

Application Number

P/2017/0888

Site AddressSouth Devon Hotel
10 St Margarets Road
Torquay
TQ1 4NP**Case Officer**

Mr Scott Jones

Ward

St Marychurch

Description

Refurbishment of existing building, including partial demolition of extensions, extensions and alterations to provide 10 residential units, and the provision of 14 new apartments and 6 houses within the grounds of the existing building Existing access off St Margarets Close to be relocated, together with the provision of parking facilities. (Re-advertisement, revised plans received 12 December 2017)

Executive Summary

The application site is the former South Devon Hotel, a large detached Victorian property that has been vacant for a number of years, which sits in a large plot the junction of St Margaret's Road and St Margaret's Close. It sits within the borders of the St. Marychurch Conservation Area.

The proposal, as revised by plans received 12.12.2017, is to convert the existing Victorian building to provide 9 apartments and one dwelling. The conversion will include a degree of demolition, extension and minor modification. In addition to the conversion of the existing building the proposal includes the provision of development within the curtilage to the rear of the plot, to provide a further 14 apartments and 6 dwellings.

The proposal achieves suitable improvements to the form of the existing building and will provide an enhancement to the building's contribution to the St. Marychurch Conservation Area.

The new-build elements, following revised plans received 12.12.2017, are considered to provide an acceptable amount and form of development that achieves an appropriate response to the context. The development to the rear of the building will provide a positive and interesting addition within the urban environment within the St. Marychurch Conservation Area.

For future occupiers the proposal will provide an acceptable living environment, with good sized units provided with suitable outlooks throughout the scheme, supported by adequate levels of outdoor amenity space together with waste, cycle storage and parking provision.

Local amenity is protected by the positioning of new buildings at acceptable distances from existing properties and plots. Some degree of screening is necessary adjacent to the northern border and this can be achieved by a planning condition in order to limit overlooking towards Priory Road.

Adequate parking is achieved which manages to balance the desire to limit overspill parking into the street with the desire not to over-dominate the plot with parking. When considering the level access and close proximity to two vibrant shopping areas the level of parking proposed is supported.

An acceptable drainage solution has been submitted to ensure that the risk of flooding is not increased, and further ecology information has been submitted to seek to provide certainty that the development can proceed without harm to protected species. The latter is being considered by the Council's ecology advisor and members will be updated on this issue.

Members will also be advised in regard to any comments received from the Environment Agency and Historic England, as comments are awaited.

Members are advised that the scheme is CIL liable development and all liable floor space would be charged at a rate of £70 per sqm.

The application is supported by a viability assessment that seeks to establish that there is insufficient profit to deliver a policy compliant level of affordable housing. The viability assessment is currently being independently reviewed and members will be updated on this matter.

Subject to resolving certainty in terms of protected species, the proposal is considered in accordance with policies within the Torbay Local Plan and officers support the application.

Recommendation

Approval: Subject to:

1. The receipt of detailed ecological assessment and mitigation that will adequately safeguard protected species,
2. Revised or additional plans which demonstrate that all parking spaces can be adequately entered and exited,
3. The submission of plans to demonstrate adequate cycle parking for the 14-unit apartment block is provided,
4. Conditions delegated to the Executive Head of Assets and Business services, to include those outlined at the end of this report.

5. A signed S106 legal agreement that secures a policy compliant level of affordable housing or the necessary mechanisms to review viability in accordance with the Council's Adopted SPD.

Reason for Referral to Development Management Committee

Major Planning Application.

Statutory Determination Period

13 weeks - agreed extension of time by the applicant to permit revised plans to be submitted and referral to the January Development Management Committee.

Site Details

The site occupies a corner position at the junction of St. Margaret's Road and St. Margaret's Close and holds a large late Victorian building that fronts St Margaret's Road with extensive gardens to the rear.

The building is prominently located within the St. Marychurch Conservation Area and is identified as a building of merit in the Conservation Area Appraisal.

A substantial stone wall borders the site.

The building is marred by a large two-storey flat-roofed front and side extension at its southern end, together with a flat-roofed two-storey extension to the northern end.

Beyond the rear boundary are the playing fields of the Priory Roman Catholic Junior School. To the north-eastern boundary are residential properties and beyond this the Grade II* buildings of the Roman Catholic Church of Our Lady Help and St. Mary's Dominican Convent.

Vehicular access is from St. Margaret's Close which is an un-adopted private drive at the corner of St Margaret's Close with St. Margaret's Road.

The building has been vacant for some time. In the past it has been used as a care home and more recently as a hostel although its lawful use is unclear.

Date of Officer Site Visits: W/C 11.09.2017.

Detailed Proposals

The proposal is a residential scheme that involves both conversion and new-build elements.

The scheme seeks to convert the existing building to provide 9 apartments and 1 dwelling. This will include the demolition of a two-storey flat roofed wraparound side and rear extension and replacement with a single-storey extension at the southern end. It will include the remodelling of an extension to the front of the building at the eastern end of the building. Internally two apartments are to be provided at lower ground floor

along with a cycle store. Both apartments are 2-bed units. Three apartments are provided on each of the ground and first floors, which are again 2-bed units, and a further 2-bed apartment is provided within the roof space. To the rear of the building an attached 3-bed dwelling completes the conversion proposal.

The new-build element of the proposal includes the provision of 14 apartments and 6 dwellings within the garden to the rear of the existing building.

The 14 apartments are to be provided within a four storey building set towards the boundary of the plot with St. Margaret's Close. The internal layout will provide 4 apartments on each of three principal floors with two further apartments within a recessed roof element. The ground, first and second floor each contain 3x 2-bed units and a 1-bed unit, with the 4th floor roof element providing 2x 2-bed units. The 1-bed units have floor areas circa 66sqm and the two bed units range between 77-110sqm. Through revised plans received 12.12.17 the building presents a modern flat-roofed design that seeks to reflect the villa scale and architecture that is predominant in the area. The elevations are largely render within the lower floors with the roof elements being in a standing seam metal clad finish, with windows formed with a vertical emphasis. The building is 9m high to the top of the 3rd storey and 12m to the top of the roof storey. The building will be set slightly lower than the height of the existing villa, which is three storeys at the rear with a pitched roof. Although there is a significant drop from the front to the rear of the existing villa, which presents an additional floor to the rear, the land then only gently drops towards the west where the apartment building is to be set.

Attached to the apartment block is a terrace of 5 dwellings, which extend northwards towards the plots of properties off Priory Road. These are to a lesser scale with two principal floors and a recessed roof storey. Each unit provides 4 bedrooms within a habitable floor area of circa 140sqm. The design is again modern and seeks to reflect the apartment block.

At the northern end of the plot, set between the new terrace and the converted building, the scheme proposes a detached two-storey dwelling. The dwelling has a simple gabled pitched roof but is modern in character with it being cantilevered over a stone wall where it addresses the communal space. The roof is finished in standing seam to reinforce its modernity. The unit provides 4 bedrooms over two floors with the majority of the floorspace being provided at ground floor.

There are two vehicular access points proposed. The existing access at the south-eastern corner of the plot is retained and will provide vehicular access to 9 spaces to the front of the current building. The current access off St. Margaret's Close will be closed and made good with a new access being created to the east slightly closer to St. Margaret's Road. This access will serve a courtyard layout where a further 30 vehicular parking spaces will be provided. This in total presents a scheme with 39 parking spaces for 30 units (23 apartments and 7 dwellings).

The proposal retains the circa 2m high stone boundary wall that defines the plots borders.

Summary Of Consultation Responses

Design Consultant: The initial proposal raised some concern in regard to the architectural language of the apartment block and the scale of the detached dwelling, which acted as a vista stop at the end of the plot, where it was much larger than the proposition presented at pre-app stage. There was also some concern on the general layout where refinement of the parking layout was deemed necessary.

The revised proposal, as shown in plans submitted 12.12.17, is a measured improvement over the initial submission. The apartment block has a far more successful design strategy, where the bolder more modernist villa building works well. The detached dwelling has been scaled down and is more reflective of the proposition supported at pre-app stage. The layout has been finessed and there is much more confidence on how this space works.

Conservation Officer: The treatment of the existing building is welcomed with the removal of the large flat roof extension to the south and the rebuilding of the interwar northeast block with a pitched roof with gabled dormers being very positive elements. Recent revisions that reduce the parking at the southwest corner are an improvement and provides some breathing space at this important corner.

The amended villa form as depicted in revised plans submitted 12.12.2017 overcomes some initial concern over the new-build element. The recessed building lines in the south and east elevations will reduce the apparent massing from key views within the Conservation Area from the south-west. The modern interpretation is also considered far more successful than the initial villa language that sat somewhere between pastiche and a modern interpretation.

The terrace and detached house, as amended, sit more comfortably with the scale of the detached house reduced following revised plans. Although the scheme would benefit by the removal of the detached house, to present a clear separation between 'old' and 'new', the scheme is broadly acceptable in its revised form.

Strategic planning officer incorporating Highway Authority comments: The new entrance in St Margaret's Close into the rear development site should have a drop kerb and, whilst a private road, the old section of footway 'made good'. The entrance gates on St Margaret's Road should open into rather than out of the site

Each apartment requires one space plus a proportion of visitor parking and secure covered cycle storage space. Plus 10% disabled parking provision and an electrical car charging provision (this may be suitable for the visitor parking spaces (for the apartments). The houses require 2 parking spaces per unit and 2 cycle spaces per unit and electrical car charging provision, which appears to have been achieved, in accordance with the requirement of Policy TA3 and Appendix F of the Local Plan.

The parking spaces should be allocated, which is shown. Some of the spaces shown are poorly related to the residential unit they serve and this is likely to result in 'ad hoc' parking.

A proportionate Travel Plan should be provided setting out a 30% modal shift with 'SMART' targets to help demonstrate that the parking court will function properly and parking will not 'over-spill' into St. Margaret's Close.

The existing residents St. Margaret's Close have requested that construction vehicles and workmen do not park on or damage the Close. This could be resolved by submission of a CEMP, which could be conditioned.

Drainage Engineer: Provided that the surface water drainage is constructed in accordance with the submitted hydraulic calculations and drawing number AT2302-01 revision B, there are no objections on drainage grounds to planning permission being granted for this development, as it has been demonstrated that the surface water drainage for this development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 30% for climate change.

South West Water: South West Water has no objection subject to surface water drainage being in accordance with the flood risk assessment/drainage strategy submitted with the application.

Police Designing out Crime Officer: 30 dwellings and 39 parking spaces for the proposed development seems inadequate when considering that the majority of dwellings have 2 bedrooms and some with 4 bedrooms, as such it is realistic to expect a minimum of 2 vehicles per dwelling; as such consideration must be given as to where the excess vehicles will be parked without creating problems.

It is appreciated that parking for new development is a contentious issue but it is vitally important that adequate and appropriate parking provision is factored in for new development to minimise opportunity for crime, fear of crime, ASB and community conflict.

Waste and recycling team: Waste storage should be secured in accordance with the Council's design guidance document for new and converted residential properties.

Arboricultural Officer: The proposed site plan figuratively depicts a number of trees but is not suitable in terms of positioning, species detail, numbers, tree pit type and so on. Without sufficient detail it is recommended to attach pre-commencement conditions for a detailed landscape plan and LEMP to be prepared by suitable professionals for review.

The revised landscape plans still depicts trees of low number density that are of mainly short life expectancy and limited local interest.

No long term or readily appreciable contribution to the character and appearance of the Conservation Area will ensue. Retains the view that further details are required by condition.

Ecology consultant: The submitted ecology report stated that the building hosted external features that were suitable for roosting bats. The grounds were suitable for nesting birds and common reptiles. In-line with the report summary it is recommend that further protected species surveys are conducted to avoid a contravention of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2010 (as amended).

It is recommended that demolition or vegetation clearance should be undertaken outside of the bird nesting season, and that a precautionary approach to should be undertaken when removing vegetation in relation to the likely presence of reptiles. A LEMP should be secured and agreed to ensure long-terms management to support green infrastructure and biodiversity aims.

Subsequent to the above further surveys have been submitted and an update comment from the Council's ecology consultant is pending.

Members will be updated on any further comment at the committee .

Historic England: Comments awaited. Members will be updated on any further comment at the committee.

Environment Agency: Comments awaited. Members will be updated on any further comment at the committee.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement. The application was re-advertised on the 13.12.2017 following the receipt of revised plans on the 12.12.2017.

9 representations have been received objecting to the scheme following the initial advertisement period.

Issues raised include:

- Overdevelopment
- Impact upon the conservation area as the buildings relate poorly to the context.
- Lack of adequate parking
- Loss of privacy
- Overshadowing
- Visual impact
- Impact on trees
- Ecology impacts, including impact upon bats
- Movement and access issues on the private close

- Drainage and flood risk concerns
- Noise and disturbance

A summary of further issues raised following the second public consultation period will be reported to Members.

Relevant Planning History

Pre-Planning Enquiries:

DE/2017/0102: Change of use to residential - principle and general parameters of the scheme supported

Planning Applications:

P/2006/0177: Demolition works and erection of house; Conservatory/Extension to existing basement flat; (Revised Scheme) (as revised by plans received 22/3/2006): Approved 24.03.2006.

P/2009/0073: Refurbishment of original building and formation of 26 Extra Care Units. Revised scheme to include single storey restaurant area, increased communal facilities at basement level and amendments to elevations: Approved 12.04.2010.

P/2009/0074: Demolition of modern extensions: Approved 16.03.2009.

P/2012/0206: Extend time limit - demolition of modern extensions-application
P/2009/0074/CA: Approved 11.04.2012.

P/2013/0057: Extend time limit - Refurbishment of original building and formation of 26 Extra Care Units. Revised scheme to include single storey restaurant area, increased communal facilities at basement level and amendments to elevations - application P/2009/0073/MPA: Approved 10.05.2013.

P/2013/0651: Alterations to roof to increase size of proposed flat 26: Approved 06.08.2013.

Key Issues/Material Considerations

The main concerns relate to the principle of development, its visual impact, the quality of accommodation provided, the impact on neighbours, highway and parking issues, flood risk and ecology. These will be discussed below.

1. Principle of residential development

The site sits in an area with a residential character and is within a sustainable location, where it sits close to a vibrant District Centre to the north east (St Marychurch) and a large Local Centre to the south (Plainmoor). A residential use for the current building

is therefore considered acceptable in terms of broad principle, where it would be a suitable use for the building adjacent to similar uses.

In regard to the development to the rear of the existing building as this element of the proposal is within the garden area of the plot the principle of development within gardens is relevant. Planning guidance in relation to garden development has been subject to change in recent years from encouragement to moves to resist 'garden grabbing'. The shift in terms of the sensitivity of development within gardens is articulated in the National Planning Policy Framework (NPPF) by land in built up areas such as residential gardens being specifically excluded from the definition of previously developed land (brownfield land). The NPPF also suggests that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens, where development would cause harm to the local area.

In broad terms the use of garden land for housing development is normally resisted, unless it can be shown that its use produces a form of development that is in character with surrounding development, does not result in overdevelopment, nor have adverse impacts on amenity.

Most recently a scheme for extra care facilities set in the garden was considered to achieve such development, which was approved in 2013, post the introduction of the NPPF in 2012. Considering the context, where a broadly similar extent of linear development was supported by the Authority (post NPPF), it is considered reasonable to conclude that there is scope to deliver a linear form of development to the rear of the plot.

The proposed development makes effective use of the site that is in a sustainable location. It includes a notable improvement to the appearance of the existing building on the site through the removal of unsightly modern extensions that detract from its historic character. The ability to make these improvements is in part due to allowing development within the curtilage of the property.

In summary the principle of residential development is considered acceptable. The acceptability of the proposal is therefore considered to hinge on whether the extent and form of development is appropriate when considering relevant Local Plan policy guidance, which is considered in more detail below. However in strategic terms the principle of a residential use of the site is supported in accordance with the aspirations of Policies SS1, SS11 and SS12.

2. Design and visual impact, including the impact upon the St. Marychurch Conservation Area

The site is located in a prominent roadside position within the St. Marychurch Conservation Area. It is therefore important to consider whether the scale and form of the proposed buildings fits with the overall grain of the area and does not therefore adversely affect the character and appearance of the conservation area.

In terms of local character the predominant form of development is that of Victorian

Villas, where large detached and semi-detached buildings sit within garden settings. It is noted that the properties off St. Margaret's Close are more modern and to a more modest scale and these are not a positive or defining element within the local built form.

The proposal seeks to improve the character and appearance of the existing building through a combination of partial demolition, sensitive extension and sensitive alterations. Two substantial areas of latter-day additions to the Victorian building will be removed or remodelled. The proposal removes a large two-storey flat-roofed wraparound extension to the southern end of the building and replaces it with a more discreet single-storey element that sits at lower ground floor. It is also proposed to remodel a prominent extension to the north-eastern part of the building fronting St. Margaret's Road, forming a two-storey gabled wing in-place of the two-storey flat-roofed addition that currently resides there. In addition certain windows will be reformed in a sensitive manner. The proposals will substantially enhance the aesthetic of the building and the contribution it makes to the locality and character and appearance of the St. Marychurch Conservation Area.

Turning to the new-build, the principal element is the provision of a "modern villa", which is a substantial building that is set in the southwestern corner of the plot close to the boundary with St. Margaret's Close. Through revised plans received 12.12.2017 the design is considered far more successful than the original proposition, which sat somewhere between a pastiche and modern design whilst failing to be clearly either. The revised design is clearly more modern but its scale, form and architectural references relate better to the Villa form that it seeks to echo. The elevations have become simpler and more successful, and the fenestration clearly expresses a vertical emphasis to the openings, which reflects the Victorian properties that it seeks to reference.

Attached to the apartment block the row of five terraced dwellings are well designed and their design is consistent with the more prominent apartment block, which will sit as the principal new building to the rear of the plot. The impact of the terrace upon the local built form is limited due to the secluded location deep within the plot away from the public realm combined with their more limited scale, where they are to a lower height.

The detached dwelling that seeks to bridge the gap between the old and new and act as an end building has been reduced in scale and amended in form to address officers' concerns. The simple gabled modernist building is now considered a far more suitable scale and form of building and it now works well within the space available.

The space around the buildings is largely well considered. The use of stone walls within the courtyard reduces the apparent scale and produces a more intimate feel to the central courtyard. The public and private realm appears clearly defined and the provision of defensible space in front of the terraced dwellings is a positive element. The success of the space around the building will hinge on the quality of materials and the detail of the landscaping. It is important that the courtyard is softened by

landscaping and further detail, by condition, is necessary to achieve a satisfactory form of development.

In terms of the general form of development and with consideration of the context the treatment of the existing building is considered to be clearly positive and the development within the garden is well-considered following the recent amendments to the form.

All matters considered, the development is will respect the prevailing urban grain of the area and the form of development is considered to provide a satisfactory residential environment that protects local amenity and conserves the character and appearance of the St. Marychurch Conservation Area.

The proposal will therefore accord with the aims and objectives of Policies DE1 and SS10 of the Local Plan, which seek to secure good design and the conservation and/or enhancement of heritage assets and their settings.

3. Quality of the proposed residential environment

Policy DE3 provides size standards that all new development should accord with.

The conversion of the existing building will provide a number of good quality 2-bed units which exceed the size standards suggested within the Torbay Local Plan, with the 2-bed units generally ranging between 70-100sqm in terms of their internal floor areas. The units all have good outlooks to key rooms and will be well lit for future occupiers in terms of natural lighting.

The "Villa" apartment block will provide 11x 2-bed units and 3x 1-bed units. The one bed units have floor areas circa 66sqm and the two bed units range between 77-110sqm, which are considered to present good sized units for future accommodation. The building will also provide good open aspects to key habitable rooms.

The terraced dwellings and the single detached dwelling are all relatively large and provide 4-bed units. The internal space is considered to provide a good residential environment with adequate outlooks and natural lighting.

In terms of pedestrian access there is good access to all buildings which are close to the parking provisions for occupants.

In regard to ancillary facilities there is adequate communal waste storage for both apartment blocks in close proximity to each building and within close proximity to the vehicular entrance points for collection purposes. The dwellings have identified storage facilities for the smaller household bins.

Cycle storage is shown within the fabric of the converted building to an acceptable level. There is secure covered storage adjacent to the apartment block however the detail on this structure is absent. Further information has been requested to

demonstrate that the provision of 14 cycle spaces for residents is achievable. The dwellings have private curtilages to provide these facilities.

In terms of outdoor amenity space, Policy DE3 of the Torbay Local Plan identifies a guiding minimum of 55sqm for dwellings and 10sqm of private or communal space for apartments. The scheme proposes to have communal amenity space adjacent to the new apartment block. The scale of this is considered sufficient to serve the occupants of apartment across the site, however the remoteness from the existing building is not ideal. It is noted though that three of the nine apartments within the converted building will have private amenity space (the two garden units and the second floor unit) which reduces the degree of concern. Each dwelling will have private gardens close to or above the expected provision of 55sqm, with only "House 8" to the rear of the existing building falling below the expected provision with around 35sqm of curtilage to the front and side.

On balance the proposal is considered to provide sufficient amenity space for the future occupants throughout the scheme and the internal living environments are adequate. The proposal is therefore considered to accord with Policy DE3 of the Local Plan which seeks to ensure acceptable levels of amenity for future occupiers.

4. Impact upon the amenity of neighbouring occupiers

The site abuts residential plots and the impact upon the amenity afforded adjacent occupiers is a key consideration.

There is concern from existing occupiers in terms of loss of privacy and overshadowing, which are relevant planning concerns.

The conversion of the existing building would not impact local amenity. The use would be consistent with the residential character and would sit comfortably aside the adjacent uses. The additional extensions would not be overbearing as there is limited increase in height and bulk where the building is being extended.

The apartment block of 14 units is a significant scale however its impact upon adjacent occupiers would be limited. The adjacent properties across St. Margaret's Close are over 25 metres away, which is a sufficient distance to limit any undue overlooking or loss of light through overshadowing. To the west the impact upon No.8 St. Margaret's Close is also considered to be limited as the distance between buildings will be just over 20 metres, which is generally considered an acceptable distance between windows. The revised plans have pushed the building further back into the plot, which produces a relationship that is slightly more oblique, which helps limit any impact. The distance is unlikely to result in undue overshadowing.

The terraced houses that abut the apartment block are lower and do not present any concerns in terms of impact upon adjacent occupiers.

The detached house to the rear is to a similar scale to the terraced dwellings, two-storeys with a roof element, however it has a more sensitive context as it is set close

to the border of residential plots off Priory Road and contains upper floor windows and a raised terraced. The height and proximity of the building is unlikely to unduly impact amenity due to the size of the plots that abut. The introduction of upper floor windows and a raised roof terrace does present the potential of harm from overlooking, however this could be easily managed through conditioning obscure glazing and obscure screening. Although not a present relationship, the detached dwelling will present some side-facing windows towards "House 8" within the scheme and the proximity is not ideal. These windows should also be obscured to present an acceptable relationship that duly protects future amenity.

Generally the development is suitably distanced and scaled in order to ensure that adequate amenity is protected. There would appear some impact upon amenity that can be mitigated through conditions to improve the relationships across certain borders with adjacent residential plots.

For this reason the proposal is considered to accord with Policy DE3 of the Torbay Local Plan as it does not demonstrably impact upon the amenity of neighbouring occupiers.

5. Highway and parking

The proposal is for 23 apartments and 7 dwellings with 39 car parking spaces.

Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance and for dwellings there is an expected requirement of 2 spaces per dwelling and 1 space per apartment, although there is appreciation that this standard can be reduced in locations such as town centres. Although it is not a town centre site it does have good access to two large centres which are both within reasonable walking distance.

The emphasis on parking standards has moved in recent years from a position of maximum standards that sought to limit the extent of parking to try and create a shift towards sustainable modes, to a minimum standard as now emphasised in the current Torbay Local Plan. It is important to understand though that parking policies are intended to allow for car ownership and limit the proliferation of on street parking.

The starting position is that the development should seek to provide 14 spaces for the 7 dwellings (2:1 ratio) and 23 spaces for the 23 apartments (1:1 ratio), in-line with the size standards outlined within Appendix F of the Torbay Local Plan, with suitable visitor spaces (no set standard within the Local Plan).

The proposal secures parking that accords with the expected requirements outlined within the Local Plan as it secures 2 spaces per dwelling and one space per apartment. The key consideration is whether the level of visitor parking is acceptable in the context. As stated Appendix F of the Local Plan does not express an expected requirement, simply that visitor parking should be supplied for flats in addition to the 1:1 parking. Visitor parking has been provided with two spaces designated for such a purpose. Although this is a limited number the level of parking is considered acceptable where

the site has good level access to two large areas for shopping and also the bus links that serve facilities further afield, including the town centre. It is accepted that the provision of additional parking would have a negative impact on the layout and residential environment and it is noted that Policy TA3 does outline that the Local Plan should seek adequate on-site parking where possible but that this should not dominate the site's appearance. The site is constrained and Officers feel that additional parking would only erode the retained setting of the buildings and as such additional parking would only compromise the scheme as a whole.

For the reasons above the proposal is considered to accord with Policies TA2, TA3 and DE3 of the Torbay Local Plan as it provides adequate vehicular parking.

6. Drainage and flood risk

As Torbay is within a Critical Drainage Area as designated by the Environment Agency the application needs to demonstrate that the surface water drainage design would not result in any increased risk of flooding to properties or land adjacent (for the critical 1 in 100 year storm event plus 30% for climate change) and the Local Plan Policy outlines a hierarchy.

Provided that the surface water drainage is constructed in accordance with the submitted hydraulic calculations and drawing number AT2302-01 revision B, there is no objections on drainage grounds to planning permission being granted for this development, as it has been demonstrated that the surface water drainage for this development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 30% for climate change.

It is noted that South west Water has no objection.

As an acceptable drainage design has been submitted the proposal is considered to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

7. Ecology

The submitted ecology report states that the building hosted external features that were suitable for roosting bats, and that the grounds were suitable for nesting birds and common reptiles. The submitted report concluded that further survey work is necessary to establish certainty in terms of likely impact upon protected species, which was a view supported by the Council's ecology consultant.

Further survey work has been submitted following the ecological advice of the Council. The further survey work and assessment concluded that reptiles could be duly protected by ensuring that clearance of debris/compost and scrub features within the garden only happens after the reptile translocation is complete, which must take place during the reptile activity season (April-October) to ensure that any slow worms present are given the opportunity to move out of the way, and that the removal of climbers on the house or hedgerows, must be undertaken between September to the end of

February, unless an ecologist is present to supervise and look for nests. This will ensure that no nesting birds are disturbed. Bats were not found to be using the building but there is a potential to enhance roosting facilities by installing bat tubes within the development and adopting a sympathetic external lighting. It was also noted that the rubble and lime mortared wall along the Northeast and South Boundary of the site should be retained where possible within the development as old walls have a wealth of plants and animals living on them and are good habitats for amphibians and reptiles such as slow worms and small mammals.

Comment on the further survey work and the subsequent conclusions and recommendations from the Council's ecology advisor is awaited and members will be updated on this matter in terms of the officer recommendation and whether the proposed development accords with Policy NC1 of the Torbay Local Plan 2012-2030.

Torquay Neighbourhood Plan

The position of the Torquay Neighbourhood Plan (TNP) has been considered (Key Policies; S1, S2, S3, H1, H2, H4, H5, HW4, HW5, HW6, TR1 along with the Community Aspirations for St Marychurch and District).

It is relevant to note that the site is identified as a Housing Site within the TNP (CDST10) The TNP is at submission phase and the policies within it therefore carry limited weight at this time

The Torbay Local Plan remains the key policy document at this moment in time and the recommendation to Members is made with reference to the Torbay Local Plan 2012-2030.

Human Rights and Equalities Issues

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance

Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

The proposal would support local construction and trade industries and future occupiers would add to the local economy in terms of household spend.

S106/CIL and Affordable Housing -

Affordable Housing:

Affordable housing provision/contribution is required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030.

For a scheme of 30 units within a split greenfield/brownfield context Local plan Policy H2 indicates that 7 affordable housing units should be secured, which would normally be on-site rather than via a commuted payment.

The applicant has submitted a viability assessment that suggests that the scheme is not viable with the additional cost of delivering affordable housing.

The viability assessment has been independently assessed and Members will be updated on this matter.

Where it is satisfactorily demonstrated the proposed scheme is not viable with a policy compliant level of affordable housing it will be necessary to secure a S106 which includes a clause a further viability appraisal (at the applicant's cost) to be carried out at the end of the development to assess the precise profit based on actual development costs and sales figures.

Any further viability appraisal will only apply to units that have not reached practical completion by a time to be agreed, which for a scheme of this scale would usually be 3 years from the grant of planning permission.

The summary above is in accordance with Torbay Council's Adopted SPD.

The above provides the basis for securing affordable housing, and assessment, in-line with the adopted policy, Policy H2, and the Council's Affordable Housing SPD (February 2017).

S106:

There are no site acceptability matters that require securing through a S106 legal agreement.

CIL:

The application site is within CIL Charging Zone 2. The proposal constitutes CIL chargeable development.

The CIL Planning Application Additional Information Requirement Form submitted with the application indicates 1,480sqm of existing floorspace plus 4,100sqm of new floorspace totalling 7060sqm. The figures do not present a clear understanding of the CIL liability and the agent has been asked to review the submitted information.

If the 'existing' C2 use ceased in 2013 the existing area would appear vacant under the

CIL Regs.

As the site lies in Charging Zone 2 (£70 per sqm) there will be a liability of £300-£500K, depending on the final chargeable floor space, i.e. areas where people 'usually go'.

As CIL is principally a tax on floor area the liability will be a result of what is granted.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC. The proposed development is unlikely to have a significant effect on the South Hams SAC.

Subject to achieving adequate drainage solution the proposal is unlikely to have a significant effect on the Lyme Bay and Torbay SAC.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal has been unable to satisfy the policy tests for the reasons stated in this report.

Conclusions

Subject to the comments of the Council's ecology advisor the proposal is considered acceptable and members are recommended to support the grant of planning permission.

The scheme responds positively to its context within the St. Marychurch Conservation Area and achieves suitable improvements to the existing Victorian building. It provides a satisfactory residential environment for future occupiers and adequately protects the amenity of existing occupiers adjacent to the site. Acceptable levels of parking are proposed when considering the level access to two large centres for shopping and other services to the north and south, and flood risk will not be increased as there is an acceptable design solution for surface water drainage.

For these reasons the proposal is considered consistent with the policy aspirations of the Torbay Local Plan 2012-2030.

Proposed Conditions (with final drafting of the conditions being delegated to the Executive Head for Assets and Business Services to include but not limited to);

- Construction Method Statement
- Submission of a phasing plan and schedule of works to secure the improvement to the villa shall be submitted and approved
- CEMP (Construction and ecological management plan)
- Detailed hard and soft landscape plan
- External materials schedule including a stone sample
- Submission of details for all new and replacement windows and doors.
- Submission and approval of a LEMP
- Removal of certain permitted development for the dwellings
- Removal of permitted development rights regarding means of enclosures
- Full details of all fences, walls and boundary enclosures submitted and approved
- Provision of parking
- Provision of waste facilities
- Provision of cycle storage facilities
- Provision of surface water drainage system
- Prior to first use the existing access off St. Margaret's Close shall be closed and the proposed new access completed in accordance with plans approved.
- Obscure side screen to roof terrace of the detached dwelling and no use of wider area of flat roof for recreational purposes.
- Obscure glazing to the side and rear of the detached dwelling
- The communal garden shall at all times be retained as a communal recreational facility for occupants of the site.

Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
 SS3 - Presumption in favour of sustainable dev
 SS7 - Infrastructure, phasing and employment
 SS8 - Natural Environment
 SS10 - Conservation and Historic Environment
 SS11 - Sustainable Communities Strategy
 SS12 - Housing
 H1LFS - Applications for new homes
 H2LFS - Affordable Housing
 DE1 - Design
 DE3 - Development Amenity
 DE4 - Building heights
 ER1 - Flood Risk
 ER2 - Water Management
 NC1LFS - Biodiversity and Geodiversity
 W1LFS - Waste hierarchy
 TA1 - Transport and accessibility
 TA2 - Development access
 TA3 - Parking requirements