

Application Number

P/2016/0571

Site AddressHotel Blue Conifer
Higher Downs Road
Torquay
TQ1 3LD**Case Officer**

Mr Scott Jones

Ward

St Marychurch

Description

Demolition & redevelopment to form 9 sheltered apartments for the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access

Executive Summary/Key Outcomes

The site is the corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, currently occupied by a two-storey interwar building with rendered walls under a clay tiled multi-pitched roof. The building is in use as a small guesthouse known as the Hotel Blue Conifer.

The site is outside the adjacent Core Tourism Investment Area that covers the building group that fronts The Downs to the south. It also lies outside the Babbacombe Downs Conservation Area that covers the largely Victorian development around The Downs to the south.

The proposal has been substantially amended during the period of the application in response to design concerns raised by officers. The original submission was deemed to be a poor response to the context and harmful to the visual amenities of the area.

The initial proposal sought to replace the existing building with one that in terms of design was essentially a collection of gabled pods. This building was largely rendered but it also presented large glazed gables at roof level and numerous roof terraces enclosed with glass amongst the interconnected clay tiled roof slopes. This scheme sought to provide 10 sheltered apartments served with parking off two access points.

The revised proposal now seeks to replace the existing building with a substantially different form of building to that initially proposed, to provide 9 sheltered apartments with one replacement access off Higher Downs Road to serve 9 car parking spaces provided on the site.

The revised proposal presents a form of building that is now in keeping with the

character of the interwar building group in which it sits. The building is now clearly two-storeys in character with rendered elevations under a steeply pitched multi-planed clay tiled roof. The accommodation within the roof storey is now served by moderate scaled dormers set in the various roof planes which is a more successful approach to providing habitable space at roof level. The architectural form is now supported as it successfully echoes the local character of buildings from the interwar period in the area and the scale of building is acceptable in what is large corner plot

Aside of the design the proposal also retains an open feel and landscape setting to the plot, which is a positive local characteristic. Rationalisation of the parking and access has improved the quality of the proposed amenity space and there is scope for additional planting to soften the building.

Neighbour amenity is adequately protected as the building is retained to a height that reflects the prevailing local form and the location and orientation of windows to the side elevation prevents any undue overlooking and loss of privacy. To the rear the distances alone are satisfactory in order to protect privacy.

The loss of the holiday accommodation is acceptable in as the accommodation sits outside of the Core Tourism Area of the frontage development along The Downs to the south and the holiday accommodation is considered of limited significance in terms of its scale and quality.

The demolition of the existing building is acceptable as the building is not listed nor does it sit within a Conservation Area, and hence it could be removed through permitted development under a prior notification process that affords the Local Authority only limited control.

A detailed design of the drainage solution is being evolved by the applicant and this should be secured prior to the grant of permission to provide certainty on this matter.

Recommendation

Approval, subject to;

- the submission of a surface water drainage design that is to the satisfaction of officers prior to the 15th October 2016, or within 6 weeks of the committee date should there be agreement of an extension of time by the applicant. In the absence of an agreed extension of time or an acceptable drainage detail the application should be refused as it would fail to prove that it would not increase the risk of flooding to buildings or land adjacent, or elsewhere, contrary to Policies ER1 and ER2 of the Local Plan, and;
- conditions delegated to the Head of Spatial Planning, to include those outlined within this report.

Statutory Determination Period

An extension of time has been agreed with the applicant until the 15th October 2016 in order to permit the revised proposals to be submitted, re-advertised and considered.

Site Details

Hotel Blue Conifer is a two-storey detached building of a principally domestic scale set on a corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, Torquay, close to the northern end of Babbacombe Downs. The building has a painted render exterior with a clay tiled multi-pitched roof. It sits at the southern extent of a predominantly residential estate that has a relatively strong character which was built out during the early part of the 20th Century. This interwar estate is known locally as the Hampton Estate and it displays a softer more open character than the grander scaled less suburban character of the Victorian development along The Downs and to the south.

The building sits in a relatively large plot and there is a soft garden setting to the north and east of the building off Higher Downs Road. There is a less verdant feel to the west and south of the building off Babbacombe Downs Road with car parking, hardstand and where extensions and outbuildings predominate within the more limited space between the building and the plots borders.

There is a single vehicular access off Higher Downs Road close to the junction with Babbacombe Downs Road with parking for a number of cars along the southern border of the plot.

The site sits adjacent to the northern border of the designated Babbacombe Downs Conservation Area, which extends to the road edge to the south of the plot. It also sits outside the Core Tourism Investment Area which also sits to the south and covers the linear development that fronts The Downs. There is a Blue Atlas Cedar protected under a Tree Preservation Order to the east of the building near to the corner of the plot.

Detailed Proposals

The application has been amended with revised plans submitted on the 15th September and re-advertised on the 21st September.

The initial proposal sought the demolition of the existing building and redevelopment to form ten sheltered apartments with a new access. The design of this development was a rendered building formed principally through conjoining five gabled pods with 2 units within each element. The roof space between the interconnecting gabled pods was used to provide terraced areas enclosed with glass balustrades. There was an additional access proposed and 10 car parking spaces were to be provided, with two off the existing access within a reduced area of hardstand and 8 off a new access further along Higher Downs Road.

Officers expressed substantive concerns over the design of this initial scheme and following discussions with the applicant amendments were sought to overcome these concerns. A revised proposal has been submitted and this has been re-advertised. The proposal is now for nine sheltered units provided within a more traditional building form that seeks to better reflect the existing building and the wider character of the Hampton Estate.

The amended proposal presents a two-storey rendered building under a red clay tiled roof. There are three floors of accommodation with four units provided on the ground floor, four units on the first floor and one unit together with supplementary accommodation for two of the first floor units on the second floor in the roof space. The roof is now inset with moderate scaled dormers and rooflights to provide natural light and outlooks to the upper floor accommodation and there are no longer any roof terraces proposed or excessive glazing gables. The units are all generously scaled with the smallest providing 90 square metres of accommodation and the largest 150 square metres. The access and parking arrangement has been reconsidered to respond to officer concerns and the scheme now proposes that the existing access and parking is removed in full and reformed as garden, and that a new access is formed off Higher Downs Road further away from the junction, to provide on-plot parking for 9 vehicles. Buggy and cycle storage is provided within the building and in a relatively small low-level outbuilding set beside the car park. Waste storage is also provided for within a small ancillary building adjacent to the new access point set behind the boundary wall.

Summary Of Consultation Responses

Conservation and Design Team:

Revised proposal: The proposal is a far better response to the context and presents a better use of modern materials, such as the clustered flues.

Urban Design Advisor:

Revised proposal: The general architecture is much improved and supported. It is important that detailed design elements are carefully considered to make a success of the building. The provision of a single location for parking is more successful but this could be improved by breaking up the run of parking with landscaping. The offset introduced within the building that turns the footprint has been reduced is now more subtle and successful. This has also allowed the simplification of the elevation and roof treatment which has improved the design further. The flues as vertical elements provide welcome interest.

Natural England: No objection in regard to any statutory designated sites or landscapes. Likely impact upon protected species should be assessed using NE standing advice. The Authority should give due consideration to securing measures to enhance biodiversity if it is minded to grant permission in accordance with Para 118 of the NPPF.

Council's Drainage Engineer: Accepts that infiltration drainage will not be viable on this site and hence a discharge of the surface water from the site to the combined public sewer is acceptable at a controlled rate. As Torbay is a Critical Drainage Area the design of this should mimic the greenfield run-off rate within attenuation that is designed for the 1 in 100 year storm event plus a 30% allowance for climate change. The detailed design should be agreed prior to the grant of planning permission.

South West Water: Whilst there is no objection in principle the proposed surface water discharge rate should be reduced from the quoted 10l/s. This site may well fall within a Critical Drainage area and as such your Council may have its own requirements/policy in terms of surface water drainage which South West Water would support.

Highways / Strategic Transport: There is no in-principle objection on traffic/transport grounds.

The proposed new vehicular access is better located than the existing access and allows turning on site. The existing access should be closed or a turning area provided to ensure vehicles can enter and exit in a forward gear.

The proposal provides an over-provision of parking spaces with the local Plan standard being 1 space per 5 units. The provision of two disabled spaces is positive. Buggy/cycle storage should be provided, ideally with space for 1 buggy/cycle per apartment.

Green Infrastructure Officer: The accompanying ecological surveys confirmed there was bat roosting within the existing building and recommends mitigation including an application for a Natural England licence, temporary roosting habitat and bat tubes within the proposed building. The proposed mitigation should be secured by condition with the following points addressed:

- the development should be carried out strictly in accordance with the mitigation set out in section 3 of the Bat Emergence Survey,
- prior to demolition the authority should be provided with either a copy of a licence issued by Natural England or a statement in writing by Natural England or a suitably qualified ecologist that outlines why the works do not require a licence,
- a lighting scheme should be submitted, informed by an ecologist, that seeks to minimise any impact upon bats,
- temporary bat boxes should be secured along with permanent roosting features within the proposed building,

- vegetation clearance should be outside the nesting season unless previously inspected by a suitably qualified ecologist that confirms there are no nesting birds present, and
- detailed landscaping should be submitted and approved.

Arboriculture Officer: The proposal is suitable for approval on arboricultural merit subject to two conditions relating to the submission of a detailed landscape scheme that mitigates the loss of the trees (cypress and a yucca) proposed and looks to increase the visual amenities of the site in terms of landscape softening of the built environment. This should be supplemented by a condition for the requirement to protect the retained trees (which include a protected Blue Atlas Cedar) by securing the supporting tree report and protection methodologies.

Police Designing out Crime Officer Reference has been made to Security and Secured by Design within the design and access statement and many important factors have been incorporated within the design. Should approval be granted it is suggested that a condition requiring full compliance with Secured BY Design be attached.

Summary Of Representations

The initial scheme that was advertised resulted in seventy letters of representation being received. A summary of the main planning related concerns are detailed below.

- Poor design and harmful visual impact
- impact upon the conservation area
- impact upon the character of the Hampton Estate
- Too large
- Out of character
- Loss of views
- loss of light
- loss of privacy and overlooking
- noise and disturbance
- Loss of holiday accommodation
- Lack of parking
- Drainage
- Loss of garden space and ecological impact of this
- Set a precedent for similar redevelopments

Any further representations received following the re-advertisement of revised plans on the 21st September 2016 will be summarised to members at the Development Management Committee.

Relevant Planning History

P/2003/0906 Site of both the Blue Conifer Hotel and Hampton House - Redevelopment to form 32 sheltered apartments, access and parking - Refused / Appeal dismissed.

Key Issues/Material Considerations

The main issues are considered to be:

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision
2. Visual impact, including the setting of the Babbacombe Downs Conservation Area
3. Impact upon the residential amenity of adjacent occupiers
4. The quality of the proposed residential environments
5. Highway, parking and movement impacts
6. Flood risk and drainage impact
7. Ecological impact
8. Arboricultural impact

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision

The existing building is not listed nor does it sit within a designated conservation area. Therefore it could be demolished under permitted development subject to a prior notification process that presents very limited control for the Local Planning Authority, such as consideration as to how the building is to be demolished and how the site will be restored afterwards. As the building could be demolished under permitted development (subject to a prior notification process) the loss of the existing building is not a central issue to consider in this context and would be hard to resist in planning terms.

The principle of residential apartments on the site is considered acceptable as it would reflect and sit comfortably with the predominant residential character of the area to the north and to the west. The location is considered to be well suited for a residential use as the site is in a highly sustainable central location close to shops, social and recreational infrastructure and transport links.

The principle of providing a larger building (and a greater number of units) on the site is generally supported in Local Plan policy guidance and in the NPPF, with

both local and national policies aligned with the ambition that development seeks to maximise the re-use of urban brownfield land, subject to other considerations. In policy terms the provision of 9 units on the site will also aid the delivery of new homes and the Council's 5 year housing supply.

In regard to the loss of holiday accommodation Local Plan Policy TO2 (Change of use of holiday accommodation and facilities) provides key advice. Policy TO2 states that for accommodation outside of Core Tourism Investment Areas (such as this context) a change of use will be permitted where it does not undermine the holiday character or range of facilities of the area and where the site is of limited significance in terms of its holiday setting, views etc. The loss of this small hotel/guesthouse will not undermine the holiday character or range of facilities of the Babbacombe Downs area which has a strong linear focus of facilities that directly front The Downs. The hotel/guesthouse is also considered to be of limited significance as although it is in close proximity to The Downs it is set away from the direct coastal frontage and in this area the character quickly moves to a residential suburban context. The site sits in this context, adjacent to residents plots, which limits its value and potential in terms of holiday provision.

In summary, in terms of planning policy and principle the demolition of the building is accepted. The site provides a good location for a residential use as there is a residential character to the area and the site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This presents general accordance with the aims and objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan. Finally, the loss of the holiday accommodation is deemed acceptable as it would not undermine the holiday character of The Downs and it sits comfortably with the Council's Tourism Strategy (2009) "Turning the Tide for Torbay" that recommends that the oversupply of small and outmoded tourism accommodation be reduced, presenting general accordance with policy TO2 of the Local Plan.

2. Visual impact, including the setting of the Babbacombe Downs Conservation Area

The proposal is in a prominent corner site and its visual impact and potential effect upon the setting of the Babbacombe Downs Conservation Area is a key consideration.

In regard to the general scale the size of the revised proposal is considered to be acceptable. In regard to the design principles this is now a well designed modern building that responds well to the context. It presents sufficient design deference to what is a strongly characterised estate and the building successfully juggles a reflective pastiche approach with a modern twist that adds interest and architectural individuality to the building. This is considered the correct approach

for the site that could present a positive and slightly stronger corner building to the locality.

The footprint of the current building is reflective of the overriding built form and scale in this interwar estate. The current building does however sit in a plot that is larger than average and on plan it appears to be almost double the size of some of the other plots in the area. When considering the size of the plot there is considered to be scope for a larger footprint of building than that which exists, provided that it successfully responds to both the local vernacular and positive character of the area. This would achieve the policy requirement for the efficient use of brownfield land.

The depth of the proposed building is deemed to be consistent with the prevailing scale as numerous buildings within the estate are around 20m from front to back. In terms of its width the proposed building is greater than the prevailing size at around 28/29m wide, however as noted above the plot is wider than most individual plots and also wider than the plots of some attached pairs in the area that present a building width of around 18m. Although bigger than the existing building the footprint is considered acceptable as it manages to retain suitable gaps to the adjacent residential properties and presents a suitable landscape setting to the more prominent public borders where it manages to retain an open feel to the prominent corner of the plot at the junction of Babbacombe Downs Road and Higher Downs Road and a garden setting behind it. It is these positive outcomes that suggest that the plot could successfully support the size of building proposed without undue impact upon the character of the area.

In terms of height and scale the revised scheme clearly presents a two storey building under a pitched roof. The large elements of glazing and the enclosed roof terraces of the original scheme, both of which were deleterious elements, have been removed, which is a welcome move in terms of the design. This enables the third floor to be read as a roof and not a third storey and enables the roof to take a more singular and contextual form. The height and massing now successfully echoes the prevailing building form and it sits comfortably aside the adjacent buildings. The proposal now clearly responds to and reinforces the local character through its scale, height and basic form.

In terms of the design the building successfully addresses both public frontages and correctly presents a principal elevation and public entrance to Babbacombe Downs Road, whilst also importantly casting a fine architectural detail towards the public realm from the principal aspect towards the coastline and the prominent junction, when viewed from Higher Downs Road. This design response is welcomed as a well considered response to the corner setting for the proposed building.

The fenestration has been tempered and the glazing is now correctly a secondary element within the rendered elevations, which is reflective of the local

character. The previous expanses of glazing have been removed and the design now presents more orderly window openings and vertical bay features through the ground and first floor. This successfully responds to the fenestration pattern and bay details that predominate through the Hampton Estate.

The materials respond well to the context with simple rendered elevations under a red clay tiled roof providing a simple but successful palette for the building. Louvres and clustered metal flues are present within the design and these elements are considered positive aspects that, subject to the right detail which is proposed to be sought be condition, they have the potential to break up and enlighten the appearance of the building and provide a subtle introduction modern design elements that provide some individuality to the building as a piece of architecture.

An integrated landscape scheme should be sought to aid with the softening of the building and retain that verdant and spacious character which is a positive aspect of the local area. There appears scope to improve the setting towards Babbacombe Downs Road which has been compromised by poorly deleterious extensions and outbuildings and prominent hardstand for parking. The redevelopment would certainly enable this compromised area to be positively addressed.

To conclude the revised scheme now under consideration has responded positively to officers concerns and the proposal is now considered to present a positive design solution for the site that responds to the Hampton Estate and presents no harm to the setting of the adjacent Babbacombe Downs Conservation Area. The proposal is now compliant with Policy DE1 (Design) of the Local Plan and the NPPF in terms of seeking good design.

3. Impact upon the residential amenity of adjacent occupiers

In respect of amenity there are residential properties bordering the two private boundaries of this corner plot, to the northwest and west.

With the proposed building set principally within the southern half of the plot the impact upon the amenity of the occupiers of Hampton Lodge to the northwest will be limited. The scheme presents parking, landscaping and two low-level ancillary outbuildings to the northwestern border and these elements would not impact amenity across the private boundary treatment. The proposed building is set between 15m and 18m from the border with Hampton Lodge and between 26m and 30m from the dwelling itself. At these distances there would be no undue impact upon privacy through overlooking within a suburban context, where the building-to-building distance is generous and where the building to garden space is also relatively great and where some natural surveillance across plots is common. In terms of other amenity considerations the proposed building would not prevent an overbearing impact in terms of loss of outlook or light to the

northwest, due to its relatively limited scale and its location away from this border.

To the west the plot borders number 6 Babbacombe Downs Road and the side elevation of this property faces eastwards over the site of the Blue Conifer Hotel. It is noted that the side elevation of the adjacent property is inset with windows over two floors within a staggered building line that varies from 4m to 10m from the joint boundary. This affords some overlooking of the application site. In terms of amenity having considered the distance between the proposed building and Number 6 Babbacombe Road, which at its nearest point would be a 7m gap, the scale of building presented would not present an overbearing relationship or result in an unacceptable loss of outlook or light to the occupiers of this property.

In terms of privacy and overlooking the layout and glazing within the side elevation has been designed in order to limit any potential impact by presenting habitable rooms with forward and rear viewpoints. The arrangement is considered successful in terms of retaining the privacy afforded the adjacent occupier. The design is also considered a good response where the site suffers from some established overlooking from the adjacent property and enables habitable rooms to be provided with good outlooks and enhanced privacy. As a point of note the central side facing windows within the scheme that serve the bathrooms should be obscured glazed through condition to afford suitable levels of privacy and limit the impact of overlooking.

The scale of building and the relationship it presents with the border is ultimately not uncharacteristic and presents an acceptable side-to-side relationship and maintains suitable amenity levels for both properties.

Subject to limited condition in regard to obscure glazing of the upper floor bathrooms and en suites that face north west in line with the above the proposal is considered acceptable in terms of its impact on residential amenity and compliance with policy DE3 of the Local Plan.

4. The quality of the proposed residential environments

The individual apartments are all relatively large and are in excess of the minimum space standards laid out in the local plan.

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards as is the amount of communal garden space.

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and

policy DE3 of the New Local Plan.

5. Highway, parking and movement impacts

The revised scheme presents an improved access point to the current arrangement with the proposed vehicular entrance moved northwest along Higher Downs Road, further away from the junction with Babbacombe Downs Road. This is supported by the Council's Highway Engineers as this is likely to present a safer entry and exit point with improved visibility. It is important that the existing entrance is blocked up in order to achieve this improvement and this could be achieved through condition.

As a sheltered apartment scheme the proposal presents an oversupply of parking as Local Plan guidance seeks to achieve 1 space per 5 sheltered units. The scheme actually proposes a ratio of 1:1 which is in accordance with unrestricted apartment schemes outside of town centres. It is noted that parking pressures have been raised as a concern in representations and as it appears that adequate amenity space and landscaping can be achieved with the current extent of parking engrained within the scheme it is not considered necessary by officers to seek a reduction in the vehicular parking provision.

It is noted that the car parking arrangement provides adequate sized spaces and adequate manoeuvring space in order to enter and exit the site in a forward gear.

Cycle parking and mobility scooter storage has been engrained within the scheme through the mixed provision of space within the ground floor accessed from the rear of the building adjacent to the car park, supplemented by an ancillary outbuilding within the northwest corner of the site. Taken together the provision is considered acceptable and these should be achieved by condition citing the provision prior to occupation and retention for such purposes at all times thereafter.

With an improved and safer access secured, together with adequate parking and cycle/buggy storage provision, the proposal is considered acceptable on highway, movement and parking grounds, in accordance with the aims and objectives of Policies TA2 (Development access), TA3 (Parking requirements) and Appendix F (Car parking requirements) of the Local Plan.

6. Flood risk and drainage impact

Torbay has been designated a critical drainage area (CDA) with a more rigorous surface water disposal strategy required in order to ensure that brownfield sites achieve much reduced rates of surface water runoff.

The Council's Drainage Engineer has reviewed the initial flood risk and drainage strategy and it is accepted that infiltration drainage will not be viable for this site.

As a result discharge into the public combined sewer at a controlled rate will be allowed subject to an acceptable design. This should be achieved prior to the grant of consent to achieve certainty on the matter.

The applicant has been advised that as Torbay is a CDA any accepted surface water discharge to a public sewer must be limited to Greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 30% for climate change. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec.

The applicant submitted a revised detailed design strategy on the 26th September and this is currently being considered by the Council's Drainage Engineer. Members will be updated on the matter at the Development Management Committee and if this matter is still unresolved it is recommended that members delegate approval subject to the resolution of the drainage design prior to the 15th October or prior to a date agreed with the applicant. If it is not proven that that the development will not result in an increased risk of flooding on land or buildings adjacent or elsewhere the application should be refused as it fails to meet the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

7. Ecological impact

The accompanying ecological assessment has identified the presence of a roosting Pipistrelle bat and the report recommends mitigation including an application for a licence from Natural England, the provision of a temporary bat roost during construction and bat tubes being provided in the proposed building together with sensitive lighting. The Council's Green Infrastructure Officer has recommended appropriate conditions to ensure that the development proceeds with due consideration of protected species and these conditions are outlined at the end of this report.

The application should take opportunities available to enhance biodiversity in order to respond to guidance within the NPPF (Para 118) and Policy NC1 (Biodiversity and geodiversity) of the Local Plan. Both promote that Local Authorities should secure measures to enhance the biodiversity of the site when considering development proposals. To ensure a net gain it is recommended that any forthcoming landscape planting includes species that benefit wildlife. The detail of this can be secured by condition and together with the provision of bat roosting opportunities this should present opportunity for the authority to secure enhancement in-line with policy guidance.

Due consideration of the site's proximity to a SSSI at Babbacombe Downs to the south has been given and having cross-referenced Natural England's Impact

Risk Zone standing advice Natural England were formally consulted. The resulting consultation response identified that there was no objection as the proposal is unlikely to affect any statutory protected sites or landscapes.

8. Arboricultural impact

The proposal is considered to be suitable for approval on arboricultural merit.

The majority of trees present on the site are either small and therefore provide limited visual amenity with varying degrees of future potential amenity value, or they are of poor to fair quality and therefore also of low landscape value.

The layout and landscape proposals importantly retain the Blue Atlas Cedar that is protected under a Tree Preservation which sits close to Higher Downs Road. The scheme also provides adequate distance between the building and this tree to limit future pressure upon it.

There are cypress and yucca trees noted for felling, and part of holly, bamboo and laurel mix, and these are all either small trees or only offer minimal landscape and visual benefits. The removal of these is for these reasons however the development should look to increase the visual amenities through careful landscape planting and consideration of the provision of coastal tolerant tree species.

Subject to two conditions relating to the submission of a detailed landscape scheme that mitigates the loss of (cypress and a yucca) trees and looks to increase the visual amenities of the site in terms of landscape softening of the built environment, and requirement to protect the retained trees (which include a protected Blue Atlas Cedar) by securing the supporting tree report and protection methodologies, the proposal is considered suitable for approval on arboricultural merit and aligned with Policies C4 (Trees, hedgerows and natural landscape features) and SS10 (Conservation and the historic environment).

S106/CIL -

Government advice has confirmed that contributions relating to schemes of less than 10 units cannot be pooled and must be related to a specific project which is directly related and necessary to the development in question.

It is not considered that contributions outlined within the Council's Planning Contributions and Affordable Housing SPD would meet the tests bearing in mind in the recent changes to the legislation.

Conclusions

The demolition of the building is accepted as it is not listed nor does it lie within a conservation area and hence it could be removed under a relatively simple prior notification process.

The loss of holiday accommodation is considered acceptable and in-line with Local Plan policy guidance as the guesthouse does not provide a significant holiday offer and it does not sit in a Core Tourism Investment Area, which are the areas where there is a particular focus and more stringent policy guidance upon the assumption of retention of holiday accommodation.

The revised scheme has radically improved the design and the building is now considered to respond positively to the context and character of the area, in relation to the interwar estate.

The proposal is considered to afford future occupiers a good level of residential amenity and would not unduly impact the amenity of adjacent occupiers as its scale, location and detailed design will retain suitable outlooks, light levels and privacy.

The revised scheme will now improve the access arrangement for the plot as it proposes a singular access to a parking area set away from the junction, which provides a safer access and egress point for vehicular movement.

The scheme is considered suitable for approval for the reasons stated above and in this report. As the scheme has been substantially amended and re-advertised, should Members be minded to approve this should be subject to the receipt of no further representations raising new detrimental impacts that have not previously been considered and concluded to be acceptable within this report.

Conditions to include:

- samples of external materials and finishes
- detailed design of all glazing, louvers, vent pipes, recesses, eaves and fascias
- removal of existing parking and vehicular access and provision of new parking and access prior to the first use of the building
- provision of waste and cycle/mobility scooter stores prior to the first use of the building
- provision of any approved surface water drainage strategy prior to the first use and its retention thereafter
- obscure glazing to first floor bathroom and second floor en suites on the north west elevation
- tree protection measures in place prior to the commencement of development

- Development to be carried out in accordance with the mitigation set out in the Bat Emergence Survey to ensure no impacts on bats.
- Prior to demolition of the existing building, Torbay Council to be provided with either a copy of a license issued by Natural England in respect of bats authorising the works to go ahead; or a statement in writing from Natural England, or a suitably qualified ecologist, to the effect that they do not consider that the works will require a licence.
- Demolition to be carried out in strict accordance with the provisions of any NE license.
- A Lighting Scheme should be submitted for approval by Torbay Council informed by an ecologist
- 1 Schwegler 2F bat box (or similar approved) should be installed in a tree as a temporary roost whilst the building is under construction and 3 Schwegler 2FR bat tubes (or similar approved) should be installed within the fabric of the new building as shown in the Bat Emergence Survey
- Vegetation clearance to be restricted to periods outside of the bird nesting season (undertaken between September and end of February) or following confirmation from a suitably qualified ecologist that no breeding birds are present.
- A detailed landscape scheme to be submitted to Torbay Council for approval, to include proposed species, plant sizes, numbers/densities and details for on-going management, designed to seek biodiversity enhancement.

Relevant Policies

-