

Friday, 14 May 2021

PLANNING COMMITTEE

A meeting of **Planning Committee** will be held on **Monday, 24 May 2021** commencing at **5.30 pm**

The meeting will be held in the Town Hall for decision makers all other interested parties are encouraged to attend remotely via Zoom (the links to the meeting are set out below)

Join Zoom Meeting

<https://us02web.zoom.us/j/81272324831?pwd=dUxpcVhVd24wb1ErZTZNM2J1eHhsQT09>

Meeting ID: 812 7232 4831

Passcode: 120745

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Where a person would like to attend in person, it is requested that they notify our Governance Support Team on 207087 or governance.support@torbay.gov.uk, so that arrangements can be made to ensure meetings are held safely, in accordance with Covid secure guidelines.

Members of the Committee

Councillor Pentney (Chairman)

Councillor Brown

Councillor Kennedy

Councillor Dart

Councillor Barbara Lewis

Councillor Dudley

Councillor Mills

Councillor Hill

Councillor Jacqueline Thomas

Together Torbay will thrive

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Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

PLANNING COMMITTEE AGENDA

1. **Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

(Pages 6 - 35)

To confirm as a correct record the Minutes of the meetings of the Planning Committee held on 18 May, 8 June, 13 July, 10 August, 14 September, 12 October, 9 November, 14 December 2020, 11 January, 8 February, 8 March and 12 April 2021.

(Note the Minutes had not previously been signed due to Covid19 and holding the meetings remotely. A copy of all the Minutes have been posted to the Chairman to sign at this meeting.)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

5. **Pier Point Café, Torbay Road, Torquay, TQ2 5HA P/2020/1288**

(Pages 36 - 46)

Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.

6. **Land At Dartmouth Rd, Dartmouth Rd, Paignton, TQ4 6LL
P/2021/0385**

(Pages 47 - 56)

Installation of 20m telecommunications mast with associated street cabinets.

7. **Public speaking**

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

8. **Site visits**

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 19 May 2021. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Instructions for the press and public for joining the meeting

To meet Covid-19 secure arrangements this meeting will be held via a hybrid system with the actual decision makers e.g. members of the Cabinet and key officers meeting in person, at the Town Hall, Torquay. All other people which includes persons who have registered to speak, are encouraged to attend remotely via Zoom.

People will not be prohibited from attending meetings in person but where that number exceeds our maximum Covid-19 secure numbers, the meeting will be adjourned to enable the meeting to continue safely in an alternative location.

Where persons would like to attend meetings in person, it is requested that they notify our Governance Support Team on (01803) 207087, so that arrangements can be made to ensure meetings are held, in accordance with Covid secure guidelines.

If you are joining remotely, via an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting Remotely via Zoom

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the

meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

Minutes of the Planning Committee

18 May 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Barnby

(Also in attendance: Councillors Barrand, Brooks, Carter, Mandy Darling, Foster, Loxton and David Thomas)

78. South Devon Police Station, Southfield Road, Paignton (P/2019/1181)

The Committee considered a reserved matters application for appearance, Landscaping, Layout & Scale (for 36 apartments), relating to major outline application P/2017/1117 (up to 46 apartments).

Prior to the meeting written representations were circulated to members.

Resolved:

Approved with the conditions outlined within the submitted report, with the final drafting of conditions delegated to the Assistant Director responsible for Planning and the resolution of any new material considerations that may come to light being delegated to the Assistant Director responsible for Planning, including the addition of any necessary further planning conditions or obligations.

79. 3 Keysfield Road, Paignton (P/2020/0222)

The Committee considered an application for partial demolition (rear wing) and the conversion and extension of the existing building to form 10 apartments (access, layout, scale and appearance detailed, and landscaping reserved).

Prior to the meeting written representations were circulated to members. In accordance with Standing Order B4.1 Councillor Carter addressed the meeting.

Resolved:

Approved subject to:

The final drafting of conditions delegated to the Assistant Director responsible for Planning, to include those listed within the submitted report and the resolution of

any new material considerations that may come to light being delegated to the Assistant Director responsible for Planning.

80. Cary Park Tennis Club, Cary Avenue, St Marychurch, Torquay (P/2019/1230/PA)

The Committee considered an application for the erection of three 6.7m high lighting stanchions, each with one LED luminaire, to provide lighting to Court 3. Replacement of the twelve existing luminaires for Courts 1 and 2 with eleven new LED luminaires. Provision of one courtesy luminaire to Court 4. (Proposal/description amended on 03.04.2020.).

Prior to the meeting written representations were circulated to members.

Resolved:

Approved, subject to the condition set out in the report and that the final drafting of conditions addressing of any further material considerations that may come to light be delegated to the Assistant Director with responsibility for Planning.

81. 14-16 Midvale Road, Paignton (P/2020/0128)

The Committee considered an application for Change of use from clinic (D1) to 10 x residential flats (C3).

Prior to the meeting written representations were circulated to members. At the meeting Simon Blake addressed the Committee in support of the application.

Resolved:

Approved subject to the final drafting of conditions and the resolution of any new material conditions that may come to light being delegated to the Assistant Director responsible for Planning.

Chairman

Minutes of the Planning Committee

8 June 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Barnby

(Also in attendance: Councillors Morey, Bye, Foster, Kavanagh, Kennedy, David Thomas and John Thomas)

82. Land North Of Totnes Road, Collaton St Mary, Paignton (P/2019/0281)

The Committee considered an outline application for the development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations except in respect of drainage. An amended drainage plan had been submitted in response to the drainage comments raised. At the meeting the Chairman exercised his discretion and agreed to increase the time for oral representations. Roger Bristow and Catherine Fritz addressed the Committee against the application and Elliot Jones addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillors John Thomas and Kavanagh addressed the meeting.

Resolved:

That the application be deferred in order for Members to undertake a site visit to view the location of the proposed new access and pedestrian crossing and to enable officers to provide additional information and clarification with respect to the Road Safety Audit.

83. 1 Seaton Close, Torquay, TQ1 3UH (P/2020/0228)

The Committee considered an application for a single storey extension to the north east (side) elevation and the extension of the existing balcony along the south east (front) elevation together with changes to fenestration.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. The Case officer also reminded Members that the consultation period for the revised plans had not yet ended. At the meeting Alex D'Aprano addressed the Committee in support of the application.

Resolved:

Approved subject to the conditions detailed in the submitted report and subject also to no new material planning considerations being raised within the remaining consultation period. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

84. Bishops Court Hotel, Lower Warberry Road, Torquay (P/2019/1274)

The Committee considered an application for the conversion and refurbishment of mansion to form 5 apartments. Removal of redundant leisure complex and construction of 11 new houses within grounds. Conversion and refurbishment of 14 existing curtilage apartments to form 4 houses, and construction of 8 radial garages and 2 detached garages to replace surface parking.

Prior to the meeting, written representations were available on the Council's website. In accordance with Standing Order B4.1 Councillor Bye addressed the meeting.

Resolved:

Approved subject to;

- i) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning and Transport;
- ii) a Section 106 Legal Agreement to ensure that the viability of the scheme is reviewed and a contribution towards affordable housing is paid if the scheme turns out to be more profitable than originally anticipated and to rescind application P/2012/1001; and
- iii) the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency including the addition of any necessary further planning conditions or obligations.

85. Bishops Court Hotel, Lower Warberry Road, (P/2019/1262)

The Committee considered an application for listed building consent for conversion and refurbishment of mansion to form 5 apartments. Removal of redundant

leisure complex and construction of 11 new houses within grounds. Conversion and refurbishment of 14 existing curtilage apartments to form 4 houses, and construction of 8 radial garages and 2 detached garages to replace surface parking.

Prior to the meeting, written representations were available on the Council's website. In accordance with B4.1 Councillor Bye addressed the meeting.

Resolved:

Approved subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

Chairman/woman

Minutes of the Planning Committee

13 July 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Manning, Jacqueline Thomas, Barnby and Bye

(Also in attendance: Councillors Morey, Amil, Brooks, Foster, Kennedy, Chris Lewis,
David Thomas, Mills and Stockman)

86. El Patio, 11 Alta Vista Road, Paignton (P/2019/0893)

The Committee considered an application for outline consent for the demolition of existing building and construction of 10 residential flats with access, appearance, layout and scale matters given in detail and landscaping matters reserved.

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to the conditions set out in the submitted report and subject to an additional condition requiring obscure glazing to the first floor windows on the eastern flank. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

87. Land Adjacent To Unit 36, Torbay Business Park, Woodview Road, Paignton (P/2019/1307)

The Committee considered an application for the construction of two commercial Units (reference 'F' and 'G') to provide 2044m² floor space. Unit F to be sub-divided into 5 smaller units. Unit G to be sub-divided into 3 smaller units. Buildings are surrounded by circulation space, car parking and hard standing to facilitate lorry deliveries and dispatches.

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to:

- i) details of the specimen and size of the trees to be submitted and to the satisfaction of the Planning Authority prior to the commencement of construction;
- ii) the conditions set out in the submitted report with the final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

88. Corbyn Head Hotel, Torbay Road, Torquay (P/2020/0420)

The Committee considered an application for variation of conditions relating to application P/2019/0699. Condition P1. Variation sought: Revisions to elevations and internal layout. Addition of one bedroom and car parking space. Reduction of building height and reduction in north-south building length.

Prior to the meeting, written representations were available on the Council's website. At the meeting June Pierce addressed the Committee against the application.

In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

Approved, subject to:

- i) the completion of a deed of variation to the legal agreement signed as part of application P/2019/0699, compliance with the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change; and
- ii) the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

89. Orchard Way, Edginswell Business Park, Torquay (P/2020/0024)

The Committee considered an application for reconfiguration of car park – retrospective.

Prior to the meeting, written representations were available on the Council's website. At the meeting Barry Dunnage addressed the Committee against the application and James Clark addressed the Committee in support of the application.

Resolved:

Approved.

90. Adjournment

At this juncture the Planning Committee adjourned until 5.30 pm.

91. Land North Of Totnes Road, Collaton St Mary, Paignton (P/2019/0281)

The Committee considered an application for outline application: development of up to 100 dwellings, including affordable and market housing. Associated landscaping, open space, drainage and highways infrastructure at Land North of Totnes Road together with new access onto Totnes Road.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available on the Council's website. At the meeting Graham White and Catherine Fritz addressed the Committee against the application and Clare Hambleton Jon Lloyd addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Kennedy addressed the meeting.

Resolved:

Approved, subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change;
- ii) The completion of a S106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
- iii) The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director for Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

92. Land At Waterside Quarry, Waterside Road, Paignton (P/2019/0520)

The Committee considered an application for outline consent with all matters reserved for three dwellings.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. At the meeting James Mitchell addressed the Committee against the application and Adam Billings addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Mills addressed the meeting.

Resolved:

Approved subject to the conditions set out in the submitted report. Final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director for Planning, Housing and Climate Emergency.

93. Stoodley Knowle School, Ansteys Cove Road, Torquay (P/2019/1330)

The Committee considered an application for the demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure.

Prior to the meeting, written representations were available on the Council's website. At the meeting John Lestyn addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) Planning conditions as set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) The completion of a S106 Legal Agreement to secure a review of Affordable Housing provision and other identified obligations, to include the provisions outlined within the report on terms acceptable to Officers.
- iii) With the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

94. Stoodley Knowle School, Ansteys Cove Road, Torquay (P/2019/1334)

The Committee considered an application for Listed Building Consent for works to the listed buildings (related to P/2019/1334 - Demolition of school site and construction of 90 residential units (houses and apartments), with associated car parking, landscaping and infrastructure).

Prior to the meeting, written representations were available on the Council's website. At the meeting John Lestyn addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) Planning conditions as set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and;
- ii) the resolution of any new material considerations that may come to light following Planning Committee being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

95. 58 Southfield Avenue, Paignton (P/2019/0923)

The Committee considered an application for a proposed new dwelling in curtilage of property.

Prior to the meeting, written representations were available on the Council's website. The Case Officer reported that additional representations had been received since the publication of the agenda, raising no new material planning considerations. At the meeting Rob Tyler addressed the Committee against the application and Mike Hughes addressed the Committee in support of the application.

In accordance with Standing Order B4.1 Councillor Sykes addressed the meeting.

Resolved:

That the application be refused for the following reason:

Given the siting, scale and design, the proposed development would constitute an overdevelopment of the site, having an overbearing impact on neighbours and the street scene and would be out of character with the street scene. As such, the proposed development does not represent sustainable development and is contrary to Policies DE1 and DE3 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan and the National Planning Policy Framework in particular paragraphs 127 and 130.

Chairman/woman

Minutes of the Planning Committee

10 August 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Barnby, Brown, Bye, Dart, Dudley, Hill, Manning and Jacqueline Thomas

(Also in attendance: Councillors Morey, Barrand, Chris Lewis, Loxton, Mills,
David Thomas, John Thomas and Brooks)

96. Land To The North Of Totnes Road, Collaton St Mary, Paignton P/2020/0405

The Committee considered an outline application for up to 73 dwellings with all matters reserved except access, new access onto the Totnes Road.

Prior to the meeting, written representations were circulated to members. At the meeting Catherine Fritz and Malcolm Dicken addressed the Committee against the application and Colin Danks addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors Kennedy, John Thomas and David Thomas addressed the meeting.

At the meeting the Planning Officer updated the Committee on further representations received and a Policy update on securing contributions in respect of health funding.

Resolved:

Approved, subject to;

- (i) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change;
- (ii) the completion of a S106 Legal Agreement to secure the heads of terms above, in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, on terms acceptable to Officers; and
- (iii) the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

97. Clennon Valley Goodrington, Paignton P/2020/0368

The Committee considered an application for the provision of a pedestrian/cycle path linking Haytor Avenue (north of Roselands Primary School) to Dartmouth Road (north of Torbay Velopark) with associated landscape and ecological enhancement.

Prior to the meeting written representations were available on the Council's website. At the meeting Catherine Fritz and Mike Langman addressed the Committee against the application and Paul Osborne addressed the Committee in support of the application.

Resolved:

Approved subject to the planning conditions as outlined within the submitted report and an additional condition in respect of details of safe access and egress of bicycles onto the adopted highway network at the eastern entrance to the shared path near Torbay Leisure Centre being submitted and provided to the lifetime of the development.

98. Beacon Hill Car Park, Beacon Quay, Torquay P/2020/0020/AD

The Committee considered an application for the installation of seven new signs around the car park and foot path (as amended by plans received on 29 June 2020).

Prior to the meeting, Members of the Planning written representations were available on the Council's website.

Resolved:

Approved subject to the planning conditions as outlined within the submitted report and an additional condition in respect of details of safe access and egress of bicycles onto the adopted highway network at the eastern entrance to the shared path near Torbay Leisure Centre being submitted to and approved in writing by the Local Planning Authority and provided for the lifetime of the development.

Chairman

Minutes of the Planning Committee

14 September 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Barnby, Brown, Dart, Dudley, Hill, Barbara Lewis, Manning and
Jacqueline Thomas

(Also in attendance: Councillors Morey, Brooks, Mandy Darling, Kennedy, Chris Lewis
and Loxton)

1. Land off Luscombe Road, Paignton P/2020/0360

The Committee considered an application for reserved matters pertaining to outline permission P/2014/0938. Matters reserved: appearance, landscaping, layout and scale.

Prior to the meeting, written representations were available on the Council's website. At the meeting Mr Rudge addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) the submission of a scheme to install vehicle electrical charging points;
- ii) the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

2. 39 Wall Park Road, Brixham P/2019/0594

The Committee considered an outline application for 3 dwelling houses and associated improvements to the private access lane, with all matters reserved.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Jackson addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) The conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- ii) The completion of a S106 Legal Agreement to secure the heads of terms as set out in the submitted report, in accordance with the adopted 'Planning Contributions and Affordable Housing' Supplementary Planning Document and the adopted 'Recreational Pressure on Berry Head' Supplementary Planning Document, on terms acceptable to the Assistant Director of Planning, Housing and Climate Emergency; and
- iii) The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

3. Land Adjacent To County Court, Nicholson Road, Torquay P/2020/0484

The Committee considered an application for the construction of a car park.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Mr Butler of the Torquay Neighbourhood Forum addressed the Committee against the application and Ms Waller and Mr Stacey addressed the Committee in support of the application.

In accordance with Standing Order B4.1, Councillor Chris Lewis addressed the meeting.

Resolved:

Refused, for the reasons set out below. The final drafting of these reasons, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

Reasons for refusal:

1. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the character and function of the Local Green Space and it has not been demonstrated that there are exceptional circumstances to justify the development of this space. As such the proposed

development is contrary to Policy TE2 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 146 (c).

2. It has not been demonstrated that it is possible to develop the site for the type and quantum of development as set out in the proposal without having an unacceptable adverse impact on the Urban Landscape Protection Area, contrary to Policies DE1 and C5 of the Adopted Torbay Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.
3. The application has failed to provide sufficient detail to allow the Local Authority to assess the impact of the proposed development on the operation of the local highway network; whether the proposed development would achieve appropriate on-site manoeuvrability; and whether the proposed development would achieve adequate forward visibility to provide a safe and suitable access from the site onto Nicholson Road. It is considered that the proposed development would result in an inappropriate, inconvenient development given the proposed gradient and inadequate pedestrian crossings, therefore exacerbating existing parking issues in the area resulting in a poor and inadequate form of development, with a resulting harmful effect on highway safety. The proposed development is contrary to Policies TA1 and TA2 of the Local Plan, and the NPPF, in particular paragraph 170.
4. It has not been demonstrated that it is possible to develop the site for the type of development as set out in the proposal, due to the supporting ecological evidence indicating that there is a potential presence of protected species bat and great crested newts. Insufficient survey work has been undertaken to clearly identify the presence of such species and as such it is not possible to assess the impact and/or appropriate mitigation. No exceptional circumstances have been justified to provide an understanding as to why these further surveys have not been undertaken. The proposed development is contrary to Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the National Planning Policy Framework, in particular paragraph 170.

4. Pier Point Cafe, Torbay Road, Torquay P/2020/0383

The Committee considered an application for alterations and extensions to existing restaurant including change of use of part of site from retail (A1) to restaurant (A3). (Revised plans received 27/08/2020).

Prior to the meeting, written representations were available on the Council's website.

Resolved:

Approved, subject to:

- i) the conditions as set out in the submitted report (excluding the two planning conditions regarding the extract/ventilation system and Construction Method Statement, which have been amended following the receipt of additional information), with the final drafting of conditions delegated to the Assistant Director for Planning, Housing and Climate Emergency;
- ii) the resolution of any new material planning considerations that may come to light following Planning Committee to be delegated to the Assistant Director for Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman/woman

Minutes of the Planning Committee

12 October 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning, Jacqueline Thomas and Loxton

(Also in attendance: Councillors Morey, Atiya-Alla, Brooks, Chris Lewis and David Thomas)

5. Apologies for absence

It was noted that since publication of the Agenda there had been a change to political balance of this Committee which was approved at Council on 8 October 2020 - there were 3 Independents (Councillors Brown, Kennedy and Manning), 3 Liberal Democrats (Councillors Dart, Dudley and Pentney) and 3 Conservatives (Councillors Hill, Barbara Lewis and Jacqueline Thomas).

It was reported that in accordance with the wishes of the Independent Group Councillor Loxton would be substituting for Councillor Kennedy for this meeting.

6. Highstead, Bronshill Road, Torquay TQ1 3HD P/2020/0307

The Committee considered an application for the construction of dwelling house.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Ian Skelton addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Atiya-Alla addressed the Committee.

Resolved:

Approved subject to the conditions (excluding the planning conditions relating to finished floor levels) set out in the submitted Report plus the inclusion of an additional condition in respect of a hedge protection plan and the final drafting of conditions being delegated to the Assistant Director for Planning, Housing and Climate Emergency which address any further material considerations which may come to light.

Chairman

Minutes of the Planning Committee

9 November 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Barbara Lewis, Manning,
Jacqueline Thomas and Kennedy

(Also in attendance: Councillors Morey, Brooks, Chris Lewis, Loxton, Mills and
David Thomas)

7. Former Torbay Holiday Motel, Totnes Road, Paignton. TQ4 7PP P/2019/0615

The Committee considered an outline application for the demolition of Torbay Holiday Motel and redevelopment of site for up to new 39 residential dwellings together with the retention of Beechdown Court, with detailed access (Matters of Appearance, Landscaping, Layout and Scale reserved)(as revised by plans received 20.03.2020 and description amended 24.03.2020 and plans received 09.10.2020).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Andrew Lavey addressed the Committee against the application and Catherine Fritz addressed the meeting on behalf of the Paignton Neighbourhood Forum. Michael Drake addressed the meeting in support of the application.

Resolved:

Approved: Subject to:

- (i) the Planning conditions set out in the supported report, with the final drafting of conditions being delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- (ii) the completion of a Section 106 Legal Agreement to secure heads of terms in accordance with the adopted Planning Contributions and Affordable Housing Supplementary Planning Document, and that secures future access to the wider masterplan area to the east of the site is not inhibited, delegated to the Assistant Director of Planning, Housing and Climate Emergency;
- (iii) a further condition requiring detail of low loaders accessing Beechdown Park being resolved at Reserved Matters; and

- (iv) the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

8. Windmill Hill Sports Field, Higher Audley Avenue, Torquay TQ2 7PG P/2020/0541

The Committee considered an application for the installation of dug-outs on football pitch.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved, subject to the conditions set out in the submitted Report and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

9. Watcombe Hall, Watcombe Beach Road, Torquay P/2020/0627

The Committee considered an application for conversion of existing care home into 8 flats & 4 houses with extensions, alterations & landscaping. Demolition of single storey link building & boiler house.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved subject to the conditions set out in the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change. And the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

10. Land Rear Of 107 Teignmouth Road, Torquay, TQ1 4HA P/2020/0974

The Committee considered an application for construction of twelve flats with associated parking (retrospective).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

Resolved:

Approved subject to the conditions as set out in the submitted Report with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency and the resolution of any new material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Chairman

Minutes of the Planning Committee

14 December 2020

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Mills and
Jacqueline Thomas

(Also in attendance: Councillors Amil, Barrand, Brooks, Carter, Mandy Darling, Foster,
Law, Chris Lewis, Morey, Long, Stockman and David Thomas)

11. Apologies for absence

It was reported that, in accordance with the wishes of the Independent Group, the membership of the Committee had been amended for this meeting by including Councillor Mills instead of Councillor Manning.

12. Land At Sladnor Park, Sladnor Park Road, Torquay, TQ1 4TF P/2018/1053

The Committee considered an application for the demolition of existing pairs of chalets (with the exception of one pair) and the development of a Continuing Care Retirement Community comprising the erection of buildings to accommodate 43 assisted living units and 116 close care units, associated health and wellness facilities, staff facilities, internal roads, surface and underground car parking (including associated engineering operations), footpaths, ancillary buildings, landscaping, drainage works and associated infrastructure.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder, Christine Davies, Nigel Goodman and Dr Vivienne Thorn addressed the Committee against the application and Leon Butler addressed the meeting on behalf of the Torquay Neighbourhood Forum. Jonathan Rainey and Keith Cockell addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors Foster and Brooks addressed the meeting.

Resolved:

Refused for the reasons set out in the submitted report.

13. Duration of Meeting

At this junction, the Chairman reported that the meeting had exceeded four hours in duration and indicated that the remainder of the business left on the agenda should be transacted at the meeting. In accordance with Standing Order A11 the Committee agreed to continue the meeting.

14. Crossways Shopping Centre, Hyde Road, Paignton P/2020/0731

The Committee considered an application for the redevelopment of redundant shopping centre comprising: demolition of shopping centre and associated multi-storey car park and erection of five storey sheltered (use class C3) scheme block of 13 flats, commercial and associated ancillary space. Erection of seven storey extra care (use class C2) scheme of 76 flats, commercial, communal and associated ancillary space.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. In accordance with Standing Order B4.1 Councillor Carter addressed the meeting.

Resolved:

That planning permission be granted subject to:

- (i) confirmation from the Highway Authority that the additional highway information is acceptable and that they raise no objection to the proposal;
- (ii) Natural England having the appropriate time to respond to consultations on matters of ecology and raise no objection to the proposed development and subject to confirmation that all necessary pre-determination ecological assessments have been undertaken and properly assessed;
- (iii) the conditions detailed at the end of the submitted report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change; and
- (iv) the resolution of any new material considerations that may come to light following the Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations (unanimous).

15. Site Adjacent To Brixham Cricket Club, 83 North Boundary Road, Brixham TQ5 8LH P/2020/0480

The Committee considered an application for an outdoor football pitch for sports and recreational use (part retrospective).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Jonathan Ling-Cotty addressed the Committee in support of the

application. In accordance with Standing Order B4.1 Councillor Stockman addressed the meeting.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement to secure community use of the site;
- (ii) the conditions set out in the submitted report; and
- (iii) the final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change (unanimous).

16. Cary Cottage Barn, Cockington Lane, Torquay, TQ2 6XA P/2018/0380/PA

The Committee considered an application for the conversion of existing barn into habitable accommodation.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Leon Butler addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

Approved subject to:

- (i) the receipt of satisfactory revised plans;
- (ii) the conditions set out in the submitted report, plus an additional condition to ensure that Pilkington Grade 1 obscure glass is installed in the windows on the first floor south west elevation of the building; and
- (iii) the final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

17. Cary Cottage Barn, Cockington Lane, Torquay TQ2 6XA P/2020/0677/LB

The Committee considered a listed building application for the conversion of existing barn into habitable accommodation.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Leon Butler addressed the Committee against the application. In accordance with Standing Order B4.1 Councillor Amil addressed the meeting.

Resolved:

That delegated authority be given to the Assistant Director of Planning, Housing and Climate Emergency, to grant listed building consent, subject to:

- (i) the conditions set out in the submitted report; and
- (ii) the final drafting of conditions, and addressing any further material considerations that may come to light following Planning Committee, to be delegated to the Assistant Director of Planning, Housing and Climate Change.

18. The Riviera Hotel, Belgrave Road, Torquay TQ2 5HJ

The Committee considered an application for demolition of 18 hotel rooms; replacement with 47 en-suite hotel rooms and with associated landscaping.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's website. At the meeting Brett Powis addressed the Committee in support of the application and Leon Butler addressed the meeting on behalf of the Torquay Neighbourhood Forum.

Resolved:

Approved subject to:

- (i) the conditions set out in the submitted report;
- (ii) the final drafting of conditions to be delegated to the Assistant Director of Planning, Housing and Climate Change; and
- (iii) the resolution of any new material considerations that may come to light following Planning Committee and re-advertising of the application, to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary planning conditions or obligations (unanimous)

(Note: Councillor Barrant joined the meeting during discussion of this item.)

Chairman/woman

Minutes of the Planning Committee

11 January 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis,
Manning, Jacqueline Thomas

(Also in attendance: Councillors Brooks and Foster)

**19. Kingdom Hall Of Jehovahs Witnesses, St James Place, Torquay TQ1 3LS
P/2020/0369**

The Committee considered an application for the conversion and part demolition of Kingdom Hall to form three dwellings. (As revised by plans received 09.10.2020.).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Mr Chris Reynard addressed the Committee against the application and Mr Tony Drake addressed the Committee in support of the application.

Resolved:

That the application be refused on the grounds of overdevelopment on a restricted site and the lack of amenity space.

Chairman

Minutes of the Planning Committee

8 February 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Dart, Dudley, Barbara Lewis, Manning and Jacqueline Thomas

20. Apologies for absence

Apologies for absence was received from Councillors Brown and Hill.

21. Beacon Cove, Parkhill Road, Torquay TQ1 2EP P/2019/1023

The application was deferred for further information.

Chairman

Minutes of the Planning Committee

8 March 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Manning and
Jacqueline Thomas

(Also in attendance: Councillors Brooks, Chris Lewis and Sykes)

22. 58 Southfield Avenue, Paignton TQ3 1LH P/2020/1130

The Committee considered an application for the formation of a dwelling in the curtilage of the property. This was resubmission of P/2019/0923 with revised plans received 27.01.21.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Mr Rob Tyler addressed the Committee against the application and Anna Suszczynska and Mr Munroe addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillors C Lewis and Sykes also addressed the Committee.

Resolved:

Approved subject to approval subject to the conditions and informatives set out in the submitted report with the final drafting of conditions, and addressing any further material considerations that may come to light being delegated to the Assistant Director responsible for Planning, Housing and Climate Emergency.

23. 30-34 The Terrace, Torquay P/2020/0999

The Committee considered an application for the conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website. At the meeting Dr Rodney Horder and Mr Ian Roach addressed the meeting.

Resolved:

Approved subject to the conditions and informatives set out in the submitted report with the final drafting of conditions addressing any further material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency.

24. 30-34 The Terrace, Torquay P/2020/1000

The Committee considered an application for listed building consent for conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's Website. At the meeting Dr Rodney Horder and Mr Ian Roach addressed the meeting.

Resolved:

That Listed Building Consent be granted, subject to the conditions and informatives set out in the submitted report with the final drafting of conditions addressing any further material considerations that may come to light being delegated to the Assistant Director of Planning, Housing and Climate Emergency.

Chairman

Minutes of the Planning Committee

12 April 2021

-: Present :-

Councillor Pentney (Chairman)

Councillors Brown, Dart, Dudley, Hill, Kennedy, Barbara Lewis, Manning and Jacqueline Thomas

(Also in attendance: Councillors Morey and Brooks)

25. Minutes' Silence

As a mark of respect, the Committee commenced with a minutes' silence to honour the life and passing of His Royal Highness, The Duke of Edinburgh, Prince Phillip.

26. Site Of Former Conway Court Hotel, Warren Road, Torquay. TQ2 5TS P/2020/0925

The Committee considered an application for the formation of 14 apartments with car parking and vehicular/pedestrian access (as revised by plans received 15.03.2021).

Prior to the meeting, Members of the Planning Committee undertook a virtual site visit and written representations were available on the Council's Website.

At the meeting Mr Paul Wyman addressed the Committee against the application, Dr Rodney Horder on behalf of Torquay Neighbourhood Forum addressed the meeting and Mr Chris Kenny addressed the Committee in support of the application.

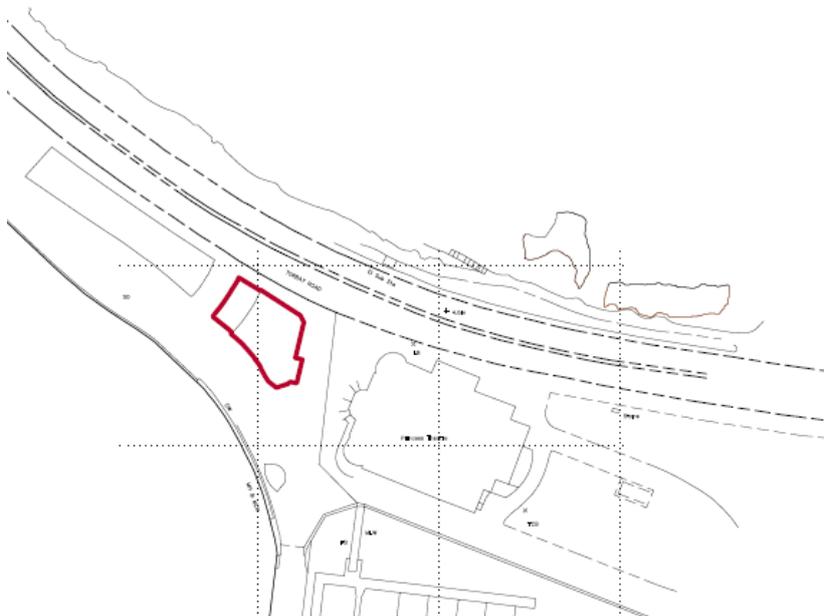
Resolved:

Approved, with the conditions as set out in the submitted report with the final drafting of conditions being delegated to the Assistant Director of Planning, Housing and Climate Emergency, including an extra conditions to ensure the stability of the land and that designing out crime standards are met, together with the resolution of any new material considerations that may come to light.



Application Site Address	Pier Point Café, Torbay Road, Torquay, TQ2 5HA
Proposal	Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.
Application Number	P/2020/1288
Applicant	Arnold & Moreton
Agent	Narracotts Architects
Date Application Valid	14/01/21
Decision Due date	11/03/21
Extension of Time Date	10/05/21
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee as the site is owned by Torbay Council.
Planning Case Officer	Sean Davies

Location Plan



Site Details

The site at Pier Point Café, Torbay Road, Torquay, TQ2 5HA is a detached café/restaurant and its curtilage. The site is in the Belgravia conservation area, on the boundary of the Torquay harbour Conservation area, within the Torquay Core Tourism Investment Area and is adjacent to and partially includes the Princess Gardens and Royal Terrace Gardens, which has been designated as a Registered Park and Garden.

Description of Development

Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only.

The proposals would replace the existing outdoor seating area with a fully glazed retractable roof. The height of the roof of the existing café would not be altered. Internally the location of the existing restaurant/dining area, bar, WCs, staff and prep areas would remain largely unchanged. An existing takeaway counter and kiosk at the southern corner of the site would also be retained. Existing glazing in all elevations would be replaced and improved, with extensive use of full height glazing, including around all three sides of the existing outdoor seating area. The side of the building facing the sea (south west) would be remodelled with the existing curved and angular side replaced with a straight and vertical side with sliding doors. The angled profile of the windows facing Torbay Road would be retained. Adjustments to the arrangement of roof plant (i.e. extraction and odour control equipment) would also be made.

Pre-Application Enquiry

None.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 (the "Local Plan")
- The Torquay Neighbourhood Plan

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

CN/2020/0047: Discharge of Condition relating to application P/2019/1341. Condition: 03 - Waste Management. APPROVED.

P/2020/0383: Alterations and extensions to existing restaurant including change of use of part of site from retail (A1) to restaurant (A3) - Revised Plans Received APPROVED.

P/2019/1341: Alteration to existing opening to form counter for hot food takeaway. Addition of A5 Class to existing A3 Class. APPROVED.

P/2017/0638: First floor extension, terrace and alterations to restaurant & bar, solar PV and associated works.(Revised Plans received) APPROVED

DE/2014/00666: Proposed roof terrace with external stair access and fire exit PRE-APPLICATION ADVICE

P/2013/1121: New door opening formed within existing glazed panel and sill to provide additional fire exit and means of escape APPROVED

P/20017/0913: Change Of Use To Provide Tables And Chairs To Front Of Venue.

Summary of Representations

Approximately three responses received.

Approximately one representation from a member of the public has been received. Concerns raised included:

- Disappointment with design: "Gone is the second floor. Gone, what could have been an iconic building in favour of a simple refurbishment".
- Work has already started.

Approximately one objection has been received from Torbay Coastal Heritage Trust.

Concerns raised include:

- The submitted Heritage Statement is inadequate.
- the Design and Access Statement is inaccurate; concerns about design; in particular the outdoor terrace.
- The proposals would impact negatively on the Belgravia and Torquay Harbour conservation areas.
- Inadequate car/cycle parking.
- Noise impacts.
- Impacts on trees.
- An existing lead to shed next to the main building doesn't have planning permission.
- Concern that works have started in advance of planning permission.
- Concern about lack of waste storage facilities

Approximately one representation in support has been received from Torbay Friends of the Earth in relation to the design of the proposals and commenting that take away materials should be bio-degradable.

Torquay Neighbourhood Forum:

No response received.

Historic England:

No objections. Request that the LPA consider the following recommendations:

- the Local Planning Authority (LPA) pays careful attention to (i) the cladding panels and sign fascias that will be used; (ii) the potential for air conditioning units, solar panels etc. to be installed on the roof in future and considers removing permitted development rights.
- the LPA considers securing a financial contribution towards the aspirations set out in the adopted masterplan for the Princess Gardens and Royal Terrace Gardens and the the adopted Conservation Area Appraisal and Management Plan for Torquay Harbour.

Torquay Drainage Department:

No objection Provided the resilience measures included within the site specific flood risk assessment are included within the final construction.

Torquay Arboriculture Department:

No objection.

Torquay Community Safety Department:

No objection. Comments:

- Ensure there is an adequate number of wash hand basins throughout the different locations of the kitchen, including to the takeaway servery, ice cream kiosk and staff toilet
- Toilet provision to comply with recommended standards. All toilets will need a lobby (e.g. 2 doors) between the toilets and any food preparation/storage areas and they must have sufficient mechanical or natural ventilation.
- If new kitchen ventilation is to be installed to treat and disperse emissions from cooking operations on the premises then the developer would be best advised to have reference to the following document: Control of Odour and Noise from Commercial Kitchens Exhaust Systems – 2004 (Update prepared by NETCEN for the Department for environment, Food, and Rural Affairs). Following installation, the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.
- The premises must comply with the Health Act 2006 to ensure all enclosed areas are smoke-free. Any designated smoking areas must comply with the legislation and be non-substantially enclosed. The external dining space would be classed as enclosed under this legislation when the roof is in place and therefore this area would be required to be non-smoking.

Police:

No objection. Request that the LPA consider the following recommendations:

- Installation of CCTV and lighting to external areas.
- Appropriate storage for outdoor furniture.
- Bin store to be secure, covered by CCTV and ideally sited away from main building elevation.
- All new doors and accessible windows to be sourced as tested/certified products to provide adequate security.
- Doors to be flush with building line to avoid creating hidden recessed areas.
- Elevations to be treated with anti-graffiti finish.
- A management plan should be agreed prior to approval to ensure that the use of the external areas are well managed and regularly supervised by staff

Key Issues/Material Considerations

1. Principle of Residential Development
2. Visual impact
3. Amenity
4. Transport and accessibility
5. Parking and access requirements
6. Ecology
- 7 .Flood risk and drainage

1. Principle of Residential Development

The proposal seeks permission for Alterations and extension to existing restaurant to incorporate takeaway element. Change of use of retail element to restaurant/takeaway elements only. There are no Local Plan policies indicating that the proposal is not acceptable in principle.

2. Torquay Town Centre and Harbour

Policy SDT2 of the Local Plan states that Torquay Town Centre will develop as the largest retail and leisure centre of the Bay and become the key sub-regional retail and leisure destination, helping to provide an improved vibrant and more enjoyable shopping and leisure environment with better eating and leisure facilities.

Officers consider that the proposals would assist towards the aim of providing a more vibrant and enjoyable leisure experience within the town centre.

The proposal is therefore considered to be in accordance with policy SDT2.

3. Evening and night time economy

Policy TC5 of the Local Plan states that the Council supports development that helps create a vibrant, diverse evening and night time economy within town centres, seafront and harbour areas of the Bay.

Officers consider that the proposals would contribute to this aim by providing an attractive venue likely to draw local people and visitors to the harbour area.

The proposal is therefore considered to be in accordance with Policies TC5.

4. Tourism

Policy TO1 of the Local Plan states that tourist facilities will be improved and modernised in order to attract new visitors, particularly overnight visitors, and increase overall spend. Further, that the Council will support the retention and improvement of high quality tourism and leisure attractions and facilities in sustainable accessible locations, with a particular focus on Core Tourism Investment Areas (CTIAs).

The site is within the Torquay CTIA. Officers consider that the proposals would improve the tourism offer of the CTIA and would contribute to attracting new visitors, including overnight visitors, and overall spend.

The proposal is therefore considered to be in accordance with Policy TO1.

5. Visual impact

Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space, including designing out crime. Policy TH8 of the Torquay Neighbourhood Plan states that development proposals must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

An objection has been made by Torbay Coastal Heritage Trust about the design of the proposals. In particular about the visual appearance of the proposed enclosure of the existing outdoor seating area and about an existing bin store to the side of the building, which is said to be unauthorised development.

A member of the public has objected about the omission of the second floor included in previous proposals. One representation (Torbay Friends of the Earth) has also been made in support of the design, principally as the second floor included in previous proposals has been omitted.

Historic England has commented that:

“Historic England finds that the proposed alterations will improve the appearance of the existing building, the setting of the RPG and the experience of users of the theatre and pedestrians, and will encourage users to move westwards into the sunken gardens and better appreciate the further reaches of the RPG. The facade facing the theatre is

more utilitarian with a possible bin enclosure added to the side, but nonetheless is also an improvement on the existing arrangement.”

The existing site is a 1950s/1960s café building with an outdoor seating area. It is understood that it currently operates as a café/restaurant (use class A3) and a shop (use class A1) - now both Use Class E. Also as a hot food takeaway (sui generis use). So the proposal would be a mixed use - Class E and sui generis take away.

The proposals would replace the existing outdoor seating area with a fully glazed retractable roof. The height of the roof of the existing café would not be altered. Internally the location of the existing restaurant/dining area, bar, WCs, staff and prep areas would remain largely unchanged. An existing takeaway counter and kiosk at the southern corner of the site would also be retained. Existing glazing in all elevations would be replaced and improved, with extensive use of full height glazing, including around all three sides of the existing outdoor seating area.

Officers consider that the proposals will significantly improve the visual appearance of the site and that the proposed enclosure of the existing outdoor seating area will blend in well with the existing structure.

At roof level a number of existing roof lights and four air handling units would be removed. Nine new air handling units would be provided towards the middle of the roof, together with two deoderiser extractors which would be covered by an enclosure to match the existing roof and three serve duct/air intakes. It is understood that all proposed roof plant has now been installed. The aforementioned cover for the deoderiser units has not yet been provided. The existing rooflights and some of the air handling units to be removed are still in place.

The applicant has responded to points made by the Police by supplying a full CCTV plan and confirming that no furniture will be left out over-night.

The existing bin store is understood to have been in place for a number of years. Officers have discussed the prospect of improving the visual appearance of the bin store with the applicants through the provision of a small rendered block work store attached to the main building in the current location of the bin store in order that it may blend in more with the main building. However the applicants have declined to do this and, as the bin store is existing and has been in place for some time officers do not feel that the retention of the bin store in its current condition amounts to a reason for refusal.

The proposal is therefore considered to be in accordance with Policies DE1 and TH8.

6. Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

An objection has been made about noise impacts associated with the proposals. However, officers do not consider that the development would result in any significant increase in noise as compared with the existing development. Noise has not been raised as an issue by Torbay Community Safety Department.

The applicant has confirmed that the points made by Torbay Community Safety Department will be addressed during final construction and that odour control extraction systems have

already been installed. Planning conditions will be used to ensure that the points made by Torbay Community Safety Department are actioned.

Given its siting, scale, and design, it is therefore considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposals are therefore considered to be in accordance with Policy DE3.

7. Conservation and the Historic Environment

Policy SS10 of the Local Plan states that development proposals will be assessed against the need to conserve and enhance conservation areas while allowing sympathetic development within them. Also that proposal that may affect heritage assets will be assessed in view of their impact on listed and historic buildings and their settings.

The site is in the Belgravia conservation area, on the boundary of the Torquay Harbour Conservation area, and is adjacent to and partially includes the Princess Gardens and Royal Terrace Gardens, which has been designated as a Registered Park and Garden.

An objection has been made that the submitted Heritage Statement is inadequate and that the proposals would harm the character of the Belgravia and Torquay Harbour conservation areas.

Balanced against this, Historic England has commented that:

“Historic England finds that the proposed alterations will improve the appearance of the existing building, the setting of the Registered Park and Garden”

Officers concur with this view and consider that the proposals would conserve and enhance the appearance of the conservation areas as well as nearby heritage assets.

As mentioned above, while there is clearly scope to improve the appearance of the existing bin store and in so doing to enhance the character of the conservation area officers do not feel that the retention of the existing bin store amounts to a reason for refusal in this case.

Historic England has recommended that the Local Planning Authority seek contributions from the applicant towards the adopted Masterplan for the Registered Park and Garden and the adopted Conservation Area Appraisal and Management Plan for Torquay Harbour. Officers have considered this but do not believe that a contribution is warranted.

The proposals are therefore considered to be in accordance with Policy SS10.

8. Parking and access requirements

Policy TA3 of the Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking in all new development.

An objection has been made that the proposals do not include any car or cycle parking.

The applicant has confirmed that the proposals do not include any material increase in staffing levels (12 full time and six part time staff rising to 15 full time 15 part time staff) and or seating capacity.

Given that there is no car or cycle parking associated with the existing site officers consider that the proposals do not require any new parking provision in this case. The local area is well served by public parking, both along Torbay Road and at nearby car parks.

The proposal is therefore considered acceptable with regards to Policy TA3.

9. Flood risk and drainage

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is within Flood Zone 3. Torbay Drainage Department has confirmed that it has no objection to the proposals provided the resilience measures included within the site specific flood risk assessment are included within the final construction.

The proposal is therefore considered to be in accordance with Policy ER1 of the Local Plan.

10. Waste

Policy W1 of the Local Plan states that all development proposals should provide a scheme of sustainable waste management proportionate to the scale of the proposal. Policy W2 requires that Development proposals which are likely to generate significant volumes of waste must include a Waste Audit and Five Year Waste Management Plan setting out how waste generation will be reduced during the construction and operation of the development. This will include provision of appropriate on-site facilities for reuse, recycling (composting where appropriate) and collection of waste. Schemes should include measures to:

1. Prevent and minimise, re-use and recycle waste (including composting where appropriate);
2. Minimise the use of raw materials;
3. Minimise the pollution potential of unavoidable waste;
4. Seek alternative modes of transport (to the use of roads) to move waste;
5. Make provision for the storage and collection of waste. Planning contributions for off-site waste management facilities may also be required; and
6. Dispose of unavoidable waste in an environmentally acceptable manner;

An objection has been made that the proposals don't include details of waste storage.

The proposal includes an existing bin storage area. The proposal includes a takeaway counter. Therefore a planning condition will be used to require the submission of a Waste Management Plan to ensure that the use of plastic containers are minimized, local litter bins are not subject to undue pressure and seagulls are managed.

Following the use of this condition, the proposal is considered to comply with Local Plan Policies W1 and W2.

11. Trees

Policy C4 of the Local Plan states that development will not be permitted where it would harm veteran or protected trees.

An objection has been made about the proposals' possible impact on trees.

There is a London Plane tree along Torbay Road north east of the site. However Torbay Arboriculture department has been consulted on the proposals and has not raised any concerns.

The proposal is therefore considered to be in accordance with Policy C4.

12. Climate Change

Policy SS14 of the Local Plan states that development should be resilient to the local climate commensurate to the use of the proposal and should avoid responses to climate impacts which lead to increases in energy use and greenhouse gas emissions.

The applicant has confirmed that “energy efficient light fittings are installed throughout, whilst similar energy efficiency has been achieved by means of upgrading all the Kitchen and associated equipment. All new doors and windows will be double glazed and rated for severe exposure, thus ensuring the heat loss from the building and therefore the associated running costs will be reduced”.

It is considered that this approach demonstrates a proportionate response to the minimisation of carbon emissions at the site.

The proposal is therefore considered to be in accordance with Policy SS14.

Local Finance Considerations

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

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:

Not applicable.

Planning Balance

This report gives consideration to the issues raised in the objections received and concludes that these are not of sufficient weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal. The presumption in favour of sustainable development together with the benefits that the proposals would bring to the local economy and to safeguarding the long future of the Torquay town centre and Harbour area, the environment and social benefits associated with an improved leisure offer all weigh in favour of the development and mean that approval should be granted in this case.

Proactive Working

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.

Conclusions and Reasons for Decision

The proposal is: acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; and would provide acceptable arrangements in relation to access and parking, flood risk, and ecology. The proposed development is therefore considered acceptable, having regard to the Development Plan, and all other material

considerations.

Officer Recommendation

That planning permission is granted, subject to the conditions detailed below and subject also to no new material planning considerations being raised within the remaining consultation period. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

Conditions

1. Prior to the installation of any external building materials, including cladding, render, windows and doors, the proposed materials (including samples) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Belgravia Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012-2030.

2. The development shall be carried out in accordance with the recommendations set out in the Memorandum from Torbay Community Safety Department dated 15/02/21 (document reference SRU No. 261319).

Reason: In the interest of visual amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

3. Within 8 weeks of the commencement of the development hereby approved, or prior to its installation, details of any external ventilation, extraction or odor control equipment or other plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

4. The development hereby approved shall be undertaken in full accordance with the mitigation measures contained in the flood risk assessment dated May 2020, received 03/02/21 (document reference 2386 FRA Rev A) and shall be retained as such thereafter.

Reason: In the interests of flood safety and in accordance with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

5. The development hereby permitted shall not be brought into use until a detailed Waste Audit and Waste Management Plan, has been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed scheme shall be adhered to for the lifetime of the development.

The scheme shall include full details of the following:

- 1) How waste will be minimized as far as possible.
- 2) The storage of refuse and recycling awaiting collection.
- 3) Where customer bins will be provided on site.
- 4) How the development will prevent and minimise, re-use and recycle waste and promote the use of recyclable containers.

5) How the development will dispose of unavoidable waste in an environmentally acceptable manner.

6) How the development will address additional pressure on nearby public litter bins.
Reason: In interests of managing waste in an appropriate manner and in accordance with Policies W1 and W2 of the Torbay Local Plan 2012-2030.

6. The development hereby approved shall not be open to customers outside of the following times: 0800 to 00:30 Monday to Sunday.

Reason: In the interests of the amenity of the area, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the building hereby approved shall not be used for anything other than the sale of food and drink for consumption on or off the premises and ancillary retail sales, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of the Core Tourism Investment Area and maintaining the vitality of Torquay seafront and in accordance with Policies TO1 and TE5 of the Torbay Local Plan 2012-2030.

8. The development hereby permitted shall not be brought into use until the CCTV plan received 23/03/21, document reference P2020-1288-4 has been installed. Once installed the CCTV system shall be maintained in operation for the lifetime of the development.

Reason: Reason: To ensure an acceptable form of development in the interests of designing out crime in accordance with Policy DE1 of the Torbay Local Plan 2012-2030.

Development Plan Relevant Policies

TA1 - Transport and accessibility

TA3 - Parking requirements

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

NC1 – Biodiversity and geodiversity

TH9 – Parking facilities

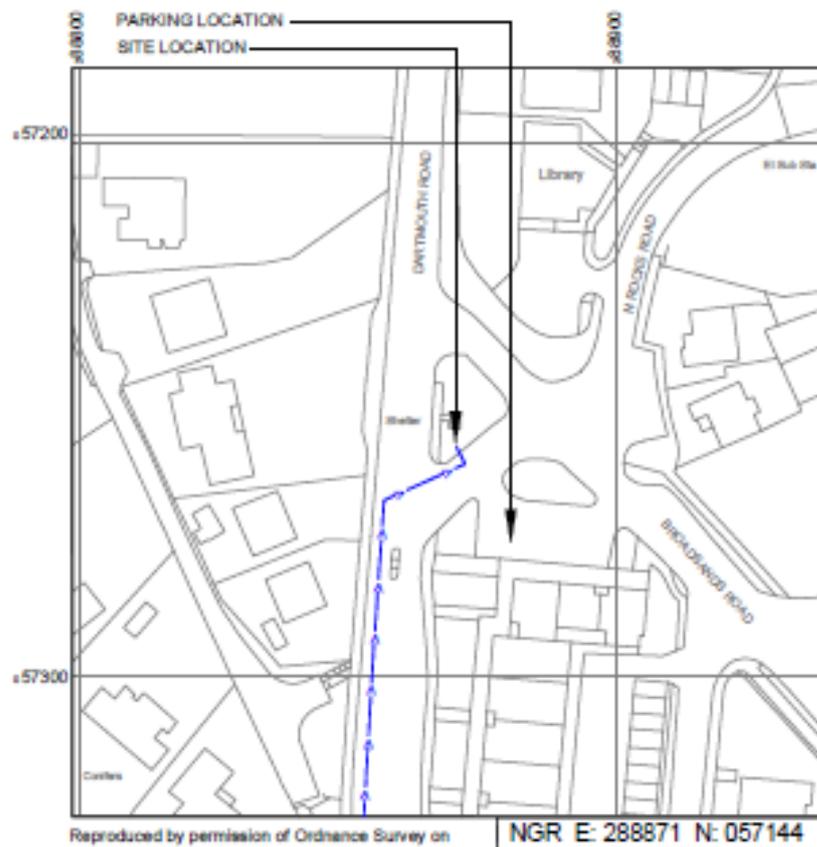
TH8 – Established architecture

TE5 – Protected species habitats and biodiversity

TORBAY COUNCIL

Application Site Address	Land At Dartmouth Rd Dartmouth Rd Paignton TQ4 6LL
Proposal	Installation of 20m telecommunications mast with associated street cabinets.
Application Number	P/2021/0385
Applicant	Hutchison 3G UK Ltd
Agent	Mr C Dalby - Sinclair Dalby Ltd
Date Application Valid	31/03/2021
Decision Due date	26/05/2021
Extension of Time Date	Not applicable
Recommendation	Prior approval is required and granted.
Reason for Referral to Planning Committee	The application has been referred to Planning Committee due to the level of representations received.
Planning Case Officer	Emily Elliott

Location Plan:



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Site Details

The site is on Dartmouth Road close to the junction with Broadsands Road, on a grassed island adjacent to a commercial area. There is an existing tree on the grass island and in the wider background. There is also a streetlight, road signs, a bus shelter, a bin and a public bench. The site forms part of the built up area and is not within Article 2(3) land (Conservation Area).

Description of Development

The proposal seeks to determine if prior approval is required for a proposed, development by or on behalf of an electronic communications code operator for the purpose of the operator's Electronic Communications Network in, on, over or under land controlled by that operator or in accordance with the electronic communications code under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 16, Class A.

The proposal seeks the installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. transmission dishes, 4 no. equipment cabinets and development works ancillary thereto.

The proposed development is required to provide new infill coverage for the H3G network (known as '3'). The site is primarily required to provide new 5G coverage and capacity to the area surrounding the site. It would also improve 4G coverage and capacity.

The monopole needs to be higher than the existing paraphernalia in the area for the required level of coverage to be achieved. The development therefore involves the installation of a 20 metre high monopole. The pole would support 6 no. antennas. The three uppermost antennas provide 5G coverage, and the lower set of 3 antennas would provide 3G and 4G coverage. The pole would also support 2 no. transmission dishes below the antennas. These are required to link the site into the wider network. Ancillary equipment cabinets are proposed at ground level adjacent to the pole.

Pre-Application Enquiry

DE/2021/0044: Installation of 20m monopole supporting 6 x antennas, with 4 x equipment cabinets.

- Pre-application enquiry was sought to invite the Local Planning Authority, in accordance with planning policy guidance and Best Practice Commitments, to enter into discussions with regards to this proposal. The applicant undertook several steps in the site identification process having examined the Radio Communications Agency Mast Register, record of other operators' sites and the council's own mast register. In addition, the policies in the council's development plan have been examined and any relevant planning history of the site, which has led to identifying the following potential site.

Relevant Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Brixham Peninsula Neighbourhood Plan 2012-2030

Material Considerations

- National Planning Policy Framework (NPPF)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Planning Practice Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Relevant Planning History

No previous relevant planning history relating to the site.

Summary of Representations

The application was publicised through a site notice and neighbour notification letters. Approximately 70 letters of objection have been received, it should be noted that this number reflects 68 objectors as some have made more than one objection.

Concerns raised include:

- Overdevelopment
- Not in keeping with local area
- Privacy/overlooking
- Residential amenity
- Sets precedent
- Impact on local area
- Traffic and access
- Trees and wildlife
- Health concerns

An update will be provided to Members of the Planning Committee following the end of the public consultation period.

Representations from the prior approval application (planning reference P/2021/0305) which was created and advertised in error and subsequently closed and the pre-

application enquiry have been considered, but raise no further concerns than those stated above.

Summary of Consultation Responses

Torbay Council's Highways Engineer:

With respect to the above application, it appears that there is existing street furniture in the vicinity of the proposed telecommunications mast. It is noted that nearby trees may be affected by the proposals and therefore Highways would recommend that Natural Environment be consulted. Visibility to vehicles accessing and egressing the junction is unaffected as a result of the proposals and therefore Highways would support the principle of the proposal. However, should the application be permitted, a protective restraint system should be installed to protect vehicular users in the case of a RTC.

Torbay Council's Senior Tree and Landscape Officer:

The attachments provide an overview of the work proposals and are generally acceptable. Please can we have a pre-commencement condition for a full Arboricultural Method Statement and Tree Protection Plan.

South West Water:

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below. Please find attached a plan showing the approximate location of a public 300mm sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Police Designing-Out Crime Officer:

Thank you for the opportunity to comment on the above application. Anecdotal nationwide research, in conjunction with data held by Devon and Cornwall Police, show that in some cases such equipment as described, particularly when relating to 5G, can be vulnerable to criminal offences and incidents, such as damage, graffiti, arson and theft.

It is recognised that installers/suppliers of such communication equipment generally hold the security of their equipment in high regard but in the absence of any reference to the security measures being proposed for the installation please note the following security and crime prevention advice and recommendations for consideration and implementation where possible:-

1. It is recommended that any proposed security measures are supported by a monitored CCTV system. This will assist greatly in corroborating an attack or

unauthorised access to the equipment to ensure emergency services are only being called when necessary. The Government's advice document, Passport to Compliance, should be followed as it will guide the planning, implementation and operation of a CCTV system.

2. It is recommended that as a minimum requirement the ground based cabinets should be secured to LPS 1175 SR2 or 3 standard of security.
3. The cabinets should also be fitted with the following;
 - A tamper alarm
 - Heat sensors and fire breaks (to protect against arson)
 - Anti-graffiti features and finishes

Planning Officer Assessment

Key Issues/Material Considerations

Does the proposal meet the criteria of permitted development?

It is relevant to consider the proposed development against:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 16, Class A:

Class A – electronic communications code operators

Permitted development

- A. *Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—*
- (a) the installation, alteration or replacement of any electronic communications apparatus,*
 - (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
 - (c) development ancillary to radio equipment housing.*

Development not permitted

Development not permitted: ground-based apparatus

A.1— (1) *Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—*

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—

(i) 25 metres above ground level on unprotected land; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced—

(i) exceed the greater of the height of the existing mast or a height of—

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

The proposed 20 metre high monopole would be subject to A.1 (1)(c) as it would involve the installation of a mast.

Development not permitted: apparatus on masts

(3) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.

The proposed 2 transmission dishes would be subject to A.1 (3), to which the proposed transmission dishes would be considered to be permitted development as the height of the mast complies with the relevant height limit specified.

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground; or

(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

The proposed 4 equipment cabinets would be subject to A.1(7), to which the proposed equipment cabinets would be considered to be permitted development as the area of the structures would not exceed the stipulations.

It is concluded that the proposed development does meet the criteria to be permitted development.

A.3 (4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) of Schedule 2, Part 16, Class A states 'the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the **siting and appearance** of the development'. The prior approval application has been supported by a proposed site layout and an elevational drawing. In terms of the siting and appearance of the proposed development, it will be discussed under the 'Other Considerations' section of this report.

Other Considerations:

Policy IF1 of the Local Plan supports, the introduction/installation of the most up to date, fastest telecom and other Information and Communications Technology (ICT).

Paragraph 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Paragraph 113 of the NPPF states that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 115 of the NPPF states:

Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

Paragraph 116 of the NPPF states:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Given the letters of representation received, objectors have raised concerns regarding health, to which the NPPF as per paragraph 116 states that the Local Planning Authority should not set health safeguards different from the International Commission guidelines for public exposure. The prior approval application is supported by a document to confirm that the proposal complies with said guidelines.

Paragraph 124 of the National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy BH5 of the Brixham Peninsula Neighbourhood Plan states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.

Objectors have raised concerns that the proposal is not in keeping with the local area; it would have a negative impact on the local area; it would set an unwanted precedent and would constitute overdevelopment. The adjacent tree measures approximately 10 metres. In terms of the height of the proposed structure, it is acknowledged it would

be taller than the existing street furniture and trees. The applicant has stated that this is necessary as the site is proposed to provide 5G services and 5G uses higher frequencies which do not propagate through material and potential obstructions as well as lower frequencies, thus there is a need to ensure that the antennas clear local clutter, in particular the trees in the area. There are mature trees close to the site and in the wider surrounding area, which would provide a significant degree of screening and/or backdrop to the proposed development. The level of screening of the equipment will depend on the specific viewpoint, however, overall, the screening would assist in minimising visual impact, and preserving residential amenity, as much as possible.

It should be noted that the recently approved Torbay Local Cycling and Walking Infrastructure Plan (LCWIP) (March 2021) notes a beach trail providing a direct route along Dartmouth Road, connecting to the existing cycle route on Hookhills Road and a proposed scheme to link Goodrington and Broadsands beaches. The document states that consideration should be given to the widening and segregation of existing shared use paths and the potential creation of new segregated cycle provision by using the existing grass verge. Given the proposed siting of the telecommunications, it appears that it would leave sufficient land to create a segregated cycle route adjacent to the existing pedestrian path should a shared path not be appropriate. Therefore, it is considered the proposed equipment is appropriately located and is unlikely to frustrate the proposed route.

The design of the monopole results in a less intrusive facility than other designs. It is noted that the site forms part of the built-up area and therefore the proposal would be an addition to the urban environment. It is further considered the proposal strikes an appropriate balance between operational and environmental considerations. The visual impact of the development would be outweighed by the significant public benefit of the proposal.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) of Schedule 2, Part 16, Class A only permits the Local Planning Authority to consider only the 'siting' and 'appearance' of the proposal. Objectors have raised other concerns regarding impact on the public highway, impact on the existing tree and impact on residential amenity including privacy/overlooking. The Local Highway Authority were consulted on the prior approval application and have stated that it appears that there is existing street furniture in the vicinity of the proposed telecommunications mast and therefore visibility to vehicles accessing and egressing the junction is unaffected as a result of the proposals and therefore Highways would support the principle of the proposal. The Council's Senior Tree and Landscape Officer has also been consulted on this application, which had supporting information regarding the installation of the proposal in relation to the existing tree, to which the Officer considers the proposal generally acceptable, subject to a pre-commencement condition for a full Arboricultural Method Statement and Tree Protection Plan. In terms

of residential amenity, given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, access to light, or in terms of disturbance.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme constitutes permitted development and that the siting and appearance of the proposal is considered to be acceptable.

Conclusions and Reasons for Decision

The proposed development constitutes permitted development and it is considered that prior approval should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Officer Recommendation

Prior approval is required and granted.

Relevant Policies

BH5 – Good Design and The Town and Village Design Statements

DE1 – Design

IF1 – Information and Communications Technology