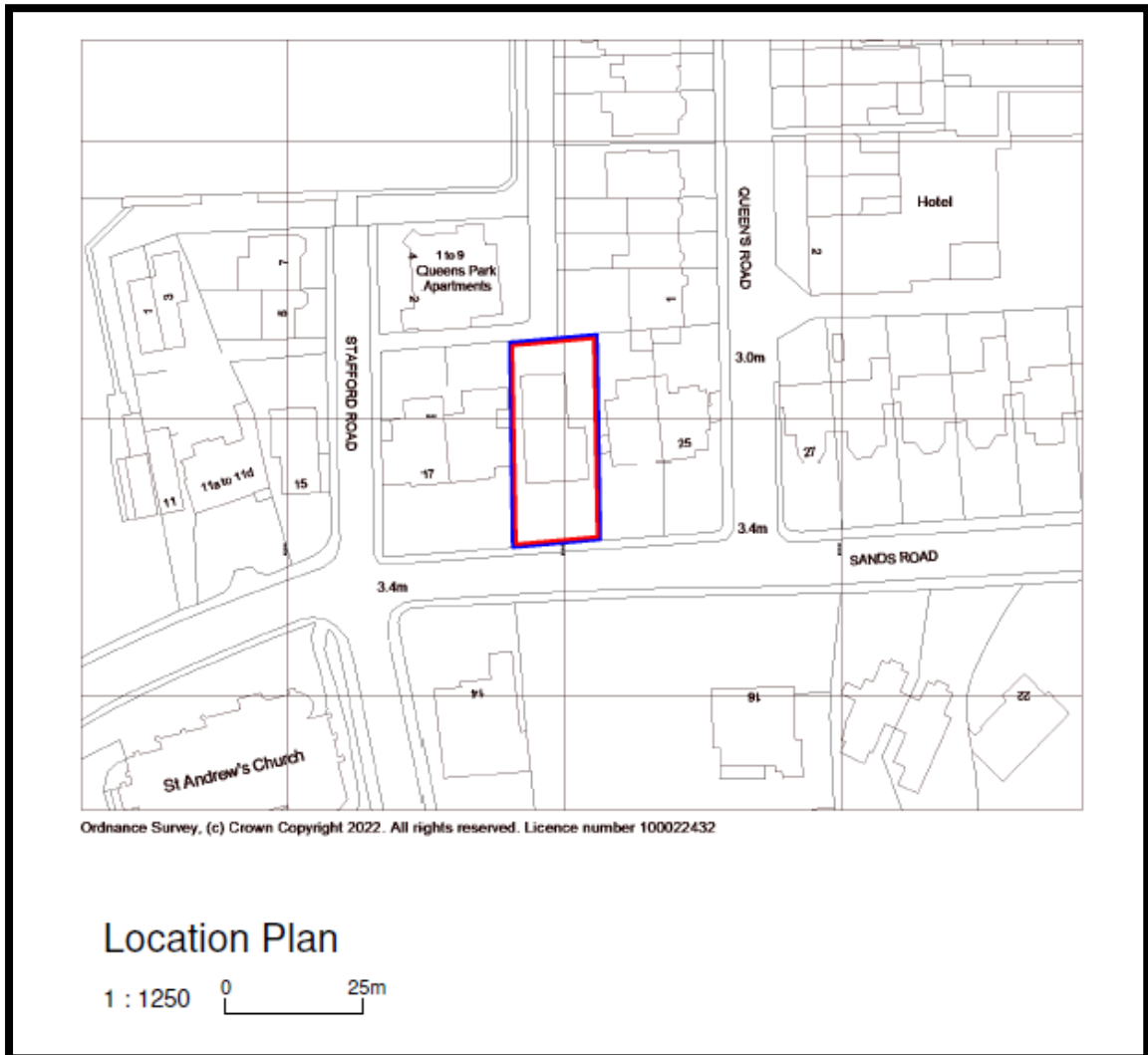


TORBAY COUNCIL

Application Site Address	21 Sands Road, Paignton, TQ4 6EG
Proposal	Conversion of hotel to 10x1 bedroom supported flats (C2 use), shared facilities and office spaces.
Wards	Roundham with Hyde
Application Number	P/2023/0318
Applicant	Westward Group
Agent	Tetlow King Planning
Date Application Valid	04.04.2023
Decision Due Date	30.06.2023
Extension of Time Date	TBC
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined at the end of the report 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 site is 21 Sands Road, Paignton which is a detached property, its last use was as a B&B/Hotel known as Three Palms.

The site is within a Community Investment Area and is within the Paignton Neighbourhood Plan Core Tourism Investment Area but is outside of the Local Plan Core Tourism Investment Area allocation.

The site is within 15m of the Roundham and Paignton Harbour Conservation Area which is to the south of the site and is within Flood Zone 3.

The site is located on the northern side of Sands Road between the junctions with Queens Road and Stafford Road. The property has been extended and altered over time.

Access to the site is primarily via a private driveway on the south (front) of the site, with a secondary entrance to an access land to the north (rear) of the site.

Surrounding uses are a mix of residential and holiday accommodation.

Detailed Proposals

Full planning permission is sought to utilise the existing built form of the building and subdivide it into 10x1-bedroom self-contained flats. This would include, office space for staff, communal toilet for residents, staff, and visitors and shared kitchen/dining space for staff and residents for client cooking sessions, group work and communal eating.

Externally, a fire escape staircase is proposed to the rear of the building and the existing hotel signage will be removed. The proposal also includes improvements to the rear amenity space.

Vehicular access will be unchanged and will continue to be via Sands Road.

The property would be run by Westward Housing Group and the proposed accommodation will offer support services to vulnerable persons who have been referred by Torbay & South Devon NHS Trust (Specialist Mental Health Team) and Torbay Adult Mental Health Social Care Team. The service would be delivered as part of the Supported Living Framework under which they are contracted by the council and NHS Foundation trust who would ensure referrals to the service.

The client group category is low to medium mental health needs. It is anticipated the length of stay for residents would be an average timescale of 18-24 months, reflecting Westward Housing's other mental health services that provide the same structure and support. This period gives residents and support staff time to work

together on the support needs identified and the skills required to move on to more independent accommodation.

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.

Summary of Consultation Responses

Paignton Neighbourhood Plan Forum - No response received.

Torbay Council Drainage Engineer – The applicant has correctly identified that the proposed development lies within flood zone 3.

Where sites are identified within Flood Zone 3 the developer is expected to submit a site specific flood risk assessment. The flood risk assessment must demonstrate that the development will be safe from all sources of flooding without increasing flood risk elsewhere and where possible will reduce flood risk overall. Within the site specific

flood risk assessment I would have expected to see the sources and predicted depth of flooding being identified, the proposed finished floor levels for the ground floor, details of safe access and egress routes, details about what to do in an emergency including safe refuges, details of flood mitigation measures being proposed including an emergency flood plan for all buildings on the site. In addition, the flood risk assessment should identify that the owner/manager of the building will be signed up to the Environment Agency's coastal flood warning system.

The submitted flood risk assessment addresses the issues raised above.

It should be noted that existing bedrooms are located on the ground floor of this property and no new bedrooms are being proposed on the ground floor of the development, Following conversion, the existing bedrooms will have access to upper floor levels within the building should a flood event occur.

Based on the above comments, providing all the flood mitigation measures identified within the site specific flood risk assessment are incorporated into the final conversion of this building, I have no objections on drainage grounds to planning permission being granted for this development

Environment Agency – No objection to the proposed development subject to the inclusion of a condition on any permission granted which secures the implementation of the mitigation measures included within the Flood Risk Assessment (FRA).

Planning Policy - *Use of the development.*

As set out by the Rectory Homes case, Class C2 units laid out as apartments still constitute "housing" and weight should be given to it in addressing the housing crisis; particularly if it provides additional benefits such as supported or specialist accommodation serving the local community. In my view, the provision of dwellings (even though not within Class C3) does mean that the Presumption in Favour of Sustainable Development in paragraph 11 of the NPPF is engaged, and that the council should approve the application unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits. As an urban brownfield site, within easy reach of the town centre, sustainable transport and other facilities it

scores well for housing under Policies SS12, SS13 and H1 of the Local Plan, and PNP1 and 13 of the Neighbourhood Plan.

Impact on Deprivation

Tetlow King's accompanying statement indicate that the building will be used for 10 supported flats for people with mental health issues, with shared facilities and office areas. 10 dwellings is below the threshold for affordable housing in Policy H2 of the Local Plan; but given the pressing need for affordable housing the provision of above policy level of affordable housing is a significant benefit (as referenced in Policy H2). We will need to ensure how this is managed and retained as affordable housing in perpetuity because (1) it may be material to granting planning permission and (2) is relevant if "sustainable development" type planning obligations are waived on the basis of the use being affordable housing. A similar principle would potentially apply if the applicant wishes to claim Social Housing CIL Exemption.

"Three Palms" 21 Sands Road is within a Community Investment Area, and Policy SS11 of the Local Plan is relevant. This policy contains clauses which could pull in different directions. For example the proposal will help promote social inclusion, and seek to eliminate exclusion based on access to housing (etc.)(11.4). It will also provide accommodation for vulnerable people in a well-connected, accessible and safe community (11.7). I acknowledge that concerns have been raised in objections in relation to potential anti-social behaviour (11.5). However, Community Safety have raised no objections to the proposal. Tetlow King's statement outlines Westward's management regime, which should help address amenity concerns relating to the use. Any permission should be conditioned to operate with such management practices.

It's worth noting that significant parts of Torbay's town centres and "inner urban wards" face deprivation issues common to many coastal towns, and other potential locations for supported accommodation close to town centre facilities may face similar deprivation issues. The provision of supported living accommodation for people with care needs serves an important health function. The supporting information indicates that residents will be referred by Torbay & South Devon NHS Trust (Specialist Mental Health Team) and Torbay Adult Mental Health Social Care

Team, and that there is a shortage of such accommodation. On the basis that residents are existing Torbay residents, the proposal will help reduce overall deprivation within Torbay, which is a benefit in terms of Policy SS11.

I note that if vacancies are not filled, apartments will be opened up to other providers, including Devon partnership NHS Trust. Effectively this could result in more affluent areas of Devon accommodating vulnerable people within Torbay, at a time when Torbay is unable to meet its own needs. There needs to be a wider debate about how the sub-regional housing market operates in terms of how both market, affordable and specialist accommodation is met in Torbay and the adjoining areas. This is beyond the scope of this application. However at recent application P/2023/0028 at 7-9 Riviera, Paignton, which has some similar characteristics to the present application, the application was conditioned to serve (existing) residents of Torbay. In my view it would be appropriate to condition the current application similarly. Whilst referrals from outside Torbay may be appropriate, they are part of a wider debate about how sub-regional housing needs are met and funded.

The proposal is not for an HMO, but for self-contained flats with some communal facilities and office space. An HMO proposal would raise other planning issues but would require planning permission as there is no permitted development to change from Class C2 to C4. However, restricting the use to apartments as described in the application would remove doubt about potential HMO use (especially noting the potential for blurred lines between Class C2 and C3b in practice).

Impact on Tourism

The application results in the loss of a hotel, and therefore Policy TO2 of the Adopted Torbay Local Plan is relevant. The site is not within a Core Tourism Investment Area in the Local Plan, and Policy TO2 indicates that change of use of holiday accommodation will be allowed where the holiday character and range of facilities are not undermined and one or more of the following apply: The site is of limited significance in term of its holiday setting, views and facilities; There is no prospect of the site being used for tourism or related purposes; OR The change of use would bring regeneration or other benefits that outweigh the loss of holiday accommodation. Policy TO2 goes on to seek restoration of buildings to their original

historic form by the removal of “unsightly features, signage, clutter and extensions relating to the holiday accommodation use.

Conversely the Paignton Neighbourhood Plan includes a more extensive Core Tourism Investment Area that does include 21 Sands Road. Policy PNP14 (b) indicates that within the Core Tourism Investment Area there will be flexibility to allow change of use from holiday accommodation where it can be evidenced there is no reasonable prospect of continuing use for tourism purposes and the change proposed would support and not detract from the Area's function, and; c) Applications for a change from tourism use should, where appropriate and necessary include information on proposals for the restoration of the building, to include the removal of any unsightly features considered to affect the character of the area.

I note that the Planning, Design and Access Statement has addressed compliance with the development plan tourism policies. Sands Road runs back from the Esplanade, and although within easy walking distance of the seafront is somewhat removed from the heart of Paignton’s key tourism area. The hotel is of a modest size, with 15 bedrooms. Although these are ensuite and there is a dining room and lounge, the hotel does not provide facilities that are unavailable elsewhere in the area. The building appears to be a late C19th or early C20th detached house that has had extensive changes including an additional storey and full width porch. The front garden has been entirely turned over to hard standing. There have been major new hotels recently opened on the site of the former park Hotel and Lighthouse comprising an additional 280 beds. The Destination Management Plan for Torbay, prepared in partnership with the English Riviera BID identifies the need to reduce the stock of serviced accommodation by 2% by 2027, with a need to reduce “redundant stock”. I take this to mean that older, formerly residential, properties in use as small hotels/guest houses should be allowed to revert to residential use as the stock is replaced by modern purpose built accommodation.

On the basis of the above, I understand that there are concerns from nearby businesses and residents about the use. There is at least some conflict with Policy PNP14 of the Neighbourhood Plan, as it has not been demonstrated that there is no “reasonable prospect” of the hotel operating as a tourism business. However, the

area can be said to be of relatively limited significance in terms of its holiday setting, and a need to reduce the stock of older style serviced accommodation has been identified, particularly where new accommodation in more central locations has recently opened. On that basis I would suggest that the proposal is compliant with Local Plan Policy TO2, and that the conflict with PNP14 is limited.

Both TO2 and PNP14 seek restoration of buildings by removal of “unsightly” features. Although not within a Conservation Area, Sands Road abuts the Roundham and Paignton Harbour Conservation Area. As far as I can see, the proposal makes no provision for improvements to the building’s visual appearance or setting, beyond removal of signage.

Flooding and Climate Change

Comments on climate change, flooding and the impact of development are largely within the remit of Dave Stewart in Drainage. However, as part of the Local Plan evidence base, an updated Sewer Capacity Assessment has been carried out by Waterco. This has confirmed a pressing need to separate surface water and foul from the combined sewer. Flood risk and water management are critical infrastructure issues affecting Torbay’s capacity to deliver new development, and the capacity of the urban area. The existing policy framework sets out a robust approach to flood risk and sustainable water management (see Local Plan Policies ER1, ER2, W5 and Neighbourhood Plan Policy PNP1(i)). Torbay is a Critical Drainage Area and the council has declared a Climate Emergency. The indications from the Sewer Capacity modelling and responses from SWW, Environment Agency and Natural England all indicate that the council needs to double down on seeking nature based solutions to flooding and climate change issues.

Flood Risk. *The previous 2010 Strategic Flood Risk Assessment has identified the site as being within Flood Zone 3B. A new SFRA is being prepared, which I understand identifies the area as being within Flood zone 3A, on the basis that the watercourse is culverted and not a functional floodplain. The area is still within Flood Risk Zone 3. Footnote 56 of the NPPF indicates that changes of use do not have to meet the sequential or exceptions test but should still meet the requirements of site-specific flood risk assessments. The flood risk overall category of a C2 use is “more*

vulnerable” which is no change from a hotel. However, basement dwellings are classed as “highly vulnerable”. The “ground floor” of 21 Sands Road is set below the car park level. The PPG 7-052-20220825 indicates that changes of use can increase the vulnerability of development or result in occupation by people who are more vulnerable than previous occupiers/users from risk of flooding. Table 2 in the PPG indicates that highly vulnerable uses, which include basement flats should not be permitted in Flood zone 3.

Both Local Plan Policy ER1 and Neighbourhood Plan Policy PNP13(c) resist basement flats in such locations.

The proposal is supported by a flood risk assessment by True Consulting Engineers. This indicates that the “ground floor” is at risk of inundation but recommends resilience measures. These will not stop the ground floor area from flooding, but require residents to move themselves and their belongings upstairs. I note that the Environment Agency has not objected to the proposal subject to these resilience measures being put in place, and that the Drainage Engineer raised no objection on 9th May 2023. I am also aware that there is existing “basement” accommodation on the ground floor. Nevertheless, I am uncomfortable with the proposal that puts vulnerable people into what is effectively basement sleeping accommodation, with likely all year round occupation. This only relates to the “basement” sleeping accommodation rather than the use of the building as a whole. Please can we clarify with Dave Stewart and the Environment Agency that they are satisfied that the ground floor flats are safe, taking into account the likely vulnerabilities of the proposed residents.

A separate issue relates to the need to reduce water run-off from impermeable surfaces into shared sewers in order to avoid the system being overwhelmed by severe weather events. It is disappointing that the proposal does little to reduce water run-off from the current impermeable surface, but continues to discharge surface water into the shared sewers. Extending permeable areas is likely to be at the expense of parking, but would be strongly supported from a climate resilience and water management point of view. It would also be a restoration feature

supported by TO2 and PNP14, particularly since the opposite (South) side of Sands Road is within Roundham and Paignton Harbour Conservation Area.

I appreciate that this point would apply to many other urban developments. But the council has declared a Climate Emergency, and there is clear evidence of risks arising from the extent of water discharging into existing shared sewers from the existing built form. From a policy point of view, we need to move away from applications being able to tick the “drainage to existing sewers” box for changes of use, especially where there appears to be opportunities to improve permeability on the site.

The Planning Balance from a Policy Perspective

I recognise that this application highlights issues of wider significance than a proposal for 10 flats would usually do. The provision of 10 supported affordable units is a substantial planning benefit, and I hope that the scheme can be supported. In my view the creation of additional permeable and sustainable drainage measures should be sought. I remain concerned about the ground floor sleeping accommodation in a Flood Risk 3 area. This could constitute a clear reason for refusal under Paragraph 11 (d)(i) of the NPPF if the relevant bodies are not satisfied that the development can be made safe for its lifetime. I hope that it does not come to that, and that an acceptable solution can be found to those issues.

Affordable Housing – No objection

Waste - Further information is needed about the size of the area allocated for storage of recycling and waste.

Community Safety - No objection

Police - No objection to the proposal, the use of CCTV is welcomed, advice on designing out crime, fear of crime and anti-social behaviour perspective has been provided.

Summary of Representations

Approximately 38 objections were received in which the following matters were raised:

- Loss of a tourism facility
- Impact on the wider tourism character of the CTIA as allocated by the Paignton Neighbourhood Plan
- Impact on the neighbouring tourism businesses
- Increase in anti-social behaviour, noise, nuisance and crime in the hours where the site is not manned.
- Object to HMO's in close proximity to tourist accommodation
- Concerns over management of site
- Health and safety and safeguarding issues
- Drain on emergency services
- The current facility is viable as holiday accommodation

Relevant Planning History

P/2022/0972 - Conversion of hotel to 10 x 1 bedroom supported flats (C2 use), shared facilities and office spaces. Refused 15.12.2022.

This application was refused largely on technical grounds with regards to lack of information on the impact on tourism, site specific flood risk measures, information regarding future occupants and highways information.

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 and Impact on Tourism.
2. Design and Visual Impact.
3. Impact on Residential Amenity.
4. Access, Movement and Parking
5. Ecology and Biodiversity.
6. Drainage and Flood Risk.

7. Waste
8. Designing out Crime
9. Low Carbon Development.

1. Principle of Development and Impact on Tourism

The proposal is for change of use from a hotel/B&B within Use Class C1 to ten self-contained residential units for supported living within Use Class C2.

The proposed accommodation will offer support services to vulnerable persons who have been referred by Torbay & South Devon NHS Trust (Specialist Mental Health Team) and Torbay Adult Mental Health Social Care Team.

The property would be run by Westward Housing Group, the design and access statement advises that it is anticipated the length of stay for residents would be an average timescale of 18-24 months, reflecting Westward Housing's other mental health services that provide the same structure and support.

Four full-time members of staff and one part-time member of staff would be present on the site between the hours of 08:00am and 20:00pm. Outside of the staffed hours of 08:00am-20:00pm, there will be an on-call support rota of staff who will be able to assist and respond to emergencies. Residents will also have access to Westward Housing Group's out of hours emergency maintenance service. For all other emergencies, part of the move-in induction is to ensure clients are aware of and able to use, the appropriate emergency services.

Each self-contained unit will have its own kitchen with cooking facilities and own bathroom. The proposal includes shared kitchen/dining space that staff and residents have access to and this will be used for client cooking sessions, group work and communal eating.

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 proposal would provide needed assisted living accommodation within Torbay and it is, therefore, considered that it would help to maintain a mixed and balanced community within the area and would provide a facility to those disadvantaged within Torbay.

Policies TO1 and TO2 support the tourism sector. Policy TO1 supports the retention of tourist accommodation in sustainable locations with a focus on the Core Tourism Investment Areas (CTIAs). The site is not within the CTIA. Policy TO2 states that outside CTIAs the change of use of holiday accommodation will be allowed where the holiday character and range of facilities are not undermined and one or more of the following apply:

- The site is of limited significance in term of its holiday setting, views and facilities,
- There is no prospect of the site being used for tourism or related purposes OR
- The change of use would bring regeneration or other benefits that outweigh the loss of holiday accommodation.

The Policy goes on to say that proposals for small apartments or HMO's will not be permitted where they would conflict with the tourism character and offer of the Bay. The proposal is not for an HMO, but for self-contained flats with some communal facilities and office space.

The proposal meets the first criteria of Policy TO2 in having limited significance in terms of its holiday setting, views and facilities.

There may be potential for other uses for tourism or related purposes but those are not the subject of a current planning application. The current application is for residential supported living and the change of use would bring benefits in terms of providing additional self-contained residential accommodation. As such, the proposal is considered to meet criteria 3. Moreover, the supporting text for Policy TO2 advises that the 'Turning the Tide for Torbay' Tourism Strategy (2009)' indicates

that, due to a change in the demand for tourism facilities, an oversupply of small and outmoded accommodation will be reduced.

Although outside the Local Plan Core Tourism Investment Area allocation, the site is within the Paignton Neighbourhood Plan Core Tourism Investment Area as such Paignton Neighbourhood Plan Policy PNP14 is relevant. This policy states that;

- a) Houses in Multiple Occupation known as HMO's will not be supported within the Core Tourism Investment Area in accordance with Policy PNP1(f);

- b) Within the Core Tourism Investment Area there will be flexibility to allow change of use from holiday accommodation where it can be evidenced there is no reasonable prospect of continuing use for tourism purposes and the change proposed would support and not detract from the Area's function, and;

- c) Applications for a change from tourism use should, where appropriate and necessary include information on proposals for the restoration of the building, to include the removal of any unsightly features considered to affect the character of the area. Evidence of neglect of properties will not be a reason supported for change of use of holiday accommodation that could otherwise be used for tourism purposes.

The submitted design and access statement states that the proposed use would not be an HMO, the specific use would be for supported living - an emerging model of facility that is currently in short supply. The proposal is therefore considered to pass criterion a) of Policy PNP14.

The context of the area surrounding the site is one of a mix of tourism and residential properties. The previously refused application on this site (P/2022/0972) did not provide suitable evidence to meet criterion b) of Policy PNP14 which resulted in a reason for refusal. However, the current application is supported by a design and access statement which provides an argument as to why the applicant considers that the development proposed would not detract from the areas function. The operation

of the site as a hotel/B&B has ceased. The hotel/B&B has limited facilities and might be considered to be of limited tourism significance.

The applicant states that the site is a modest sized bed and breakfast facility which was run by the owners and did not employ any staff and therefore its loss to the tourism function of the area, and the local tourism economy is negligible.

In the context of the amount of tourist accommodation nearby to the site, particularly within the Local Plan Core Tourism Investment Area, which encompasses Paignton sea front and includes the newly built hotels on the sites of the previous Park Hotel and The Lighthouse which provide an extra 280 hotel rooms to the area, it is concluded that the site is of limited significance to the overall tourism offer in the vicinity.

The proposal is therefore considered to largely meet the requirements of criterion b) of Policy PNP14.

The proposal includes the removal of hotel signage which would have a positive visual impact on the building. Although extensions have been made to the original building during its time as a hotel/B&B, the removal of these would appear overly onerous and not viable. The proposal is, as far as practicable, considered to meet criterion c) of Policy PNP14.

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. Policy H6 supports measures to help people live independently and to live active lives within the community.

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. "Out-of-date" is defined as not having a five-year supply of deliverable housing sites or where the delivery of housing over the previous three years was below (less than 75% of) the requirement.

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. The provision of 10 supported affordable units is a substantial, the proposal is considered to have an acceptable impact on the tourism offer in Paignton and is considered to be in compliance with the development plan as a whole. The presumption in favour of development further to paragraph 11 of the NPPF is not outweighed by loss of the hotel use on the site, and the proposal complies with Policies H1, SS11 & SS13 of the Torbay Local Plan and Policy PNP14 of the Paignton Neighbourhood Plan.

Bearing the forgoing in mind, the proposal is considered to be acceptable in principle. This broad position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of this assessment.

2. 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 proposal includes the removal of hotel signage which would have a positive visual impact on the building.

The proposed fire escape staircase would be located to the rear of the building and not significantly visible in the wider streetscene.

The proposal includes improvements to rear amenity space through the addition of hard and soft landscaping features.

The proposal would not result in any unacceptable harm to the character or visual amenities of the locality including the nearby conservation area and is considered to be in accordance with Policies DE1 and SS10 of the Local Plan, Policy PNP1 (c) of the Neighbourhood Plan, and the guidance contained in the NPPF.

3. 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

Each self-contained unit will have its own lounge/living area, bedroom, kitchen and bathroom. With regard to the floor areas of the self-contained units, each unit is for one person. Under the Nationally Described Space Standards the floor area should be 37sqm. However, the nature of this proposed use is different from fully independent living and the shared facilities, including a dining room, kitchen and toilets, provide a social environment in support of the private spaces. Although some of the units have smaller floor areas, the overall floor space provision for the ten units is acceptable subject to the use of the entire site being limited by condition. It is considered appropriate to impose a condition limiting the use to ten supported living units under Use Class C2 with ancillary facilities (lounge and support areas) limited

to a maximum of ten occupants. It is also considered necessary to restrict it to a facility operated by Westward Housing Group.

Every habitable room is considered to provide adequate outlook and levels of natural light for its residents albeit that some of the bedroom windows would look out on to the external fire escape staircase. The proposal includes improvements to the rear amenity space to provide a garden area, paved seating area, facilities to grow vegetables and a turfed area for drying clothes. The site is also in a highly sustainable location being within walking distance of the town centre, transport links, public gardens and the beach.

Neighbouring occupants

The proposal involves the addition of an external fire escape to the rear and the addition of a new window at first floor level on the west elevation. Given that the proposal involves no extensions to the property, the proposal would not result in any loss of outlook or natural light. The proposed new window would face into the east elevation of Paignton Court (to the west of the site). This elevation does have some existing windows on its east elevation, however, overall, given that the proposal is only for one new window and as the proposed relationship would not be uncommon in a built up area such as this, it is not considered it would give rise to unacceptable level of overlooking of neighbouring properties.

Staff facilities are positioned where they will be easily accessible and allow surveillance of shared area as well as provide a first point of contact with the neighbouring community in the event that any concerns arise. The ethos of the Care model is to aid resocialisation and to reintroduce the residents to independent living and learning. Community Safety have raised no objections to the proposal and Westward's management regime aims to address amenity concerns relating to the use. In addition, it is proposed that CCTV will be installed. It is considered that a condition requiring the site to operate in accordance with a management plan is appropriate, the measures within the management plan would act to limit anti-social behaviour, noise and nuisance.

Criterion iii) of Policy H6 of the Local Plan states development proposals (for care homes or assisted living facilities) will only be supported where they will not harm the creation or retention of mixed and balanced communities. 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 assisted living accommodation within Torbay and it is, therefore, considered that it would help to maintain a mixed and balanced community within the area and would provide a facility to those disadvantaged within Torbay.

Subject to conditions, the proposal is considered to be in accordance with Policies DE3, H6 and SS11 of the Local Plan and PNP1(c) of the Paignton Neighbourhood Plan.

4. Access, Movement and Parking

Policy TA3 and Appendix F of the Local Plan states that flats should be provided with 1 on-site parking spaces for motor vehicles, cycle storage, and provisions for the storage of refuse bins and recycling boxes.

The application is for the conversion of a hotel to 10 x 1 bed supported flats. There are six existing car parking spaces on the site which are to be retained. These spaces are to be unallocated. Electric vehicle charging facilities are to be provided on-site.

Appendix F of the Torbay Local Plan (2012 – 2030) states that for 'Homes for the elderly and people in need of care' one car parking space is to be provided per eight residents. Considering the quantum of development proposed it is considered that the six car parking spaces is acceptable for the residents and staff at the site. Visitor car parking is available on local roads in the highway network. The applicant had advised that, in practise, future occupiers are unlikely to own cars.

The applicant has stated that secure cycle parking is to be provided on site and this is shown at the rear of the property on the submitted plans. 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 10 cycles. Details of the proposed cycle storage can be secured by condition, and this is recommended.

The applicant has stated that refuse collection will be retained as per the existing operation from the rear of the site. Highways have confirmed that this is considered acceptable.

Considering the extant use of the site and small quantum of development proposed it is considered that the proposed development will not result in severe impact upon the operation or safety of the local highway network.

The previous application on the site (P/2022/0972) included a highways reason for refusal due to a lack of information to show the provision of electric charging points, allocated or unallocated parking, the quantum of cycle parking and refuse management plan. The current application includes these details with the highways consultation response advising that the quantum of the cycle parking be provided. It is considered that this information can be requested by condition.

Subject to conditions to secure cycle storage and to ensure that the car parking spaces are retained and kept available for use for parking purposes, the proposal is considered to be in accordance with Policies TA2, TA3 and Appendix F of the Torbay Local Plan and Policies PNP1 (d) and PNP1 (h) of the Paignton Neighbourhood Plan.

5. 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 site is occupied and not in an area identified as likely to house protected species. The proposed development is for change of use and does not involve works to the roofs. The presence of protected species is unlikely. However, an informative advising a precautionary approach can be imposed on the planning decision.

The proposal is therefore considered to be in accordance with Policy NC1 and Policy C4 of the Local Plan and Policy PNP1 (c) of the Paignton Neighbourhood Plan.

6. 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 Flood zone 3, Policy ER1 requires a detailed flood risk assessment to be submitted with a planning application. The previous application on the site (P/2022/0972) did not include a sufficient site specific flood risk assessment which resulted in a reason for refusal of the application.

This current application is supported by a site specific flood risk assessment which has been reviewed by the Councils Drainage Engineer and the Environment Agency. The consultation responses from both state that, providing all the flood mitigation measures identified within the site specific flood risk assessment are incorporated into the final conversion of this building, the proposal is acceptable and would accord with Policy ER1 of the Local Plan. Concerns raised in the Planning Policy consultation response have been shared with the Environment Agency who have reiterated that they have no objection to the proposal subject to the flood mitigation measures being incorporated.

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.

7. 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.

The applicant has stated that refuse collection will be retained as per the existing operation from the rear of the site.

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.

8. 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 which includes the installation of CCTV 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.

9. Low Carbon Development

Policy SS14 (Low Carbon Development and Adaptation to Climate Change) requires 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.

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.

The proposed conversion of the building will largely utilise the existing footprint and internal layout.

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 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. 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 – Not applicable

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 previous reasons for refusal are considered to have been addressed.

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.

Officer Recommendation

Approval: Subject to;

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 1

The property shall only be used for the provision of residential accommodation (comprising ten self-contained flats) and care to people in need of care and for no other purpose (including any other purpose in within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

No part of the development shall be occupied as non-residential institution accommodation.

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.

Use 2

The Class 2 residential institution hereby approved shall:

- a) only be used to accommodate residents who are already resident within the administrative area of Torbay Council and
 - b) only be operated by Westward Housing Group for the approved use.
 - c) serve a maximum of 10 residents at any one time
- When the premises cease to be used by Westward Housing Group for the approved use, the use hereby permitted shall 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 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.

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.

Parking

The existing car parking spaces on the site, shall be retained and provided for the free use of occupants and visitors to the site prior to its first occupation for the use hereby permitted.

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

Electric Charging Facilities

Prior to the occupation of the development hereby approved, the electrical vehicle charging point shown on the approved plan (ref:08302-TDA-DR-PL-0011 received 04.04.2023) shall be provided and made available for use. The approved electrical vehicle charging point shall be thereafter available for use, maintained and retained 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.

Flood Mitigation

The development shall be carried out in accordance with the submitted flood risk assessment (Ref.: 1806– C300, dated 3rd April 2023 by True Consulting Engineers) and the following mitigation measures it details within section 6.1.3 resistance measures and section 6.1.4 flood resilient measures.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: Reason: In the interest of flood risk safety in accordance with Policy ER1 and ER2 of the Torbay Local Plan and section 14 of the NPPF.

Management Plan

The development hereby approved shall be occupied in strict accordance with the approved Management Plan received 12.06.2023 at all times, or 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.

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.

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.

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