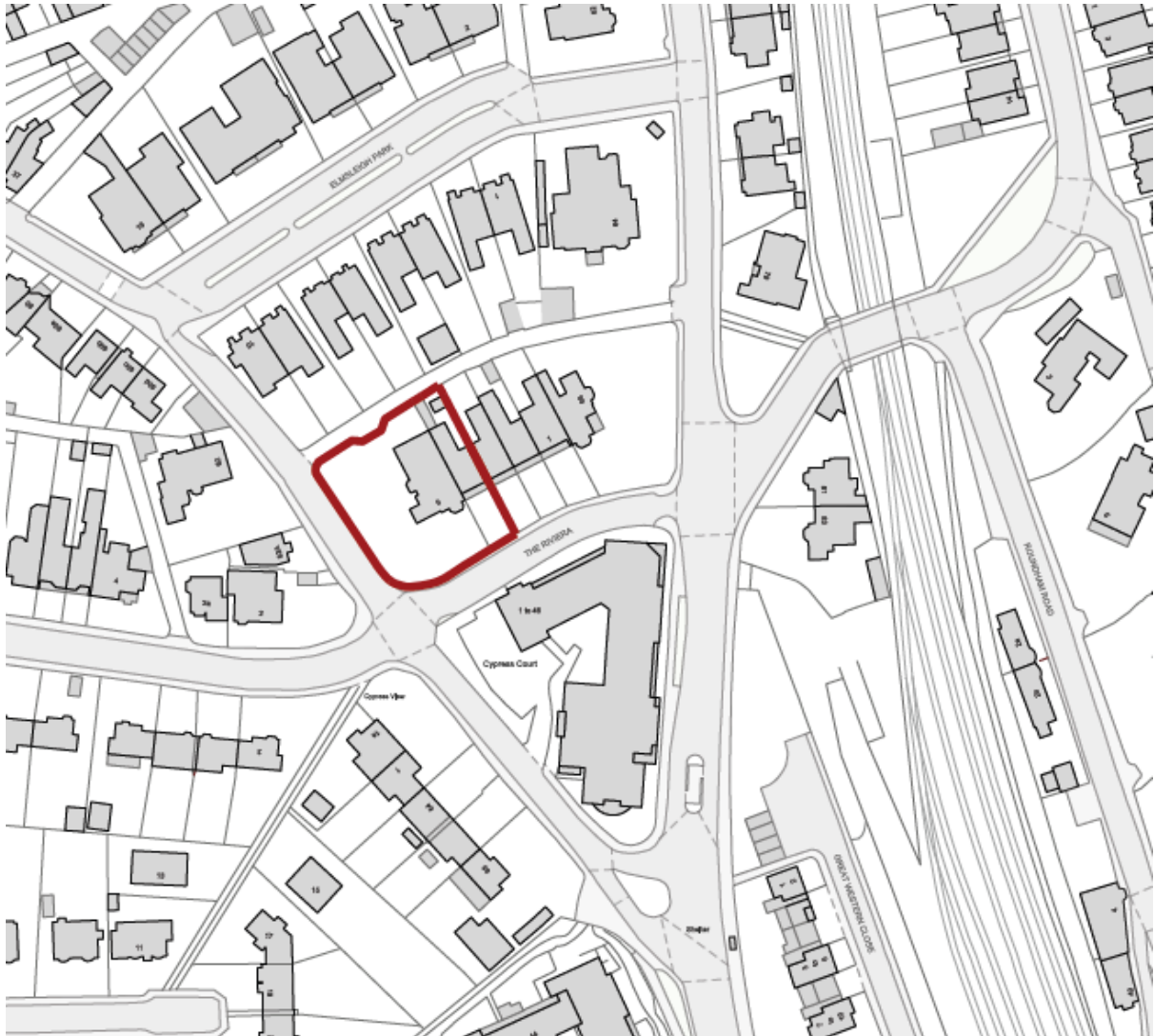


TORBAY COUNCIL

Application Site Address	7 - 9 The Riviera Paignton TQ4 5EX
Proposal	Change of use from a residential care home (Use Class C2) to form 11 supported living accommodation units (Use Class C3b)
Wards	GWR - Goodrington With Roselands
Application Number	P/2023/0028
Applicant	Grosvenor Hill Social Impact Group
Agent	LRM Planning
Date Application Valid	05.01.2023
Decision Due Date	06.04.2023
Extension of Time Date	26/04/2023
26 Week Expiry Date	29.06.2023
Recommendation	<p>Approval: Subject to;</p> <p>The completion of a Section 106 obligation to secure a sustainable development obligation towards the maintenance of waste collection vehicles which would serve the site.</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>

Location Plan



Site Details

The application site is located on The Riviera, a short residential street found within the southern half of Paignton and immediately to the west of the A379 (Dartmouth Road).

The site is approximately 0.12 hectares in size with the building forming part of a terrace dating from between 1870-1915, that lies at the southernmost point of the Old Paignton Conservation Area. The site is located on the northern side of The Riviera close to the junction with Fisher Street to the west. The properties have been extended and altered over time.

Access to the site is primarily via a private driveway on the southwestern corner of the site, with a secondary entrance for pedestrians and space for the parking of one vehicle further east along The Riviera.

The property is currently in C2 Use Class (Care Home) and was formerly the Levanto Care Home which closed during 2022 due to being found 'inadequate' by the Care Quality Commission.

Surrounding uses is predominantly residential including holiday and retirement accommodation and other care providers.

A number of trees are positioned around the periphery of the site.

Detailed Proposals

Full planning permission is sought to change the use of the building from a care home (Use Class C2) to provide 11 no. self-contained supported living units of accommodation (Use Class C3b) as follows:

- 11 self-contained apartments including personal kitchens and bathrooms
- Internal communal spaces including a communal lounge on the first floor and a communal laundry on the ground floor
- External communal spaces for residents
- External office for staff use
- External enclosed cycle storage
- External refuse store
- 6 parking spaces including 2 electrical charging points

The proposed units will be social rented units and will be managed by Accomplish Group who are a key service provider on the jointly commissioned Torbay Support for Living Framework.

The proposed 11 supported living apartments would be used to accommodate and support local people recovering from serious and enduring mental illness. The provider would have a 24/7 presence on site and the support being provided is contracted by Torbay & South Devon NHS Foundation Trust.

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 Paignton Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Healthy Torbay SPD
- Published standing Advice

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Summary of Consultation Responses

Adult Social Care:

No Objections.

The proposed scheme at 7-9 Riviera is one that the Council's Adult Social Care directorate and Torbay & South Devon NHS Foundation Trust would strongly support.

The developer is working in partnership with Accomplish Care Group, who are a key service provider on the jointly commissioned Torbay Support for Living Framework, and the 11 supported living flats being proposed in this planning application will be used to accommodate and support local people recovering from serious and enduring mental illness. The provider will have a 24/7 presence on site and the support being provided is contracted by Torbay & South Devon NHS Foundation Trust, with ongoing quality assurance carried out by the trust's Quality Assurance team.

As this development is supported by Torbay Council adult social care commissioners and will deliver improved life outcomes for local vulnerable adults and a quantifiable cost benefit to the joint adult social care budget, in line with the local authority / NHS Adult Social Care Market Transformation Blueprint, the Council would not be seeking a S.106 contribution in this case.

Building Control:

None received

Community Safety:

None received

Highways:

None received

Strategic Planning:

None received

Drainage:

No objections on drainage grounds

Designing out Crime:

No objections subject to use of an appropriately worded condition to secure CCTV at the premises in order to help the prevention and detection of crime.

Waste:

No objections.

Further information was required in order to make a suitable judgement on whether the proposed arrangements will be suitable for the number of units.

Further information addressing these concerns was submitted on 31/03/2023.

Summary of Representations

Publication type: Neighbour notification letters were sent on 23rd January 2023. A site notice was displayed on 25th January 2023.

One comment was received in support of the proposals.

Relevant Planning History

- P/2012/0259 - Details of boundary fence and revision to consent application P/2007/0558, showing boundary wall of extension to the north-west elevation set back and alterations to fenestration – Approved 04/05/2012

- P/2007/0558 – Alterations and extensions to form 6 bedrooms, relocate 1 bedroom
and dining room facilities (Nos.7-9) – Approved 15/06/2009.

- P/1990/1876 - Alterations And First Floor Extension To Form Access To Bedroom – Approved 05/12/1990

- P/1988/0939 – Two storey extension to form additional bedrooms (No.9) – Approved 13/07/1988.

- P/1987/1961 – Use as a residential home for the elderly (No.9) – Approved 21/12/1987.

- P/1987/0190 – Two storey extension to form owner’s self-contained living accommodation (No.9) – Approved 21/03/1987.

- P/1986/2137 – Erection of detached dwelling for owner, use of existing owner’s flat as a holiday flat (No.9) – Withdrawn 05/02/1987.
- P/1980/0643 – Rooms in roof space (No.7) – Refused 15/05/1980.
- P/1978/3529 – Use as a guest house (No.7) – Approved 07/02/1979.

Planning Officer Assessment

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 key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. Principle of Development.
2. Land Use
3. Design and Visual Impact.
4. Impact on Heritage Assets.
5. Impact on Residential Amenity.
6. Access, Movement and Parking
7. Ecology and Biodiversity.
8. Drainage and Flood Risk.
9. Waste
10. Designing out Crime
11. Low Carbon Development.

1. Principle of Development

The proposal seeks permission for change of use from a care home (Use Class C2) to 11 supported living accommodation units (Use Class C3b).

Local Plan Policy SS13 aims to provide additional housing and maintain a five-year supply of deliverable housing sites. Policy SS11 aims to improve the sustainability of existing communities in Torbay, enhance the quality of life for residents and, especially, to close the gap between the most and least disadvantaged neighbourhoods. Policy H1 seeks to provide a range of homes on allocated and unallocated sites to meet assessed needs and to create mixed, balanced communities with high quality living environments.

The NPPF 2021 (paragraph 11) sets out the presumption in favour of sustainable development. For decision-making this means that where the development plan policies are out-of-date permission should be granted. Unless the impacts of doing so would demonstrably and significantly outweigh the benefits when assessed against the NPPF taken as a whole.

The Council cannot demonstrate a 5-year housing land supply or the required 3-year housing delivery. The site is within the built-up area in a sustainable location and would increase the residential use of the site, providing eleven self-contained units for an identified needs group.

Policy H6 - Housing for people in need of care states that proposals involving the loss of existing care accommodation will be supported where the facilities are not needed, or it does not represent the most appropriate way of delivering care. New sheltered housing (within Use Class C3) is supported through Policy H6 where it is within easy reach of community facilities, shops and public transport.

The site is within the built-up area within easy access to local facilities and public transport, bus stops are within 150m, Paignton Train Station is within 0.65 kilometres, and local amenities and services are within 500 metres of the site.

The Council's Adult Social Care Commissioning Team have confirmed that the proposed development would accommodate and support local people recovering from serious and enduring mental illness, which is considered to be a suitable alternative provision of care in which there is a need for within Torbay.

Therefore, the presumption in favour of development further to paragraph 11 of the NPPF is not outweighed by loss of the C2 use on the site, and the proposal complies with Policies H6 and H1 of the Torbay Local Plan. There are no other Local Plan policies indicating that the proposal is not acceptable in principle.

2. Land Use

The proposals seek the change of use of the building from Use Class C2 – residential care home, to 11 self-contained supported living units of accommodation – Use Class C3b).

Use Class C3b covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

Supported Living enables people to move on from open residential care or shared support to supported independence, with regular reviews and assessments of their needs. The identified need groups are adults with enduring mental health needs.

The Healthy Torbay SPD highlights the fact that the Council works in partnership with the Torbay and South Devon NHS Foundation Trust to support proposals which deliver and support health and well-being in Torbay.

It is understood that the NHS Trust are working to reduce the number of individuals with enduring mental health conditions living in residential care to live clusters of self-contained supported accommodation where appropriate.

The Council's Adult Social Care Commissioning Team have confirmed that the support being provided is contracted by Torbay & South Devon NHS Foundation Trust, with ongoing quality assurance carried out by the trust's Quality Assurance team.

It is proposed that the building will be managed by Accomplish Group who will be the responsible care provider for the self-contained supported living units. Accomplish Group are a specialist provider in supporting individuals with mental health needs to live independently.

The proposal will provide support workers 24 hours a day, 7 days a week for residents from both Paignton and Torquay with mental health conditions. It is anticipated that there would be 5 members of staff available on site during the day and between 2-3 members of staff during the night.

Further details of the proposed management of the site have been provided and are considered to be acceptable.

An office for staff is proposed to be located independent of the main building within an existing ancillary structure located on the western boundary of the site. The use of this structure specifically for this purpose can be secured through an appropriately worded condition.

Each self-contained unit will have its own kitchen with cooking facilities and own bathroom. The shared lounge and laundry room would provide the residents with opportunities to be reintroduced to social contact.

Because the self-contained units and the shared spaces are interdependent and essential parts of the use, the use for supported living within Use Class C3b needs to be controlled by condition on planning permission and this is recommended. This would ensure the units do not change use through permitted development rights to unrestricted residential occupation.

The site is also in an area where a change in either the operator or occupation or the type of use within Use Class C3 may lead to detrimental effects on the area.

A suitably worded condition is required in order to ensure that the use remains as a supported living facility and that the occupation and operation of the development is controlled, in the interests of residential amenity in the area and to ensure that the operation of the site accords with Policy DE3 of the Torbay Local Plan. Details of the Care Provider and/or the Social Landlord would be submitted to the Local Planning Authority prior to the first use of the development and any variation from the provider of services must therefore have the express approval of the Local Planning Authority. Occupation would also be restricted to residents of Torbay.

The applicant has also confirmed that the 11 units will provide 100% socially rented accommodation. This will provide a clear social benefit in favour of the scheme.

The proposal would help to address the need to provide additional homes in Torbay providing accommodation for a specific need and would not detract from housing delivery. Therefore, subject to the above-mentioned conditions, the proposed change of use is, therefore, acceptable and is considered to comply with the principles of Policies H1, H2 and H6 of the Torbay Local Plan.

3. Design and Visual Impact

Paragraph 126 of 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, paragraph 134 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 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 PNP1(c) (Design Principles) of the Paignton Neighbourhood Plan requires development to be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

The external appearance of the building would not be altered as only internal alterations are proposed.

Minor external works within the curtilage of the site, involving the formalisation of a refuse storage area and the provision of two electric vehicle charging points are proposed. The appearance of the site in the street scene would not change.

The proposal is, therefore, considered to be in accordance with Policy DE1 of the Local Plan, and Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

4. Impact on Heritage Assets

Policy SS10 states that all heritage assets shall be conserved, proportionate to their importance and that the impact of development will be assessed against whether any alteration or loss is necessary in order to deliver demonstrable public benefits taking into account the significance of the heritage asset.

The building is within the Old Paignton Conservation Area and is recognised as a key building and/or building group of architectural importance. It is considered to have been built between 1870 and 1915 and forms part of a terrace of six properties constructed of roughly coursed breccia blocks with white brick quoins and window dressings.

No external changes are proposed as part of the development, therefore the proposals will have a neutral impact upon the conservation area, the character and appearance of which would be preserved.

The proposals would therefore be in accordance with Policy SS10 of the Torbay Local Plan and the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Impact on Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity for future and neighbouring occupiers.

Policy PNP1(c) (Design Principles) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal protect residential amenity in terms of noise, air, or light pollution.

Future occupants.

Submitted proposed floorplans show the proposed layout which will provide 11no. 1-bed flats, communal areas and sleeping facilities for members of staff.

Each self-contained unit will have its own lounge and kitchen with cooking facilities, bedroom, and bathroom. With regard to the floor areas of the self-contained units, each unit is for one person and meets the Nationally Described Space Standards by providing a minimum of 37sqm Gross Internal Area as also required by Policy DE3.

There are also shared facilities providing a social environment in support of the private spaces: a communal lounge/meeting room and a communal laundry room, totalling 28.97 sqm.

Every habitable room is considered to provide adequate outlook and levels of natural light for its residents. The proposal also retains the existing outdoor amenity space.

Given the sizes of the proposed bedrooms and other living spaces, the placement of windows, and the availability of space within the curtilage for outdoor amenity space, it is considered that the proposed sheltered accommodation would provide residents with an acceptable quality of residential environment.

It is considered appropriate to impose a condition limiting the use to eleven supported living units under Use Class 3(b) with ancillary facilities (lounge/laundry areas and staff sleeping accommodation) of a minimum of 44 sqm and be limited to a maximum of eleven occupants. It is also considered necessary to remove permitted development rights to change the use to an HMO.

Neighbouring Occupiers.

Given that the proposal involves no new structures, extensions or external alterations, it is considered that the proposed change of use would not result in any unacceptable harm to the amenities of neighbours in terms of their privacy, outlook, or access to natural light. The proposed development does not include any external physical alterations to the building and therefore the existing openings would be utilised and would maintain the same levels of intervisibility as is currently the case.

While it is acknowledged that the proposed sheltered accommodation would involve the presence of staff at night, it is considered that the staff office being located on the western boundary of the property and away from the adjoining terraced property to the east, is such that the proposal would not generate any substantial noise or disturbance to neighbours compared to the existing care home use.

Policy SS11 of the Local Plan states that development proposals will be assessed as to whether they can promote social inclusion and seek to eliminate exclusion based on access to housing, health, education, recreation and other facilities. The proposal would provide needed accommodation within Torbay to people currently in need of support and it is, therefore, considered that it would contribute to a mixed and balanced community within the area and would provide a facility to those disadvantaged within Torbay.

Subject to the above conditions, the proposal is considered to be in accordance with Policies DE3 and SS11 of the Local Plan and PNP1(c) of the Paignton Neighbourhood Plan.

6. Access, Movement and Parking

Policy DE3 Development Amenity of the Local Plan states that new development proposals should have satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling. Policy TA2 of the Local Plan states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 and Appendix F of the Local Plan states the minimum dimensions for parking spaces, including garages. This requires that 1 parking space should be provided per flat and that parking for visitors should also be provided. Appendix F also outlines that parking spaces should be 4.8 metres by 2.4 metres except for when they abut the public footpath and/or public highway and then the spaces should be 5.5 metres by 3.2 metres to prevent vehicles from overhanging and causing an obstruction to the public footway and potentially the public highway.

Policy PNP1 (d) of the Paignton Neighbourhood Plan encourages residential development to include designed cycle space that is covered.

Policy PNP1 (h) requires development to include electric vehicle charging points.

The site is accessed from The Riviera which is a one-way street with a 30mph speed limit. The existing vehicular and pedestrian access to the site shall be maintained as existing.

The site has existing car parking provision to the frontage of No.7 and to the side of No.9, both accessed from The Riviera. Existing parking provision for the site is suitable for 6 vehicles.

The Applicant has confirmed that the residents of the 11 self-contained units would not have access to their own vehicles, but instead the parking provision would be utilised by staff and visitors.

It is noted that the proposed development would be easily accessible by public transport and that the site is in a sustainable location.

Given the former use of the site as a residential care home that included many residents, staff and visitors, the proposed use for supporting living self-contained units is considered to reduce the previous intensification of vehicle movements and parking demand.

Given that residents are unlikely to own cars and the parking spaces would be used by predominantly by support staff and visitors, and the fact that the proposed development is in a sustainable location, the provision of 6 spaces is considered adequate for the proposed use.

Appendix F of the Torbay Local Plan requires electric vehicle charging points to be provided for 20% of flatted accommodation – in this case 2 points. The location of these points have been supplied on Drawing - Proposed layout P-2023-0028-5.

Cycle Storage:

Appendix F of the Torbay Local Plan expects storage space to be provided for at least 1 cycle per flat, therefore, the proposed development should allow provision for the storage of 11 cycles.

The submitted proposed layout also shows a dedicated independent cycle store housed within the curtilage of the site. Details of the proposed cycle storage can be secured by condition, and this is recommended.

Subject to conditions to ensure that the 6 car parking spaces are retained and kept available for use for parking purposes and that two electric vehicle charging points are provided, along with the suggested details of the proposed cycle storage, the proposal is considered acceptable with regards to Policies TA2, TA3 and Appendix F of the Torbay Local Plan and Policies PNP1 (d) and PNP1 (h) of the Paignton Neighbourhood Plan.

7. 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 C4 states that development will not be permitted where it would seriously harm, either directly or indirectly, protected trees.

Policy PNP1 (c) of the Paignton Neighbourhood Plan encourages development proposals to retain existing natural features and features of biodiversity value on site, and to enhance biodiversity where possible.

The application has not been accompanied by an ecological survey report. Given the location, use and condition of the building it is not considered that protected species are likely to be affected by the proposal.

However, a precautionary approach should be taken to the with regards to the proposed works and an informative to that effect can be added to the planning decision.

Adjacent to the site, surrounding Cypress Court to the south east are several trees covered under individual tree preservation orders.

As no external alterations are proposed, the proposals would have no impact on these protected trees or any other mature vegetation within or surrounding the site.

The proposal therefore complies with Policy NC1 and Policy C4 of the Local Plan and Policy PNP1 (c) of the Paignton Neighbourhood Plan.

8. 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.

Policy PNP1(i) requires developments to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is at high risk from surface water flooding which effects small parts of the periphery of the site. It is accompanied by a Flood Risk Assessment.

The proposal is for the conversion of an existing building and will seek to use the existing foul and surface water connections. Although the proposed use includes sleeping accommodation on the ground floor, this is not materially different from the existing use which also utilised this arrangement.

The proposed development would also not result in an increase in the impermeable area on the site.

The proposals are therefore not considered to present any material changes in terms of flood risk. The Council's Drainage Engineer has also raised no objections to the proposed development.

The proposal is therefore deemed acceptable in terms of its impact on drainage and flood risk including surface water flooding and is considered to be in accordance with Policy ER1 of the Local Plan and Policy and PNP1(i) of the Paignton Neighbourhood Plan.

9. Waste

Policy W1 of the Torbay Local Plan requires as a minimum that all developments make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated by a development.

PNP1 (d) of the Paignton Neighbourhood Plan requires space to be provided for solid waste storage on each curtilage including seagull proof structures a minimum size of 240l.

During the consultation process, the Council's waste consultee requested further information on proposed waste arrangements for the development.

Following this, amended plans showing the proposed layout of the proposed bin storage have been received. The applicant has also confirmed that each residential unit will manage its own waste rather than the use of communal bins. Details of the refuse storage area will be secured by an appropriately worded condition.

It is considered that the details provided show that the site has adequate space within its curtilage to provide for easily accessible waste and recycling bins required for the development.

The proposals therefore conform with the requirements of Policy W1 of the Torbay Local Plan and Policy PNP1 (d) of the Paignton Neighbourhood Plan.

10. Designing Out Crime

Policy S11 of the Torbay Local Plan requires development to help reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

Policy PNP1 (g) of the Paignton Neighbourhood Plan requires all developments to show how crime and fear of crime has been taken into account.

The Designing Out Crime Officer has raised no objections to the proposed development subject to the use of a planning condition to install CCTV at the premises.

Therefore, subject to the use of an appropriately worded condition to secure details of a CCTV system at the premises, the proposals are considered to meet the requirements of Policy S11 of the Torbay Local Plan and Policy PNP1 (g) of the Paignton Neighbourhood Plan.

11. Low Carbon Development

Policy SS14 (Low Carbon Development and Adaptation to Climate Change) requires major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials.

Policy ES1 (Energy) seeks to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other

energy consumption) are limited. All major development proposals should make it clear how low-carbon design has been achieved, and how the following sequential energy hierarchy has been applied in doing so. Proposals should identify ways in which the development will maximise opportunities to achieve the following:

1. Conserve energy by reducing energy demand through siting and design. This includes the use of building orientation, layout and landscaping to optimise solar gain, ventilation and cooling;
2. Use energy efficiently within the fabric of the building;
3. Incorporate the use of decentralised heat, cooling and power systems; and
4. Use on-site or near-site renewable technologies to achieve further reductions in carbon emissions

Policy PNP1(f) (Towards a Sustainable Low Carbon Energy Efficient Economy) of the Paignton Neighbourhood Plan outlines that new development, where appropriate and subject to viability, should undertake sustainable construction and water management technologies.

It is understood that the proposed conversion of the building will utilise energy efficient materials with the aim to meet a minimum Level C EPC rating.

The proposed development is therefore considered to meet the requirements of Policies SS14 and ES1 of the Torbay Local Plan and PNP1(f) of the Paignton Neighbourhood Plan.

Sustainability

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be some minor economic benefits to the construction industry from the proposed development. Once the units were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principal social benefit of the proposed development would be the provision of additional supported accommodation which provides a specialist and vital service for residents of Torbay who are experiencing enduring mental illness. This would provide a clear social benefit which weighs strongly in favour of the development. The proposed development would also provide socially rented units and therefore

the scheme can be classed as providing 100% affordable housing albeit through a specialist use.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be relevant to the proposed development are impacts on the heritage, streetscape, ecology, biodiversity and surface and foul water drainage. These matters have been considered in detail above. The proposed development is in a sustainable location with a range of public transportation links. It is considered to be a low-impact change of use which preserves the character and appearance of the conservation area and the street scene. In respect of the environmental element of sustainability, the balance is considered to be in favour of the development.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent sustainable development

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/CIL –

S106:

In accordance with the Council's adopted SPD, where a proposed development would result in a clear, identifiable social good, a flexible approach to planning contributions is encouraged to ensure that the social benefits of the scheme are realised.

In this case, the provision of specialist supported accommodation is considered to provide an identified social benefit.

In addition, due to the similarities of the existing and the proposed change of use, and the fact that this use will be secured through condition, it is considered that there are no additional infrastructure requirements needed to enable the proposed development to be delivered, with the exception of a contribution towards waste collection on the site. This is required as there would be change from private collection to collection from the local authority.

Due to the nature of the proposals and the individual circumstances of the case, a sustainable development payment will therefore only be required to provide a contribution towards waste collection vehicles which would serve the site. This would be at a level of £72 per residential unit and will be required via a legal agreement (unilateral or bilateral). This presents an obligation requirement of £792.

CIL:

Not applicable

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.

Proactive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

Conclusions

The proposal is in accordance with the provisions of the Development Plan and the 'Tilted Balance' adds significant weight in favour of the development in the absence of harm being identified.

The proposal is considered acceptable in principle and would result in clear social benefits by providing a specialist form of supported accommodation to serve the residents of Torbay which would not unduly impact local amenity.

The development is acceptable in terms of access, ecology and flood risk matters. The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, the NPPF, and all other material considerations. The Officer recommendation is therefore one of conditional approval with measures to secure the required sustainable development obligation.

Officer Recommendation

Approval: Subject to;

The completion of a suitably worded S106 Legal obligation to secure a sustainable development obligation of £792.

The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Draft Conditions:

Use

The property shall only be used as a Class C3b supported living facility comprising

- a) eleven self-contained flats (in use class C3b and no other use class)
- b) a minimum floorspace of 44sqm of support/shared living areas comprising:
 - communal shared living areas with a minimum floorspace of 28sqm
 - overnight staff accommodation with a maximum floorspace of 17sqm.

No part of the development shall be occupied as non-supported living accommodation. No part of the property shall be used for a purpose falling within Class C4 (House in Multiple Occupation). The use of the facilities specified in subparagraph (b) above shall be ancillary or incidental to the use of the eleven self-contained flats.

Reason: In the interests of residential amenity in the area and to ensure that the use of the site accords with Policies H1, H6 and DE3 of the Torbay Local Plan. Any variation from the use applied for must therefore have the express approval of the Local Planning Authority.

Construction Hours

No construction works or any works including site preparation and clearance works or construction related deliveries into or from the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In interests of local amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

Management Plan

The development hereby approved shall be occupied in strict accordance with the approved Management Plan received 05 May 2023 at all times, unless an alternative Management Plan is submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a service that addresses an identified housing need and in the interests of residential amenity in the area and to ensure the management of the site accords with Policy DE3 of the Torbay Local Plan.

Car Parking Spaces

The 6 car parking spaces on the site, as shown on the site layout plan (Drawing No - P-2023-0028-5) shall be provided for the free use of occupants, staff and visitors to the site prior to its first occupation for the use hereby permitted and maintained such for the lifetime of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

Cycle Storage Details

Prior to the first occupation of the development details of cycle storage (secure and weatherproof) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details prior to the first occupation of the development and maintained for the lifetime of the development.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030

Refuse and Recycling

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained and maintained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

Electric Charging Facilities

Prior to the first occupation of the development hereby permitted two electric vehicle charging points (EVCPs) as shown within Drawing No. 'Proposed layout P-2023-0028-5' hereby approved shall be provided and made operational and available for use. Once provided, the facility shall be retained for the life of the development for such purposes.

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030.

Office Use

The proposed independent structure on the western boundary of the site shown as 'Office' within Drawing No. 'Proposed layout P-2023-0028-5' in the development hereby approved shall be used only as an office for staff in connection with the use of the development as a supported living facility and not as a separate unit or as part of any other residential unit upon the site.

Reason: For the avoidance of doubt and to maintain the amenity of future occupiers further to Policy DE3 of the Torbay Local Plan.2012-2030.

Approved Operation

The supported living facility hereby approved shall:

- a) only serve residents of Torbay and
- b) only be operated by a Care Provider and/or a Social Landlord for the approved use.

Details of the Care Provider and/or the Social Landlord shall be submitted to the Local Planning Authority prior to the first use of the development. Updated details of the care provider and/or the Social Landlord shall be made readily available to the Local Planning Authority should the use cease.

Reason: In the interests of providing a service to address local needs in accordance with Policies H1 and H6 of the Torbay Local Plan. The site is in an area where a change in either the operator or the type of use within Use Class C3 may lead to detrimental effects on the area. In the interests of residential amenity in the area and to ensure that the operation of the site accords with Policy DE3 of the Torbay Local Plan. Any variation from the provider of services must therefore have the express approval of the Local Planning Authority.

CCTV

Prior to the first use of the development hereby approved, full details of the CCTV provision for the site shall have been submitted to and approved in writing by the LPA. The details shall include the siting and the technical specification details of the cameras, direction of view and their external appearance/colour. 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 Policy DE1 of the Torbay Local Plan 2012-2030 and Policy PNP1 (g) of the Paignton neighbourhood Plan.

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.
02. If the presence of protected species is detected during construction of the development, work must stop immediately and a qualified ecologist or Natural England (0300 060 3900) contacted and consulted as to necessary measures and mitigation.

Torbay Local Plan

SS13 - Five Year Housing Land Supply

SS10 – Conservation and the historic environment

SS12 – Housing

SS14 – Low carbon development and adaption to climate change

SDP1 – Paignton

SS11 - Sustainable Communities Strategy

H1LFS - Applications for new homes

H2 – Affordable housing

H6LFS - Housing for people in need of care

C4- Trees, hedgerows and natural landscape features

DE1 – Design

DE2 – Building for Life

DE5 - Domestic extensions

DE3 - Development Amenity

ES1 – Energy

ER1 - Flood Risk

ER2 – Water management

SC1 – Healthy Bay

TA2 - Development access

TA3 - Parking requirements

NC1LFS - Biodiversity and Geodiversity

W1 – Waste hierarchy

Paignton Neighbourhood Plan

PNP1 (c) – Design Principles

PNP1 (d) – Residential Development

PNP1 (f) – Towards a sustainable low carbon energy efficient economy

PNP1 (g) – Designing out crime

PNP1 (h) – Sustainable Transport

PNP1 (i) – Surface Water