

**Application Number**

P/2016/0585

**Site Address**

Former Rossiter And Sons Site  
13-17 Palace Avenue  
Paignton  
TQ3 3EE

**Case Officer**

Carly Perkins

**Ward**

Roundham With Hyde

**Description**

Conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building to include a biomass boiler at basement level (proposal/description amended and revised plans received 30 August 2016)

**Update Report:**

On the 12th September, the Development Management Committee considered an application for the redevelopment of the three upper floors of 13, 15 and 17 Palace Avenue and the area of land to the rear of the site to provide 32 residential units. The Committee resolved to approve the application subject to conditions and the payment of up to £350,000 for to be used towards public realm improvements in the vicinity of the site. This decision was in accordance with Policies SS11 (Sustainable Communities) and H2 (Affordable Housing), which allow Members to "agree a reduction, or zero provision of affordable homes" on sites in Community Investment Areas.

Since this meeting, the applicant has considered the viability of the scheme if they were to provide a financial contribution, rather than 6 affordable units on site. The applicant has advised that, to ensure the development remains viable, the maximum contribution they could provide would be £200,000 towards town centre regeneration. They have requested any financial contribution is paid in two instalments, half following 50% of sales and the remainder following 100% of sales. Alternatively they remain willing to continue to provide 6 affordable units on site.

The figures provided by the applicant are currently being reviewed by an independent surveyor to ensure that the level of financial contribution is reflective of the true cost of providing six affordable housing units in this development scheme.

The application has been bought back to the Development Management Committee to allow Members the opportunity to reconsider the scheme in terms of whether they wish to see the provision of 6 affordable units on site or the £200,000 contribution towards town centre regeneration (£150,000 less that

initially requested). Members will be updated on the outcome of the consultation from the independent surveyor at the Committee Meeting.

Executive Summary/Key Outcomes:

*The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.*

*The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage, and within a Community Investment Area. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument. The site is also located within Flood Zone 1 within the Critical Drainage Area.*

*The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units to make a total of 32 units.*

*The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable. No parking is proposed, however this is a town centre site and provision is made for on-site cycle storage. An on-site landscaping scheme is proposed as part of the wider development and a biomass boiler is proposed within the basement area.*

*Subject to the resolution of issues relating to design, drainage, cycle storage and the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant floor space to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.*

Recommendation:

*Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions and/or affordable housing provision (subject to Member agreement), submission of revised plans demonstrating an acceptable design, drainage details, increased cycle storage provision and details relating to the biomass boiler; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Head of Spatial Planning.*

Statutory Determination Period:

*13 weeks, the determination date was the 23rd August 2016. This has been exceeded to allow the submission of revised plans, drainage details and for the proposal to be considered by the Development Management Committee.*

Site Details:

*The application site is the three upper floors of numbers 13, 15 and 17 of Palace Avenue to include an area of land extending north towards Bishop's Place. The site was previously in use by Rossiter's retail department store and whilst the ground floor has been retained in retail use the upper floors and store areas to the rear have been left vacant. To the rear of the terrace buildings fronting on to Palace Avenue are poor quality extensions.*

*The site is noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with the southern boundary of the site being identified as Secondary Shopping Frontage. The site is within the Old Paignton Conservation Area and within the adopted Paignton Town Centre Masterplan area. In close proximity to the site is a grade II listed building and the Bishops Palace Scheduled Ancient Monument.*

*The site is also located within Flood Zone 1 within the Critical Drainage Area.*

*The site is within a Community Investment Area (CIA), as defined by the Local Plan. CIA's are areas experiencing significant deprivation, indicated by being within the 20% most deprived Super Output Areas in England according to the 2010 Indices of Multiple Deprivation. The Local Plan supports investment in these areas, especially where this can help secure more balanced communities by delivering a mix of employment, family housing, healthcare, childcare, education and local centre facilities - much as is envisaged through the masterplan implementation work.*

Detailed Proposals:

*The proposals consist of the conversion of the upper floors of 13, 15 and 17 Palace Avenue to 15 residential units and the demolition of the extensions to the rear of the Palace Avenue terrace and erection of a three storey building to the rear of the site fronting on to Bishop's Place to accommodate 17 residential units*

to make a total of 32 units.

*The proposed residential units are a mix of one and two bed apartments, 6 of which have been identified as affordable.*

*The materials proposed include standing seam zinc roofs, steel trims; stone, white render and glass reinforced plastic windows and doors.*

*No parking provision is proposed as part of the proposal. A cycle store is incorporated into the design to provide 14 cycle spaces. An on-site landscaping scheme is proposed as part of the wider development. A biomass boiler is proposed within the basement area.*

#### Summary Of Consultation Responses:

*Historic England: The greatest impact of the proposals will be to the rear aspects of the site facing onto Bishop's Place. This pre-dates the formation of Palace Avenue and includes significant heritage assets on its northern side. The remains of the former Bishop's Palace originating circa 1100 are scheduled and listed grade II\*. This is a well-preserved monument, including the medieval boundary walls constructed of local red breccia, and a C14 full-height corner tower. The tower is a particularly robust landmark in the street scene, and sits forward of a building line of gabled C19 villas on the north side of Bishop's Place. Its prominence with its contemporary walled enclosure has aesthetic and evidential heritage value that contributes to its overall significance.*

*The application site includes the redevelopment of a prominent, and one of the commercial centrepieces of G. S. Bridgeman's 1890's expansion of the historic core of Paignton. The former Rossiter's department store has sadly ceased to trade, and while the ground floor has maintained a continued commercial use, the upper floors are now vacant. The potential re-use of the upper floors will give the building a positive and sustainable future.*

*The proposed apartment block, partially situated on the southern side of Bishop's Place will impact upon the setting of the scheduled Bishop's Palace. While the eaves line of the replacement building does not appear dissimilar to that of the existing store buildings abutting the highway, it is advised that the overall massing, particularly when viewed from the eastern approach is not substantially any greater. While views of the scheduled monument would not necessarily be obstructed, a more dominant building on the site would impact upon the view from the junction with Torquay Road.*

*The design approach of the elevation fronting Bishop's Place could present a more contextual response. The combination of linear off-shuts from the rear of Palace Avenue and the robust rhythm of the gabled villas on the north side could set a befitting precedent for a more articulated elevation. The proposed use of*

*locally indigenous building stone is accepted, as long as this complements other materials and finishes to be used.*

*The above issues should be addressed and the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.*

*Senior Historic Environment Officer: No archaeological issues are foreseen. The potential for Dark Age or prehistoric archaeology is not impossible but is extremely low.*

*The statement notes that 'the two storey sandstone gable building on the north west corner obscures the proposals almost completely from the Tower's sightlines'. However if the design is good, and to scale, there is no need to fear inter-site views. The interface across Church Path between 1340 and 1840 is one of the most interesting, though disparate, in the whole county.*

*The treatment, including the demolitions to the rear of the main Palace Avenue block are acceptable. The general form of the curved blocks with north and north-eastern outlooks, considering the east side boundaries is correct also, even though it appears pushed close to the street at the north-west corner.*

*The stairwell turret attached to the rear of the Palace Avenue block is discordant. The rolling roofscapes as seen in the east elevations do not read well especially as the rear stairwell turret rises above the roof ridge lines of all the new build blocks even when at the further distance. Both west and the south elevations have a formulaic and 'system' repetition of pattern. The north elevation seems rather better by contrast, but the roof storey which has a dormer and two rooflights to each of its four flats (Nos 22-25), would be much improved by two dormers to each flat, one to each internal unit but slightly narrower.*

*Green Infrastructure Co-ordinator: The proposal is considered acceptable in terms of biodiversity subject to the inclusion of conditions relating to nesting birds and landscaping and financial contributions towards greenspace and recreation.*

*Arboricultural Officer: The scheme is considered suitable for approval on arboricultural merit given the potential for a clear gain in landscape and visual amenity both publically and privately for potential future residents subject to the inclusion of conditions relating to the submission of detailed landscaping plans including long term management schedules and diagrams and details of proprietary root deflectors and underground cellular root system.*

*Design Consultant: The general proposition of developing the site is supported but several aspects of the design are not yet satisfactorily resolved, and/or require further explanation and justification. The most substantial concern relates to the cramped and awkward arrangement within the interior of the block*

*and, in order to alleviate the problems here, some reduction in the amount of accommodation may be necessary in arriving at a satisfactory layout.*

*Environment Agency: The site is in Flood Zone 1 and the Critical Drainage Area and should be dealt with via the standing advice provided to the Council.*

*Drainage Engineer: Further information is required before planning permission can be granted in relation to surface water drainage.*

*Senior Strategy and Project Officer: The site is in a highly sustainable town centre location, and offers an excellent opportunity for urban regeneration.*

*It is noted that the proposal has no car parking. In this location it is considered that this is acceptable given the close proximity of shops, surgeries, transport links etc. In addition it is noted that there is an internal courtyard which provides amenity space for residents, and cycle parking is provided. The amount of cycle storage should be increased; however the standard of 66 spaces as per local plan policy is likely to be impractical. The main pedestrian route from the new block will be via Bishops Place and a Section 278 agreement will be required to improve this.*

*Subject to the resolution of the cycle parking and the required s278 works to improve pedestrian accessibility along Bishops Place, the application is supported.*

*Police Architectural Liaison Officer: Advice and recommendations to design our crime, antisocial behaviour and conflict provided. Concerns raised regarding the zero parking provision.*

*Affordable Housing Delivery Officer: It is to be commended that the scheme will be providing the policy requirement of 20% Affordable Housing, which on a scheme of 32 dwellings will generate 6 affordable homes all of which will be social rent.*

*Summary Of Representations:*

*3 representations have been received. Issues raised:*

- o Concerns regarding construction noise*
- o Concerns regarding noise and extra traffic*
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding road network and access to the site*
- o Support for the principle of development subject to issues raised in consultation responses being resolved.*

*Relevant Planning History:*

*P/1986/1434 Replacement of dormers APPROVED 13/08/1986*

*P/1990/0078 Alterations and demolition of single storey toilet accommodation APPROVED 09.03.1990*

*P/1995/1305 Extend and refurbish storage facility to rear of shop fronting Bishops Place APPROVED 20.12.1995*

*P/1995/1305 Demolition of rear accessway/conservatory APPROVED 20.12.1995*

*P/2009/1119 Two additional fire exits to existing shop front APPROVED 01.12.2009*

*Key Issues/Material Considerations:*

*The relevant considerations are the principle of the partial demolition of the building and extension and conversion to residential accommodation, the need for town centre regeneration versus affordable housing, the impact of the proposals on residential amenity, highways, drainage, biodiversity, landscaping and the impact of the proposals on the character and appearance of the conservation area.*

*Principle of residential accommodation:*

*The application site is within the urban residential area of Paignton and noted within the Torbay Local Plan 2012-2030 as being within the Town Centre, specifically the Primary Shopping Area with southern boundary of the site being identified as Secondary Shopping Frontage. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy TC1 of the Local Plan states that housing provision, within town centres not covered by primary or secondary shopping frontages together with the reuse of underutilised floor space above existing commercial premises as a source of housing supply will be supported.*

*In this instance the upper floors of the building and the storage areas to the rear of the site have been vacant for some time. The re-use of the upper floors of the buildings reflect the aims of policy TC1 and similarly the inclusion of a new building for housing provision to the rear of the site continue to reflect these aims as the northern boundary does not form primary or secondary shopping frontage. In line with policy H1 and TC1 of the Torbay Local Plan, the principle of residential accommodation on this site is considered acceptable.*

*The site is within the area covered by the Paignton Town Centre Masterplan,*

*adopted by the Council as a Supplementary Planning Document in June 2015. The masterplan emphasises the need to increase footfall and improve visitor experience in the town centre, which this proposal will help achieve. The masterplan confirms that concerted effort is needed to improve the links between Winner Street and the town centre, using appropriate street furniture and materials. Consequently, for town centre developments such as this, there is a need to secure financial contributions (via S106) for public realm improvements in the town centre, in accordance Policy DE1 (19 - 25), policy SS11 (criteria 9) and the adopted Paignton Town Centre Masterplan. The Council's Masterplan Programme Board and Delivery Team have not only focused on the delivery of key sites, such as Crossways and Victoria Centre, but also on increasing the number of residents in the town centre, utilising space above shops for example. This proposal helps support that approach and will help regenerate and transform Paignton town centre.*

*Town Centre regeneration versus affordable housing provision:*

*The applicant has offered to provide 6 no. affordable units as part of this scheme. However, under the terms of policies SS11 (Sustainable Communities) and Policy H2 (Affordable Housing) Members can "agree to a reduction, or zero provision, of affordable homes" on sites in Community Investment Areas. However, "development of such sites will be expected to provide significant benefits to the creation of more sustainable, balanced communities as assessed against the criteria in Policy SS11." There are thirteen criteria in policy SS11, which help the Council assess development proposals in relation to improvements in social, economic and environmental conditions. Consequently the criteria cover a range of issues, including closing the gap between least and most disadvantaged people and neighbourhoods in Torbay; developing a sense of place and identity; creation of well connected, accessible and safe communities; protection and enhancement of the local natural and built environment, where appropriate through planning contributions.*

*The rationale for policy SS11 (and therefore H2) is explained in the Local Plan text supporting the policy. In essence, Community Investment Areas are likely to be lacking in open market homes, healthcare, childcare, education and local centre facilities. So investment is encouraged to provide these facilities and opportunities, so long as that investment leads to benefits in the area. The policy includes the use of planning contributions to support refurbishment, bringing vacant property back into use or other environmental improvements, including improved public space. These are the very important issues, alongside priority site development, that the Masterplan Programme Board and Delivery Team are seeking to deliver to support the achievement of one of the Council's top priorities - successful town centre regeneration.*

*In this instance, if affordable housing were not to be provided on site, the Council could seek a financial contribution equivalent to £85,000 per affordable unit.*



*That equates to £510,000 for this site. A contribution of up to that amount would provide a significant benefit to the area, could support the improvements (to the public realm for example) as set out in the adopted master plan and support town centre regeneration.*

*Officers recommend that, in accordance with policies SS11 and H2 of the Local Plan, zero affordable housing is provided on this site and, instead, a financial contribution of up to £510,000 is secured via a S106 Agreement to support town centre regeneration. If Members agree this recommendation, further discussion will be required with the applicant to agree the level of contribution.*

*If the Development Management Committee requires affordable housing on site (rather than a financial contribution to town centre regeneration), then the Local Plan requires that for proposals of 20 or more dwellings on brownfield sites, 20% of dwellings on site will be affordable housing. The proposals include 6 affordable dwellings which is compliant with policy H2 of the Torbay Local Plan 2012-2030. Units 9, 10, 21, 20, 31 and 32 will be affordable in accordance with the information noted within the submitted Design and Access Statement which states that 'as part of the proposals six affordable homes will be provided within the east part of the converted terrace building'. If the size of the units are amended or those indicated to be affordable homes are varied, this would have a bearing on the overall contribution requested due to the level of mitigation afforded to affordable homes. Revised plans are expected to be submitted prior to the Development Management Committee and Members will be updated on this during the meeting.*

*Impact on the Conservation Area:*

*Paragraph 131 of the National Planning Policy Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. At a local level, policy SS10 of the Torbay Local Plan states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built, natural setting and heritage, for their own merits and their wider role in the character and setting of the Bay.*

*The Old Paignton Conservation Area Appraisal describes the site as being an important building group, and a key building group that makes a significant contribution to the townscape. The site sits prominently within views along Palace Avenue and Bishops Place and the redevelopment of the site will have an impact on the character and appearance of the wider Old Paignton Conservation Area. The re-use of the upper floors of the building and redevelopment of the*

*wider site for residential use will have a positive contribution to the appearance of the site bringing it back into use.*

*The conversion of the upper floors of 13,15 and 17 have been carried out sympathetically taking in to account the existing situation on site such that the conversion is not considered to visually impact the frontage on to Palace Avenue. The demolition of the poor quality rear extensions is considered acceptable - unveiling the north elevation of the terrace which is considered worthy of retention. The new building to the rear is considered suitable in scale and an appropriate replacement for the redundant storage space to the rear of the site. The form and basic principles of the design are considered acceptable however there are some elements of the scheme which are not considered appropriate and require revisions to ensure the acceptability of the scheme in terms of the appearance and character of the site and its wider surroundings. The proposed new building will have an impact upon the setting of the Scheduled Ancient Monument, Bishops Palace, being visible in views with the monument from Torquay Road. As noted above the form and basic principles of the design are considered acceptable however further revisions are required to the design to ensure that although visible, the design is such that it complements the setting of surrounding heritage assets rather than resulting in harm.*

*Revised plans are expected to overcome concerns raised within the consultation responses from the Council's Senior Historic Environment Officer and Design Consultant. The Committee Members will be updated on the revisions during the Committee Meeting.*

*Whilst the final proposals are yet to be submitted it is recognised that the development will result in some public benefit including securing the optimum use of the buildings and wider site and where harm is identified this should be weighed against such benefits. The scheme will facilitate the wider regeneration of the site and the reuse and restoration of a key building within the Conservation Area allowing positive enhancement of site within the wider street scene. The regeneration of the site offers wider social, economic and environmental benefits through the provision of 32 dwellings of a good standard of amenity and the wider enhancement of the site through the restoration of the site together with good quality landscaping.*

*This recommendation of approval is subject to revised plans being submitted and should an approval be forthcoming, conditions will be imposed including those relating to window, door, roof light and rainwater good details and external materials.*

*Impact on highway safety and parking provision:*

*The proposals do not include any parking provision. Justification for zero parking provision relies upon the town centre location and availability of community*

facilities and public transport nearby, together with opportunities to utilise public car parks within the town centre. It is accepted that the site is within a highly sustainable location and appendix F of the Torbay Local Plan states in locations such as town centres where there is a greater choice of transport, the standard may be reduced. In line with comments from the Council's Strategy and Project Officer, the zero parking provision is considered acceptable subject to further cycle storage being provided and improvements to pedestrian access via a section 278 agreement.

On balance and in light of the location of the site, the public transport opportunities and public car parks nearby, the zero parking provision is not considered detrimental nor would it warrant the refusal of the application.

In terms of access, only pedestrian access will be provided to the site. However an area previously used for loading will be modified to a drop off zone across the Bishop's Place frontage. Given the previous use of the site for retail purposes, the proposed use for residential development is not considered to result in any significantly greater impact in terms of traffic movements. The proposal includes only pedestrian access and to improve access to the site a pedestrian crossing point to the north east corner is proposed. Subject to the provision of such works to improve pedestrian access, including improvements to the existing pavement on Bishops Place, the proposal is considered acceptable in terms of pedestrian access and safety.

Representations regarding the impact of the development on traffic and access are noted. Paragraph 32 of the National Planning Policy Framework states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this instance the existing use of the site for retail purposes is noted and the proposed use for residential is considered to result in a reduction in traffic movements associated with the site. Vehicular access to the site is restricted to drop-off only, limiting the number of expected trips to the site. In light of this and on balance, it is considered that highway safety is unlikely to be compromised by the redevelopment of this site for residential use nor is it considered to result in a severe impact that would warrant the refusal of the application.

*Impact on residential amenity:*

The proposals are separated from neighbouring sites to the south and north by Palace Avenue and Bishops Place respectively. The impact to those properties to the north and south is considered limited due to the scale of the roads separating them. The properties to the east and west are closer to the proposal however the relationship is not uncommon in built up areas such as this. Having considered the position and scale of the existing buildings on site, together with the orientation of the proposals in relation to those surrounding and the design of the proposals, on balance they are not considered to result in serious detriment

*to the amenities of neighbouring occupiers by reason of loss of light or by reason of being unduly dominant or overbearing. Due to the proximity of the proposals to the surrounding buildings there is likely to be some inter-visibility between plots. However this type of relationship within the built up urban environment is not uncommon and any potential impact has been lessened due to the design of the proposal which limits direct overlooking. In line with the above the proposals are not considered to result in undue overlooking and as such are considered acceptable in terms of residential amenity.*

*The proposals include reference to the provision of biomass boiler, however details of extraction and a technical specification for the boiler have not provided. Such details have been requested and once received consultation with the Environmental Health Officer will be carried out. Members will be updated during the Committee Meeting on this point.*

*Representations regarding the impact of the development in terms of noise and traffic are noted. The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in order to limit such impact a construction method statement would be requested via condition. The Bishops Place frontage is largely inactive at present as the rear of the site is currently vacant. Whilst it is accepted that there will be an increase in activity to the rear of the site as a result of the proposal, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers.*

*Standard of residential accommodation:*

*The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are broadly consistent with the suggested standards. An area of communal garden space is provided and whilst this is below the suggested standards of the local plan it is not uncommon in town centre locations such as this. The availability of open space in the locality has been taken in to account, as has the quality of the internal accommodation for future residents. Whilst a larger area of open space might be preferable, in light of the surrounding context it is not considered to warrant the refusal of the scheme in this instance. 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.*

*Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste*

*and accessible kerbside recycle bins and boxes. A communal bin storage area has been provided within the development. This has been located towards the entrance of the site in a convenient location for collection. The proposed bin storage facilities are considered acceptable and compliant with policy W1.*

*Landscaping:*

*The application site does not include any trees within the site but one tree exists adjacent to a neighbouring site. The principle frontage to Bishops Place seeks to address the entrance to the site and represents an enhancement to the visual amenities of Bishops Place. Subject to the inclusion of a landscaping scheme appropriate to the character of the Old Paignton Conservation Area the proposal is considered acceptable in terms of landscaping.*

*Impact on biodiversity:*

*The ecological survey states that the building has limited potential for roosting bats and nesting birds. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan.*

*Impact on drainage:*

*The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site due to its compact nature and existing basement area immediately adjacent to the site. The surface water drainage system has raised some queries from the Council's Drainage Engineer and further information is expected from the applicant to resolve these issues.*

*S106/CIL -*

*In the event that the application be approved, and subject to Development Management Committee support for zero affordable housing provision on site, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.*

*The contributions would be requested as follows:*

*Waste Management: £1,600*

*Education: £8,610*

*Lifelong Learning: £6,380*

*Public Realm Improvements: £29,570 (calculated on the same basis as Greenspace & Recreation contributions)*

*Town Centre Regeneration: up to £510,000 (calculated on the basis of an off-site contribution for affordable housing provision)*

*No contributions have been requested for sustainable transport as the upper floors were previously in use as retail accommodation which would have incurred more trips than the proposed use as residential units. In line with the Council's Adopted SPD, the sustainable transport contribution sought from retail development would be £10,198 per 100sqm. The application form submitted with the application suggests that 2,250 sqm of retail tradable area will be lost as a result of the application. This figure would mitigate the total sustainable transport contribution to be sought for the proposed residential units and as such no contribution will be requested.*

*The figures quoted above are based on zero affordable housing provision on site. Were affordable housing to be provided on site, appropriate mitigation would be applicable to the education, lifelong learning and green space and recreation contributions.*

### **Conclusions**

*Subject to the resolution of issues relating to design, drainage, cycle storage and the biomass boiler, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the regeneration of a currently redundant site to the benefit of the wider conservation area, whilst providing new good quality homes, of which a proportion could be affordable. The development will, in itself, result in investment in a Community Investment Area and could, if Members wish, provide a significant financial contribution to town centre regeneration rather than affordable housing provision on site.*

*The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst no parking is provided on site, the site is in a highly sustainable location and pedestrian access will be improved. Subject to the inclusion of a higher cycle storage provision and a section 278 agreement to secure pedestrian access improvements, on balance the proposal is considered acceptable in terms of highway and pedestrian safety. The design of the proposal requires further revisions, and revised plans are expected.*

### **Condition(s)/Reason(s)**

01. Materials
02. Building Details (Windows, Roof Lights, Doors, Rainwater Goods)
03. Landscaping
04. Nesting Birds
05. Section 278 Agreement
06. Cycle Storage Provision

07. Bin Storage Provision
08. Drainage
09. Phasing
10. Construction Method Statement
11. Omission of Biomass Boiler
12. Contamination
13. Reglazing of Canopy
14. Waste Management Plan to include Recycling Measures
15. Details of Balustrading

### **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.

### **Relevant Policies**

- H1LFS - Applications for new homes
- H2LFS - Affordable Housing
- SS11 - Sustainable Communities Strategy
- SS10 - Conservation and Historic Environment
- HE1 - Listed Buildings
- ER1 - Flood Risk
- ER2 - Water Management
- TA1 - Transport and accessibility
- TA3 - Parking requirements
- NC1LFS - Biodiversity and Geodiversity
- ER3 - Contamination
- ES1 - Energy
- ES2 - Renewable and low carbon infrastructure
- C4 - Trees, hedgerows and natural landscape