

P/2011/0427/PA

Wellswood Ward

Danby Lodge, Lincombe Drive, Torquay

Alterations and change of use from C3 to C2 Residential Care, including internal alterations and landscaping

Site Details

Comprises a detached late Victorian building on a prominent slope overlooking the sea, which was formally Danby Lodge Hotel but has more recently been established as a single residential dwelling through a recent planning application. It is in a poor condition and is virtually derelict. To the north of the site are the modern post-War properties along Oxlea Road, to the west are modern town houses, to the east is Castle Tor and its associated Grade II Listed garden. There is a TPO (Order No. 1972.10) that protects trees on the lower garden slope.

Vehicular access is from Lincombe Drive and via Danby Heights Close, a road constructed to serve the town house development adjacent to Danby Lodge.

Relevant Planning History

P/2009/0425 - Alterations, extensions and conversion to form link between main house/bungalow/boiler room to form 1 dwelling with conservatory, double garage and gym, revised terracing and solar roof panels

Outline planning permission was granted for demolition of the building and its replacement with 9 flats, P/2001/1152. Reserved Matters approval was refused, P/2003/0030, and the consent has now lapsed.

Relevant Policies

Saved Torbay Local Plan 1995-2011:

- CFS Sustainable communities strategy
- CF6 Community infrastructure contributions
- CF15 Accommodation for people in need of care
- TS Land use transportation strategy
- T3 Cycling
- T25 Car parking in new development
- T26 Access from development on to the highway
- H8 Change of use from housing to other uses
- L8 Protection hedgerows, woodlands and other natural features
- L9 Planting and retention of trees
- BES Built Environment Strategy
- BE1 Design of New Development

Proposals

Change of use from single dwelling (Use Class C3) to residential care home (Use Class C2), including internal alterations and landscaping.

In regard to the character of the business the development will seek to home both able and disabled residents under the umbrella of care, but where maximum independence is encouraged and the principle of a household predominates. The building is expected to be staffed at all times by 2-4 full-time employees, but not with live-in staff, and more widely create 10-12 full time posts and some part-time posts.

Consultations

Highways Department - No objection.

Sustainable Transport Team - Apply SPD.S106 for covered, secure parking for 3 staff bikes (if using garage, bike must be accessible with car inside). 2 Sheffield cycle stands at main visitor entrance. No on road parking, contribution towards improving local public transport services / infrastructure which operate in the local area.

Representations

A small number of representations have been received from adjacent occupants, which raise the following concerns;

1. Vehicular access off the private road is unsuitable and will cause parking, manoeuvring and maintenance issues
2. Inadequate parking facilities to support the commercial operation
3. The proposal would increase the pressure on a residential drainage system and it should be tested to ensure it is capable to support the use
4. Support the previous scheme for a single dwelling but not a commercial venture
5. Impact on the amenity of the neighbouring occupiers, through noise etc.

These are re-produced at Page T.201.

Key Issues/Material Considerations

Policy CF15 of the Local Plan states that proposals for the provision of accommodation for the elderly or other people in need of care should;

- i) provide premises that are well related to the local residential community and public transport, and within walking distance of local shops and other amenities,
- ii) not conflict with landscape or nature conservation policies,
- iii) have adequate amenity space within the grounds to permit appropriate landscaping and attractive surroundings for residents,
- iv) provide appropriate parking and access inline with local plan policies,
- v) not supply an over-concentration of uses within the area and not be detrimental to the character or amenities of the neighbourhood, and
- vi) supply appropriate accommodation for staff whether on site or with direct communication with residents, to ensure that there is proper care and management of the facility.

Appropriateness of the use in context

The proposal sits adjacent to residential properties on the coastal edge of suburban Torquay, approximately 1km away from the Wellswood Local Centre. Although Lincombe Drive is not served by buses, public transport can be picked up approximately 250m away on Higher Lincombe Road via interconnecting public steps adjacent to the entrance to Danby Heights Road. Although the context is almost peripheral it is considered to be suitably integrated within the local residential community and positioned close enough to shops and public transport to enable the satisfactory integration of the proposed use into the community.

Landscape and nature conservation

In respect to landscape and nature conservation policies the proposal details a limited degree of actual physical change to either the established footprint or the bulk of the building already established. It is not considered that the proposal is likely to conflict with either category of policy. It is however pertinent to require a greater degree of detail on the management of tree specimens on the site, certainly in light of further issues noted directly below.

Amenity space

The site is relatively restricted in terms of the associated outdoor amenity space with some of this space of limited value due to the sloping topography of the site and the existing high level of scrub and tree growth. As such a suitable landscaping scheme and a tree/woodland management scheme should be submitted prior to commencement in order to maintain and enhance the amenity value of the

site for the new residents.

Parking / Access

Local Plan parking policy suggests the supply of one space per eight residents, with parking for disabled supplied in addition to this. The proposal provides two spaces with an additional two disabled spaces, which accords with policy guidance.

The access is to be provided through separate pedestrian and vehicular accesses on to the adjacent private drive that serves the plot and a small number of adjacent residences (Danby Heights). The parking and access arrangements have been passed by the Authority's Highways Department and are hence considered acceptable on planning merit. It should be noted that the Authority's Sustainable Transport Team have impressed the need for adequate on site cycle parking to serve residents and employees, and as the scheme put forward does not any ambition on this front it is considered suitable to condition a suitable supply of secure covered parking.

Impact on neighbouring living conditions

The proposed development is relatively peripheral and would not result in a high concentration of such uses in the area. It is accepted that there could be a degree of additional movement to and from the site and possibly a degree of additional noise generated by the proposed use. However, given the size and nature of the proposed use, the degree of these potential impacts is likely to be relatively insignificant. It is also pertinent to recognise that the proposed care use is compatible with residential environments and it is openly suggested in policy that such uses should be integrated in such areas.

It is also noted that the building has previously operated as a hotel and within the past 10 years, planning has been granted for 9 flats on the site, those uses would be likely to result in more problematic relationships with neighbouring occupiers than the use now proposed. Having considered the relationship with neighbouring occupiers and the relevant planning policy the scheme is considered acceptable in terms of neighbour amenity.

In respect to the management proposals the applicant has confirmed that there will be no live-in staff but that the building would be staffed at all times by 2-4 employees. With schemes where there is a change or an intensification of occupancy with shared facilities and/care there is the potential for personal conflict or issues of noise or other forms of nuisance, both to direct occupants of neighbouring occupiers. It is therefore considered essential that the proposal is supported by suitable on-site management and supervision.

Planning Contributions

The proposal will provide a use of the site that would result in greater pressure upon the local physical and social infrastructure. With regard to the Authority's adopted guidance on the matter it is concluded that it is reasonable to seek sustainable transport contributions in regard to sustainable transportation for the C2 care use, whilst mitigating such contributions appropriately for the current lawful use as a hotel.

The figure sought per 100m² is therefore considered to be £13,020 (C2 use) less that of a hotel (C1 use) classed as being peripheral to the built up area, which is detailed as being £7,190. This equates to a mitigated sum of £5,830 per 100m² that ultimately triggers a total planning obligation of **£33,406**.

Economic/regeneration

The application seeks to bring back into use a defunct site that makes no commercial contribution to the social and economic well-being of the area. The investment will restore this part of the built environment and, importantly will provide a number of full and part-time jobs (approx 2-4 FTEs) along with additional direct and indirect jobs associated with the use of the building.

Sustainability - Retention and refurbishment of an existing building is a highly sustainable approach and the proposed use will fall within a sustainable location, albeit on the edge of the urban

environment.

Crime and Disorder - Neutral issues

Disability Issues - The scheme will provide care for able and disabled residents and will be required meet the relevant regulations for the provision of a safe environment for the residents.

Conclusions

The proposal is considered to be inline with planning policy in respect to the provision of accommodation for people in need of care, and with a number of planning conditions in order to secure a suitable form of development and use, the proposal is considered acceptable.

Recommendation

Site Visit; Conditional Approval; subject to the signing of a section 106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within three months of the committee resolution. Conditions to include the schedule attached and any other conditions deemed necessary by the Executive Head of Spatial Planning.

Condition(s):

01. At all times the proposed operation shall be directly supervised and supported by a 24 hour on-site owner/manager or other suitably qualified person/s, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate management measures are in place to provide a suitable form of occupancy and protect against potential harmful amenity implications, in accordance with Policy CF15 of the Saved Torbay Local Plan 11995-2011.

02. Prior to the commencement of the development a strategic landscaping scheme, including a woodland management plan for the lower garden slope which contains protected trees, shall be submitted to and approved in writing by the Local Planning Authority. The woodland management plan shall be strictly adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a satisfactory amenity space to support the level of occupation and to ensure that trees which are subject to a tree preservation order are properly managed in the interests of local amenity, in accordance with Policies CF15, L8 and L9 of the Saved Torbay Local Plan 1995-2011.

03. Prior to the commencement of any works on site, including demolition of site clearance, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

a) Tree protection measures for the boundary planting. Once approved, these shall be put in place and retained for the duration of the works unless otherwise agreed in writing by the Local Planning Authority.

b) details of the site compound, storage areas, and site hut. Once approved, all works on site shall be confined to these areas unless otherwise agreed in writing by the Local Planning Authority.

c) Measures to protect the TPO trees on the lower garden slope from harm during construction on site. These shall be put in place when approved and retained on site for the duration of the works unless otherwise agreed in writing by the Local Planning Authority.

Reason : To ensure that trees which are subject to a tree preservation order are protected during

construction and to accord with policies L8/L9 of the saved adopted Torbay Local Plan 1995-2011.

04. The boundary detail and improvements shown to the existing entrance extension as indicated on Plan no. 853.04 and 864.02, which include the installation of matching fenestration and the cut back of the excessive eaves overhang shall be implemented in full prior to occupation of the dwelling.

Reason : To ensure that this public face of the building is suitably improved and to accord with Policy BES and BE1 of the saved adopted Torbay Local Plan 1995-2011.

05. The basement level garage elevation that faces Danby Heights Close, as shown on Plan No. 864.02, shall be faced in natural stone prior to the first occupation of any room.

Reason: To provide a suitably recessive appearance and form of development, to accord with Policies BES and BE1 of the Saved Torbay Local Plan 1995-2011.

06. The replacement terrace adjacent to the boundary with Castle Tor shall not extend any further than the existing hard surfaced area.

Reason : To help protect boundary planting and to ensure that the new development does not extend to the boundary with the adjacent Listed Gardens, to comply with Policies L8, L9 and BE8 of the saved adopted Torbay Local Plan 1995 - 2011.

07. Prior to the first occupation of the first room of the proposed operation the car parking provision, as detailed on the approved plans, shall be completed in full and made available for use, and maintained as such at all times from that time unless otherwise approved in writing by the Local Planning Authority.

Reason: To provide suitable parking arrangements inline with Policy T25 of the Saved Torbay Local Plan 1995-2011.

08. Prior to commencement of development a scheme for the provision of 3 covered and secure cycle parking stands shall be submitted and approved by the Local Planning Authority.

Reason: To provide adequate cycle facilities to serve the development, in accordance with Policy T3 of the Saved Torbay Local Plan 1995-2011.

09. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development., whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and to ensure that the development complies with policies L8, L9 and BE2 of the saved adopted Torbay Local Plan (1995-2011).