

## **Minutes of the Planning Committee**

**26 June 2023**

**-: Present :-**

Councillor Jacqueline Thomas (Chairwoman)

Councillors Billings (Vice-Chair), Cowell, Fox, Joyce, Maddison, Tolchard and Virdee

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### **7. Apologies for absence**

An apology for absence was received from Councillor Pentney.

### **8. Minutes**

The minutes of the meeting of the Committee held on 30 May 2023 were confirmed as a correct record and signed by the Chairwoman.

### **9. 48 - 50 The Terrace, Torquay (P/2022/0895/MPA)**

The Committee considered an application for change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extensions, including conversion of 5 Montpellier Road with car parking to rear to create a total of 12 apartments (see accompanying application P/2022/0896).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Plan Forum in support of the application and Ms Nichola Burley addressed the Committee on behalf of Heritage Vision in support of the application.

At the meeting the Planning Officer provided an update on the background to the application and that application P/2022/0896 for listed building consent for change of use from office to residential was also before the Committee at this meeting. The Planning Officer also advised, that since the report had been published there had been an update from the Highways Authority:

- confirming that the swept path analysis was acceptable;
- a traffic speed survey at the site access was required to inform the potential need for visibility splays;
- suggesting amendment of the site layout plan to illustrate the provision of 12 car parking spaces (of which 20% should provide electric vehicle charging

points) or to demonstrate that the proposed development can operate safely and effectively with reduced car parking. This was addressed within the Planning Officer's report which set out the site constraints, impact on heritage significance and sustainable location.

Resolved (unanimously):

Approved subject to:

1. the conditions as outlined in the submitted report and final consultation response from the Highway Authority confirming no objections, with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. 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.

**10. 48-50 The Terrace, Torquay (P/2022/0896/LB)**

The Committee considered an application for listed building consent for the change of use from office (Use Class E) to residential (Use Class C3), internal alterations, extensions, including conversion of 5 Montpellier Road with car parking to rear to create a total of 12 apartments (see accompanying application P/2022/0895).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Plan Forum in support of the application and Ms Nichola Burley addressed the Committee on behalf of Heritage Vision in support of the application.

At the meeting the Planning Officer provided an update on the background to the application and that application P/2022/0895 for change of use from office to residential was also before the Committee at this meeting.

Resolved (unanimously):

Approved subject to:

1. the conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. 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.

**11. 21 Sands Road, Paignton (P/2023/0318)**

The Committee considered an application for the conversion of a hotel to 10 x 1 bedroom supported flats (C2 use), shared facilities and office spaces.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Adam Stewart addressed the Committee against the application. Ms Di Stirling-Chow and Ms Rosie Dinnan both of Westward Housing addressed the Committee in support of the application.

Resolved:

That the application be refused for the following reasons:

1. The proposed development results in the loss of a tourism facility which will have a detrimental impact on the setting of the tourism area and it has not been demonstrated that it is not viable to continue in tourism and where the loss of tourism facilities can have an adverse impact on the viability of this tourism area. As such it is contrary to Policy TO2 of the Torbay Local Plan 2015-2030.
2. The proposed development results in the loss of a tourism facility on a site where it has not been demonstrated that it is not viable to continue in tourism and where the loss of tourism facilities will have an adverse impact on rather than support the viability and function of this tourism area. As such it is contrary to Policy PNP 14 of the Paignton Neighbourhood Plan.
3. The site is in an area defined as within the deprived for overall deprivation and acutely deprived for living environment. The proposed use would result in the loss of an existing hotel and change to a building containing 10 self contained units for assisted living some of which would be below the space standards set out in Policy DE3 of the Local Plan. As a result, it would not contribute to improving the sustainability of existing and new communities within Torbay or contribute to closing the gap between the most and least disadvantaged neighbourhoods. The proposed would add to the concentration of living environment deprivation in the area. The proposal would fail to create cohesive communities within a high quality built and natural environment. As such, it is contrary to Policy SS11 of the Torbay Local Plan 2012-2030; and
4. The applicant has rejected the proposed condition in relation to personal use and no proposed legal agreement is in place as to how the premises would be managed in the absence of a personal use condition.

**12. Lincombe Keep, Lincombe Drive, Torquay (P/2023/0081)**

The Committee considered an application for formation of an additional storey with external terrace and alterations.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Iain Collinson addressed the Committee against the application and Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Plan Forum against the application. Mr Keegan Ferreday of Baseplanning addressed the Committee in support of the application.

At the meeting, the Planning Officer advised that since the report had been published two additional objections had been received. In the course of reviewing these Officers had noticed that the Officer Report incorrectly said that the site was not in an Urban Landscape Protection Area (ULPA). The site was in the Ilsham Valley/Lincombe Slopes ULPA. However, this did not change the Officer recommendation for approval.

The Planning Officer explained that the Planning Inspector's decision to uphold the appeal for previous application P/2023/0403 meant that the applicant already had planning permission to build the additional storey without any further involvement with the Local Planning Authority. This decision could not be changed regardless of how the current application (P/2023/0081) was determined.

During a short adjournment, the Planning Officer obtained clarification from the applicant as to how the internal floor to ceiling height of the additional storey as proposed would be increased from 2.145m (as specified in previously approved application P/2022/0403) to 2.4m without raising the external dimensions of the roof as approved under P/2022/0403 in order to assist the Planning Committee in their deliberations.

Resolved:

Approved subject to:

1. the conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. 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.

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Chairwoman