



Friday, 15 July 2011

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 25 July 2011

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

1 Conservative Vacancy

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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018203 207016

Email: democratic.services@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

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

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 30 June 2011.

(Pages 1 - 6)

3. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

4. **Urgent Items**

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

5. **CN/2011/0039 Paignton Green, Esplanade Road, Paignton**

Details pursuant to condition 1 (levels), condition 2 (boundary treatment), condition 3 (details of play equipment), and condition 4 (landscaping) in relation to approved application P/2009/1209 which granted consent for a childrens play park at Paignton Green, Esplanade Road, Paignton.
(Roundham with Hyde Road)

(Pages 7 - 10)

6. **P/2010/1302/PA Flat 4 Vista Apartments, 17 Alta Vista Road, Paignton** (Pages 11 - 14)
Change of use from a holiday home to a residential dwelling
(Roundham with Hyde Ward)
7. **P/2011/0021/VC Goodrington Lodge, 23 Alta Vista Road, Paignton** (Pages 15 - 20)
Removal of condition 1 on application P/2008/1663/PA; condition 2 on application P/2008/1263/PA; condition 3 on application P/2008/0961/PA and condition 3 on application P/2008/0217/PA to allow permanent residential use along with holiday accommodation.
(Roundham with Hyde Ward)
8. **P/2011/0202/VC Flat 1 Carlton Manor, 9 Roundham Road, Paignton** (Pages 21 - 24)
Removal of condition 1 to application P/2000/1186 to allow permanent residential use.
(Roundham with Hyde Ward)
9. **P/2011/0214/PA Apartment 8 Belvedere, 37 Marine Drive, Paignton** (Pages 25 - 28)
Change of use from holiday let not being used as main dwelling to residential use.
(Preston Ward)
10. **P/2011/0215/PA Apartment 2, Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 29 - 32)
Change use from holiday let to residential use.
(Roundham with Hyde Ward)
11. **P/2011/0271/PA Unit 11, Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 33 - 36)
Change of use from holiday home to residential dwelling.
(Roundham with Hyde Ward)
12. **P/2011/0363/VC Julie Court, 5 Colin Road, Paignton** (Pages 37 - 40)
Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application P/2002/1896 to allow the holiday flats and owners accommodation to be occupied without limitation.
(Preston Ward)
13. **P/2011/0384/R3 Curledge Street County Primary School, Curledge Street, Paignton** (Pages 41 - 44)
Revisions to previously approved application P/2009/1038/MR3 to allow for a first floor extension providing 2 additional standard classrooms and child protection/ nurture classroom above the previously approved single storey element of the extension proposed North of site.
(Roundham with Hyde Ward)

14. **P/2011/0437/PA 3 Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 45 - 48)
Change of use from holiday use to residential use.
(Roundham with Hyde Ward)
15. **P/2011/0483/R3 56 Palace Avenue, Paignton** (Pages 49 - 50)
Use as Class A2 (retrospective).
(Roundham with Hyde Ward)
16. **P/2011/0471/PA 7, 9 and 11 Havelock Road, Torquay** (Pages 51 - 54)
Demolition of disused vehicle repair centre and construction of 6 - 3 bed terraced houses and 1 - 2 bed maisonette with car parking spaces and pedestrian footway.
(St. Marychurch Ward)
17. **P/2011/0505/MPA Fairlawns Hall, 27 St Michaels Road, Torquay** (Pages 55 - 62)
Extend time limit - formation of 3 storey block to form 14 two/three bedroom apartments - application P/2008/0356.
(Tormohun)
18. **P/2011/0575/PA Barton Service Reservoir, Junction of Great Hill and Overdale Close, Torquay** (Pages 63 - 68)
Dwelling.
(Watcombe Ward)
19. **P/2011/0603/PA St Marychurch Primary School, Hartop Road, Torquay** (Pages 69 - 70)
Alterations to the existing main entrance and installation of a new access lift.
(St. Marychurch Ward)
20. **P/2011/0634/MPA The Manor House, Middle Lincombe Road, Torquay** (Pages 71 - 72)
Revisions to scheme to construct sheltered accommodation at Thatcher View, The Manor House, comprising the provision of 11 2 bed and 23 1 bed sheltered units in place of the approval for 20 2 bed and 4 1 bed units. Minor alterations to elevations.
(Wellswood Ward)
21. **P/2011/0664/PA Torre C of E Primary School, Barton Road, Torquay** (Pages 73 - 74)
Formation of single storey extension to form office.
(Tormohun Ward)
22. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Democratic Services on 207087 or email democratic.services@torbay.gov.uk before 11 am on the day of the meeting.

23. Site visits

If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 20 July 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

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Minutes of the Development Management Committee

30 June 2011

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Addis, Baldrey, Barnby, Hill, Hytche, Kingscote, Morey (Vice-Chair) and Pentney

107. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Hytche instead of the Conservative Vacancy on the Committee.

108. Minutes of the Development Management Committee 18 April 2011

The Minutes of the meeting of the Development Management Committee held on 18 April 2011 were confirmed as a correct record and signed by the Chairwoman.

109. Minutes of the Development Management Committee 31 May 2011

The Minutes of the meeting of the Development Management Committee held on 31 May 2011 were confirmed as a correct record and signed by the Chairwoman.

110. P/2010/1026/PA Walcot, Higher Furzham Road, Brixham

The Committee considered an application for demolition of cottage and formation of residential development comprising 1 replacement dwelling with 3 bedrooms and a terrace of 5 dwellings with 3 bedrooms. Revised by plans received on 15th April 2011.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Councillor Harland from Brixham Town Council addressed the Committee.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of waste management, sustainable transport, education, lifelong learning, green space and highway safety improvements being signed within three months of the date of this Committee approved with the conditions set out in the submitted Report.

(Note 1: In accordance with Standing Order A19.5 Councillor Hytche requested his vote against application P/2010/1026/PA above be recorded.)

(Note 2: Prior to consideration of application P/2010/1026/PA, Councillor Morey declared a personal prejudicial interest and withdrew from the meeting room.)

111. P/2011/0018/MPA Torbay Holiday Chalets, Fishcombe Road, Brixham

The Committee considered an application for formation of 40 self catering units with associated leisure facilities.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting John Steven addressed the Committee in support of the application and Councillor Harland from Brixham Town Council also addressed the Committee.

Resolved:

Subject to the completion of a Section 106 Agreement in terms acceptable to the Executive Head for Spatial Planning to be signed within three months of the date of this Committee, approved with the conditions set out in the submitted Report and any other conditions deemed necessary be the Executive Head for Spatial Planning.

112. P/2010/0289/MOA Land off Brixham Road, rear of Torbay Garden Centre Incorporating Yannons Farm, Adj to Little Preston, Short Preston and Woodlands, Paignton

The Committee considered an application for mixed use development to form approx 220 dwellings, approx 5,600 SQM gross of employment (B1) floor space, local centre and public open space with roads and car parking (In Outline) which was a departure from The Torbay Local Plan.

Prior to the Committee a supplemental officer report entitled "Yannons Farm - Draft s106 – Key Heads of Terms " was circulated to members. At the meeting David Seaton addressed the Committee against the application and Simon Longthorpe addressed the Committee in support of the application.

Resolved:

Approval be delegated to the Executive Head for Spatial Planning in consultation with the Chairman of the Committee subject to the completion of the s.106 Agreement in accordance with the supplemental officer report entitled "Yannons Farm - Draft s106 – Key Heads of Terms" and the resolution of outstanding Section 106 matters in relation to access to third party land to ensure that the terms of the s.106 Agreement are lawful.

If for whatever reason the Executive Head for Spatial Planning is not able to agree the above to his satisfaction then the application will be returned to the Development Management Committee for determination.

113. P/2010/1302/PA Flat 4 Vista Apartments, 17 Alta Vista Road, Paignton

The application was withdrawn from the agenda.

114. P/2011/0021/VC Goodrington Lodge, 23 Alta Vista Road, Paignton

The application was withdrawn from the agenda.

115. CN/2011/0039/CON Paignton Green, Esplanade Road, Paignton

The Committee considered an application in respect of details pursuant to condition 1 (levels), condition 2 (boundary treatment), condition 3 (details of play equipment), and condition 4 (landscaping) in relation to approved application P/2009/1209 which granted consent for a children's play park at Paignton Green, Esplanade Road, Paignton.

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

Resolved:

Deferred to allow the Committee to receive information in respect of the original application submitted compared to the current application.

116. P/2011/0202/VC 9 Roundham Road, Paignton

The application was withdrawn from the agenda.

117. P/2011/0214/PA Apartment 8 Belvedere, 37 Marine Drive, Paignton

The application was withdrawn from the agenda.

118. P/2011/0215/PA Apartment 2, Sunhill Apartments, 19 Alta Vista Road, Paignton

The application was withdrawn from the agenda.

119. P/2011/0271/PA Unit 11, Sunhill Apartments, 19 Alta Vista Road, Paignton

The application was withdrawn from the agenda.

120. P/2011/0412/PA Lant at the Barn, Sleepy Lane, Paignton

The Committee considered an application for a new dwelling.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Michael O'Conner addressed the Committee in support of the application.

Resolved:

Subject to the signing of a Section 106 Agreement in terms acceptable to the Executive Head of Spatial Planning within 3 months of the date of this Committee, approved with the conditions set out in the submitted Report and an additional condition relating to retention of parking for a minimum of two vehicles.

121. P/2011/0437/PA 3 Sunhill Apartments, 19 Alta Vista Road, Paignton

The application withdrawn from the agenda.

122. P/2011/0427/PA Danby Lodge, Lincombe Drive, Torquay

The Committee considered an application for alterations and change of use form C3 to C2 residential care, including internal alterations and landscaping.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Subject to the reconfiguration of the car parking to provide additional parking spaces; approved with the conditions set out in the submitted Report and an additional condition relating to window details, delegated to the Executive Head for Spatial Planning.

123. P/2011/0457/PA Torquay United Associated Football Club, Warbro Road, Torquay

The Committee considered an application for General amendments to application P/2010/0911/MPA - new roof adjustment to 250mm higher and general roof design; relocation of new toilet block and elevational treatment fronting existing access lane and Westlands School.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved with the condition set out in the submitted Report.

(Note: Prior to consideration of application 2011/0457/PA Councillor Barnby declared a personal prejudicial interest and withdrew from the meeting room.)

124. P/2011/0471/PA 7, 9 and 11 Havelock Road, Torquay

The Committee considered an application for demolition of disused vehicle repair centre and construction of 6 - 3 bed terraced houses and 1 - 2 bed maisonette with car parking spaces and pedestrian footway.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Approved subject to

- (i) the receipt of satisfactory revised plans to remove the maisonette, resolution of parking arrangements and large recyclable bin storage containers, resolution of design matters and mitigation of overlooking;
- (ii) the completion of a Section 106 Agreement in respect of waste, sustainable transport, lifelong learning and greenspace within three months of the date of the Committee; and
- (iii) the list of conditions set out in the submitted Report.

125. P/2011/0505/MPA Fairlawns Hall, 27 St Michaels Road, Torquay

The application was withdrawn from the agenda.

126. Appeal Decisions

The Committee noted the outcome of recent appeal decisions.

Chairman

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CN/2011/0039

Roundham With Hyde Ward

Paignton Green, Esplanade Road, Paignton

Details pursuant to condition 1 (levels), condition 2 (boundary treatment), condition 3 (details of play equipment), and condition 4 (landscaping) in relation to approved application P/2009/1209 which granted consent for a childrens play park at Paignton Green, Esplanade Road, Paignton.

Site Details

The application site relates to a part of Paignton Green that measures approximately 0.7 hectares and is situated between the Flagship restaurant on Esplanade Road and the main access road to the Pier that runs at right angles to Esplanade Road towards Eastern Esplanade. The site is currently grassed and forms part of the wider public open space at Paignton Green.

In the Saved Adopted Torbay Local Plan the site is allocated as an Urban Landscape Protection Area and as being within the Coastal Protection Zone. The site falls partly within Flood Risk Zone 3.

Relevant Planning History

- P/2002/0065 Use of public open space for exhibition and event use (max 28 days), charitable events (max 56 days) funfair with fairground operators caravans (max 42 days) and gallopers funfair ride with 2 other traditional rides between Friday spring bank holiday to Monday August holiday each year. Approved 15/3/2002.
- P/2006/1142 Formation Of New Adventure Golf Course With 6ft Perimeter Fence, Props And Hut. Approved 29/09/2006.
- P/2008/1673 Change of use to playground with play equipment for children aged 0 to 18 years with mounding, landscaping, footpaths. Approved 12/10/2009.
- P/2008/1672 Change of use to playground with play equipment for children aged 0 to 18 years with mounding, landscaping, footpaths. Approved 12/10/2009
- P/2009/1209 Formation of children's play park, conditional approved 7/01/2010.

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011:

- L5 Urban Landscape Protection Area (Development not permitted if it would harm the value of the area and the quality of the urban environment).
- RS Recreation and leisure Strategy (Supports the provision of new recreation, leisure, entertainment and cultural facilities).
- R2 Outdoor recreation Developments (Proposals permitted if there would be no significant harm caused to residential or other amenities, if the development must be acceptable in terms of transportation, access and highways safety, and so long as there would not be any harmful impact on nature conservation, landscape protection or agricultural land).
- R5 Protection of POS and playing fields (The loss of public open space, playing fields and sports pitches will only be permitted where the development enhances existing sports or recreation facilities or meets other community needs).
- R6 Urban Play Parks (Promotes the retention of and development of new Urban Play Parks).
- TU3 New tourist facilities (will be permitted supported).
- EPS Environmental Protection Strategy (supports sustainable development that respects environmental limits).
- EP12 Coastal Protection Zone.

Also relevant is a the 'Greenspace Strategy' a Supplementary Planning Document adopted as part of the Local Development Framework.

Proposals

At the meeting of 21st December 2009, Members approved a proposal for a children's play area on

Paignton Green in between the pier and the cinema complex. This authorised the development of a play park celebrating Torbay's status as a Geopark and aimed at children aged between 2 and 13. It is intended to complement the recent approval of provision for older children and young people at Parkfield.

This 'parent' consent allows the proposal to be taken forward secure in the knowledge that the principles have been established and are lawful in planning terms. However, the approval was subject to a number of conditions, which will need to be satisfied before the proposal can be implemented. The conditions are as follows:

Standard time constraint (3 years for implementation)

Condition 1 - Requires details of existing and proposed ground levels indicating any alterations proposed.

Condition 2 - Requires details of all boundary treatment

Condition 3 - Requires detailed plans and specifications for all proposed play equipment incl. height, design, location, colour and materials.

Condition 4 - Landscaping scheme.

Condition 5 - Temporal trigger and maintenance plans for landscaping scheme.

Condition 6 - Desktop survey of archaeological implications.

Condition 7 - Requires a detailed surface water drainage scheme.

Condition 8 - No development over the Victorian culvert except the footpath indicated.

Condition 9 - Requires demonstration of adherence to the principles of 'Secure by design'.

Informative 1 - Advises that Flood Defence Consent will be required from the E.A.

Informative 2 - Advises that the proposal accords with the relevant policies and considerations of the Saved Adopted Torbay Local Plan.

On this basis, permission is now sought to discharge the relevant conditions, namely 1, 2, 3, 4, 7 and 9.

These details were reported to Members at their June meeting when the matter was deferred for further information about the differences between the scheme that was originally approved and the details now submitted.

Consultations

Drainage: Obs. awaited.

Landscaping and Arboricultural Officers Obs Awaited.

Police Architectural Liaison Officer: States that he is satisfied that adequate steps have been taken to minimise the opportunity for crime and Anti Social Behaviour at this location. However he recognises that the main contributing factor to this conclusion will be the management practices that will have to be implemented by the owners once the project is completed.

Representations

Received and reproduced at page P.201.

Key Issues/Material Considerations

It is important for Members to appreciate that the permission for a children's play park at this location has already been established in planning law, is still capable of implementation and is still in time. The basic permission cannot therefore be re-visited as part of this application, because that is not the purpose of this application. This proposal asks the L.P.A. to consider the detail required by the conditions on the 'parent' consent.

Condition 1

Existing and proposed ground levels are shown on submitted drawing no. SQ208060-01-01 rev. B. The figures given relate to height above Ordnance Datum. The plan shows that the highest portion of the site would be 4.30 m. O.D. at the point of the Balance Pods (E14), the stilts (E15) and the Gaul

Play Unit (E16), all of which are clustered together in the Teen Play area on the seaward side in the northern half of the site. Most of the play units are below 1.5 m. above the ground level. In terms of the cross-section and fall of the land, the site is generally shown as being built up at the edges to give some definition and demarcation to the boundary. It is generally shown higher on the seaward side to provide protection from prevailing winds. The proposed gradient would however be gently sloping from the seaward side to the landward side with an average difference of approximately 1.5 m.

Condition 2

The boundaries to the site are open with no specific fencing or hedging indicated. However, the land is shown built up at the edges so that the total play area is effectively in a bowl.

Condition 3

Full details of each individual item of play equipment have been submitted. The items include the following. Toddler/Devonian area - a spinner bowl, ladybird springer, snake springer, ocean seesaw, double swing, tree castle, hexagonal net; Junior play/carboniferous area - rotating spicas, large two mast spacenet, birds nest swing; Teen play/Quarternary area - balance pods, robinia stilts, play hut, robinia pyramid, Kaise Kuhne Dutch disc, robina cableway (30 m.), platform for cableway, large play system. climbing tree, hammock, 6-way swing; Sand and water play/Permian area - sand play unit, water pump with sand gutter, waterpump, watertable, starfish, double spiral and sandtable, rotating table

Condition 4

A large variety of herbaceous plants, ornamental grasses, shrub planting and ornamental specimen planting are proposed. This is shown on drawing no. SQ208060-01-05 (Planting Plan). The planting is shown located mainly surrounding the individual play areas. The existing trees on the edge of the site adjacent to the Esplanade are shown to remain. The council's Urban Design and Landscaping Officer is currently assessing the scheme to ascertain the appropriateness of the proposed plant coverage, the suitability of the species in a marine environment (salty air, windy and relatively wet atmosphere) and appropriateness in respect of child safety. The matter has also been referred to the Principle Natural Environment who will be the Council Officer responsible for maintenance of the scheme. Their views are that the proposal is broadly acceptable, but further assessment still needs to be made on the details. Their views will be reported to Members at the meeting.

Condition 7

A surface water drainage statement was submitted and approved as part of the original 'parent' consent. It concluded that run-off could be attenuated on site through a number of methods to ensure that the risk of the site increasing storm water run-off can be mitigated. However, further information was requested by condition 7 in the knowledge that greater detail would be required and the details of the scheme and treatment had not been agreed at that stage (also reserved by condition). Officers are currently negotiating on this issue, the results of which will be reported to members at their meeting.

Condition 9

The Police Architectural Liaison Officer comments that he is satisfied that adequate steps have been taken to minimise the opportunity for crime and Anti Social Behaviour at this location. However he recognises that the main contributing factor to this conclusion will be the management practices that will have to be implemented by the owners once the project is completed.

Sustainability - The proposal site is very accessible from the bus network and is within short walking distance of the town centre. The site is ideally located for the use proposed, being close to the beach and other attractions and located centrally both in Paignton and Torbay as a whole. This was accepted with the parent consent and is not really an issue for consideration here.

Crime and Disorder The proposal would attract additional people to the area and crime prevention measures may need to be considered, at this stage there are no proposals for lighting the play park and the park is to be open and accessible to all. The views of the Police Architectural Liaison Officer in

terms of crime and disorder will be reported at the committee meeting.

Disability Issues The site would remain accessible for all with level and ramped access, although certain equipment and access routes may not be suitable for use by the disabled.

Conclusions

The location and effect of the proposed development in general terms on the character of this part of Paignton Green was a consideration made and resolved when the parent consent was granted permission in 2009. In terms of the details now provided these are considered to be acceptable and in conformity with the understanding of the scheme as considered when the parent scheme was considered and approved. The equipment will be visible and have a presence, with some items being quite large and tall. However this was always understood to be the situation. The provision of landscaping helps assimilate the scheme into the site. The Police are happy with security and safety issues involved with this proposal. Further details are still required in respect of drainage.

Recommendations:

The details required to satisfy conditions 1, 2, 3 and 9 are acceptable and sufficient to discharge the requirements of the conditions. Officers will report further information in respect of the views of the Council's Manager (Drainage and structures) in relation to condition 7. Further information will also be provided in respect of the differences between the approved parent consent and the details now submitted.

P/2010/1302/PA

Roundham With Hyde Ward

Flat 4 Vista Apartments, 17 Alta Vista Road, Paignton

Change of use from a holiday home to a residential dwelling

Site Details

Block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly a hotel (The Ebor Towers Hotel) and was converted to Holiday Flats in 2004.

Relevant Planning History

P/2003/1605 Conversion of hotel to form 12 2-bed and 1 single bed apartments. Approved 18 November 2003

P/2005/0245 Change of use from holiday flat to residential use at flat 1 - refused 2 June 2005 for the following reason "The site lies within a Principal Holiday Accommodation Area as defined by the Torbay Local Plan 1995-2011 (as adopted in April 2004). The proposal to provide one residential unit in lieu of one of the approved holiday accommodation units is therefore contrary to Policy TU6 of the adopted Torbay Local Plan in as much as the change of use would be to the detriment of the character and function of the principal holiday accommodation area and the applicant has failed to demonstrate that the proposed use would meet any of the criteria listed as being acceptable exceptions to the policy."

P/2005/1641 Alterations and extensions in roof space to form additional holiday unit. Approved 15 December 2005.

P/2010/1245 Change of use from holiday to residential at unit 5. Approved 13 April 2011.

P/2010/1364 Change of use from holiday to residential at unit 15. Approved 13 April 2011.

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

1 at Belvedere, Marine Drive,

3 at Sunhill Apartments, Alta Vista Road (next door to this application site),

1 at Carlton Manor, Roundham Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

TU6 (PHAA)

CF6 (Community Infrastructure Contributions)

CF7 (Education contributions)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

Permission is sought for a change of use at flat 4 to allow residential occupation in what is currently a holiday flat controlled by condition on the original approval. The conditions states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times. Reason: The site is situated within a Principal Holiday Accommodation Area and in order to preserve the character of the area it is important that the units are retained strictly for

holiday letting purposes.' Allowing the change of use would allow residential occupation but by virtue of the Use Classes Order would also allow holiday use (as a permitted change).

Consultations

None.

Representations

None received.

Key Issues/Material Considerations

The property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends has led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

There is a potential lack of clarity of the revised Guidance's status, with regard to how much weight it should be afforded when deciding planning applications, given that it is only informal policy delivered outside of the Development Plan, with limited consultation in its preparation.

Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Following the considerations made in respect of the Belvedere complex, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and a paper is being prepared for presentation to Full Council on July 13th. The recommendation will be that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending a review of PHAAs as part of the emerging Local Development Framework core strategy.

Therefore the tests in Policy TU6 (a) - (d) should be the starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified PHAA should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bed space capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Vista Apartments holiday properties were specifically formed by conversion of the Ebor Towers

Hotel and they have been converted recently to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Vista Apartments would meet all of the above referenced tests.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was validated before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

It is not clear what the exact nature of the parking provision is for the Vista Apartments as a whole, but Members will be aware that any approval to allow residential occupation should ensure that two off-street parking spaces are provided for each residential unit. The applicant has indicated that flat 4 does have two such spaces, and therefore there would not be any parking reason for refusal, subject to seeing the two spaces clearly indicated on a plan.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within PHAAs, notwithstanding the fact that some have been allowed under a different interpretation of the policy, including three flats within this complex.

On balance, it is considered that the LPA should not continue with decisions that are now thought to be a wrong interpretation of the policy, even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Vista Apartments holiday properties were specifically formed by conversion of the Ebor Towers Hotel and therefore have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Vista Apartments would meet all of the above referenced tests.

Recommendation

The application should be refused on the basis of failing to meet all of the tests in policy TU6.

Condition(s):

01. The proposal to change the use of flat 4 Vista Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. The Vista Apartments at 17 Alta Vista Road, is a purposely converted block of holiday flats within the Roundham Road West

Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are not any other change in circumstance that would justify a breach of the adopted policy.

P/2011/0021/VC

Roundham With Hyde Ward

Goodrington Lodge, 23 Alta Vista Road, Paignton

Removal of condition 1 on application P/2008/1663/PA; condition 2 on application P/2008/1263/PA; condition 3 on application P/2008/0961/PA and condition 3 on application P/2008/0217/PA to allow permanent residential use along with holiday accommodation

Site Details

Former hotel, now converted into a block of holiday flats at the junction of Alta Vista Road and Braeside Road with good views across Youngs Park and Goodrington Sands.

Relevant Planning History

- P/2008/0217/PA Alterations and conversion from hotel to 6 holiday flats, approved 14 April 2008.
- P/2008/0961/PA Change of use of rear part of building to provide 3 holiday flats, approved 14 August 2008.
- P/2008/1263/PA Alterations and change of use of front part of building to form 5 holiday flats, approved 7 November 2008.
- P/2008/1663/PA Extension and amended layout to flat 5, approved 5 February 2009.

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

- 1 at Belvedere, Marine Drive,
- 3 at Sunhill Apartments, Alta Vista Road,
- 1 at Carlton Manor, Roundham Road,
- 1 at Vista Apartments, Alta Vista Road,

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

- TU6 (Principle Holiday Accommodation Areas - PHAA)
- CF6 (Community Infrastructure Contributions)
- CF7 (Education contributions)
- T25 (Parking standards)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of June 2010.

Proposals

Permission has been sought to vary the original planning conditions that restricted occupancy. The conditions state that the accommodation approved shall be used for the purpose of holiday accommodation only and not as a UK main residence, with a register to be kept of all occupiers and their main addresses. The reason given for the conditions was to maintain the holiday character of the area, which is designated as a PHAA. Lifting the relevant conditions would effectively allow permanent residential accommodation, but by virtue of the Use Classes Order would also have allowed holiday use (as a permitted change) on those units that wished to do so. The application sought the lifting of this condition for each of the flats within this complex.

However, because of a change in emphasis in the interpretation of the Council's policy on PHAAs, applications such as this one were held in abeyance pending a review of the PHAA policy and the

revised guidance of March 2010. In the meantime, the applicant in this case has stated his intentions to appeal against non-determination, as is his right to do so after the prescribed 8 week time period for determination.

Once it has been confirmed that an appeal against non-determination has been lodged, this has the effect of removing the right of the LPA to formally determine the application, as this decision would now be taken by the Planning Inspectorate. However, as part of the appeal process, the Council will have to make clear what its resolution would have been had it been in a position to determine the application. Therefore Members are requested to consider this application as if it were to be determined.

Consultations

None.

Representations

None received .

Key Issues/Material Considerations

Principle/policy

The property is a medium sized block of holiday flats situated within the *Roundham Road West, Paignton* Principle Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends has led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. As a consequence of the findings of the Tourism Strategy, the Council adopted, in March 2010, a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Saved Adopted Local Plan, it is capable of constituting a material consideration.

There is a potential lack of clarity of the revised Guidance's status, with regard to how much weight it should be accorded when deciding planning applications, given that it is only informal policy delivered outside of the Development Plan, with limited consultation in its preparation. Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Goodrington Lodge holiday properties were specifically formed by conversion of the previous hotel. The holiday flats are modern, purpose built and of high quality, they do not lack a basic range of

Category 2 (55 - 74 Sq. M.)	
Municipal waste and recycling	£ 50
Sustainable transportation	£860
Education (primary only)	£410
Lifelong learning	£220
Green space and recreation	£560
TOTAL	£2100 x 2 units = £4200

Category 3 (75 - 94 Sq. M.)	
Municipal waste and recycling	£ 50
Sustainable transportation	£1175
Education (primary only)	£ 830
Lifelong learning	£ 300
Green space and recreation	£1025
TOTAL	£3380 x 3 units = £10140

Category 4 (95 - 119 Sq. M.)	
Municipal waste and recycling	£ 50
Sustainable transportation	£1355
Education (primary only)	£1240
Lifelong learning	£ 410
Green space and recreation	£1185
TOTAL	£ 4240 x 2 units = £8480

This gives a total contribution due of (£ 2230 + £4200 + £10140 + £8480) = £25,050.

The applicant would need to be asked to confirm that they would be prepared to enter into an agreement to make and sign this Planning Obligation. Members should be aware that failure to agree the Planning Obligation should be considered as being contrary to policies CF6 and CF7 (Community Infrastructure and Educational Contributions) of the Saved Adopted Torbay Local Plan. As this consideration seeks a resolution from Members as to what they would have decided had they been in a position to do so, it is logical to add the lack of an agreed, signed, sealed and delivered Planning Obligation as one of the recommended reasons for refusal.

Parking

The plans approved show the accommodation at the property to comprise 1 cottage, 8 apartments and owners accommodation. As holiday properties, plus owners accommodation the site should provide parking for 10 or 11 off street spaces. Although the site is not clearly designated, the agent states that the site could take 10 or 12 cars off street. However, any proposal for residential use should be accompanied with provision for 15/16 off street spaces. This has not been included as part of the proposal and indeed could not be accommodated on site. Therefore it would be appropriate for Members to consider including lack of parking provision as a reason in any decision to refuse the proposal.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site. However, the provision of additional housing in a sustainable location does not in this case override the policy considerations in relation to the protection of the Principle Holiday Accommodation Area.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. The proposal does not meet the tests of TU6, CF6, CF7 nor of T25 and so the application should be refused on policy, lack of a planning obligation and parking grounds. This is consistent with other decisions relating to holiday properties within PHAA's.

Recommendation

It is recommended that Members agree that, had they been in a position to determine this proposal, they would have resolved to refuse the application. The recommended reasons for this decision would be as follows.

Condition(s):

01. The Council considers that had it been in a position to determine this proposal it would have resolved to refuse the application. There would have been three reasons for refusal:-

The proposal to remove conditions on various planning consents so as to allow residential use of the property, is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. Goodrington Lodge has recently been purposely converted into holiday flats from a hotel and is situated within a designated PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) - (d) set out in policy TU6, and there are not any other change in circumstance that would justify a breach of the adopted policy.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, education facilities, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 and CF7 of the Saved Adopted Torbay Local Plan (1995 - 2011) and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery', adopted in May 2008) and the more recent update the 'Planning contributions and affordable housing supplementary document, update 3', (adopted by the Council in March 2011.)

03. The proposal to remove conditions on various planning consents so as to allow residential use of the property, is contrary to policy TU25 of the Saved Adopted Torbay Local Plan which clearly stipulates that residential flats should have 1 off street parking space per unit plus 1 space per 2 units for visitors (1.5 spaces per flat). Goodrington Lodge has recently been purposely converted into holiday flats and is provided with 1 space per unit only in accordance with the adopted standards for holiday flats. To allow residential use of the flats without any extra provision of off-street parking would therefore be contrary to the adopted policy and be likely to lead to parking on the public highway in an area which only has restricted on-street parking and can get very busy and congested particularly during the summer season. This would be likely to add to congestion and problems with the free flow of traffic, and the accumulative impact of all of the flats within the Goodrington Lodge Complex adding

to this would have an unacceptable impact on the local highway network.

P/2011/0202/VC

Roundham With Hyde Ward

Flat 1 Carlton Manor, 9 Roundham Road, Paignton

Removal of condition 1 to application P/2000/1186 to allow permanent residential use

Site Details

Block of holiday flats on the eastern side of Roundham Road set in an elevated position from the road frontage. The property was formerly an hotel (The Charlton Lodge Hotel) and was granted planning approval for conversion into holiday flats in 2000. This application relates solely to flat 1 of 9 Roundham Road.

Relevant Planning History

P/2000/1186 Change of Use from Hotel to 8 Holiday Flats and owners accommodation. Conditional Approval 13 December 2000

ZP/2010/0718 Pre Application Enquiry Conversion from holiday occupation to residential. Likely to be approved

P/2004/1832 Certificate Of Lawfulness For An Existing Use Of Property As A Private Residence, No 9 Carlton Manor 9 Roundham Road

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

Flat 8 at Belvedere, Marine Drive,

Nos 2, 3 and 11 at Sunhill Apartments, Alta Vista Road

1 at Carlton Manor, Roundham Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

1 application (11 units) at 5 Colin Road

Flat 4, Vista Apartments, Alta Vista Road.

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

TU6 (PHAA)

CF6 (Community Infrastructure Contributions)

CF7 (Education contributions)

T25 (Car Parking standards)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), but recommended for revocation by a report to Full Council on 13th July 2011 and

LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

Permission is sought to remove a condition on planning approval P/2000/1186 which restricts the use of Flat 1 as a holiday flat only. The condition states that 'The accommodation hereby approved shall be used for short-term holiday letting purposes only, and not for permanent residential occupation.'

Consultations

Chief Executive Officer English Riviera Tourism Company: comfortable with applications for permanent residential occupancy in the green zones and supports these applications.

Representations

2 letters of objection (from the freeholder),

1 letter of support from the applicant - all reproduced at Page P.204.

Key Issues/Material Considerations

The flat is within a medium sized block of holiday flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is now clear that applications involving the loss of holiday accommodation first need to be tested against policy TU6 of the Development Plan. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Carlton Manor holiday properties were specifically formed by conversion of the Charlton Lodge Hotel and have been converted recently and to a high standard. This unit offers two bedrooms, a living/dining room, kitchen and bathroom, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

The prevailing context of this part of Roundham Road is of a strong holiday character, with many properties in the immediate vicinity being in holiday use. This includes 6 units (including the application unit) in this property with the exception of the owners accommodation and one unit which has received a certificate of lawfulness for residential use). For these reasons it is not considered that the property 9 Roundham Road has restricted bed space capacity having 6 apartments in holiday accommodation use.

If further units in this property and other properties subject of applications presented at this planning committee were granted permission for residential use, it would further undermine the holiday character of the area setting a precedent for the continuation of the loss of holiday accommodation in this Principal Holiday Accommodation Area. As such the change of use at the Carlton Manor Apartments would not meet any of the tests of TU6 required before the loss of holiday accommodation in a Principal Holiday Accommodation Area could be approved.

Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas (PHAAs) was at the time of writing this report a material planning consideration. However on 13th July Full Council will be presented a report recommending that the "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) be withdrawn pending review

as part of the emerging Local Development Framework (LDF) Core Strategy. The report will also recommend to full Council, that pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red “Core” areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. It is the officers view that the tests set out in TU6 have not been met. While the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation, this report holds a limited weight compared to the development plan which TU6 forms part. As such in accordance with the requirements of TU6 this application should not be permitted.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was received before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

In terms of on site car parking provision the original planning approval for the conversion to holiday flats indicated 10 spaces to the front of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within P.H.A.A.'s, although some have been allowed under a different interpretation of the policy, including two in the complex next door.

It is considered that the L.P.A. should not continue with decisions that are now thought to be a wrong interpretation of the policy even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Carlton Manor Holiday Apartments were specifically formed by conversion of the Charlton Lodge Hotel and have been converted recently and to a high standard. The prevailing context of this part of Roundham Road is of a strong holiday character and with many properties in the immediate vicinity in holiday use. For these reasons it is not considered that the Carlton Manor Apartments would meet the tests of the Policy.

Recommendation

The application should be refused on the basis of failing to meet all of the tests imposed by policy TU6.

Condition(s):

01. The proposal to remove condition 1 to application P/2000/1186 to allow permanent residential use is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. The Carlton Manor at 9 Roundham Road, is a purposely converted block of holiday flats within the Roundham Road West Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.

P/2011/0214/PA

Preston Ward

Apartment 8 Belvedere, 37 Marine Drive, Paignton

Change of use from holiday let not being used as main dwelling to residential use

Site Details

Purpose built block of holiday flats on the site of the former Belvedere Hotel, located on the western side of Marine Drive, opposite the Preston seafront greens.

Relevant Planning History

P/2000/1231/OA Erection Of 20 Holiday Apartments With Associated Facilities (In Outline), approved 25 July 2001. Condition 4 regarding the units being used for holiday purposes only was subsequently challenged on appeal, but the appeal was dismissed, with the Inspector confirming the primacy of policy TU6.

P/2002/1352/RM Reserved matters approved 7 February 2003

P/2010/0566 Removal of Condition 4 of application P/2000/1231/OA to allow flat 7 to be used as a residential flat. Approved 12th July 2010.

7 identical applications within the Belvedere apartment block seeking the removal of a condition restricting occupancy to holiday use only were all refused by the Development Management Committee by Members of the Development Management Committee at their meeting in April of this year. Two reasons were given, as follows -

1 - "The proposal to remove condition 4 of planning application P/2000/1231 and allow residential use of the property, is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. The Belvedere complex at 37 Marine Drive, Preston, is a purpose built block of holiday flats within the Preston Seafront PHAA as defined by policy TU6.9 and the primacy of this policy in respect of the Belvedere Holiday complex has already been tested and successfully upheld on appeal by Inspector's decision dated 9th May 2002 (reference APP/X1165/A/01/1080318). The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) - (d) set out in policy TU6, and there are not any other change in circumstance that would justify a breach of the adopted policy.

2 - The proposal to remove condition 4 of planning application P/2000/1231 and allow residential use of the property, is contrary to policy TU25 of the Saved Adopted Torbay Local Plan which clearly stipulates that residential flats should have 1 off street parking space per unit plus 1 space per 2 units for visitors (1.5 spaces per flat). The Belvedere Holiday Complex at 37 Marine Drive, Preston is a purpose built block of holiday flats which is provided with 1 space per unit only in accordance with the adopted standards for holiday flats. To allow residential use of the flats without any extra provision of off-street parking would therefore be contrary to the adopted policy and be likely to lead to parking on the public highway in an area which only has restricted on-street parking and can get very busy and congested particularly during the summer season. This would be likely to add to congestion and problems with the free flow of traffic, and the accumulative impact of many or all of the flats within the Belvedere Complex adding to this would have an unacceptable impact on the local highway network.

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

3 at Sunhill Apartments, Alta Vista Road,

1 at Carlton Manor, Roundham Road,

1 at Vista Apartments, Alta Vista Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

TU6 (PHAA)

CF6 (Community Infrastructure Contributions)

CF7 (Education contributions)

T25 (parking standards)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March of this year (Report no. 73/2010), and LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

The applicant has applied for a change of use to his flat (no. 8) from holiday use to permanent residential. In fact the application should more correctly have been submitted as an application seeking to vary the original planning condition that restricted occupancy. However, the considerations and the resolution that will be eventually reached would be the same. Condition 4 of permission 2000/1231 states that "The accommodation hereby approved shall be used for the purpose of holiday accommodation only and not as a UK main residence without the express permission of the Local Planning Authority". The removal of this condition would allow permanent residential occupancy of the relevant flats.

This applies to each of the 20 units within the development. However, it is understood that the units are in separate ownership. Some, possibly all, of the flats have been sold off individually, meaning that each unit of occupation (flat) has effectively become a separate planning unit, irrespective of the fact that they were all built pursuant to the same consent. No constraints were imposed by the LPA in 2001 to prevent the flats being sold individually.

Consultations

None.

Representations

None received against this particular application.

Key Issues/Material Considerations

The property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. In fact this occurred in relation to the site of the Belvedere apartments when condition 4 of application P/2000/1231/OA was originally challenged on appeal and the inspector, in 2001, dismissed that appeal, confirming the primacy of policy TU6.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

There is a potential lack of clarity of the revised Guidance's status, with regard to how much weight it

should be accorded when deciding planning applications, given that it is only informal policy delivered outside of the Development Plan, with limited consultation in its preparation. Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

It is not considered that any of the above really apply in the case of the Belvedere complex, and it is for this reason primarily that Members resolved to refuse the 7 similar applications at April's meeting.

Following the considerations made in respect of the Belvedere complex, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and a paper is being prepared for presentation to Full Council on July 13th. The recommendation will be that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending review as part of the emerging Local Development Framework core strategy. Pending the evolution of revised policy as part of the LDF Core Strategy, it will be recommended to Full Council that it relies upon policy TU6 of the Saved Adopted Local Plan for the determination of applications in PHAA's.

If Members were minded to refuse this application then consideration should be given to the need for adequate car parking facilities at the site. Whilst holiday accommodation requires parking at a ratio of 1 space per unit, residential would require 1.5 spaces per unit. This could not be achieved at this site where no additional space can be provided for additional off-street parking. Members considered this a significant factor in their reasoning when considering the 7 other applications at April's meeting. Nothing has changed in this regard since that decision was made.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was validated before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

Sustainability - The proposal is a sustainable one in as much as it proposes residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policy of the Saved Adopted Local Plan it fails. The proposal does not meet the tests of TU6 nor of T25 and so the application should be refused on policy and parking grounds. This is consistent with the most recent decisions at this holiday complex.

Recommendation

Refusal.

Condition(s):

01. The proposal to remove condition 4 of planning application P/2000/1231 and allow residential use of the property, is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. The Belvedere complex at 37 Marine Drive, Preston, is a purpose built block of holiday flats within the Preston Seafront PHAA as defined by policy TU6.9 and the primacy of this policy in respect of the Belvedere Holiday complex has already been tested and successfully upheld on appeal by Inspector's decision dated 9th May 2002 (reference APP/X1165/A/01/1080318). The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) - (d) set out in policy TU6, and there are not any other change in circumstance that would justify a breach of the adopted policy.

02. The proposal to remove condition 4 of planning application P/2000/1231 and allow residential use of the property, is contrary to policy TU25 of the Saved Adopted Torbay Local Plan which clearly stipulates that residential flats should have 1 off street parking space per unit plus 1 space per 2 units for visitors (1.5 spaces per flat). The Belvedere Holiday Complex at 37 Marine Drive, Preston is a purpose built block of holiday flats which is provided with 1 space per unit only in accordance with the adopted standards for holiday flats. To allow residential use of the flats without any extra provision of off-street parking would therefore be contrary to the adopted policy and be likely to lead to parking on the public highway in an area which only has restricted on-street parking and can get very busy and congested particularly during the summer season. This would be likely to add to congestion and problems with the free flow of traffic, and the accumulative impact of many or all of the flats within the Belvedere Complex adding to this would have an unacceptable impact on the local highway network.

P/2011/0215/PA

Roundham With Hyde Ward

Apartment 2, Sunhill Apartments, 19 Alta Vista Road, Paignton

Change use from holiday let to residential use

Site Details

Block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly an hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

Relevant Planning History

P/2003/0571 Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1)
Approved 16th July 2003

P/2004/0038 Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved
25th February 2004

P/2010/1245 Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.

P/2010/1364 Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.

ZP/2010/0322 Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential.
Likely to receive favourable consideration 10 August 2010

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

Flat 8 at Belvedere, Marine Drive,

Nos 3 and 11 at Sunhill Apartments, Alta Vista Road

1 at Carlton Manor, Roundham Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

1 application (11 units) at 5 Colin Road

Flat 4, Vista Apartments, Alta Vista Road

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

TU6 (PHAA)

CF6 (Community Infrastructure Contributions)

CF7 (Education contributions)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010)but recommended for revocation by a report to Full Council on 13th July 2011, and

LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of June 2010.

Proposals

Permission is sought for a change of use at flat 2 to allow residential occupation in what is currently a holiday flat controlled by condition on the original approval. The condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times. Allowing the change of use would allow residential occupation but by virtue of the Use Classes Order would also permit holiday use.

Consultations

Chief Executive Officer English Riviera Tourism Company: comfortable with any application for

permanent residential occupation in the green zones and support these applications

Representations

None received.

Key Issues/Material Considerations

Flat 2 is within a medium sized block of holiday flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is now clear that applications involving the loss of holiday accommodation first need to be tested against policy TU6 of the Development Plan.

This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms one en-suite a living/dining room, kitchen, bathroom and a balcony with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

The prevailing context of this part of Alta Vista Road is of a strong holiday character, with many properties in the immediate vicinity being in holiday use. This includes 10 units within this property. For these reasons it is not considered that the property Sunhill Apartments 19 Alta Vista Road has restricted bed space capacity having 10 apartments in holiday accommodation use.

If further units in this property and other properties subject of applications presented at this planning committee were granted permission for residential use, it would further undermine the holiday character of the area continuing a precedent for the continuation of the loss of holiday accommodation in this Principle Holiday Accommodation Area. As such the change of use at Sunhill Apartments 19 Alta Vista Road would not meet any of the tests of TU6. required before the loss of holiday accommodation in a Principal Holiday Accommodation Area could be approved.

Revised Guidance on the interpretation of planning policy on Principal Holiday Accommodation Areas (PHAAs) was at the time of writing this report a material planning consideration. However on 13th July

Full Council will be presented a report recommending that the “Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)” (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy. The report will also recommend to Full Council that pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red “Core” areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don’t offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

However, as set out earlier in this report as part of the Development Plan, policy TU6 is the starting point in determining this application. It is the officers view that the test set out in TU6 have not been met. While the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation, this report holds a limited weight compared to the development plan which TU6 forms part. As such in accordance with the requirements of TU6 this application should not be permitted.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was received before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

In terms of on site car parking provision the original planning approvals for the conversions to holiday flats indicated 24 spaces to the front and rear of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from

these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within P.H.A.A.'s, although some have been allowed under a different interpretation of the policy, including two in complex next door. On balance, it is considered that the L.P.A. should not continue with decisions that are now thought to be a wrong interpretation of the policy even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and therefore have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the policy.

Recommendation

The application should be refused on the basis of failing to meet all of the tests imposed by policy TU6.

Condition(s):

01. The proposal to change the use of flat 2 Sunhill Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan. The proposal to rene condition 1 to application P/2000/1186 to allow permanent residential use is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. Sunhill Apartments is a purposely converted block of holiday flats within the Roundham Road West Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.

P/2011/0271/PA
Roundham With Hyde Ward
Unit 11, Sunhill Apartments, 19 Alta Vista Road, Paignton
Change of use from holiday home to residential dwelling

Site Details

Flat 11, in block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly an hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

Relevant Planning History

- P/2003/0571 Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1)
Approved 16th July 2003
- P/2004/0038 Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved
25th February 2004
- P/2010/1245 Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.
- P/2010/1364 Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.
- ZP/2010/0322 Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential.
Likely to receive favourable consideration
10 August 2010

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

- flat 8 at Belvedere, Marine Drive,
- Nos 2 and 3 at Sunhill Apartments, Alta Vista Road
- 1 at Carlton Manor, Roundham Road,
- 1 application (10 units) at Goodrington Lodge, Alta Vista Road.
- 1 application (11 units) at 5 Colin Road
- Flat 4 Vista apartments, Alta Vista Road

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policies

- TU6 (PHAA)
- CF6 (Community Infrastructure Contributions)
- CF7 (Education contributions)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010) but recommended for revocation by report to Full Council on 13th July 2011, and LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

Permission is sought for a change of use at flat 11 to allow residential occupation in what is currently a holiday flat controlled by condition on the original approval. The condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times. Allowing the change of use would allow residential occupation but by virtue of the Use Classes Order would also permit holiday use.

Consultations

Chief Executive Officer English Riviera Tourism Company : comfortable with any applications for permanent residential occupancy in the green zones and supports these applications.

Representations

Letters of objection have been received and are reproduced at Page P.202.

Key Issues/Material Considerations

The flat is in a medium sized block of holiday flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is now clear that applications involving the loss of holiday accommodation first need to be tested against policy TU6 of the Development Plan.

This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms, a living/dinning room, kitchen, bathroom and a large sundeck with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

The prevailing context of this part of Alta Vista Road is of a strong holiday character, with many properties in the immediate vicinity being in holiday use. This includes 10 units with in this property. For these reasons it is not considered that the property Sunhill Apartments 19 Alta Vista Road has restricted bed space capacity having 10 apartments in holiday accommodation use.

If further units in this property and other properties subject of applications presented at this planning committee were granted permission for residential use it would further undermine the holiday character of the area setting a precedent for the continuation of the loss of holiday accommodation in this Principal Holiday Accommodation Area. As such the change of use at Sunhill Apartments 19 Alta Vista Road would not meet any of the tests of policy TU6 required before the loss of the holiday accommodation in a Principal Holiday Accommodation Area could be approved.

Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas (PHAAs) was at the time of writing this report a material planning consideration. However on 13th July Full Council will be presented a report recommending that the "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy. The report will also recommend to Full Council that, pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red "Core" areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. It is the officers view that the test set out in TU6 have not been met. While the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation, this report holds a limited weight compared to the development plan which TU6 forms part. As such in accordance with the requirements of TU6 this application should not be permitted.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was received before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

In terms of on site car parking provision the original planning approvals for the conversions to holiday flats indicated 24 spaces to the front and rear of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within PHAA's although some have been allowed under a different interpretation of the policy, including two in the complex next door. It is considered that the L.P.A. should not continue with decisions that are now thought to be a wrong interpretation of the policy even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the policy.

Recommendation

The application should be refused on the basis of failing to meet all of the tests imposed by policy TU6.

Condition(s):

01. The proposal to change the use of flat 11 Sunhill Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan. The proposal to rene condition 1 to application P/2000/1186 to allow permanent residential use is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. Sunhill Apartments is a purposely converted block of holiday flats within the Roundham Road West Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.

P/2011/0363/VC

Preston Ward

Julie Court, 5 Colin Road, Paignton

Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application P/2002/1896 to allow the holiday flats and owners accommodation to be occupied without limitation

Site Details

The site, Julie Court, 5 Colin Road is a detached unit currently in use as holiday apartments. It is located adjacent to the Embassy Tavern and off of Marine Drive.

Relevant Planning History

P/2010/1174 The Chalet, 5 Colin Road; Certificate of lawfulness for an existing use as a dwelling house (Class C3)

P/2002/1896 Variation off condition 2 attached to 96/1527/PA in order to allow continued use by a new owner; Approved

P/1996/1527 Variation of condition 1 of Consent 96/0262/PA; use of the flats for non-holiday purposes between the period of November-Easter. Approved

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

3 at Sunhill Apartments, Alta Vista Road,

1 at Carlton Manor, Roundham Road,

1 at Vista Apartments, Alta Vista Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policy

H4 Conversion and Sub-division into flats

TU6 PHAA, and the revised guidance on PHAA's adopted by the Council in March of this year (Report no. 73/2010).

CF6 Community infrastructure contributions

CF7 Education contribution

LDD6 Planning contributions and affordable housing adopted April 2008, and the subsequent update (mitigation and clarification) paper of July 2009.

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of June 2010.

Proposals

Permission is sought to vary the original planning conditions that restricted occupancy. Condition 2 of permission 1987/1109 states that occupancy is restricted to the period between 15 March and 15 January in any twelve month period; Condition 1 of application P/1996/527 limited winter use of holiday flats for non holiday purposed for the period of November to Easter & condition 1 of application P/2002/1896 which gave a personal permission for the use of the owners accommodation.

These conditions relate to 10 units overall, 9 of which would be turned from holiday to residential all of which are under the same ownership.

Consultations

Carolyn Custerson; Chief Executive Residents & Visitor Services: No objection

Representations

None received.

Key Issues/Material Considerations

The starting point for consideration is the fact that the property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. This usually resulted in refusal to grant planning permissions to change uses from holiday accommodation to permanent residential occupation.

However because of recent changes in holiday trends and more importantly the recent severe economic problems, the policy has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. Last year, the Council adopted a revised interpretation of the PHAA policy. Prior to its adoption, this Revised Guidance was the subject of public and stakeholder consultation. Although the Revised Guidance on PHAA's does not form part of the LDF or Local Plan, it is capable of constituting a material consideration which can be weighed against others when determining whether consent may be granted.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is reiterated that applications involving the loss of holiday accommodation first need to be tested against policy TU6. This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The premises, on the whole, have a basic range of facilities, however some units are more basic than others, there is the potential for improvement by means of reducing the existing density of the units to provide fewer, but higher quality units. The proposal to remove conditions of the premises to in affect make 10 residential units (plus 1 in use as owners accommodation) would result in some units being of a substandard size (30m²) which would not provide a quality living environment. This would be contrary to Policy H4 of the saved adopted Torbay Local Plan (1995-2011).

It is deemed that the premises does not have restricted bedspace capacity as there are 10 units at present plus 1 unit of owners accommodation.

There is a mix of holiday and residential uses in Colin Road and therefore there is not an overall strong holiday character in the immediate area. The principle of converting this property from holiday to residential is considered to be acceptable and supporting evidence does suggest that the existing use is not viable. However, the present proposal to form 10 units plus owners accommodation would not provide sufficient quality units with suitable amenity space.

It is considered that a change from holiday to residential is likely to impact on the holiday character and atmosphere to a certain extent. However this is not deemed to be an overriding issue in this instance.

Suitable on site parking is available to accommodate residential units and is located to the rear of the

premises and accessed via a driveway to the side elevation.

Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas (PHAAs) was at the time of writing this report a material planning consideration. However on 13th July Full Council will be presented a report recommending that the "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy.

The report will also recommend to full council that, pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red "Core" areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Preston seafront PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

As set out earlier in this report it is the officers view that the proposal does not fully comply with all of the requirements set out in TU6 nor policy H4 of the saved adopted Torbay Local Plan (1995-2011) due to the small size of some of the units.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal.

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery').

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder – No issues

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails specifically in the size of some of the units. On balance, it is considered that the L.P.A. should not continue with decisions that could undermine Torbay's viability as a resort in conflict with the policies of the saved adopted Torbay Local Plan (1995-2011).

Recommendation

Refusal

Condition(s):

01. The proposal to remove conditions to the ten holiday apartments (plus one unit of owners accommodation) to affectively change their use to residential would not comply with the requirements of policy TU6 & policy H4 of the saved adopted Torbay Local Plan (1995-2011). Specifically the proposal is unacceptable due to the small size of the units which would result in a poor quality living environment.

P/2011/0384/R3

Roundham With Hyde Ward

Curledge Street County Primary School, Curledge Street, Paignton

Revisions to previously approved application P/2009/1038/MR3 to allow for a first floor

extension providing 2 additional standard classrooms and child protection/nurture

classroom above the previously approved single storey element of the extension proposed

North of site

Site Details

The application site comprises an existing primary school and children's nursery that is situated on both the north and south sides of Curledge Street, adjacent to its junction with Midvale Road. The main part of the school is on the northern side of Curledge Street. The majority of buildings are stone faced although more recent extensions and mobile classrooms have been added. The school is visible in the street scene. There is a line of trees along the northern boundary of the site. The 1970s extension block that was on the application site has been demolished.

The surrounding area is in mixed use. There are a number of residential properties in Curledge Street and residential and commercial properties in Midvale Road. Curledge Street is a one way road. In the Torbay Local Plan 1995-2011 the site is shown as being within the Old Paignton Conservation Area.

Relevant Planning History

P/2009/1038 Demolition works; Formation of new classroom building and Children's Centre building, together with associated landscaping PER - 08/01/2010

P/2009/1039 Demolition works PER - 02/03/2010

P/2010/0450 Removal of stone wall sections and rebuilding of stone wall fronting Midvale Road PER - 24/06/2010

P/2010/0469 Demolition works PER - 18/06/2010

P/2010/0756 Construction of access ramps to proposed childrens centre and change of use between numbers 16 to 20 Curledge Street from public highway to form part of Curledge Street school

REF - 11/11/2010

Relevant Policies

CFS - Sustainable communities strategy

CF1 - Provision of new and improved community

CF10 - New schools and improved school facilities

BES - Built environment strategy

BE1 - Design of new development

BE2 - Landscaping and design

BE5 - Policy in conservation areas

EP1 - Energy efficient design

EP2 - Renewable energy

EP4 - Noise

L9 - Planting and retention of trees

Proposals

The application is to revise the proposal on the north side of the site from a single storey development to a two storey building. At ground floor level four classrooms are proposed with toilets, and offices. At first floor level a further two classrooms, staff room, offices, library and toilets are proposed. The applicant advises that this will enable all key stage 1 teaching to be carried out on the north side of the site, whereas currently pupils have to cross Curledge Street for some lessons. The proposal also provides the opportunity to introduce additional facilities needed by the school.

There have been extensive discussions relating to the design of the proposed extension. Revised

plans are awaited.

Consultations

Highways: consultation response awaited

Arboricultural Officer: consultation response awaited.

Conservation Officer: no objection

Representations

One letter of objection received and reproduced at P.200.

The following issues are raised;

* Loss of light to properties in Grosvenor Road

* Impact in appearance and character of conservation area.

Key Issues / Material Considerations

The main issue to be considered is the effect of the proposal on the appearance and character of the area.

Principle and Planning Policy -

The majority of the existing school buildings on the site are two storey, and therefore there would be no objection to the principle of increasing the height of the extension from single storey to two storey. A two storey building would make effective use of floor space on this restricted site and would be consistent with the character of the area. A recessed glazed link was previously approved to join the new development to the existing building and this would provide an effective transition from the older buildings on the site to the new building. The previously approved single storey extension had a modern appearance. Considerable negotiations have been carried out in respect of the design of the proposed extension and revised plans are awaited. The main consideration is to achieve a scheme that reflects the appearance, character, scale and appearance of the existing buildings on the site. Subject to the design being appropriate the principle of improving school facilities is consistent with Policy CF10 in the Torbay Local Plan 1995-2011.

The nearest residential property to the site is accessed from the lane to the north off Midvale Road. This property is at a higher level than the application site. In the design and access statement it advises that high level windows will be provided to staff room on the north elevation to prevent overlooking. In addition the proposed building at the nearest part to the garden of this property would be single storey.

Environmental Enhancement

There is an important line of 11 Lime trees along the front boundary of the site with Curledge Street. The Arboricultural Officer has previously advised that these should be retained in the interest of the visual amenity of the site. It is not clear from the submitted plan that all the trees will be retained and confirmation of this has been sought from the architect. It will be appropriate to impose a condition requiring tree protection measures to be in place during construction.

Socio economic considerations

The proposal represents an investment in education provision which will have operational benefits for the school and provide enhanced facilities on the site such as a nurture/child protection room. This investment will have the potential to improve social objectives in the neighbourhood through improved education and support.

Sustainability

The applicant advises that the proposal will incorporate a low energy concept and non reliance on cooling systems combined with high efficiency gas fired heating system to provide good returns on energy consumption over the lifespan of the proposed extension.

Level access will be provided into the building from external areas. The proposed extension will

include a lift to provide access for wheelchair users to first floor level.

Conclusions

In conclusion, the proposal constitutes an investment in education facilities which is consistent with Policy CF10 in the Torbay Local Plan 1995-2011. Subject to the satisfactory design of the proposed building being consistent with the objectives of Policies BES, BE1 and BE5 in the Torbay Local Plan 1995-2011 and satisfactory observations from the Arboricultural Officer the proposal would constitute an acceptable form of development in this location.

Recommendation

Subject to the receipt of satisfactory revised plans, satisfactory observations from the Arboricultural Officer and no additional representations received during the consultation period; Conditional Approval

Condition(s):

01. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

02. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

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P/2011/0437/PA
Roundham With Hyde Ward
3 Sunhill Apartments, 19 Alta Vista Road, Paignton
Change of use from holiday use to residential use

Site Details

Flat 3 in a block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly an hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

Relevant Planning History

- P/2003/0571 Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1)
Approved 16th July 2003
- P/2004/0038 Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved
25th February 2004
- P/2010/1245 Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.
- P/2010/1364 Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this
Application) Approved 13 April 2011.
- ZP/2010/0322 Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential.
Likely to receive favourable consideration 10 August 2010

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

- Flat 8 at Belvedere, Marine Drive,
Nos 2 and 11 at Sunhill Apartments, Alta Vista Road
1 at Carlton Manor, Roundham Road,
1 application (10 units) at Goodrington Lodge, Alta Vista Road.
1 application (11 units) at 5 Colin Road
Flat 4, Vista Apartments, Alta Vista Road

Relevant Policies

- Saved Adopted Torbay Local Plan*, relevant policies
TU6 (PHAA)
CF6 (Community Infrastructure Contributions)
CF7 (Education contributions)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010) but recommended for revocation by a report to Full Council on 13th July 2011, and
LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

Permission is sought for a change of use at flat 3 to allow residential occupation in what is currently a holiday flat controlled by condition on the original approval. The condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times. Allowing the change of use would allow residential occupation but by virtue of the Use Classes Order would also permit holiday use.

Consultations

Chief Executive English Riviera Tourist Company : Comfortable with any application for permanent

residential occupancy in the green zones and supports these applications.

Representations

Letter supporting application from the applicant and re-produced at Page P.203.

Key Issues/Material Considerations

Flat 3 is within in a medium sized block of holiday flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is now clear that applications involving the loss of holiday accommodation first need to be tested against policy TU6 of the Development Plan.

This policy states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and
- d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms both en suite, a living/dining room, kitchen, bathroom and a balcony with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

The prevailing context of this part of Alta Vista Road is of a strong holiday character, with many properties in the immediate vicinity being in holiday use. This includes 10 units with in this property. For these reasons it is not considered that the property Sunhill Apartments 19 Alta Vista Road has restricted bed space capacity having 10 apartments in holiday accommodation use.

If further units in this property and other properties subject of applications presented at this planning committee we granted permission for residential use it would further undermine the holiday character of the area setting a precedent for the continuation of the loss of holiday accommodation in this Principal Holiday Accommodation Area. As such the change of use at Sunhill Apartments 19 Alta Vista Road would not meet any of the tests of Policy TU6 required before the loss of holiday accommodation in a Principal Holiday Accommodation Area could be approved.

Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas

(PHAAs) was at the time of writing this report a material planning consideration, however on 13th July Full Council will be presented a report recommending that the “Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)” (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy. The report will also recommend to full Council that, pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red “Core” areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don’t offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. It is the officers view that the test set out in TU6 have not been met. While the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation, this report holds a limited weight compared to the development plan which TU6 forms part. As such in accordance with the requirements of TU6 this application should not be permitted.

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. This application was received after this date therefore a developer contribution is applicable as follows :

Category 2 (55-74 sq m)	
Municipal waste and recycling	£ 50
Sustainable transportation	£ 860 (50% residential rate)
Education (primary only)	£ 410
Lifelong learning	£ 220
Green space and recreation	£1120
Total Payment	£2660

In terms of on site car parking provision the original planning approvals for the conversions to holiday flats indicated 24 spaces to the front and rear of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

Sustainability - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

Disability Issues - This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within P.H.A.A.'s, although some have been allowed under a different interpretation of the policy, including two in the complex next door. It is considered that the L.P.A. should not continue with decisions that are now thought to be a wrong interpretation of the policy even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy.

Recommendation

The application should be refused on the basis of failing to meet all of the tests imposed by policy TU6.

Condition(s):

01. The proposal to change the use of flat 3 Sunhill Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan. The proposal to remove condition 1 to application P/2000/1186 to allow permanent residential use is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. Sunhill Apartments is a purposely converted block of holiday flats within the Roundham Road West Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, education facilities, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 and CF7 of the Saved Adopted Torbay Local Plan (1995 – 2011) and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 ("Planning Contributions and Affordable housing: Priorities and Delivery", adopted in May 2008) and the more recent update the 'Planning contributions and affordable housing supplementary document, update 2: Economic Recovery Measures', (adopted by the Council in June 2010.)

P/2011/0483/R3
Roundham With Hyde Ward
56 Palace Avenue, Paignton
Use as Class A2 (retrospective)

Site Details

The site is situated in Palace Avenue, Paignton, which is a mixed use area with retail shops, office accommodation, theatre and some residential properties. The property is located in the Old Paignton Conservation Area and was originally Paignton's Fire Station, but more recently has been used for office and financial and professional services, being the Paignton town office and Connexions centre for Torbay Council.

Relevant Planning History

No immediate relevant planning history.

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

Paignton Town Centre

ES Employment and Local Economy Strategy

E2 Town Centre Office Sites (New office development on town centre sites, in particular schemes involving the modernisation and improvement of existing buildings will be permitted so long as they do not conflict with other local plan policies).

Proposals

Retrospective consent is sought to regularise the planning use of this property for A2 financial and professional services. No external alterations are indicated.

Consultations

None.

Representations

None.

Key Issues/Material Considerations

This is a retrospective application. The main issue to consider is whether it complies with Policy E2 relating to Town Centre Office Sites. In this respect, office employment plays an important part in widening the choice of job opportunities in the town centre location. Such a use would be capable of and has indeed has in the past, co-existed with other uses within the Paignton Town Centre. It is conveniently located to public transport networks including bus networks and the local Paignton railway station.

Sustainability – No issues.

Crime and Disorder – No issues.

Disability Issues – No issues.

Conclusions

This is a retrospective application which seeks to continue the use of this premises for A2 use, including financial and professional services. It is considered to comply with Local Plan Policy and it will bring a currently vacant building back into active occupation.

Recommendation:

Approval.

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P/2011/0471/PA

St Marychurch Ward

7,9 And 11 Havelock Road, Torquay

Demolition of disused vehicle repair centre and construction of 6 - 3 bed terraced houses and 1 - 2 bed maisonette with car parking spaces and pedestrian footway

Site Details

The application site comprises a stone built former car repair premises, now vacant, in a dilapidated condition and located within the St Marychurch Conservation Area. The site also includes part of the domestic garden of 46 Trumlands Road which borders the site to the east. The surrounding area is primarily residential in character and whilst there are more spacious plots to the south and south west of the site the character of the area is essentially fine grained terraced development set at the back edge of pavement. Havelock Road is narrow and well used by traffic.

Relevant Planning History

P/2006/0547: Erection of 7 dwellings: Approved 21.09.06

P/2006/0746: Erection of 1 dwelling in connection with P/2006/0547: Approved 21.09.06

P/2006/1799: Additional dwelling in association with P/2006/0547: Approved 17.01.07

P/2009/0777: Discharge of S106 obligations to provide for sustainable transport contributions only.

P/2009/0053: Variation of condition to allow scheme to be constructed in 2 phases: Approved 12.03.09.

This application was considered by the Development Management at its meeting of the 30th June and deferred with a recommendation that the 2 bed maisonette be deleted, that rear access to the dwellings be explored and that sufficient space be identified to provide adequate accessible parking, bin storage and cycle parking. The applicant has included one additional car parking space and relocated the bike storage areas. The deletion of the maisonette it is argued would render the scheme unviable.

Relevant Policies

PPS3 Housing

PPS1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

Saved Adopted Torbay Local Plan 1995-2011

HS Housing Strategy

H2 New housing on unidentified sites

H9 Layout, design, community aspects

H10 Housing densities

E6 Retention of Employment land

CF6 Community Infrastructure contributions

W7 Waste and recycling facilities

BES Built environment strategy

BE1 Design of new development

BE5 Policy in Conservation areas

T1 Development accessibility

T2 Transport hierarchy

T25 Car parking

T26 Access from development onto the highway

Proposals

This is a detailed application for the construction of 6, 3 bed terraced dwellings and 1, 2 bed maisonette (to be built over an access to 6 car parking spaces at the rear of the site). The buildings are to be finished in render and it is indicated that windows would be UPVC. The roof will be natural slate.

Consultations

Conservation Officer: Plans acceptable subject to resolution of final design details and use of aluminium windows rather than UPVC.

Highways: Obs awaited but did not raise any concerns in relation to pre app discussions.

Strategic Transport: Request that SPD contribution in respect of sustainable transport be incorporated to improve local linkages particularly with schools. Wish to see covered secure cycle storage and no on road parking.

Representations

One letter signed by 3 households to the rear of the site concerned about privacy and overlooking arising from the inclusion of accommodation in the roof and also about matters of a civil nature such as electric cables, party walls and the relationship of the existing building on the site with existing properties.

A further letter raises concerns about overdevelopment, increase in traffic movement, increase in parking and congestion and concerns about access for emergency vehicles. It also considers the scheme too tightly packed, imposing and out of character.

These letters are appended as T.200.

Key Issues/Material Considerations

The key issues are the scale of development on site, the relationship to the character of the Conservation Area, impact on amenity and impact on highways arising from congestion and parking. Each will be addressed in turn.

It is important in considering this application to be aware of the previous use of the site as a car repair garage and of the currently extant permission for the construction of a new building containing 9 dwellings.

Scale of development on site

This scheme will provide for 6, 3 bed dwellings and 1, 2 bed maisonette. The building envelope is essentially 2 stories with bedroom accommodation in the roof. The extant permission provided for 9 2 bed dwellings but in a building that attained a greater height overall as it did not step up the street in the manner of the existing scheme, but adopted a consistent height across the entire plot. Whilst the scheme has limited amenity space and is 'tight' it is not inconsistent with the character of surrounding buildings. In terms of density of occupation and scale of the new building this proposal will be of less impact than that which could be built under the extant consent.

Relationship to the character of the conservation area

This scheme adopts a terraced format which is generally typical of the locality. It steps up the hill following the topography. It is consistent with neighbouring buildings in terms of height and scale. It is fine grained and will sit comfortably as part of a typical block which is characteristic of the urban form of the locality.

In terms of materials and design details it will have a contemporary feel but still fit with its sensitive surroundings and not look out of place. The existing building, whilst partly constructed of limestone is in a poor state and does nothing to enhance the area. It is considered that this scheme is, subject to clarification in respect of design details and materials, more sympathetic in terms of the character of the area than either the extant consent or retention/conversion of the existing building.

Impact on Amenity

The main area of concern arises from the inclusion of a large dormer window to the rear which overlooks properties on Park Road. It is thought that the impact of this can be ameliorated by design

and the applicant has undertaken to look at this. Progress will be reported verbally.

Impact on Highways/Congestion/Parking

In response to the Committees concern about 'overdevelopment', the applicant has included an additional car parking space adjacent to the access to the rear car park to achieve 1:1 car parking levels. The spaces are cramped and there is an arguably greater question over their practicality. However, the applicant has also sought to respond to the concerns raised at the last meeting by providing rear access, bin storage and bike storage to a number of the properties.

Whilst it is accepted that the scheme would be improved with the deletion of the maisonette and the provision of 6 larger dwellings with a more workable arrangement of parking/bins and bikes the applicant is emphatic that he is not prepared to do this. In this context it is necessary to consider whether this application should be refused.

As argued previously, it has to borne in mind that the site was previously used as a car repair garage and had the potential to generate a significant level of traffic movement, congestion and on street car parking. There is also an extant consent for 9 dwellings which although provided 1:1 car parking, did not provide any amenity space, no bike storage and inadequate bin storage. It is necessary to consider this as a fall back position in the event of an appeal. In light of this, it is suggested that the original layout, with 6 spaces and a more accessible bike store is put forward for consideration as a small deficit in car parking levels, particularly if it allowed a more rational arrangement of space within the site would be preferable to the revision submitted. It is recognised that Havelock Road is narrow and busy but it would be likely that the impact of 7 dwellings with 6 off street car spaces would be less than that which could be generated by the continuation of the existing use and the overall arrangement of space in this scheme is preferable to that which would prevail through implementation of the extant scheme.

Developer S106 Contributions

The scheme should deliver the following in community infrastructure contributions:

Waste	£ 350
Sustainable Transport	£15820
Lifelong learning	£ 2020
Greenspace	£13420
TOTAL	£31610

Sustainability – The development would make efficient use of a brownfield site within the urban area and provide additional residential accommodation in a sustainable location.

Crime and Disorder – No Obs received.

Disability Issues – Level site, should meet Part M of the Building regs

Conclusions

The scheme for 7 units in a stepped terraced form is compatible in design terms with the character of the conservation area. In terms of the scale of development on site and density of occupation it is not inconsistent with neighbouring buildings. In terms of amenity concerns, issues in relation to overlooking can be mitigated through design. Whilst Havelock Road is narrow and busy, this scheme will have less impact on highway safety than a continuation of the existing use as a car repair garage or construction of the extant scheme for 9 dwellings.

Recommendation

Conditional Approval; subject to the receipt of amended plans resolving design matters and mitigation of overlooking and subject to the conclusion, at the applicants expense of a S106 Agreement, in terms acceptable to the Executive Head of Spatial Planning within 3 months of the date of this meeting.

Conditions

1:20 Details
Samples of materials
Boundary treatments
Implementation and retention of car parking
Bin storage
Bike Storage
Implementation of footway
Removal of PD Rights

P/2011/0505/MPA

TormohunWard

Fairlawns Hall, 27 St Michaels Road, Torquay

Extend time limit - formation of 3 storey block to form 14 two/three bedroom apartments - application P/2008/0356

Site Details

The application site is a large detached Victorian Villa situated on the east side of St Michaels Road, located within a large plot of 0.37 hectares. It has previously been in use as holiday flats and is currently used for residential purposes. The property is set back from the road and is at a higher level than St Michaels Road. It comprises three elements; being the main villa, an extension to the eastern side of the property and the converted stables at the rear. There is an extensive stone wall along the boundary with St Michaels Road. The ground levels along St Michaels Road slope steeply in a northerly direction. There are a number of mature trees on the site.

The surrounding area is in residential use. Properties in Barton Road and Rooklands Avenue back onto the site. There is a footpath from the site that extends onto Barton Road. In the Torbay Local Plan 1995-2011 there is no specific designation relating to the site. It is noted that the site is not within a conservation area or within a Principal Holiday Accommodation Area.

Relevant Planning History

P/2008/0356 Formation of 2/3 storey block to form 14 no 2 and 3 bedroom apartments. Approved. 06/06/2008

P/1983/1223 Use As Residential Flats. Approved. 18/07/1983

P/1981/2639 Conv Outbldg As A Hol Flat. Approved. 03/11/1981

The following application relating to a property at the rear is also considered relevant;

2009/1170 Detached dwelling, 46 Barton Road, approved 22.2.10

Relevant Policies

In the Torbay Local Plan 1995-2011 the following policies are relevant;

- BES requires new development to conserve or enhance the built environment.
- BE1 requires design of new development to take account of the wider context.
- BE2 proposals for new buildings should incorporate landscaping as an integral part of the design.
- H2 promotes sustainable forms of new development
- H9 requires a high standard of design, taking into account characteristics of existing environment.
- H10 supports development at maximum densities
- H11 open space requirements for new housing
- CF2 Encourages development proposals to address the need to reduce crime without unduly affecting amenities.
- CF6 requires appropriate contributions to provide social, physical or environmental infrastructure.
- CF7 educational contributions
- TS promotes a sustainable land use transportation system
- T1 non residential development will only be permitted where more than 50% of users can gain access by foot, cycle or public transport.
- T2 sets out a transport hierarchy for all new development.
- T3 needs of cyclists should be taken into account
- T25 maximum car parking standards are set out in the schedule.
- T26 requires a safe standard of access
- TU7 sets out criteria for change of use of hotels/guest houses and holiday apartments outside PHAAs
- LS Landscape Strategy- development of sites within areas of landscape importance only permitted

where there is no harm to local character or distinctiveness.

- L8 protection of hedgerows, woodlands and other natural landscape features.
- L9 development will only be permitted where trees will not be harmed.
- L10 major development and landscaping

Detailed Proposals

This application is to renew the planning permission granted under application reference 2008/0356MPA. This permission was to demolish the existing property and to construct a three storey building, with the second floor accommodation within the roof space, comprising 14 two and three bedroomed apartments with amenity space, car parking and cycle storage. The proposed building would be sited in a similar position to the existing building. Twenty six car parking would be provided to the east of the main building on a similar site to the existing parking provision. (A revised plan showing the provision of 22 spaces on the site was submitted during processing the application, however the layout with 26 spaces was the approved plan). A separate cycle store would also be provided at the north of the site. It is noted that under application reference 2008/0356 the agent agreed that the proposed position of the cycle store could be moved further from the boundary with the adjoining property. This was addressed by condition 4 on the grant of planning permission.

The proposed building would be between 0.3m and 1 metre higher than the existing building. In the design and access statement it is advised that the design is based on a classic Georgian building. This would incorporate large windows to ground floor and smaller windows above. The use of hipped roofs and chimneys are typical of Georgian features. The architect notes that there is no common form of development in the surrounding area. Materials would be white render walls with rainwater goods finished in black. Windows would be grey aluminium with slate style tiles on the roof and rolled lead to flat roofed areas and dormers will be used.

An arboricultural appraisal was submitted in support of the application. This proposes that six trees on the site are felled. All of these trees are classified in the 'C' poor category. An updated tree survey has been received in support of the current application.

Consultations

Arboricultural Officer- That the application be suitable for approval on arboricultural merit if the suggested tree protection measures included within the updated tree report is conditioned to be discharged prior to any commencement of works on site.

Highways Officer – as long as the existing conditions are carried over highways raise no objection.

Strategic Transport Officer- consultation response awaited

Representations

Letters of objection received and reproduced at T.203

The following issues are raised;

- * As trees will be reduced in height neighbouring properties will have a view of the apartments.
- * Not clear where boundaries of site are
- * Adequate on site parking should be provided
- * Increase in noise
- * Where would play equipment be sited?
- * It was previously agreed that the cycle shed would be re sited
- * Site area includes land in the adjoining occupiers registered title and a right of way is affected.
- * Conditions should be imposed to restrict further development of the site.
- * Cycle store should be relocated
- * There is an anti social problem with the access to Barton Road
- * Loss of sea views
- * Restrictions should be placed on the height of new tree planting

Key Issues / Material Considerations

This application is a renewal of application reference 2008/0356MPA. As such the Authority needs to consider whether there have been any changes in material circumstance since the previous decision was made. In this case there has been a material change following the granting of consent for a dwelling to the rear of the site within the grounds of 46 Barton Road. Notwithstanding, that the consent at 46 Barton Road was granted after the original grant of consent that this application is seeking to extend.

The proposed development raises the following issues; loss of holiday accommodation, design, size and height of proposal, highways, impact on residential amenity, trees, and S106 contributions.

Loss of holiday accommodation

Since the previous decision the Council has issued 'Revised guidance on the interpretation of Policies TU6 (PHAAs) and TU7 (Holiday Accommodation elsewhere)'. As the site is not within a PHAA this guidance would not materially affect the decision that the loss of holiday accommodation would be appropriate in this location and would accord with Policy TU7. The proposal accords with the objectives of Policy TU7 because the site is within a residential area and some distance from holiday facilities. There is no distinct holiday character in the area. The loss of 14 holiday flats in this location would not have a significant impact on the tourism industry due to the scale of the existing use. The proposed residential use of the site would be compatible with the character and other uses in the area. As the principle of the loss of holiday accommodation on the site has previously been agreed by the Council there would need to be very strong case to change this decision, which does not appear to be the case in this instance.

Demolition of building

The principle of the demolition of the building has previously been accepted on the basis that it is not within a Conservation Area and is not of significant architectural merit to warrant listing. This has not changed and the loss of the building is considered to be acceptable.

Design of building

The scale, height and design of the proposed building has previously been agreed by the Council, and is considered to be acceptable in this location. The footprint of the proposal would be similar to the existing property. The existing floorspace measures 1692 sq m and the proposed floorspace would be 1815sqm which is an increase of 123sqm. There would be a reasonably sized area on the site for amenity space. The height of the building would be appropriate in this location, and would be marginally higher than the existing building. The design and appearance would to an extent reflect the appearance of the existing building. The principle of a building based on a Georgian design is not necessarily characteristic of Torquay which has a strong Victorian character. However the design is not unattractive and would comply with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011.

Highways

The highways officer has not raised an objection to the proposed development. The proposal would provide 26 off street parking spaces which would provide a proportionally high level of on site parking provision. In addition a covered cycle store is also proposed on the site. A neighbour has raised an issue about the location of the cycle store. A condition on the previous grant of planning permission required this to be resited in comparison with the submitted plan. This condition can again be imposed on any grant of permission in respect of the current application.

Impact on residential amenity

The closest neighbouring property is 46 Barton Road. This is at a higher level than the application site.

The proposed building would be sited slightly further away than the existing building on the site. The proposed development adjacent to this property would be higher than the existing building on this part of the site and would result in a window at roof level and the end of a balcony facing towards the

property at the rear. It is also noted that planning permission has been granted for a detached dwelling within the curtilage of 46 Barton Road which will directly face the proposed development. Further information has been requested from the applicant to clarify the relationship of buildings on the east boundary.

Trees

There are a number of mature trees on the site the majority of which will be retained under the proposal. The Council's arboricultural officer has advised that he has no objections to the proposal subject appropriate conditions.

S106 Contributions

Under application reference 2008/0356PA the S106 agreement required contributions of £75,349.28 to off set the impact of the development on local infrastructure. In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are required;

Waste management	£ 700
Sustainable Transport	£23500
Stronger Communities	£ 2800
Lifelong Learning	£ 6340
Greenspace	£16590
Total	£49,930

Clearly this total is lower than that previously agreed. It does accord with the Council's current guidance which is intended to reflect the current economic climate.

As the proposal is for 14 flats it falls below the threshold for affordable housing which is applicable for developments of 15 or more units. Due to the proximity of residential properties around the site and the steep access it would be appropriate to develop the site with 14 units rather than to seek additional units on the site. In addition the proposal is consistent with the objective to provide good quality housing stock rather than large numbers of smaller units. In order to ensure that in the future the flats are not subdivided and additional units provided on site without payment of an affordable housing contribution an appropriate control can be included in the S106 agreement.

Economic regeneration outcomes - The proposal would result in the loss of 14 holiday flats. The applicant advises that they were only used for holiday purposes between July and September and are let on a short term basis at other times. The site is in a peripheral location in relation to the main tourism area. The character of the surrounding area is residential and the loss of a holiday use would not affect the holiday character of the area. The proposal would represent an investment in the provision of good sized residential accommodation in a sustainable location.

Sustainability - The site is brownfield and located within walking distance of public transport.

Crime and Disorder - the proposal would not increase the risk of crime in the area.

Disability Issues - There are 5 apartments proposed at ground floor level which could provide disabled access.

Conclusions

In conclusion the proposal constitutes an appropriate form of development in this location. The design and external appearance of the building would make a positive contribution to the visual amenity of the area in accordance with Policies BES and BE1 in the Torbay Local Plan 1995-2011. It would provide an improved standard of residential accommodation on the site and would therefore constitute an investment in upgrading the housing stock in the area.

Recommendations:

Site Visit: Subject to the receipt of satisfactory further information and signing of a S106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within 3 months of the date of this committee meeting, Conditional Approval

Condition(s):

01. No development shall take place until a detailed schedule of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:5 indicating the following details have been submitted to and approved by the Local Planning Authority:

- a) reveals to window/door openings;
- b) glazing bars;
- c) sub-cills;
- d) eaves overhang.

The building shall not be occupied in accordance with these details.

Reason: To ensure that the architectural detailing of development is completed to a satisfactory standard in accordance with Policies BES, BE1 and H9 of the Torbay Local Plan 1995-2011.

03. Prior to the commencement of any works of demolition associated with the development hereby approved, details of the measures to minimise and mitigate the effects of waste material production from the development on the site shall be submitted to and approved in writing by the Local Planning Authority, and the development hereby permitted shall be effected in strict accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the implementation of an appropriate regime of sustainable waste management for the site, in accordance of the terms and objectives of W6 and W7 of the Torbay Local Plan 1995-2011.

04. Notwithstanding the location of the cycle store shown on plan reference 100-7689 prior to the occupation of any of the residential units hereby approved, detailed plans showing the location, size and design of a secure allocated cycle parking store shall be submitted to and approved by the Local Planning Authority and completed and made available for use. The cycle store shall then be retained for the duration of the residential occupation of the flats for which the provision is made.

Reason; To secure the appropriate provision of cycle parking facilities to serve the development, to promote and enable the use of sustainable methods of transportation, in accordance with the terms and objectives of Policies TS, T1, T2 and T25 of the Torbay Local Plan 1995-2011.

05. The development shall not be used/occupied until the vehicle parking areas shown on the approved detailed plans have been provided and made available for use. The area shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

06. The waste and recycling materials storage facility shown on the approved plans shall be completed and made available for use prior to the first occupation of any of the residential units hereby permitted, and shall be so retained for the duration of any residential occupation of the building.

Reason: To secure appropriate serve facilities for the development, in accordance with the terms and objectives of Policy W7 of the Torbay Local Plan 1995-2011.

07. No development or other operations shall commence on the site until the existing trees and/or hedgerows to be retained have been pollarded and protected in accordance with the arboricultural appraisal dated March 2008 and reference BRS1573. All works of demolition shall be carried out strictly in accordance with these details. This provides for the erection of fencing for the protection of any retained tree or hedge before any equipment or machinery or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surface materials have been removed from the site. If the fencing is damaged all operations shall cease until this is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

08. Before any development is commenced, details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of visual and residential amenity, in accordance with Policies BE1 and H9 of the Torbay Local Plan 1995-2011.

09. Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a sustainable urban drainage system, in accordance with construction industry research and information association document 522 for surface water disposal, (clean surface and roof water should be kept separate from the foul drainage system) shall be installed and the system should be maintained effect at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run-off and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage.

10. 10. Prior to the commencement of the development and in accordance with the plans submitted with the application hereby approved the following details for the development shall be submitted for the written approval of the Local Planning Authority:
- * a detailed landscape plan including size, type and species of all planting, details of all grassed areas, walls, fences and other boundary treatments
 - * a phasing plan including specific timescales to demonstrate the sequence of work and ensure a suitable timescale for implementation
 - * a detailed landscape management plan
 - * a detailed tree protection plan and arboricultural method statement (AMS) according to the principles and recommendations of BS 5837:2005 and shall

include details of the methods of protection; a site plan showing the location of protective fencing and ground protection as well as materials storage areas, mixing and washing out areas, site huts, welfare facilities; how the tree protection is to be monitored (Site Monitoring Log) and ; how problems or departures from the agreed method statement are to be reported and resolved
* drainage details, including a plan of drainage and service runs, and methods and location of surface water attenuation

Reason: To ensure appropriate arboricultural works are undertaken together with long term management to ensure that the development is appropriate for the context appearance and character of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011. (The applicant is reminded that the Development Control Committee has requested that in preparing the landscaping proposals due regard is taken in respect of maintaining views through the site currently enjoyed by adjoining occupiers.)

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

Reason: In the interests of the amenities of the area, in accordance with Policy BE2 of the saved Torbay Local Plan 1995-2011.

12. This permission is related to an Agreement entered into by the applicant and the Torbay Council, under Section 106 of the Town and Country Planning Act 1990.

Reason; For the avoidance of doubt and to ensure a satisfactory standard of development.

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P/2011/0575/PA

Watcombe Ward

Barton Service Reservoir, Junction Of Great Hill Road And Overdale Close, Torquay Dwelling

Site Details

The site contains an existing reservoir on the junction of Great Hill Road and Overdale Close. There are current ongoing works at the site in preparation for redevelopment. The site is within a Traffic Management Zone and Great Hill Road forms part of the District Distributor Road Network.

Relevant Planning History

- P/2008/0880 Demolition of reservoir, formation of 1 no 2 storey three bedroom dwelling and attached garage with parking, turning area and vehicle pedestrian access onto Great Hill Road – WITHDRAWN – 28.07.2008
- P/2008/1324 Demolition of reservoir; formation of 1 no single storey three bedroom dwelling with internal garage with parking and turning area with vehicular/pedestrian access onto Great Hill Road – PERMITTED – 27.09.2008

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

- HS Housing Strategy
- H2 New Housing on Unidentified Sites
- H9 Layout, Design and Community Aspects
- H10 Housing Densities
- BES Built Environment Strategy
- BE1 Design of New Development
- TS Land Use Transportation Strategy
- T1 Development Accessibility
- T19 District Distributor Road Network
- T24 Traffic Management Zones
- T25 Car Parking in New Development
- T26 Access from Development on to the Highway

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13Transport

Proposals

The proposal seeks to redevelop the site for residential use. The existing walls of the reservoir will be maintained and the single storey property will be constructed on that base. The accommodation would comprise of two bedrooms (one en-suite); bathroom; kitchen/family room and separate lounge. High level windows are proposed for the North elevation and for the lounge on the East elevation. A raised terrace will be included along the South elevation and a shed is proposed to the North East of the building. Two external parking spaces will be provided. The highway access would be onto Great Hill Road.

This is essentially a revision to the approved plans P/2008/1324.

The revised scheme has a finished floor level 1.5 metres higher than the previous proposal.

The previous scheme sought consent for the removal of the reservoir and construction of a single storey dwelling with some accommodation in the roof space. The key differences are the shape of the dwelling, proximity to boundaries and overall heights.

Consultations

Highways – Advice remains as per the previous application. As the access remains as per previously approved the highways department raises no objection.

Other advice provided during the last application is also considered to remain relevant to this application.

This includes advice regarding the supply of water and the drainage situation as well as potential contamination. However, confirmation was sought on this matter from environmental health as further information was supplied with this application that was not submitted in the previous. It was confirmed, though, that the advice remained the same and that for this reason the conditions should be transferred as they remain relevant and necessary.

Representations

Five letters of representation have been received and are reproduced at Page T.202.

The issues raised are:

- Highway safety
- Dominant and overpowering
- Imposing due to height and topography
- Effect on aesthetics of area
- Landscaping and external finishes
- Details of security fence
- Grass verge damage
- Overlooking/privacy
- Overbearing, particularly on Overdale Close

Key Issues/Material Considerations

There will be no accommodation created in the roof space. There will be an access into the 'basement' for storage purposes but as confirmed by the agent this is not intended to be used as habitable space. The property has a rectangular form with the shorter elevation facing Great Hill Road and the longer, side, elevation facing Overdale Close.

The key issues in the consideration of this application are (1) the principle of development, (2) visual impact of the proposed dwelling, (3) affects on the amenity of neighbours and (4) highway safety.

(1) An application was submitted and approved on this site in 2008 for a single storey dwelling. As such the principle for development has been set. The site is similar in scale to those around, particularly in relation to those on Great Hill Road.

(2) The approved application is for a dwelling with has various shapes and heights thereby adding character. This dwelling though does not conform to the same appearance. Instead it is rectangular in design with a half hipped roof. The "short-side" of the property faces towards Great Hill Road. Whilst there is not as much activity with the design of the building to that previously considered it is similar to many others in the area.

A security fence is proposed around the site following the completion of development. A similar enclosure was proposed on the approved scheme. There are no details on the approved plan in relation to the height of the fence, confirmation is being sought from the agent on that matter. However it is indicted that it will be a timber. It is not considered entirely appropriate to have a high level fence around the entire site, especially the front. If the details can not be clarified before the meeting a condition is proposed.

In response to a further concern raised in the representation regarding the external finishes, it is indicated on the plans that all walls will be rendered and painted accordingly.

(3) Previously due to the high level ground floor windows and relationship on the side with the flat roof extension of the neighbour there were no amenity concerns. In this case there are also high level windows proposed on the side elevation. These therefore raise no concerns for neighbour amenity on that side. In considering the property at the rear the revised proposal is 3.7 metres further from the boundary – now at 5.2 metres. The window, relating to a bedroom, will be increased in size to that of a standard window. Adjacent to that will be another high level window relating to the lounge. Given the distances involved, whilst it is recognised that it will be higher than the neighbour behind on Overdale Close, it is not deemed to significantly impact on the levels of privacy currently enjoyed by those occupants. A street survey plan has been requested from the agent, this should help to demonstrate that. The side elevation of the neighbouring property also has a garage, further separating the two dwellings.

Overlooking aside there is a further consideration for the overall height of the building and if this would have an affect of an overbearing impact on the neighbouring occupiers. Having assessed the heights of the previous approval and this scheme it is not considered that there are any greater impacts and that therefore it remains acceptable. The maximum height to ridge will be reduced overall, however, much of the previous approved dwelling was set at a lower level. The eaves of this proposal, due to the increased finished floor level and amended design will be 1.3 metres higher. This is not considered to have a significant impact on the neighbours and in particular their amenity.

(4) In respect of Highway Safety the highways department have raised no concerns. The access has remained as previously considered and approved. There is sufficient parking and onsite turning for at least two vehicles. As such, and with the access considered by the highways officers, these aspects are deemed to be in accordance with the planning policies.

Planning Contributions – In accordance with the Planning Contributions and Affordable Housing Supplementary Planning Document and recent update the application will attract a necessary planning contribution to mitigate against the impacts of the development. In this case the contribution sought was for £5540.00. A letter has been sent to the agent requesting the contribution and offering, as per the policy, as 5% reduction if paid as an upfront contribution. In response the agent has confirmed an agreement, in a letter dated 6 July 2011, to pay the reduced contribution of £5260.00 as requested. The contribution will be sought before the issue of the decision.

Sustainability – Re-use of a brown field site for residential purposes.

Crime and Disorder – No relevant considerations

Disability Issues – No relevant considerations

Conclusions

The proposal is considered to be in accordance with the local planning policies as set out within the Saved Adopted Torbay Local Plan 1995-2011. It will provide for an acceptable re-use of an otherwise redundant site in a residential area. For these reasons, as considered above, the application recommended for approval.

There are considered to be appropriate and necessary conditions in order to ensure a satisfactory form of development. These have been included with the recommendation.

Given the level of representation to the proposed development it is necessary to refer it to the Development Management Committee.

Recommendation:

Conditional Approval

Condition(s):

01. Prior to the commencement of the development hereby approved an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The findings must be submitted in report form to, and approved in writing by the Local Planning Authority. The report of the findings must include the following:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human Health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbour and other offsite receptors, in accordance with Policy EP7 of the Saved Adopted Torbay Local Plan 1995 – 2011.

02. Prior to the commencement of the development hereby approved a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and the remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbour and other offsite receptors. In accordance with policy EP7 of the Saved Adopted Torbay Local Plan 1995 – 2011.

03. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out the remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works. Following completion of measures identified on the approved remediation scheme a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbour and other offsite receptors. In accordance with policy EP7 of the Saved Adopted Torbay Local Plan 1995 – 2011.

04. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 and must be submitted to and approved in writing by the Local Planning Authority. Following the completion of measures identified in the approved remediation scheme a verification report must be prepared in accordance with condition 3. This must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbour and other offsite receptors. In accordance with policy EP7 of the Saved Adopted Torbay Local Plan 1995 – 2011.

05. Prior to the first use of the development hereby approved the parking and turning areas shown on the approved plans shall be laid out in accordance with said plan. The parking and turning areas shall remain available for the purposes of parking and turning vehicles thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate off street parking and turning available, in the interests of highway safety and in accordance with policies T25 and T26 of the Saved Adopted Torbay Local Plan 1995 – 2011.

06. Prior to the commencement of the development hereby approved details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. It shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of the visual amenities of the locality, in accordance with policy BE1 of the Saved Adopted Torbay Local Plan 1995 – 2011.

07. Prior to the first occupation of the dwelling hereby approved, a plan to show appropriate siting and storage facility for recycling and waste shall be submitted to and approved by the local planning authority. After approval of such facilities it shall be maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure there are adequate bin storage facilities, in accordance with policy W7 of the Saved Adopted Torbay Local Plan 1995 – 2011.

08. Prior to the first occupation of the dwelling hereby approved, the highway verge between the site and road shall have been landscaped in accordance with a scheme of landscaping which shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to prevent parking within the visibility splay. In accordance with Policies BES and T26 of the Saved Adopted Torbay Local Plan 1995-2011.

09. Prior to first occupation of the dwelling hereby approved, a plan to show appropriate cycle storage facilities for the dwelling shall be submitted to and approved by the Local Planning Authority. This shall then at all times thereafter be maintained and kept available for use by the occupants and visitors unless otherwise approved in writing by the Local Planning Authority

Reason: To improve the use of sustainable transportation and ease the vehicular traffic movements to and from the site in accordance with policy T2 of the Saved Adopted Torbay Local Plan 1995-2011.

Informatives:

01. The proposal was considered against housing, built environment and transport policies of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the area and there is also no detrimental effect on the amenity of the neighbouring occupiers. The dwelling makes a positive re-use of a brownfield site in a residential area.

02. Please be advised that South West Water will only allow foul drainage to be connected to the public foul or combined sewer. As no separate public surface water sewer is available, they request investigations are carried out to remove the surface water using a SUDS/soakaway system. Details of the means of disposal must be submitted to South West Water for prior approval. The use of soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not a viable option please contact South West Water on (01392) 443189 or devplan@southwestwater.co.uk

03. In accordance with the provisions of the Planning Contributions and Affordable Housing Supplementary Planning Document a contribution to mitigate the impacts of the development was sought. The sum of £5260.00 was contributed as an upfront payment.

P/2011/0603/PA

St Marychurch Ward

St Marychurch Primary School, Hartop Road, Torquay

Alterations to the existing main entrance and installation of a new access lift

Site Details

The site contains a school building to the East of Hartop Road, on land between that and St Marychurch Road. In part, the building is two-storey with an external fire escape on the front of the building. The school has a flat roof and considerable glazing to the first floor.

Relevant Planning History

P/1989/2241 Provision Of Fire Escape From First Floor Classrooms - PER - 23/11/1989

P/1993/1475 Alterations To Form New Entrance Lobby, Waiting Area And School Office - PER - 10/01/1994

P/1994/0698 Formation Of First Floor Extension Over Main Entrance - PER - 02/08/1994

P/2002/0272 Alterations To Entrances To School To Form Vehicular And Pedestrian Access Onto Hartop Road. - PER - 01/05/2002

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011

BES Built Environment Strategy

BE1 Design of New Development

CF10 New Schools and Improved School Facilities

Proposals

It is proposed to install a lift adjacent to the main entrance doors. This will connect the ground and first floors. The lift will be enclosed with cladding (blue in colour). The fire escape stairs will be altered accordingly. Some window openings will be blocked to separate the openings from the lift. Brickwork to match the existing will be used.

Consultations

No comments received.

Representations

No representations received.

Key Issues/Material Considerations

Currently the building does little to relate to its surroundings. Opposite the properties lie within a conservation area and the existing school has little character representative of that.

Currently the school has used the blue to add feature to the elevations.

The lift structure is keeping with the scale of the main school building on the whole. It will not adversely affect any of the neighbouring residential properties as it is set well within the site and does not provide for any overlooking.

The structured is coloured blue to be in keeping with the building features and will add character to the main elevation.

Accessibility – The proposed addition will improve access for all around the site. The fire escape is amended but will have little affect on the overall building. The main access doors to the building and gates to the road are unaffected by this development proposal.

Sustainability – No relevant considerations

Crime and Disorder – No relevant considerations

Disability Issues – Provides access for all.

Conclusions

The proposed development to install a lift to the front of the building is not considered to have any adverse effects, as considered above, and will be in accordance with the Saved Adopted Torbay Local Plan 1995-2011, specifically BES, BE1 and CF10. For this reason the application is recommended for approval.

Recommendation:

Approval.

Informatives:

01. The proposal was considered against policies BES, BE1 and CF10 of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the existing building or the wider context and there is also no detrimental effect on the amenity of the neighbouring occupiers.

P/2011/0634/MPA

Wellswood Ward

The Manor House, Middle Lincombe Road, Torquay

Revisions to scheme to construct sheltered accommodation at Thatcher View, The Manor House, comprising the provision of 11 2 bed and 23 1 bed sheltered units in place of the approval for 20 2 bed and 4 1 bed units. Minor alterations to elevations

Site Details

The application site is located within the curtilage of the Manor House Middle Lincombe Road and forms a part of the wider Care Village approved as part of P/2006/1880. It occupies the site of the former training block and is located prominently in a sensitive location within the Lincombes Conservation Area, adjacent to the Lincombes Slopes Urban Landscape Protection Area and close to protected trees. The site is currently cleared and the foundations are being constructed.

Relevant Planning History

P/2006/1980 Use As Class C2 Integrated Residential Care Home With 36 Care Apartments, 40 Bed Special Care Unit, 6 Cabin Visitor Centre, 10 Retirement Units, Staff Accommodation, Communal Facilities, Parking And Landscaping. Approved. 20/09/2007

P/2009/1036 Amendment to P/2006/1980/MPA comprising minor alterations to approved elevations and layout to provide 20 2bed apartments and 4 1 bed apartments in place of approved 22 2 bed apartments. Approved. 07/12/2009

Relevant Policies

PPS 1 Delivering Sustainable Development

PPS 5 Planning and the Historic Environment

PPS 3 Housing

Saved Adopted Torbay Local plan 1995-2011

HS Housing Strategy

H2 New Housing on unidentified sites

H6 Affordable Housing on unidentified sites

H9 Layout Design and Community Aspects

H10 Housing Densities.

L5 Urban landscape Protection Area

BES Built Environment Strategy

BE1 Design of New Build

BE5 Policy in Conversation Areas

BE6 Development affecting listed buildings.

T25 Car Parking

Proposals

The scheme involves the reconfiguration of the approved floorspace to provide 11 2 bed units and 23 1 bed units in place of the approved 22 2 bed and 4 1 bed units providing for an increase of 10 sheltered units. There are minor changes to the elevational treatment.

Consultations

None received at the time of writing.

Representations

Objections based on lack of car parking and concerns that the scheme has increased in size and impact from that they were originally briefed on.

Key Issues/Material Considerations

Planning permission was granted in 2007 for a C2 Care Village at the former RNIB site [P/2006/1980].

Thatcher View comprised a block of 24 sheltered units within the overall scheme. In 2009 this was amended to increase the number of units from 22 2 beds to 20 2 beds and 4 1 bed units and included minor changes to the elevational treatment.

This application forms a further amendment to provide for additional minor elevational changes and the reconfiguration of the existing floorspace to create 11 2 beds and 23 1 bed units, comprising 34 units in total. This delivers 10 additional 1 bed sheltered dwellings on the site. However on the basis of full occupancy there are only 2 extra bed spaces provided as part of the scheme.

The changes to the elevational treatment are minor and do not raise any concerns. The increase in the number of units has implications in terms of parking levels and the level of contribution payable under s106 of the Town and Country Planning Act, 1990 and whether there should be additional affordable housing contributions.

In terms of parking, a schedule of parking spaces is to be submitted to confirm that sufficient spaces are available to serve the needs of the new residents.

In terms of affordable housing, the Affordable Housing Coordinator is to comment on what would be an appropriate level of contribution bearing in mind the fact that the actual increase in occupancy levels is quite small. The response on this will be reported verbally.

The S106 and conditions pursuant to the parent permission will also need to bind on this permission. A supplementary S106 agreement will be needed to secure the community infrastructure contributions arising from the increased occupancy of the site.

Sustainability – Would comprise more efficient use of a brownfield site

Crime and Disorder – No obs received.

Disability Issues – Level access throughout the scheme.

Conclusions

The scheme is acceptable in terms of the proposed elevational changes. The increase in units is acceptable subject to the additional community infrastructure contributions being secured via a supplementary S106 agreement.

Recommendation

It is recommended that permission be granted subject to a supplementary s106 agreement to secure community infrastructure contributions in line with the adopted SPD 'Planning Contributions and Affordable Housing' and compliance with relevant conditions pursuant to the parent permission.

P/2011/0664/PA
Tormohun Ward
Torre C Of E Primary School, Barton Road, Torquay
Formation of single storey extension to form office

Site Details

The site contains the single storey school building, raised above the level of the road to varying degrees due to the topography of the area. To the North of the school buildings are the playing fields. Dividing the school from the road is a low wall with landscaped banking. There are hedges around the particular area of the site affected by this application. The site is bounded to the West by Barton Road and to the South by dwellings.

Relevant Planning History

P/1985/2759 Scout Hut – PER 20/11/1985
P/1985/3458 Erection Of Scout Hut - PER 29/01/1986
P/1995/1059 Extension Of Existing Study Area To Form New Library And Store - PER - 13/10/1995
P/1996/1345 Siting Of Mobile Classroom For Resources Centre (As Revised By Plans Received 16/12/96) - PER - 03/01/1997
P/2000/0140 Alterations And Erection Of Extension To Existing Classrooms – PER 27/03/2000
P/2001/1472 Erection Of Detached Building To Provide "Pre School" Teaching Facilities And Outdoor Play Area (Revised Scheme) (As Revised By Drawing No. 99.715.00 Received On 20 November 2001) – PER 29/01/2002
P/2009/0885 Alterations and extension of existing classroom - PER - 19/10/2009

Relevant Policies

Saved Adopted Torbay Local Plan 1995-2011
BES Built Environment Strategy
BE1 Design of New Development
CF10 New Schools and Improved School Facilities

Proposals

The application seeks consent for the addition of an office space to the South West corner of the building. It will infill the space between the existing office/reception and a classroom. A new step will be created outside of the office to provide external access. The hedging that in part obscures this section of the building will not be affected. The extension will be clad using a Marly Cedral fibre cement cladding system with UPVC windows and door.

Consultations

No Comments Received.

Representations

No Representations Received.

Key Issues/Material Considerations

The materials used will contrast with the existing but it is not considered that they will have a harmful impact on the character of the existing building. The contrast will show the modern addition and not make an attempt to copy the existing building. In any case, given the landscaping there will be a minimal affect on the streetscene.

The extension is single storey as with the rest of the building and it is of a scale appropriate to the site.

The office extension will fit well within the site and context of the building. It does not overdevelop the site and neither does it impact on the playing field or external space used for education.

Neighbouring residential properties are of a sufficient distance from the extension so as not to be affected. The development does not extend beyond the line of the existing school building in any case.

Sustainability – No relevant considerations

Crime and Disorder – No relevant considerations

Disability Issues – No relevant considerations

Conclusions

The application is considered to provide additional facilities to the existing school that does not impact on the built environment, the residential amenity surrounding, or the site in its context. The proposal therefore accords with the local planning policies BES, BE1 and CF10 as set out in the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is recommended for approval.

Recommendation:

Approval.

Informatives:

01. The proposal was considered against policies BES, BE1 and CF10 of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the existing building or the wider context and there is also no detrimental effect on the amenity of the neighbouring occupiers.