

Application Number

P/2013/0066

Site AddressThe Arboretum
West Lane
Paignton
Devon
TQ3 3YG**Case Officer**

Mrs Helen Addison

Ward

Blatchcombe

Description

To regularise the conditions attached to P/2008/1217/PA and P/2009/0479/PA Planning Approvals, the 2008 & 2009 Section 106 agreements with the content of the 2012 Section 106 amendment.

Executive Summary/Key Outcomes

The application is to vary the S106 agreement in respect of the approved tourism development on the site. The variation would a) delay the payment of sustainable transport and monitoring contributions until after the conversion of the existing building on the site, but before construction of the new build units, and b) allow provision of a longer leasehold interest and for the holiday units to be subject to a mortgage.

It is also proposed to revise conditions relating to the provision of the Leisure Facilities Building, Phasing and Drainage.

These revisions are required to enable the main building to be converted initially, in order to kick start the development. The variations will still provide for the completion of the leisure building, which will be linked to the provision of the new build holiday homes, and for the new building on site to accord with previously approved conditions.

Recommendation

The S106 agreement and conditions be varied as requested by the applicant.

Statutory Determination Period

The eight week date is 28th June. The decision on this application will be made outside the 8 week target date. The reason for the delay is that the requirement to bring the matter of the variation of the 106 agreement to members of the committee.

Site Details

Site of Barton Pines, which is situated about 2 kilometres to the north west of Collaton St. Mary on the edge of Torbay's administrative boundary with South Hams.

The site was most recently used as for holiday purposes. There is a substantial main building on the site and there were a number of pitches within the grounds.

Detailed Proposals

The application is submitted to make the following revisions to the S106 agreement relating to the development of 'holiday village to form lodges; cottages; apartments and leisure facilities' (Ref: P/2008/1217/MPA) on this site;

- Revise the trigger for payment of the Sustainable Transport contribution from prior to the commencement of development to prior to the commencement of units 2-41 on the site.
- Revise the trigger for payment of the monitoring contribution from prior to the commencement of development to prior to the commencement of units 2-41 on the site.
- Amend the restriction on the sale of the site.
- The application also includes the following revisions to conditions on applications P/2008/1217PA and P/2009/0479:
 - The leisure facilities to be provided and made available for use within 20 months of the commencement of development of units 5-20 or 34-41 and before the occupation of units 2-4 or 21-33
 - The phasing of the development to accord with drawing reference 1489.1.7.3P
 - The implementation of the approved Foul and Surface Water Management Strategy not to apply to units 42-50.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received

Relevant Planning History

- P/2008/1217/PA Formation of holiday village to form lodges, cottages, apartments and leisure facilities. Conditionally approved on 25/11/2008, subject to a Section 106 Agreement to ensure, inter alia, that the cottages, flats and lodges are used for holiday use only. A maximum of 59% of the approved units were to be sold on long leaseholds and the remainder retained within the ownership of the developer to be let for holiday purposes only. 25.11.88
- P/2009/0479 Amendments to previous approval (ref application P/2008/1217/PA)- enhanced leisure facilities building; additions to lodges and cottages; extensions to existing main building Approved 10.08.09
- P/2012/0461 Variation of S106 on application approved 11.10.12
- P/2012/1105 Alterations to roof terrace to become enclosed extension with patent glazed roof light; provide lift tower at roof level behind conical tower; insert roof lights and amendments to fenestration approved 22.11.12

Key Issues/Material Considerations

The main issue is the effect of the proposed revisions to the S106 agreement and conditions on the character of the development and the necessity to deliver and maintain a tourism offer at the site.

At paragraph 28, the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Policies TUS, TU3 and TU5 in the plan support the provision of new tourist facilities. The expansion of tourist and visitor facilities is supported at this site and the delivery of the scheme is currently unlikely to come forward in the absence of a revised s106.

The proposed revision to the S106 agreement would enable the existing main building on the site to be converted prior to the payment of sustainable transport and monitoring contributions. A flexible approach to the initial conversion of the main building has previously been allowed by the Council under application reference P/2012/0461 (which allowed work to commence on conversion of the main building prior to the delivery of the Leisure Facilities Building) and the proposed revision to payment of these contributions would be consistent with this decision.

The proposed extension to the lease period on the site and acknowledgment that the holiday units may be leased with a mortgage would not affect the character of

the development, since freehold would remain intact.

The proposed revisions to the conditions relating to the provision of Leisure Facilities and Phasing are to regularise the position previously agreed under application reference P/2012/0461 (that work can commence on conversion of the main building prior to the delivery of the Leisure Facilities Building).

The proposed revision to the drainage conditions would allow the conversion of the existing main building without complying with the approved Foul and Surface Water drainage strategy. As this building already exists its conversion would not place additional demands on drainage on the site and as such this too would be acceptable.

Conclusions

In conclusion, the proposed variation to the S106 agreement would be acceptable, as it would still ensure sustainable transport and monitoring contributions would be paid prior to the completion of the majority of the development on the site. The proposed revision to the lease period would not change the character or form of development on the site.

The proposed revisions to the conditions would continue to ensure that the Leisure Facilities Building would be delivered prior to the completion of the majority of development on the site and that the approved drainage strategy would be implemented for all new build units on the site.

It is now hoped that with these changes in place the development can begin to take shape, providing the desired tourism outcomes for the economy of Torbay.

Relevant Policies

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