



Friday, 12 August 2011

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 22 August 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

Plus one 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:

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207012

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 25 July 2011.

(Pages 1 - 8)

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. **P/2011/0490/PA The Old Market House, The Quay, Brixham**
Revisions to approved scheme P/2009/0219/PA and
P/2009/0220/LB (Revised plans).
(Berryhead with Furzeham Ward)

(Pages 9 - 14)

6. **P/2011/0491/LB The Old Market House, The Quay, Brixham** (Pages 15 - 18)
Revision to approved scheme P2009/0219/PA and P/2009/0220/LB
(revised plans).
(Berry Head with Furzeham Ward)
7. **P/2011/0698/AD The Old Market House, The Quay, Brixham** (Pages 19 - 22)
New pub signs.
(Berry Head with Furzeham Ward)
8. **P/2011/0550/PA Site adjacent 4 Greenover Road, Brixham** (Pages 23 - 28)
Formation of 2 semi detached dwelling houses with vehicle
access on site adjacent to 4 Greenover Road (affects the
setting of a listed building).
(St Marys with Summercombe Ward)
9. **CN/2011/0039/ and P/2011/1209/PA Paignton Green, Esplanade** (Pages 29 - 32)
Road, Paignton
Formation of children's play park and 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.
(Roundham with Hyde Road)
10. **P/2011/0632/PA Roscrea Hotel, Alta Vista Road, Paignton** (Pages 33 - 36)
Change of use from hotel accommodation to residential care
home.
(Roundham with Hyde Ward)
11. **P/2011/0674/PA Land R/O Collaton Farmhouse, 337 Totnes** (Pages 37 - 40)
Road, 8 Collaton Mews and 18 - 28 Brecon Close, Paignton
Formation of two detached bungalows with car parking.
(Blatchcombe Ward)
12. **P/2011/0062/PA Daleside Court, Lincombe Drive, Torquay** (Pages 41 - 48)
Demolition of the existing building (arranged as five flats) and
formation of seven new apartments with vehicular and
pedestrian access.
(Wellswood Ward)
13. **P/2011/0402/HA Orchard Cottage, Lower Warberry Road,** (Pages 49 - 52)
Torquay
Extension at first floor level to create two bedrooms and bathroom.
(Wellswood Ward)
14. **P/2011/0522/MOA The Pines, 78 St Marychurch Road, Torquay** (Pages 53 - 60)
Demolition of building and construction of a new block of 13
flats (in outline).
(St Marychurch Ward)

15. **P/2011/0735/HA 18 Padacre Road, Torquay** (Pages 61 - 62)
Remove kitchen windows and replace with UPVc French windows; replace rear door and steps with UPVc window. (Watcombe Road)
16. **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.
17. **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, 17 August 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

25 July 2011

-: Present :-

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Butt, Hernandez and Thomas (D))

169. 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.

170. Minutes

The Minutes of the meeting of the Development Management Committee held on 30 June 2011 were confirmed as a correct record and signed by the Chairwoman.

171. Urgent Items

The Committee considered the items in Minute 189, and not included on the agenda, the Chairwoman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

172. CN/2011/0039 Paignton Green, Esplanade Road, Paignton

The Committee considered an application for 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 meeting written representations were circulated to members of the Committee. At the meeting Louise Gilson addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Hernandez also addressed the Committee in support of the application.

Resolved:

That the details required to satisfy conditions 1, 2, 3, 4 and 9 were acceptable and sufficient to discharge the requirements of the conditions.

(**Note 1:** In accordance with Standing Order A19.5 Councillor Hytche requested his vote against application CN/2011/0039 be recorded.)

(**Note 2:** Prior to consideration of application CN/2011/0039, Councillor Barnby declared a personal prejudicial interest and withdrew from the meeting room.)

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

The Committee considered an application for change of use from a holiday home to a residential dwelling.

Prior to the Committee members of the Development Management Committee undertook a site visit.

Resolved:

That the application be refused for the reason set out in the submitted Report.

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

The Committee considered an application for 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.

Members were advised that this application had been held in abeyance pending a review of the Principal Holiday Accommodation Area Policy and that the applicant had stated his intention to appeal against non determination. Confirmation of the appeal removed the right of the Local Planning Authority to formally determine the application, as this decision would be taken by the Planning Inspectorate.

Therefore members were requested to consider this application as if it were to be determined to make clear what its resolution would have been had it determined the application.

Prior to the meeting Members of the Development Management Committee undertook a site visit. At the meeting Nigel Cousens addressed the Committee in support of the application.

Resolved:

That had they been in a position to determine the proposal the application would have been refused for the reasons set out in the submitted Report.

(**Note:** Prior to consideration of application P/2001/0021/VC, Councillor Barnby declared a personal interest as she knew of the applicant from other professions.)

175. P/2011/0202/VC Flat 1 Carlton Manor, 9 Roundham Road, Paignton

The Committee considered an application for removal of condition 1 to application P/2000/1186/ to allow permanent residential use.

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

Resolved:

Approved.

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

The Committee considered an application for change of use from holiday let to residential use.

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

Resolved:

Refused for the reasons set out in the submitted Report, with condition 02 being amended to reflect policy T25 from PPG13 as opposed to TU25.

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

The Committee considered an application for change of use from holiday let to residential use.

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

Resolved:

Refused for the reason set out in the submitted Report.

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

The Committee considered an application for change of use from holiday home to residential 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 John Simmonds addressed the Committee in support of the application.

Resolved:

Refused for the reason set out in the submitted Report.

179. P/2011/0363/VC Julie Court, 5 Colin Road, Paignton

The application was withdrawn from the agenda.

180. P/2011/0384/R3 Curledge Street County Primary School, Curledge Street, Paignton

The Committee considered an application for revisions to previously approved application P/2009/1038/MR3 to allow for a first floor extension providing two additional standard classrooms and child protection/nurture classroom above the previously approved single storey element of the extension proposed north of site.

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

Resolved:

Subject to satisfactory observations from the Arboricultural Officer and no additional adverse representations received during the consultation period, approved with the conditions set out in the submitted Report.

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

The Committee considered an application for change of use from holiday use to residential use.

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

Resolved:

Refused for the reasons set out in the submitted Report.

182. P/2011/0483/R3 56 Palace Avenue, Paignton

The Committee considered an application for use as Class A2 (retrospective).

Resolved:

Approved.

183. 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 six 3 bed terraced houses and one 2 bed maisonette with car parking spaces and pedestrian footway.

Prior to the meeting written representations were circulated to members of the Development Management Committee. At the meeting Christine Lawrence addressed the Committee in support of the application.

Resolved:

Subject to the conclusion, at the applicants expense, of a Section 106 Agreement in respect of waste, sustainable transport, lifelong learning and greenspace in terms acceptable to the Executive Head for Spatial Planning within six months of the date of this meeting, approved with conditions delegated to the Executive Head of Spatial Planning to include conditions relating to 1:20 details, samples of materials, boundary treatments, implementation and retention of car parking, bin storage, bike storage, implementation of footway and removal of permitted development rights.

(**Note:** In accordance with Standing Order A19.1 Councillor Addis requested his vote against application P/2011/0471/PA be recorded.)

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

The Committee considered an application to extend the time limit for the formation of three storey block to form 14 two/three bedroom apartments – application P/2008/0356.

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 signing of a Section 106 Agreement in respect of waste management, sustainable transport, stronger communities, lifelong learning and greenspace in terms acceptable to the Executive Head for Spatial Planning within six months of the date of this Committee, approved with the conditions set out in the submitted Report.

185. P/2011/0575/PA Barton Service Reservoir, Junction of Great Hill and Overdale Close, Torquay

The Committee considered an application for a 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 Mr Barber and Mr Brown addressed the Committee against the application.

Resolved:

Approved with the conditions and informatives set out in the submitted Report subject to receipt of the Section 106 Agreement contribution.

186. P/2011/0603/PA St Marychurch Primary School, Hartop Road, Torquay

The Committee considered an application for alterations to the existing main entrance and installation of a new access lift.

Prior to the meeting members of the Development Management Committee undertook a site visit.

Resolved:

Approved with the informative set out in the submitted Report.

187. P/2011/0634/MPA The Manor House, Middle Lincombe Road, Torquay

The Committee considered an application for revisions to a scheme to construct sheltered accommodation at Thatcher View, The Manor House, comprising the provision of 11 two bed and 23 one bed sheltered units in place of the approval for 20 two bed and 4 one bed units and minor alterations to the elevations.

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 a supplementary Section 106 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, officers were also requested to pursue the feasibility of options for the introduction of renewable energy sources within the scheme with the applicants.

188. P/2011/0664/PA Torre C of E Primary School, Barton Road, Torquay

The Committee considered an application for the formation of a single storey extension to form office.

Resolved:

Approved with the informative set out in the submitted Report.

189. P/2011/0324/MPA Site of Paignton Police Station, Southfield Road, Paignton

At the meeting of the Development Management Committee held on 31 May 2011 members considered the above application. At this meeting the Committee

delegated authority to the Executive for Spatial Planning to negotiate with the applicant to resolve concerns in relation to the loss of trees on Blatchcombe Road.

The Senior Planning Officer outlined the views of the Arboricultural Officer in respect of the loss of the tree and after further negotiations the difficulties the applicant would have in incorporating the tree into the scheme.

Resolved:

That the previous minute from the Development Management Committee held on 31 May 2011 be upheld with an amendment to minute 31/5/11 (iv) as follows

(iv) the receipt of a satisfactory landscaping and planting scheme along with a landscape management plan to mitigate against the loss of the trees on Blatchcombe Road.

Chairman

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Agenda Item 5

Application Number

P/2011/0490

Site Address

The Old Market House
The Quay
Brixham
Devon
TQ5 8AW

Case Officer

Mrs Alison Read

Ward

Berry Head With Furzeham

Description

Revisions to approved scheme P/2009/0219/PA and P/2009/0220/LB (Revised plans)

Executive Summary/Key Outcomes

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2009/0220/LB See History).

The revised proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature, are as agreed in negotiation with the planning officers and the conservation officer and should have no detrimental impact on the character and appearance of the listed building, the conservation area or the amenities of the vicinity. As such the revised scheme would be in compliance with the objectives of relevant local plan policies.

There have been a number of objections to the originally submitted plans (revised plans submitted during course of application have been re-advertised). Brixham Town Council support the revised application (supersedes original objection). The application is being considered at committee as the property is a council asset and as such cannot be considered under delegated powers (and there are also objections).

Recommendation

Committee Site Visit; Conditional Approval

Site Details

The proposal site is the Old Market House on The Strand/The Quay, Brixham. The building faces towards the inner harbour in the vicinity of the Golden Hind, with The Strand running along the rear of the building and The Quay to the north-west.

The site is a 2-storey Grade II Listed building with a former use associated with the shipping industry. The listing clarifies that the building is believed to date from 1799, the building had a painted stone rubble finish of white with a black plinth with brick quoins around the doors and windows and a slated roof. The building is a long freestanding building with its north-west corner sharply splayed at the point where The Strand turns into The Quay.

The most recent previous use of the first floor was as a maritime museum (The Deep) and the ground floor uses included a fish mongers, café, stores and tourist information centre.

The site lies within Brixham Town Conservation Area and forms part of the secondary shopping frontage in the town.

The building had planning permission and listed building consent for alterations, extensions,

conversion to restaurant/cafeteria with balcony to front elevation approved in 2009. (See History)

Detailed Proposals

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2011/0220/LB See History).

The alterations to the scheme are of a relatively minor nature and have been agreed in negotiation with planning officers and the conservation officer.

The amendments to the approved scheme are:

- Increase depth of balcony by 450mm from face of existing wall
- Revision to balcony column detailing
- Increase width of external stair flight from 775mm to 1000mm
- External stair glass balustrade design amended to match balcony
- Additional steps/landing to N-E harbour elevation raised to enable level access to new internal floor
- Steps landing to S-E side elevation extended to comply with Building Regulation requirements. Finish amended to granite to match existing finish
- 2 no. flues added to roof to accommodate stove and boiler (reduced from 4no. on original drawing submitted for 9/5/11 application)
- Replacement of roof with natural slate
- Glazed screens added to 2 no. windows on S-W The Strand ground floor elevations with shutters on hold open during trading
- Glazed screen to 1 no. window at first floor on side S-E elevation. Oak rail to be inserted in existing receivers with shutters opening internally to remain
- Details of internal extract ventilation submitted
- Air intake louvre added to small boarded up window to RHS of N-E harbour elevation
- Air intake louvre omitted from first floor window on S-W The Strand elevation and replaced with window to match existing
- New external wall opening to be formed at first floor level on side N-W Middle Street elevation to accommodate extract air. Clay pipes to be inserted into external face of opening to mask louvre behind as Tony Garratt LBO recommendation
- Rainwater goods amended from cast iron to galvanised metal
- Glazed screen to second RHS opening on ground floor N-E harbour elevation amended to match adjacent screens
- Portholes omitted from door on RHS ground floor N-E harbour elevation
- Internal layout amendments to first floor kitchen and servery. Stove omitted from first floor trading area

Summary Of Consultation Responses

Conservation; The revised scheme has been agreed in negotiation with the conservation officer.

Environmental protection; Observations awaited

Summary Of Representations

Brixham Town Council; recommend approval.

There have been a number of objections. Summary of reasons for objection:

- 1) Overdevelopment
- 2) Impact on local area/not in keeping with local area
- 3) Alterations and enlargement of balcony detrimental to appearance of building

- 4) Concerns about odours and flues
- 5) Concerns work started without compliance with conditions attached to 2009 applications (N B conditions discharged on 09.06.11.)

Relevant Planning History

There is a long history for this site; the most relevant applications are listed below:

P/1982/0225	Use Exhibition-Info Bureau. Approved 30/04/1982.
P/1982/0226	Use Exhibition-Info Bureau. Approved 30/03/1982.
P/1990/0396	Alterations, And Formation Of Entrance And Windows, And Internal Alterations. Approved 15/05/1990.
P/1990/0775	Change Of Use Of Ground Floor Store To Museum Shop, Ancillary To The Museum, And External Alterations To Building. Approved 05/06/1990.
P/1992/0521	Reinstate First Floor Window. Approved 29/05/1992.
P/2003/0199	Listed Building Application For Alterations To Facilitate Wheelchair Access, Illuminated Lantern And New Redirect Sign. Approved 28/05/2003.
P/2007/0514	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2007/0685	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2008/0645	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2008/0646	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2009/0219/PA	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
P/2009/0220/LB	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
CN/2011/0044	Discharge of condition to applications P/2009/0219/PA Conditions 1, 2 ,3 ,4, 7 and 8. P/2009/220/LB - 1, 2, 3,4, 6 and 8. Approved 09/06/2011
P/2011/0491/LB	Current accompanying LB application also being considered at committee
P/2011/0698/AD	New pub signs; Current advertisement consent application also being considered at committee

Key Issues/Material Considerations

Principle and Planning Policy -

This is a retrospective application for a revised scheme to that approved in 2009. The change of use of the premises to a cafeteria and restaurant was considered to be acceptable in principle and consistent with the relevant Local Plan policies and has already been approved.

Listed Building/Conservation Area

The alterations to the main building include the restoration of many of the features of historic and architectural value and reinstalling windows etc. The erection of the balcony and conversion of the building has enabled the removal of the paint and lime wash to the external walls and has restored the building to its original rubble stone appearance.

The alterations to the balcony and other alterations to the previously approved scheme are of a minor nature which would have no significant adverse impact on the character and appearance of the listed building or the conservation area and in some cases are improvements to the scheme as suggested and agreed in consultation with the planning officers and the conservation officer.

Amenity

The proposed change of use is likely to cause an increased level of noise in the area, due to the nature of the use. However, the building is situated within the town centre, where such uses are most

appropriate and detailed conditions in relation to opening hours and possibly regarding the extract ventilation will ensure that the amenities of neighbouring occupiers are protected.

Economy -

The site lies within the town centre and as such a commercial use for the building is advantageous and the A3 use should also retain vitality in this part of the harbour. The ground floor cafeteria with outdoor seating/tables on the harbourside and restaurant on the first floor with a balcony overlooking the inner harbour should provide a valuable facility and improved dining experience for customers in this prime location, which should contribute to the enhancement of the area as a location for all year round tourism to the benefit of the local economy, as well as creating jobs. (Policy TU1)

Climate change -

Sustainability; The proposal makes use of an historic building, which was under-used following the closing of The Deep. The scheme also makes sustainable use of a building within the town centre/inner harbour area of Brixham, ensuring that the vitality and viability of the harbour area is maintained and reducing the requirement for out of town destination restaurants.

Environmental Enhancement -

The proposal involves the complete renovation of the listed building which is in a prominent town centre/harbourside location and should enhance the character and appearance of the listed building and the conservation area. (Policies BES, BE1, BE5, BE6 and TU1)

Vibrant Town Centres -

The proposed change of use and improvement works to the listed building will revitalise a key building within the town centre, providing a facility which should enhance the vitality of the inner harbour area.

S106/CIL -

A financial appraisal and cost schedule was submitted with the original application in 2009. This information confirmed the cost of the works to restore the building. As such the contribution requested in this instance towards sustainable transport was used instead to enable the improvements to this important listed building.

Disability Issues - The proposal will provide ramped access to the ground floor and a disabled lift to the first floor, ensuring that the building is compliant with the relevant building regulations and the Disability Discrimination Act.

Crime and Disorder - The proposed use may result in the consumption of alcohol if the applicant applies for a licence, however, the licensing authority will have the opportunity to restrict the license to within the premises if they so wish. The change of use is acceptable on planning merit and the issue of licensing is a separate matter for consideration by the relevant authority.

Conclusions

The revised proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature and should have no detrimental impact on the character and appearance of the listed building, the conservation area or the amenities of the vicinity. Therefore, having regard to all national and local planning policies and all other relevant material considerations it is recommended that this application be approved.

Recommendation

Committee Site Visit; Conditional Approval.

Condition(s)/Reason(s)

01. The use hereby approved shall take place only between the hours of 09:00 and 23:00 daily unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and in accordance with policies EP4, EP5 and S4 of the saved adopted Torbay Local Plan (1995-2011).

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
BE6	Development affecting listed buildings
TU1	Harbourside and waterfront regeneration
S1	Town Centres
S4	Secondary shopping frontages
CF6	Community infrastructure contributions
EP3	Control of pollution
EP4	Noise

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Agenda Item 6

Application Number

P/2011/0491

Site Address

The Old Market House
The Quay
Brixham
Devon
TQ5 8AW

Case Officer

Mrs Alison Read

Ward

Berry Head With Furzeham

Description

Revision to approved scheme P/2009/0219/PA and P/2009/0220/LB (revised plans)

Executive Summary/Key Outcomes

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2009/0220/LB See History).

The revised proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature, are as agreed in negotiation with the planning officers and the conservation officer and should have no detrimental impact on the character and appearance of the listed building. As such the revised scheme would be in compliance with the objectives of relevant local plan policy BE6.

There have been a number of objections to the originally submitted plans (revised plans submitted during course of application have been re-advertised). Brixham Town Council support the revised application (supersedes original objection). The application is being considered at committee as the property is a council asset and as such cannot be considered under delegated powers (and there are also objections).

Recommendation

Committee Site Visit; Listed building consent

Site Details

The proposal site is the Old Market House on The Strand/The Quay, Brixham. The building faces towards the inner harbour in the vicinity of the Golden Hind, with The Strand running along the rear of the building and The Quay to the north-west.

The site is a 2-storey Grade II Listed building with a former use associated with the shipping industry. The listing clarifies that the building is believed to date from 1799, the building had a painted stone rubble finish of white with a black plinth with brick quoins around the doors and windows and a slated roof. The building is a long freestanding building with its north-west corner sharply splayed at the point where The Strand turns into The Quay.

The most recent previous use of the first floor was as a maritime museum (The Deep) and the ground floor uses included a fish mongers, café, stores and tourist information centre.

The site lies within Brixham Town Conservation Area and forms part of the secondary shopping frontage in the town.

The building had planning permission and listed building consent for alterations, extensions,

conversion to restaurant/cafeteria with balcony to front elevation approved in 2009. (See History)

Detailed Proposals

This is a retrospective application for a revised scheme to that approved in 2009 for the change of use of the premises to a cafeteria and restaurant with balcony to front elevation. (P/2009/0219/PA and P/2011/0220/LB See History).

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- Details of internal extract ventilation submitted
- Air intake louvre added to small boarded up window to RHS of N-E harbour elevation
- Air intake louvre omitted from first floor window on S-W The Strand elevation and replaced with window to match existing
- New external wall opening to be formed at first floor level on side N-W Middle Street elevation to accommodate extract air. Clay pipes to be inserted into external face of opening to mask louvre behind as Tony Garratt LBO recommendation
- Rainwater goods amended from cast iron to galvanised metal
- Glazed screen to second RHS opening on ground floor N-E harbour elevation amended to match adjacent screens
- Portholes omitted from door on RHS ground floor N-E harbour elevation
- Internal layout amendments to first floor kitchen and servery. Stove omitted from first floor trading area

Summary Of Consultation Responses

Conservation; The revised scheme has been agreed in negotiation with the conservation officer.

Summary Of Representations

Brixham Town Council; recommend approval

There have been a number of objections. Summary of reasons for objection;

- 1) Overdevelopment
- 2) Impact on local area/not in keeping with local area
- 3) Alterations and enlargement of balcony detrimental to appearance of building
- 4) Concerns about odours and flues

- 5) Concerns work started without compliance with conditions attached to 2009 applications (N B conditions discharged on 09.06.11.)

Relevant Planning History

There is a long history for this site; the most relevant applications are listed below:

P/1982/0225	Use Exhibition-Info Bureau. Approved 30/04/1982.
P/1982/0226	Use Exhibition-Info Bureau. Approved 30/03/1982.
P/1990/0396	Alterations, And Formation Of Entrance And Windows, And Internal Alterations. Approved 15/05/1990.
P/1990/0775	Change Of Use Of Ground Floor Store To Museum Shop, Ancillary To The Museum, And External Alterations To Building. Approved 05/06/1990.
P/1992/0521	Reinstate First Floor Window. Approved 29/05/1992.
P/2003/0199	Listed Building Application For Alterations To Facilitate Wheelchair Access, Illuminated Lantern And New Redirect Sign. Approved 28/05/2003.
P/2007/0514	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2007/0685	Installation Of Part Glazed Timber Doors. Approved 19/07/2007.
P/2008/0645	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2008/0646	Alterations, Extensions, Conversion To Restaurant With Pedestrian Access. Withdrawn 29/05/2008.
P/2009/0219/PA	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
P/2009/0220/LB	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
CN/2011/0044	Discharge of condition to applications P/2009/0219/PA Conditions 1, 2, 3, 4, 7 and 8. P/2009/220/LB - 1, 2, 3, 4, 6 and 8. Approved 09/06/2011
P/2011/0490/PA	Current accompanying planning application also being considered at committee
P/2011/0698/AD	New pub signs; Current advertisement consent application also being considered at committee

Key Issues/Material Considerations

Principle and Planning Policy -

This is a retrospective application for a revised scheme to that approved in 2009. The change of use of the premises to a cafeteria and restaurant was considered to be acceptable in principle and consistent with the relevant Local Plan policies and has already been approved.

Listed Building/Conservation Area

The alterations to the main building include the restoration of many of the features of historic and architectural value and reinstalling windows etc. The erection of the balcony and conversion of the building has enabled the removal of the paint and lime wash to the external walls and has restored the building to its original rubble stone appearance.

The alterations to the balcony and other alterations to the previously approved scheme are of a minor nature which would have no significant adverse impact on the character and appearance of the listed building and in some cases are improvements to the scheme as suggested and agreed in consultation with the planning officers and the conservation officer.

Environmental Enhancement -

The proposal involves the complete renovation of the listed building which is in a prominent town centre/harbourside location and should enhance the character and appearance of the listed building.

Conclusions

The revised retrospective proposal is considered to be acceptable on planning merit as the amendments are of a relatively minor nature and should have no detrimental impact on the character and appearance of the listed building. Therefore, having regard to all national and local planning policies and all other relevant material considerations it is recommended that this application be approved.

Recommendation

Committee Site Visit; Listed building consent

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies: BE6 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

BE6 - Development affecting listed buildings

Application Number

P/2011/0698

Site Address

Old Market House
The Quay
Brixham
Devon
TQ5 8AW

Case Officer

Mrs Alison Read

Ward

Berry Head With Furzeham

Description

New Pub Signs

Executive Summary/Key Outcomes

This is an advert application relating to a development which is underway and likely to be completed prior to the committee meeting. There are no objections from highways or the conservation officer. The application is being considered at committee as it relates to a council asset.

Recommendation

Committee Site Visit; Advertisement consent

Site Details

The proposal site is the Old Market House on The Strand/The Quay, Brixham. The building faces towards the inner harbour in the vicinity of the Golden Hind, with The Strand running along the rear of the building and The Quay to the north-west.

The site is a 2-storey Grade II Listed building with a former use associated with the shipping industry.

The site lies within Brixham Town Conservation Area and forms part of the secondary shopping frontage in the town.

The building had planning permission and listed building consent for alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation approved in 2009.

Works are currently being carried out to convert the building according to a revised scheme which is also being considered at committee. (See History)

Detailed Proposals

Advertisement consent is sought for signs as follows:

- Sign A x 2; 1 on the south east gable end and 1 on the splayed north west elevation; existing rendered block to SE gable and area of stone work on NW elevation to be painted blue and "Old Market House" sign written in white. Signs to be externally lit with black Lux spotlights
- Sign B; 1 No. aluminium amenity board on splayed NW elevation
- Sign C; 2 No. landscape internally illuminated A2 menu cases in stainless steel finish; 1 to NE elevation facing harbour and one on SE gable
- Sign D; 1 No applied vinyl graphic consisting of frosted vinyl weeded out to reveal "Old Market House" backed up with another frosted vinyl to give a toned effect on glazed balustrade of balcony to NE elevation

In addition 13 No. 36w floodlights are proposed to the eaves to the NE (facing harbour) and SW (facing The Strand) elevations and 8 No. cast iron downlighters to the NE and SE elevations are also

proposed. The existing flagpole is also to be retained to the SE gable.

Summary Of Consultation Responses

Highways: None of the lighting must overhang the highway; if this is the case Highways would raise no objection.

Summary Of Representations

Brixham Town Council; recommend approval.

Relevant Planning History

There is a long history for this site; the most relevant applications are listed below:

P/2009/0219/PA	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
P/2009/0220/LB	Alterations, extensions, conversion to restaurant/cafeteria with balcony to front elevation (revised scheme). Approved 09/06/2009
CN/2011/0044	Discharge of condition to applications P/2009/0219/PA Conditions 1, 2, 3, 4, 7 and 8. P/2009/220/LB - 1, 2, 3,4, 6 and 8. Approved 09/06/2011
P/2011/0491/LB	
P/2011/0490/PA	

Key Issues/Material Considerations

Principle and Planning Policy -

Policy BE4 Advertisements states that advertisements would not be permitted where;

- they would be out of scale and character with the surrounding area;
- they would harm visual amenity; and
- they would undermine highway safety.

It is considered that the signs and lighting would be appropriate in scale and design and would not be detrimental to visual amenity or the character of the surrounding area. With regard highway safety, it has been confirmed that the lighting would not overhang the carriageway as there is a small pavement strip against the building which keeps vehicles away from it and the proposed lighting is to be tucked up under the gutter. As such there would be no highway objections.

Listed Building/Conservation Area

It is considered that the signs and lighting would not be detrimental to visual amenity or the character and appearance of the conservation area or the listed building (Policies BE5 and BE6).

Conclusions

It is considered that the proposal complies with the objectives of relevant Local Plan policy. Having regard to all national and local planning policies and all other material considerations it is recommended that advertisement consent should be granted.

Condition(s)/Reason(s)

None.

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following

policies: BE4, BE5 and BE6 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

BE4 - Advertisements

BE5 - Policy in conservation areas

BE6 - Development affecting listed buildings

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Application Number

P/2011/0550

Site Address

Site Adjacent 4 Greenover Road
Brixham
Devon
TQ5 9LY

Case Officer

Mrs Alison Read

Ward

St Marys With Summercombe

Description

Formation of 2 semi detached dwelling houses with vehicle access on site adjacent to 4 Greenover Road (affects the setting of a listed building)

Executive Summary/Key Outcomes

This application seeks to erect a pair of semi-detached houses on a vacant site which is in close proximity to the Higher Brixham Conservation Area and a listed building (No 3 Dashpers). A planning contribution of £10,520 has been paid ("up front" payment). There are no highway objections to the proposal.

Recommendation

Committee site visit; Conditional approval

Site Details

The site is a vacant plot of land to the south eastern side of 4 Greenover Road. The last use is stated to be as a builder's yard. There is an existing vehicular access to the north western side of the frontage over which there appears to be a right of way to 4 Greenover Road (which is in separate ownership). The rear gardens of properties fronting Dashpers are to the southern boundary of the site with a stone wall on the boundary. These properties are at a lower level as the land slopes down to the south. One of these properties, No 3 Dashpers, is a Grade II listed building and as such part of this boundary wall is likely to be listed. The land is not within but on the edge of the Higher Brixham Conservation Area (conservation area boundary along part of southern boundary of site). The land has an irregular shape with a width of approximately 24 metres along the front of the site and narrows towards the rear (approx. 12 metres along rear boundary). The depth of the site is approximately 37-40 metres (varies). There have been previous pre-application enquiries, the most recent for a different scheme with two tandem bungalows. (See History)

Detailed Proposals

The proposed scheme is to erect a pair of 2-storey 3-bed pitched, hipped roofed semi-detached houses on the site, with vehicular access to the north western side of the frontage. In order to provide visibility it is proposed to demolish the existing stone boundary wall and re-erect it to a minimum height of 2.5 metres set back approximately 2.4 metres within the site. Revised plans have been requested to retain part of the existing front boundary wall (up to a maximum height of 0.6 metre) with a raised area of hard landscaping or bed with very low planting behind.

The plans show parking to the front of the dwellings (revised plans requested as parking spaces were not accessible in original plans) as well as some grass lawned garden areas to the front, side and rear. The building would be approximately a metre (stated to be 1.2 m in Design and Access Statement) off the wall to the southern boundary at the closest point. A section through the new dwelling and the wall has been requested. The existing stone walls are to be retained to the southern side and western rear boundaries and maximum 2 metre high timber fences are proposed to the

northern side boundary with 4 Greenover Road and between the properties (condition should be added to ensure that the fences would be no lower than 2 metres in the interests of neighbouring amenity).

The ridge height is shown to be 8.8 metres high above ground level and the eaves 5.3 metres high. The ground floor levels are indicated to be 340 mm above the finished ground level, which coincides with the existing ground level to the southern side of the site.

The materials for the walls are stated to be in traditional wet roughcast render with a white lime wash finish to match local finishes (e.g. 4 Greenover Road) with red brick facing trim around the windows, doorways and facing to cill height on the front elevation. The windows and doors would be in white PVC, the gutters and downpipes in black PVC. The roof would be in red clay tiles to match those used on adjacent dwellings (and not natural grey slate as on application form as clarified with agent).

The arrangement and number of parking spaces is to be altered in revised plans. Adequate access, parking and turning is to be provided. The access issue for the neighbouring property (4 Greenover Road which has a joint access arrangement) is also to be clarified or resolved in revised plans.

Summary Of Consultation Responses

Highways: The access to this development is acceptable to highways taking into consideration the accesses in the vicinity. The parking layout seems to be unworkable, however, I feel that there is sufficient space to get a satisfactory layout and therefore highways would raise no objection.

Strategic Transport Comments:

Reasoning:

Residential area near bus route for town (17) & (22/24) Kingswear to Brixham Town Centre.

Need to promote use of public transport in Brixham to reduce car trips, and hence cut congestion & pollution

S106 Contribution required towards improving bus services in Brixham.

Apply SPD

Covered, secure cycle parking for 1 bike per dwelling. If propose use garage, garage must be large enough to access bikes easily with car inside

Community Support & Funding Officer (open space, parks): SPD for Open Space and Recreation would be used at St Marys Park. It would be used on park infrastructure, benches, play equipment or similar.

Summary Of Representations

Objections; Summary of reasons for objection:

- 1) Highway safety; busy road, proposed access dangerous with lack of visibility; disruption during building works
 - 2) Overlooking/loss of privacy
 - 3) Overbearing impact of 2-storey dwellings
 - 4) Loss of ecological habitat; possible presence of protected species
 - 5) Loss of wall on edge of conservation area
 - 6) Application for bungalow refused in 1978 on highway grounds
 - 7) Trees and shrubs on site have been removed
 - 8) Concern about damage to wall on southern boundary and that it is to be retained
 - 9) TPO'd tree in adjacent curtilage (4 Greenover Road)
- N.B. Arboricultural officer has confirmed that there are no current TPO'd trees on this site.

Relevant Planning History

ZP/2006/1215 Residential development Refusal advised 18.01.07.

ZP/2011/0054 2 single storey dwellings on land adjacent to 4 Greenover Road. Split decision advised 07.04.2011.

Curtilage of No. 25 Greenover Road:
P/2008/0783/PA Dwelling with vehicular/pedestrian access (revised scheme) Approved 18.06.08.

Key Issues/Material Considerations

Principle and Planning Policy -

Impact on the street scene, conservation area and adjacent listed building; The site is not within a conservation area but is on the edge/in close proximity to the Higher Brixham Conservation Area and there is a Grade II listed building, 3 Dashpers to the southern side of the site.

Whilst the partial demolition of the stone boundary wall fronting the road is not ideal a higher section of wall is to be rebuilt, set back within the site. Revised plans have been requested to revise the arrangement to ensure that a raised planting area would be created between the walls in order to prevent the parking of vehicles in a lay by arrangement to the front of the rebuilt high wall, which would be detrimental to the visual amenity of the street scene as well as highway safety. As a similar arrangement was approved further along the road at a development site adjacent to No 25 Greenover Road (P/2008/0783/PA See History) it is considered unreasonable to refuse the application if a similar arrangement is shown in suitably revised plans.

The wall on the southern boundary which is a party wall and partially encloses the rear curtilage of an adjacent listed building (No. 3 Dashpers) is to be retained as existing. A section has been requested through the new houses and the wall to ensure that the relationship with the wall is satisfactory.

The siting, scale and design of the properties is considered to be acceptable in the street scene and with regard to the proximity to the adjacent conservation area and a nearby listed building. It is not considered to be contrary to the objectives of relevant Local Plan policies.

Impact on neighbouring residential amenity; The dwellings are to be quite well set off neighbouring residential properties and as such are not considered to be sufficiently detrimental in terms of overbearing impact, loss of light or outlook to warrant a refusal. With regard impact on privacy or overlooking there is a difference in levels with the properties fronting Dashpers to the south side which are at a lower level, as the land slopes down to the south and the existing wall on the boundary should adequately screen the ground floor windows which face the rear of these properties and the outlook from the application site is mainly over the roofs of these properties. The upper floor windows to the side elevation are all to be in fixed obscure glazing (revised plans requested).

With regard the impact on the properties to the north side, in particular 4 Greenover Road, a condition can be added to ensure that the fence on the side boundary should be no lower than 2 metres in height which should screen the ground floor windows of the development and the upper floor windows to the side elevation are to be in fixed obscure glazing (revised plans requested) and an appropriate fixed obscure glazing condition should be added.

Climate change -

The proposal is considered to be sustainable in that it is making good use of vacant under used land. An appropriate planning contribution to mitigate the impact of the development on the local environment, community and economy has also been submitted. The surface water is to be discharged to soakaways. The hard surfacing to the frontage is to be changed to a permeable material (revised plans requested).

Environmental Enhancement -

A letter of objection alleges the presence of slow worms (*Anguis fragilis*) which are a protected species and the site is also within the foraging zone of the horseshoe bat. As such it is considered to be appropriate to add a condition requiring a Phase 1 Habitat Survey to be submitted prior to the clearance or development of the land and that the recommendations are acted upon. Landscaping of the site is also to be clarified and appropriate conditions added as required.

Accessibility -

Highway safety; There are no highway objections to the proposal. The existing wall is to be demolished to a height of 0.6 metre in order to provide adequate visibility in the interests of highway safety (with a high wall to be rebuilt set back within the site) and an area of hard landscaping or a planting area (with very low ground cover plants or flowers only such that visibility would not be obscured by vegetation) created to ensure that a lay by is not created, in the interests of highway safety as well as the visual amenity of the street scene. A similar arrangement was approved at a development site for a new dwelling adjacent to 25 Greenover Road (P/2008/0783). Adequate parking (to be reduced to 3 spaces, which is acceptable) and turning facilities are to be provided within the curtilage(s). Also secure cycle parking is to be indicated. (Revised plans requested).

S106/CIL -

The appropriate planning contribution towards sustainable transport, waste management, lifelong learning and greenspace and recreation has been submitted as an up-front payment.

Conclusions

The proposal is considered to be an acceptable and sustainable form of development. Having regard to applicable national and local planning policies and having taken all relevant material considerations into account it is considered that planning permission should be granted subject to suitable conditions.

Condition(s)/Reason(s)

01. The development shall not be used or occupied until the revised front boundary wall arrangement has been completed in accordance with the details shown on the approved revised plans. The area between the outer 600mm high wall and the inner 2500mm high wall fronting Greenover Road shall not exceed 600mm in height at any point and this area shall remain hard landscape at all times with no vegetation, other than very low ground cover plants or flowers, allowed to grow up and obscure visibility from and of emerging vehicles.

Reason: To ensure that a safe vehicular access and adequate visibility is maintained at all times in accordance with policy T26 of the saved adopted Torbay Local Plan (1995-2011).

02. The development shall not be used or occupied until the revised vehicular access, parking and turning arrangement shown on the approved revised plans has been provided and made available for use. The areas shall be kept permanently available for parking and turning purposes to serve the development.

Reason: To ensure that adequate and safe vehicular access, off-street parking and turning is provided in the interests of highway safety in accordance with the objectives of Policies T25 and T26 of the saved adopted Torbay Local Plan 1995-2011

03. No clearance of the site or commencement of development (whichever is the sooner) shall take place until a Phase 1 Habitat Survey or Report has been carried out by a competent professional and submitted to the Local Planning Authority. Any recommendations or mitigating measures found to be required as a result of the proposal shall be put in place in accordance with a programme that shall be agreed in writing with the L.P.A.

Reason: In the interests of protecting any protected species and to ensure that any mitigating measures are put in place in accordance with European legislation, The Countryside and Wildlife Act and policies NCS (Nature Conservation Strategy) and NC5 (Protected Species) of the saved adopted Torbay Local Plan 1995 – 2011.

04. The windows at first floor level to the side elevations shall have high level fixed obscure glazing (e.g. Pilkington level 4 or 5 or equivalent) installed and retained as such at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy in accordance with the objectives of Policy H9 of the saved adopted Torbay Local Plan 1995-2011.

05. The development hereby approved shall not be used or occupied until the boundary fences have been provided and retained as such at all times and notwithstanding the approved plans the fences shall be a minimum of 2 metres in height, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of privacy and amenity in accordance with the objectives of Policy H9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
BE5	Policy in conservation areas
BE6	Development affecting listed buildings
CF6	Community infrastructure contributions
W7	Development and waste recycling facilities
NCS	Nature conservation strategy
NC5	Protected species
T25	Car parking in new development
T26	Access from development on to the highway
URBAN	Urban Design Guide
LDD6	Affordable Housing Contributions

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P/2009/1209/PA & CN/2011/0039

Roundham With Hyde Ward

Paignton Green, Esplanade Road, Paignton

Formation of children's play park &

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.

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.
- CN/2011/1209 Details pursuant to conditions placed upon the original grant of permission for the formation of children's play park, considered and approved by Members at their last meeting in July 2011. Decision not as yet formally issued.

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 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. 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. Condition 1 (ground levels); Condition 2 (boundary treatment); Condition 3 (specifications of play equipment); Condition 4 (Landscaping); and Condition 9 (confirmation of adherence to the principles of 'Secure by design') were all considered by Members at their last meeting in July 2011. The details were approved.

Firstly, it is noted that the recommendation to Members at their last meeting did not specify that condition 4 (landscaping) should be discharged. Officers are clear that landscaping details were shown to Members and indeed the Committee minute shows that Members did approve the details that had been considered in this regard. Therefore for the sake of clarity, Members are asked to confirm that the landscaping details have been discharged.

Secondly, the issue of site drainage as required by condition 7 has still to be satisfied. Full details in this regard have yet to be submitted to the Council and verified by the Service Manager (Drainage and Structures). However, as it is intended to start work on implementation of the scheme in early September, this issue will need to be considered by Members at the August meeting.

Consultations

Drainage: Obs. awaited.

Landscaping and Arboricultural Officers: Have recommended that the scheme as submitted is acceptable and appropriate.

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 condition 7 (drainage) and to confirm previous acceptance of condition 4 (landscaping).

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.

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 may to a certain extent be self-policing. Difficulties may occur at night with vandalism and graffiti when the park would not be in use. There are no proposals for lighting the play park or for additional CCTV

facilities. However, Police Architectural Liaison Officer has commented that the scheme is acceptable and members did discharge condition 9 regarding 'secured by design' at their last 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.

Recommendations:

Members are asked to confirm that they did resolve to accept the landscaping details as required under condition 4. The details required to satisfy condition 7 (drainage) will be reported to Members verbally at their meeting.

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Application Number

P/2011/0632

Site Address

Roscrea Hotel
2 Alta Vista Road
Paignton
Devon
TQ4 6BZ

Case Officer

Mr John Burton

Ward

Roundham With Hyde

Description

Change of use from hotel accommodation to residential care home

Executive Summary/Key Outcomes

The proposal seeks a change of use for the Roscrea Hotel and its conversion into a residential care home, which would operate as an extension to and part of the existing care home which is currently attached. The hotel and care home form a pair of semi-attached properties.

Normally an application such as this would be dealt with under Officer's delegated powers and it is noted that no public representations have been received. However, in view of recent considerations relating to the loss of holiday accommodation within PHAA's, the proposal is referred to Committee for resolution. Officer's opinion is that the proposal is acceptable on each of the main considerations and is not contrary to any relevant national or local policy.

Recommendation

Approval

Site Details

The hotel is part of a pair of semi-detached villas situated at the junction of Alta Vista Road, Roundham Road and Cliff Road. The site is situated within the Roundham and Paignton Harbour Conservation Area and within the Roundham Road East, Paignton Principal Holiday Accommodation Area (as defined by policy TU6.13 of the Saved Adopted Torbay Local Plan).

Detailed Proposals

Permission is sought to change the use of a hotel (defined as a C1 use by the Town and Country Planning Use Classes Order) to that of a Care Home (defined as a C2 use by the Town and Country Planning Use Classes Order). No external alterations are proposed to the appearance of the building. However, alterations within the building would allow internal linking with the attached building so that it could be operated as an extension to the existing care home situated next door. As such, this is not introducing a new use into the area, but improving and expanding an existing established use.

Summary of Consultation Responses

None received.

Summary Of Representations

No representations have been received from the general public.

Relevant Planning History

Car parking and vehicular access, approved 12.08.1982
2 storey extension, approved 15.07.1983
2 storey extension Approved 29.02.1984

Extension to dining room, reception area and bar, approved 03.02.1986
Extension to form new entrance porch, approved 02.08.1990.

Key Issues/Material Considerations

There are 5 key issues for consideration.

The principle of the loss of a hotel within a Principal Holiday Accommodation Area.

The proposal involves the loss of a 17 bedroom hotel which has been formed by extending the original semi at its rear. The property is situated at within the Roundham Road East, Paignton Principal Holiday Accommodation Area (as defined by policy TU6.13 of the Saved Adopted Torbay Local Plan). It has recently been confirmed by the Council that proposals involving the loss of holiday accommodation within a PHAA needs primarily to be judged against policy TU6 in its determination. This policy establishes four criteria that will need to be met before the loss of holiday accommodation or important tourism-related facilities may be permitted.

In relation to criterion (a) the Roscrea Hotel only has a basic range of facilities and offers very little scope or potential for improvement. The hotel, whilst adequate, cannot really be said to compete with the demands of the modern day tourist. Therefore, it is felt that the property complies with this criterion. On (b) the premises have 17 bedrooms which is at the lower end of the economic scale and would certainly restrict competitiveness. On (c) the loss of the premises would not be to the detriment of the holiday character of this particular locality, nor set an unacceptable precedent, as Alta Vista Road has retained limited holiday character at this end.

This limited holiday character accounts for why this part of the PHAA was designated as a green zone where changes of use would be likely to be acceptable according to the revised guidance on 'Principal Holiday Accommodation Areas in response to the Adopted Torbay Tourism Strategy'. Finally, on (d) there are limited surrounding tourism related uses and the neighbouring care home (to which this would be an extension) has operated for many years without known detriment to the limited holiday character and atmosphere of the PHAA. The change of use to form an extension to that care home would sit comfortably in the PHAA, as the nature of the use, which includes facilities for day visitors is compatible with the character of the area.

Therefore on each issue, it is considered that the current proposal is acceptable and meets the tests of policy TU6.

Parking provision

The site is more than adequately provided with car parking and vehicular servicing. There is space at the side and rear of the curtilage, which although unmarked, has satisfactorily served the existing 17 bedroom hotel. The proposal would lead to a reduction in bedrooms as they would need to be increased in size to meet care standards. Also, it is understood that the residents are extremely unlikely to be using cars. The residents of the existing adjacent home are usually taken out by minibus on a Sunday, and a similar arrangement would apply for this proposed use. Therefore space would only realistically be required for visitors, servicing and staff. The standards given in the Saved Adopted Torbay Local Plan state that provision should be made at a ration of 1 space per 8 residents (maximum). This would easily be accommodated on site.

Compliance with policy CF15

This policy states that planning applications for the provision of accommodation designed specifically to meet the needs of the elderly and other people in need of care will be permitted provided that the following criteria are met. On (1), the premises are in a substantially residential area, and it is on a good and accessible bus route. Although the site is not ideally located to local shops and other everyday facilities, it is understood that the residents are unlikely to require these facilities themselves.

On (2) the proposals are within the built-up area and so this criterion does not apply. On (3) there is adequate amenity space within the grounds of the property. On (4), there is sufficient provision for service vehicles and car parking in accordance with the Council's adopted standards. On (5), the change of use would not lead to an over-concentration of uses within the area. The adjoining existing use is the only known care home in the vicinity. It is not considered that an extension to the existing business would be detrimental to the character or amenities of the neighbourhood. On (6), it is understood that the use would operate as the neighbouring use does and therefore there is no reason to doubt that there would be proper care for occupants. This is not really a planning issue in any event. On (7), the character and function of Principal Holiday Accommodation Areas would not be adversely affected as has been argued above.

Design and Conservation Area considerations

The applicant has confirmed that this application does not propose any external alterations to the property and none need to be approved by any permission granted in this regard. Therefore, there are no design issues to consider and there would be no impact upon the Roundham and Paignton Harbour Conservation Area. The proposal does not therefore have to be judged against any of the design policies of the Saved Adopted Torbay Local Plan.

The Planning Obligation

In accordance with policies CF6 and CF7 of the Saved Adopted Torbay Local plan, and the Adopted Supplementary Planning Document 'Planning Contributions and Affordable Housing: Priorities and Delivery' (as amended), the proposal has to be tested to see whether any financial contributions would be due in order to offset costs that might arise from the use that would otherwise have to be met by the Local Authority.

The main areas of contribution would fall under the headings of waste management, sustainable transportation, lifelong learning and greenspace. It is clear from the criteria given in the adopted policy documents that the contribution due in respect of health and social care uses would be massively less than that expected from the hotel and catering sector. In the case of sustainable transportation, the contribution due for a care home would be less than half of that required for a hotel use. Lifelong learning and open space are based on the number of occupants/residents and there would be less with the proposed use (reduction in bedrooms). As a business, the proposed use is likely to use private waste collection services. Therefore, the amount due in respect of this proposal can be mitigated against the existing use, and it is clear that the costs that would arise as a result of the change of use would be significantly less. It is not reasonable therefore to impose a planning obligation for financial contributions.

Economy -

The proposal would create jobs for staff, carers, caterers and cleaners. The applicant has stated that the new use would create approximately 8 FTE staff positions. It is likely that the jobs created would be similar in number to those lost with the previous use as a hotel.

Closing the gap -

The proposal would provide for accommodation for the elderly and those in need of care which could otherwise fall upon the Local Authority to provide.

Climate change -

It is clearly more sustainable and economically sensible through economies of scale to extend and improve an existing operation rather than set up a new unrelated use.

Conclusions

On the 5 key issues, the proposal is considered to be acceptable. There would not be any adverse impact upon the Principal Holiday Accommodation Area as a result of the loss of this hotel. The

parking and vehicular servicing provision is considered to be more than adequate. The proposal complies with the tests of policy CF15 regarding the provision of accommodation for people in need of care. There are no design or conservation Area considerations, primarily because no external alterations are proposed. The costs that might arise from the proposed use would be considerably less than those involved with the current authorised use and therefore it is not felt appropriate to ask for a planning obligation to secure financial contributions.

Informative(s)

01. The proposal makes no reference to any external alterations to the property and it is understood that none are required. The applicant is therefore advised that no external alterations have been authorised. Any external alterations that may subsequently be required could require the benefit of planning consent and the owner, or any future successor in title, would be advised to check the requirements at that time.

Relevant Policies

-

Application Number

P/2011/0674

Site Address

Land Rear Of Collaton Farmhouse
337 Totnes Road ;8 Collaton Mews And
18 - 28 Brecon Close
Paignton
Devon
TQ4 7DE

Case Officer

Mr Alexis Moran

Ward

Blatchcombe

Description

Formation of 2 detached bungalows with car parking

Executive Summary/Key Outcomes

The application seeks permission for the addition of two bungalows to an area of land located between Brecon Close and Collaton Mews. The proposed dwellings are considered to have been designed to a size and height so as to have a limited impact on the character of the street scene and the privacy of neighbouring properties. The finished materials complement the neighbouring properties of Brecon Close and Collaton Mews. The addition of landscaping and boundary treatment is considered an important aspect of this application and a condition will be attached to confirm further details of these are submitted to ensure the impact of the additional units is further minimised. A planning contribution of £7040.00 will be required as part of the application.

Recommendation

Conditional approval

Site Details

The site is an area of land located between the end of the cul-de-sac of Brecon Close and Stoke Road, the A385 Totnes Road is to the north. The topography of the land here is such that the site is several metres higher than the road level and slightly higher than the neighbouring properties of Collaton Mews.

Detailed Proposals

This application seeks permission for the addition of 2 bungalows with parking.

The proposed dwellings are very similar in size and appearance being 8.2m wide by 9.9m long with an eaves height of 2.5m and an overall ridge height of 4.5m. The proposed dwellings are to be set down slightly from the existing ground level.

Each dwelling is to have a raised patio area to the rear which are to be a maximum of 0.9m from the new ground level.

The proposed finished materials are to be brindle brick with mini stonewold slates in dark brown and UPVC doors and windows. With the exception of the windows the materials have been chosen to be similar in appearance to the neighbouring properties, Collaton Farmhouse and Collaton Mews. Perimeter landscaping and fencing is proposed.

Summary Of Consultation Responses

Senior Conservation Officer – Awaiting response

Highways Officer - Highways raise no objection, however it should be noted that there is no direct access onto the highway and therefore it should be checked that there is a legal right of way between 28-30 Brecon Close.

Summary Of Representations

A total of 6 representation have been received which relate to the following objections:

- Privacy/overlooking
- Increase in traffic
- Impact on Grade II Listed buildings
- Noise
- Impact on local Areas

Reproduced on Page P.200.

Relevant Planning History

ZP/2011/0275 Land Rear Of Collaton Farm House - Off Brecon Close 2 detached bungalows.

P/2007/0815 & P/2007/0815 Collaton Farmhouse, Totnes Road Paignton Alterations and conversion of existing dwelling into 2 dwellings with vehicular/pedestrian access – approved

Key Issues/Material Considerations

The key issues to consider in relation to this application are whether the proposed dwellings would have a detrimental impact on the character and appearance of the street scene, the wider area and/or on the amenity enjoyed by the occupiers of neighbouring properties.

Due to the nature of the proposals, being single storey dwellings it is considered that they will not have a significant impact on the character and appearance of the wider area particularly if a suitable landscaping scheme is submitted. It is also deemed that the proposed dwelling have taken account of the character of the area in terms of their height, scale and finished materials which are to give a similar appearance to the properties of Collaton Farm House and Collaton Mews rather than the more modern, larger properties in Brecon Close.

The dwellings are of a suitable size and scale for their plots, which are larger than the majority of those in Beacon Close, and as such it is not deemed that the proposal would be an overdevelopment.

It is not considered that the addition of the dwellings here would have a significant impact on the privacy and amenity enjoyed by the occupiers of neighbouring properties. Privacy considerations have led to the chosen bungalow design and the addition of suitable landscaping, through a condition, will further reduce any potential for overlooking.

The highways officer has not objected to the proposal and it is considered that the access and parking arrangement is suitable for the development. However, the addition of an informative requesting that the applicant checks that there is a legal right of way, between 28 and 30 Brecon Close, is considered appropriate.

The application has been assessed against the Council's policy in respect of planning contributions. A contribution will be required in this case, calculated as follows:

On the basis that the new accommodation will comprise of two residential units with a floor space of

70m² the contribution per dwelling is as follows;

Waste Management	£50.00
Sustainable transport	£1,720.00
Education	£410.00
Lifelong learning	£220.00
Green space and recreation	£1,120.00
Total per dwelling	£3,520.00
Overall Contribution	£7,040.00

Conclusions

The proposed dwellings, by reason of their size and design are considered to concur with local and national policy guidance and the application is therefore recommended for a conditional approval and subject to the payment of planning contributions.

Condition(s)/Reason(s)

01. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- Boundary fencing
- Boundary landscaping

Reason: In the interests of the amenities of the area and in accordance with policies BES, BE1 & BE2 of the saved adopted Torbay Local Plan 1995-2011.

02. 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 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of 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 and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. The development shall not be used/occupied until the vehicle parking areas and turning head shown on approved detailed plans have been provided and made available for use. The areas 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 adopted Torbay Local Plan 1995-2011

04. The building shall not be occupied until the vehicular access has been constructed in accordance with the plans hereby approved.

Reason: In the interests of highway safety and in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

Informative(s)

01. As there is no direct access onto the highway the applicant must ensure that there is a legal right of way between 28-30 Brecon Close.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- H9 Layout, and design and community aspects
- H10 Housing densities
- H1 New housing on identified sites
- CF6 Community infrastructure contributions
- CF7 Educational contributions

Application Number

P/2011/0062

Site Address

Daleside Court
Lincombe Drive
Torquay
Devon
TQ1 2HH

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Demolition of the existing building (arranged as 5 flats) and formation of 7 new apartments with vehicular and pedestrian access

Executive Summary/Key Outcomes

The proposal presents a residential redevelopment scheme that replaces the current 1950s building (which is subdivided into five small flats), with a larger building that has an external form more reflective of Victorian development. The proposal is considered to present an acceptable redevelopment scheme that would bring forward a suitable building that will sit comfortably within an area, which is partly defined by large well-spaced buildings set within comfortable grounds. The scheme is supported by improved access and on site parking provision over the existing arrangements.

Recommendation

Site Visit; Conditional Approval; subject to further information in relation to the overlooking impact to the side facing No. 2 Clavering Court and subject to the signing of a s106 legal agreement on terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee.

Site Details

The site holds a relatively substantial former dwelling house, built in the 1950s, which has a lawful use as five flats. The building is set within a fairly generous plot, the front of which is largely given up to provide a winding and steeply sloping driveway access. The rear of the plot is open garden, which rises quite steeply to the southern boundary, where the land is higher than the ridge of the existing building.

Due to the sloping local topography the building is set above and is prominent from both Lincombe Drive and from across the valley. The site is located immediately adjacent to the Lincombes Conservation Area and the site is affected by a Tree Preservation Order (Order number 1973.09).

In respect to trees, few specimens remain on the site following unauthorised felling within the past five years. Further to this there have been complaints in the recent past about unauthorised engineering works on land within Channel View in addition to tree felling and the movement of boundaries and the erection of a range of timber fences.

Detailed Proposals

Demolition of the existing building and erection of a block containing 7 flats, with revised vehicular access via the adjacent drive serving the property "Hillsborough". The proposal details a largely rendered building sat on a stone plinth, with habitable space also provided within the roof. These arrangements provide living space over four floors with further under-croft parking. The proposal includes details to remove and then landscape the existing access, which supplements wider landscape enhancements throughout the plot.

The proposal returns to committee with greater contextual detail in regard to how the scheme relates to the existing building and surrounding properties, and also how it differs from the refused scheme from 2009. There has also been further detail in respect to the visibility splays from the revised access, along with a response to matters of detail raised within objections in respect to land ownership and covenant restrictions.

Summary Of Consultation Responses

Highways: Following the receipt of further information following that which was available leading up to the April committee, and having visited the site again, Highways are satisfied with the visibility in each direction and support the application to remove the old access and use the proposed access as detailed.

Arboriculturalist: The scheme is acceptable for approval on arboricultural merit with appropriate conditions, as laid out in memo dated 10th March 2011.

Conservation Officer: The proposal is not in a conservation area, but is directly adjacent to the Lincombes Conservation Area. In design terms there is acceptance to the siting and massing of the building. Previous concerns over the fenestration and the treatment of the roof have been allayed, although greater detail of the inset balcony should be submitted to ensure this part of the scheme is right. Concluding opinion is that the proposal will preserve the setting of the Lincombes Conservation Area.

Summary Of Representations

A number of letters both in objection and support to the scheme have been received.

Generally the concerns are:-

- i) overdevelopment;
- ii) increase in size, bulk, domination of plot;
- iii) adverse impact on character and appearance of Conservation Area;
- iv) traffic/highway implications;
- v) felling of trees, excavation, erection of timber fences, blocking of access, impact on landscape character;
- vi) alterations to boundaries/curtilages.

The positive comments received cited the following:-

- i) the proposal is a better, more attractive, building than what exists
- ii) enhances the visual quality of the area
- iii) provides for much needed housing .

These have been reproduced and placed in the Members' Room.

Relevant Planning History

Applications:

P/2003/1699	Certificate of Lawfulness for use as 4 self contained flats and self contained owners' flat – Approved
P/1989/0322	Erection of 31 flats – Refused
P/1989/1066	Erection of 18 flats - Refused. Subsequent appeal dismissed
P/2008/0695/PA	Demolition of existing building and erection of 7 flats – Withdrawn
P/2009/0522/PA	Demolition of existing building and erection of 7 flats; formation of vehicular and pedestrian access - Refused

Pre-Application Enquiries:

ZP/2009/0670 Erection of 7 flats – Split decision
ZP/2010/0187 7 flats – Split decision
ZP/2010/0600 Demolition and rebuild to provide 7 flats – Split decision

Key Issues/Material Considerations

Principle and Planning Policy -

- i) Visual implications, revolving around the scale, size, bulk and appearance of the proposed development and its impact on the character and amenity of the area, on adjacent properties and on the wider conservation area;
- ii) Neighbour amenity implications
- iii) Highway matters: Adequacy of the access and parking;
- iv) Landscape and arboricultural issues.

Each of these will be addressed in turn:

Visual implications:

Firstly in respect to the building's context it is noted that the site is immediately adjacent to the boundary of the Lincombes Conservation Area and as such any development on this prominent site has the potential to affect the character of that area. In addition the adjacent pair of semi-detached Victorian Villas, "Hillsborough" and "Windrift", are defined in the Conservation Area Appraisal document as key buildings of merit and it is therefore considered appropriate that any new proposal is sympathetic to the scale, form, grain and architectural quality of these buildings.

This proposal details a block of 7 flats in a building that has 4 floors and underground parking. There is a basement level set within a stone plinth, two traditional storeys set within rendered elevations, and accommodation in the roof. It is considered that the proposal has responded to previous concerns over the massing and scale not being comparable to the dominant local form of two-storey hillside development. This comes from understanding that the provision of two stories in render, supplemented by habitation within the roof and the provision of a stone plinth, attempts to break down the mass of the building to that of the established scale. The stone treatment of the basement level grounds the building within the plot, reducing its perceived bulk, and is a direct response to previous advice given.

In respect to contextual detail the proposed building is approximately 7 metres wider than the current building and the proposed ridge line is approximately 1.2metres higher than that which exists. The proposed ridge line is also shown as being approximately 1.2metres lower than the ridgeline of the adjacent pair of semi-detached Victorian villas.

In terms of specific detail the proposal has a natural slate roof, within which are a number of flush set aluminium roof lights, two rendered storeys which incorporate aluminium windows and glazed balconies, and a lower stone plinth with deep set openings (200mm reveals). In addition to the front of the building the sweeping drive access is to be supported by a stone retaining wall, which sits inline with the front boundary wall and works to make good the existing access.

Neighbour amenity issues:

The scale and bulk of the building is unlikely to result in negative amenity issues in respect to any of the immediate neighbouring properties or enjoyment of their plots, as the scale of the plot and how the

building is sits in to the sloping topography, results in suitable levels of separation. In respect to scale and bulk the relationships to each side are clearly tolerable and reflect those typical in the area, and the relationships to the rear are largely negated by the sloping topography.

In respect to potential overlooking, properties to the rear off Oxlea Road will be largely unaffected due to the distances involved and the distinct level differences. The relationship to the side to Hillsborough is considered acceptable and raises little concern. The relationship to the east is potentially more sensitive due to the position and orientation of the proposed rooftop balcony, as there appears the potential for a degree of overlooking through to the rear elevation of the adjacent building. It is recommended that further information be submitted to establish the potential relationship here, which at present is somewhat unclear.

Highways/traffic:

As with the previous proposals in 2009, the existing access point will be closed off and landscaped, with a revised access to be provided off of the access that currently serves "Hillsborough". This remodelled access will provide pedestrian and vehicular access to the building and the undercroft parking that provides 8 spaces. Although this provides a less steep access this means that the proposed joint access will be more intensively used.

Following the receipt of further information in respect to the access and the resultant visibility splays Highways have confirmed that the proposals are considered acceptable and are supported.

Landscape and arboricultural issues:

The site features one tree of arboricultural merit, which is a large Fir to north east of the main property. This tree is highly prominent and is considered of local importance and should therefore be maintained. The remainder of the trees on site are not considered a constraint to development.

The landscape plan is considered broadly acceptable in terms of intentions to integrate the proposals into the landscape, but it does require more detail in terms of quantities, size and maintenance.

The redevelopment is considered acceptable on arboricultural merit, with conditions to suitably protect existing trees during the redevelopment and ensure that a robust landscaping scheme is brought forward as part of the scheme.

S106/CIL -

The proposal increases both the number and size of residential units within the plot, which is likely to intensify the level of residential occupation on the site and increase the burden on local social and physical infrastructure. It is considered appropriate to seek planning contributions inline with council policy, which from assessment of the existing and proposed units (number and size) is considered to trigger the following levels of contributions;

Sustainable Transport Contributions	£13,110.00
Greenspace and Recreation Contributions	£13,270.00
Lifelong Learning Contributions	£2,070.00
Waste & Recycling Contributions	£100.00

Total contributions triggered £28,550.00

(The figures above include mitigation for the current use of the site and the number and size of units involved.)

The applicant has stated that due to the addition being of only two units, this should not warrant the levying of any contributions, due to the increase in build quality, the location, improved accessibility,

improved greenspace etc.

There appears sound reasoning to seek contributions inline with the adopted SPD and hence it is recommended that a positive resolution is supported by a s106 legal agreement on the terms above.

Conclusions

The scheme is considered acceptable and the application is recommended for approval with appropriate conditions and a s106 legal agreement to secure planning contributions as per council policy.

Condition(s)/Reason(s)

01. No works or development shall take place until there has been submitted to and approved by the Local Planning Authority a full specification of all of the proposed landscape planting, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

02. No site clearance, preparatory work or development shall take place until all appropriate tree and rooting zone protective fencing has been installed in accordance with BS5837 (Trees in Relation to Construction - Recommendations), which shall at all times thereafter be managed as previously approved.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

03. Retained tree T0643 shall not be cut down, uprooted, destroyed, pruned or damaged in any manner without the written consent of the Local Planning Authority for a period of no less than 10 years from the date of the first occupation of the first dwelling, other than in accordance with tree work application substantiated by supporting arboricultural evidence.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

04. If a tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and the tree shall be of a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

05. All trees shall be planted in a accordance with the approved landscaping scheme and in accordance with British Standard (BS4043-Transplanting Root-balled Trees)(BS4428-Code of Practice for General Landscape Operations (excluding hard surfaces)).

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

06. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) it is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same size and

species as that originally planted shall be planted in the same place within the first planting season thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

07. Prior to commencement of works a detailed scheme for the provision of covered, lit and secure cycling parking facilities shall be submitted and approved by the Local Planning Authority, and any approved scheme shall subsequently be implemented in full prior to the first occupation of the first unit, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies TS, T2 and T25 of the Saved Torbay Local Plan 1995-2011.

08. Prior to the first occupation of the building the bin store areas shall be provided and made available for use, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies W7 of the Saved Torbay Local Plan 1995-2011.

09. Prior to the first occupation of the building the access and parking facilities shall be provided in full and made available for use, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies TS, T25 and T26 Of the Saved Torbay Local Plan 1995-2011.

10. All retaining walls to the front of the building shall be faced in stone laid on its natural bed, unless otherwise submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure a suitable form of development, in accordance with Policies BES and BE1 of the Saved Torbay Local Plan 1995-2011.

11. Prior to commencement of works detailed plans, which shall include materials and plans to no less than 1:20, of the roof terrace/balcony shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure an appropriate form of development, in accordance with Policies BES, BE1 and H9 of the Saved Torbay Local Plan 1995-2011.

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
HS	Housing Strategy
H9	Layout, and design and community aspects
H10	Housing densities
TS	Land use transportation strategy
T3	Cycling
T25	Car parking in new development

T26 Access from development on to the highway
LS Landscape strategy
L9 Planting and retention of trees
W7 Development and waste recycling facilities
CF6 Community infrastructure contributions

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Application Number

P/2011/0402

Site Address

Orchard Cottage
Lower Warberry Road
Torquay
Devon
TQ1 1QY

Case Officer

Mr Adam Luscombe

Ward

Wellswood

Description

Extension at first floor level to create 2 bedrooms and bathroom.

Executive Summary/Key Outcomes

The application sought to revise previous proposals to form further accommodation in an additional storey over the existing flat roof structure. The original plan showed a pitched extension over the existing flat roof with gable ends. These plans have now been revised during the course of the application. The revisions include hipped roofs so as to reduce any overbearing affect on the neighbours and reduce the bulk of the extension in general. The proposed development is therefore considered not to harm the amenity of the neighbouring occupiers or character and appearance of the area in general.

Recommendation

Approval

Site Details

The site contains a dwelling that appears to have been formally the stable block to Newark House and the wider development of buildings surrounding it. It has previously been extended with a flat roof single storey extension on the North elevation. The garden area is to the North with an apparent shared drive and parking to the East and South. The buildings surrounding it, given the historic nature, are in close proximity to this former stable block. To the West of the property is the access and garden area for "The Loft", a part of the main house.

Detailed Proposals

The application is a revision of the previous scheme. It does not extend across the full extent of the flat roof, instead stopping short on the West side and incorporating a pitched roof over the flat roof.

During the consideration of this application the drawings have been further amended to show hipped roofs instead of gables.

The proposal is to put an additional storey of living accommodation onto the flat roof extension. The additional accommodation will house 2 additional bedrooms and a shower room at first floor level. The extension will not be the full width and a pitched roof will be included over the remaining ground floor that isn't being extended.

Summary Of Consultation Responses

Conservation and Design: No objections.

Summary Of Representations

Five objections have been made to this application, and are reproduced at Page T.200.

The reasons for the objections relate to impact on character; overlooking; overdevelopment; loss of light; parking, and; the affect on amenity and outlook.

These are the same issues as those raised during the previously refused application.

Relevant Planning History

P/1990/2157 Ground Floor Extension To Dwelling – PER 10.01.1991
P/1993/0786 Erection Of Conservatory – PER 29.07.1993
P/2010/0163 Extension at first floor level – REF 13.04.2010

Pre Application

ZP/2009/0550 Alterations and extensions – PER 30.11.2009
ZP/2010/0705 Extension – PER 28.01.2011

Key Issues/Material Considerations

Principle and Planning Policy - A revised pre-application enquiry was submitted to the Council following the previous refusal. This amended the design. It was considered to have responded to the issues and reasons for refusal of the previous scheme though other amendments were also advised.

By way of background to the site the main part of this property dates from around the turn of the 1900's however the flat roof extension is much more recent. The main property is noted for its architectural detail and importance however, the dwelling that forms the subject of this application is not. There are however features on the property that do contribute to the appearance and character of the setting of the property and by implication on the wider conservation area.

Taking consideration of the comments of the conservation officer in relation to this application, the alterations are not considered to cause detrimental harm to the character or appearance of the property. The revised design, to incorporate hipped roofs in place of the gable ends, will be in keeping with the character of the main villa.

The parking and access arrangements are not affected by the proposal. However, the works will result in more accommodation on the site. The Council's parking standards policy does though indicate a maximum provision and as such the site does not conflict with the policy. A plan to show the availability of parking within the site for clarity has been requested.

The additional storey, whilst staggered, will effectively create an appearance of a three storey property when viewed from the South side. There is accommodation on the ground floor of the main building which currently has an outlook onto the 'courtyard' and stable block. The additional storey to the rear will be visible from this property and it will inevitably affect the outlook. In considering the level of affect and implication of it on the overall amenity of that occupier it is not considered to raise significant concerns.

Previously, and therefore also applicable to this application, the height was not considered to have a detrimental effect on the internal living space nor create any overlooking of internal living spaces.

There were previously concerns for the impact on external spaces, especially in respect of the garden and property to the side. This proposal reduces that impact by lowering the section immediately adjacent to the boundary, thereby setting the two storey element back from the boundary. Furthermore there is a reduction in impact because of the hipped roofs, which do not have such an oppressive impact as the gable would.

The concern for overlooking of the external space of the neighbour to the West is also improved.

Setting the first storey aspect away from the boundary and including an obscure window to the bathroom means that the nearest window looking that way is at least 7 metres from the boundary. The existing property and therefore extension are angled towards the garden of the neighbouring property, 'The Loft'. This was an important consideration of the previous application given the proximity of the proposal to the boundary. Given the angles and setting away from the boundary the relationship is much improved from the previous scenario. However, there will remain some overlooking of the garden area.

In reflecting on the issue of outlook, there will be a level of impact however it is not considered to be sufficiently great so as to cause significant harm. Whilst the height is increasing and this will alter the outlook, the affect of a hipped roof will lessen the overall impact.

The proposal would affect the appearance of the street scene. Currently only the roofscape is visible from the highway and this proposal would significantly change this. This would also impact on the appearance of the conservation area. It is also considered that the proposal would be visible from across the valley, altering the existing appearance of the villa on the hillside. However, it is not considered that significant harm would be caused and whilst the appearance is altered, this alteration would not cause harm to the character or appearance of the conservation area, it is noted that the Conservation Officer does not object to the proposed development.

During consideration of the past application there was concern for potential overlooking arising from the use of the flat roof on the Eastern side as a balcony. This application proposes a Juliet rail across the opening to restrict access. There are not therefore considered to be any outstanding concerns in that regard.

S106/CIL - Not Applicable

Conclusions

This application, following the amendments, is considered to overcome the issues raised during the previous submission. As such it is deemed that the proposal accords with the planning policies as set out within the Saved Adopted Torbay Local Plan 1995-2011 and is therefore acceptable. For this reason the application is recommended for conditional approval.

Condition(s)/Reason(s)

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no windows, doors or other forms of openings shall be created within the West side elevation adjacent to the garden and access for 'The Loft' and either of the side facing roof slopes (East and West) unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the privacy of the neighbouring property is maintained in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011

02. The window sited on the North elevation above the porch and indicated to relate to the 1st floor shower room shall be installed as obscure glazing and shall at all times remain as such unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the privacy of the neighbouring occupiers is not compromised in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

03. The Juliet balcony, as indicated on the plans hereby approved, shall be installed before first occupation of the first floor aspect of the development. Thereafter it shall be maintained at all

times and the flat roof area adjacent shall not be used as a balcony or for any purpose incidental to the enjoyment of the dwelling house.

Reason: To ensure that the privacy of the neighbouring occupiers is not compromised in accordance with policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order amending, revoking or re-enacting that order, no development as would otherwise be permitted through Part 1 Class B or C shall be carried out unless otherwise approved in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the area, as well as ensuring that there is no additional harm caused to the amenity of the neighbouring occupiers in accordance with policies BE5 and H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

URBAN	Urban Design Guide
H15	House extensions
BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas

Application Number

P/2011/0552

Site Address

The Pines
78 St Marychurch Road
Torquay
Devon
TQ1 3HG

Case Officer

Mr John Burton

Ward

St Marychurch

Description

Demolition of building and construction of a new block of 13 flats (In Outline)

Executive Summary/Key Outcomes

This application seeks approval in outline for the demolition of the existing building and its replacement with a block of 13 two-bed flats.

Recommendation

Negotiations have led to considerable improvements in the overall proposal, and the key issues and material considerations are considered to be heading towards a recommendation of approval. However, the advice from the Highways Officer is still required, issues surrounding the protection of trees during and after development still need to be resolved and Members have been asked to undertake a site visit to assess the impact of the proposal for themselves. As well as all these matters, the applicant will need to deliver a planning obligation under S106 of the Act as referenced above.

Site Details

Comprises a detached Victorian Villa in mature landscaped grounds currently in use as a care home. It is located on the western side of St. Marychurch Road, a busy traffic route, just down from the junction with Forest Road and with Studley Road to the rear. It is thus bounded on three sides by other residential properties. It contains several trees that are protected by a Tree Preservation Order (TPO no. 2002.21 - St. Marychurch Road, Torquay).

Detailed Proposals

The proposal as originally submitted was an outline scheme for the demolition of the existing building and its replacement with a block of 13 two-bed flats. Although a detailed feasibility study was submitted with the application, all matters were to be reserved for future consideration. Since the original application was lodged, officers have suggested during negotiations that the height, footprint and position of the building on site should be fixed so that there could be some understanding of impact upon the street scene, the protected trees and upon neighbouring properties. The Architect has agreed to accept this. Therefore much of that shown in the feasibility study would be fixed if this application were to be approved. As such the proposed building would have a slightly smaller and re-orientated footprint from the existing structure on site, and would be no higher than the existing building. However, there would be a much greater bulk of building at the upper levels.

Summary Of Consultation Responses

The Highways Officer has been asked for his views and they will be reported to Members at their meeting.

The Council's Arboricultural Officer considers that it is fundamental that prior to any permission being granted detailed work is undertaken and agreed by the tree section to inform how the present building

is to be demolished, the new one built, RPA areas protected, and service runs installed without negatively affecting the trees. The Council's Arboricultural Officer is clear that no recommendation for approval can be made until this work is submitted.

South West Water has commented that they have no objection in terms of capacity within their infrastructure to serve the proposed development, but have requested that soakaways should be the preferred solution.

RSPB have asked if the proposal could include the provision of in built nest boxes for swifts. This would be in line with the council's requirement to consider and further biodiversity. This innovative approach to biodiversity has been used by other local authorities in South Devon and it is currently being investigated by Officers. Further views will be reported to Members. The comments of the RSPB have been reproduced with the other representations.

Summary Of Representations

Many letters of objection have been received, the main concerns are:-

1. The nature and use of St. Marychurch Road and a lack of pedestrian footways;
2. Insufficient car parking provision;
3. Size and height of proposal leading to overlooking of surrounding existing properties and consequent loss of privacy;
4. Over-development;
5. Risk to wildlife;
6. Loss of the Victorian style villa would affect character of Torquay;
7. It would de-value surrounding properties;
8. Why not renovate and convert rather than demolish?;

One letter has been written in general support of the proposal by an existing neighbour, but does ask for careful management of the existing trees and bushes. The agent has also written to counter many of the above arguments and this letter as with all the others has been reproduced and is available in the Members' Room.

Relevant Planning History

- P/1985/0996 Use part as tea rooms, approved 29.05.1985
- P/2005/0892/OA Demolition of 3 storey building and erection of 33 apartments with ancillary accommodation for retired people with pedestrian access (in outline), refused 25.07.2005
- P/2006/0779 Erection of 14 residential apartments, refused 02.08.2006
- P/2006/1217 Erection of 11 residential apartments and 2 houses with vehicular/pedestrian access (revised scheme), application withdrawn without determination.

Planning Policy -

The relevant planning policy at national and local level is as follows.

PPS1 "Delivering Sustainable Development"

PPG3 "Housing"

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
- H11 Open space requirements for new housing
- CF6 Community Infrastructure contributions
- CF7 Educational contributions

- L8 Protection of trees, hedgerows, woodlands and other natural features
- L9 Planting and retention of trees
- BES Built Environment Strategy
- BE1 Designing new development
- BE2 Landscaping and design
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access

Key Issues/Material Considerations

The main material considerations are considered under the following key headings:

Principle

The current building on the site is a good example of a villa, at the edge of a part of Torquay originally developed at low density with similar properties. The building is showing some signs of decay and neglect, and has suffered from the addition of various flat roofed extensions over the years. However, the basic design ethos of the original villa remains relatively unspoilt. The area as a whole has suffered from modern infill and redevelopment that has diluted the original character and grain of the area. There is therefore now a fairly eclectic mix of types, sizes and styles of residential dwellings in the area. The property is not a Listed Building and is not situated within a Conservation Area. It would therefore not be possible justify retention of the building, despite its character.

Density

With a total site area of approximately 0.25 hectare, 13 units would provide a density equivalent to 52 dwellings per hectare. Whilst this is at the upper end of acceptability, Government policy is trying to get Local Planning Authorities to consider regeneration positively and to ensure better use of 'brownfield ' sites, particularly where situated within the framework of the existing built environment. Visually from the principal public viewing positions along St. Marychurch Road, the bulk of building would appear greater at the upper levels, but the block would retain a relatively generous plot and would still be well screened by existing and proposed tree and shrub planting. As such it is considered that it would be difficult to argue that the site would be overdeveloped. Therefore, so long as the other issues of acknowledged importance are all acceptable, then it is not considered that the proposal could justifiably be considered to overdevelop the site.

Design

The footprint of the building, its position on site and its height are matters that are to be determined by this proposal. As the proposed building would have a slightly smaller footprint from the existing structure on site, would be re-orientated to sit better within the site and within the street scene and would be no higher than the existing building, it is difficult to argue that these considerations would be unacceptable.

However, there would be a much greater bulk of building at the upper levels, and this would lead to a much more dominant and imposing structure than currently is the case. The acceptability of this is best judged on site, and Members are requested to undertake a site visit to assess this element of the proposal for themselves. There is no doubt that the general perception of the building would be largely determined by its appearance, and it is considered that the design shown with the feasibility study has not yet achieved an acceptable replacement for the existing structure. Nevertheless, design and appearance are issues that would be considered at the Reserved Matters stage and so should not sway opinions at this stage. A suggested design of the building has been submitted to show that the scheme would be possible, and it is not necessarily intended to reflect the finished appearance.

Inter-visibility, overlooking and residential impact

This is difficult to assess at this stage because it is clear that detailed design and appearance are matters that will be considered at the Reserved Matters stage. The pertinent question has to be therefore whether the proposal would move the bulk of building any closer to existing surrounding properties, and whether the increase in use as a result of extra units would impose upon the privacy and amenity of the neighbouring uses. In general terms, Officers are of the opinion that with a careful design and the judicious use of landscaping, these issues could be made to work. However, it is suggested that Members undertake a site visit to assess these issues for themselves.

Access/Parking/Highway safety

The proposal utilises an existing access onto St. Marychurch Road and provides for parking on a 1:1 ratio. However, parking and access issues are of particular concern to local residents, as can be seen from the representations received. The main concerns are the point of access onto the busy St. Marychurch Road, the impact this would have on highway safety and the potential for greater levels of on-street car parking.

The Highways Officer has been asked for his views and they will be reported to Members at their meeting.

Trees and landscaping

The site is covered by a Tree Preservation Order (2002.21) and this largely dictates that the existing trees on site will have to remain.

The Council's Arboricultural Officer has considered the submitted proposals and has some concerns that the physical proximity of existing trees to properties and windows on the southern elevation could lead to future pressure to either inappropriately prune or fell the trees by any new residents. This may stem from a desire for greater levels of direct or indirect light or felt perceived psychological concerns about the proximity of trees and the risk they may pose. The applicant's arboricultural advisor has noted that the bank of trees (with the exception of T0874) has the potential to be managed by pollarding or crown reductions, which would address these concerns. Study of the trees supports this viewpoint and if an ordinary tree work application was submitted outside of any planning proposal a level of tree works would likely be permitted. This would reflect good arboricultural practise and would have the result of creating a positive relationship with any new possible occupiers of units on this side of the building with regard to trees 869 to 873.

The Council's Arboricultural Officer is also concerned about the potential for damage to rooting environments either during or post construction.

The parking area to the east of the present building is composed of heavily compacted chippings which would sustain a level of loading during any permitted build. However it is likely that loads no greater than delivery van/ transit van sized have been placed upon this surface throughout its life. This fact leads to a high potential for damage to rooting zones if heavy plant were to be used during the demolition and construction of the property. Whilst the phasing suggested deals with a sequence of work, what is not detailed in any form is how the work would be undertaken to demolish the building and construct the new without incurring root zone damage. This is fundamental for any arboricultural support for this application.

Given the high amenity value of the trees it is fundamental that prior to any permission being granted on arboricultural merit that detailed work is undertaken and agreed by the tree section to inform how the present building is to be demolished, the new one built, RPA areas protected, and service runs installed all without negatively affecting the trees. The Council's Arboricultural Officer is clear that no recommendation for approval can be made until this work is submitted. The Agent has asked if this matter can be dealt with by condition, and as this is an outline application, there could be some merit in this suggestion, as the Reserved Matters would have to be dealt with in full before any permission

legally existed capable of implementation. Further negotiations are in hand on this issue.

Planning obligation under s106 of the Town and Country Planning Act

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. The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March of this year (2011). Both the original document and the current update form part of the Torbay Local Development Framework. The amount of the required 'developer contribution' for the current application should therefore be evaluated in line with this adopted revision to the policy. According to this document, contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size. The exact size of the units could alter as the Reserved Matters are submitted. However as it is currently submitted the 13 units would appear to fit into the second category, as they range between the parameters of 55 – 74 Sq. M.

Municipal waste and recycling	£ 50
Sustainable transportation	£1720
Stronger communities	£ 130
Lifelong learning	£ 220
Green space and recreation	£1120
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TOTAL	£3240
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This gives a total contribution due of (£3240 x 13 units = £42,120)

Vibrant Town Centres -

The proposed re-development will inevitably have an impact upon the facilities and services of the Plainmoor local centre. Whilst 13 extra units would create additional pressure for such services and facilities, it would also provide the opportunity for increased usage which could lead to better economic viability and possible improvement of services being offered. In general terms, the proposal is seen as being good for the local centre which would benefit from any increase in usage.

Sustainability - The proposal makes better use of the land and could therefore be argued to be more sustainable than the existing use on the site. This is a brownfield site within the existing built urban environment and is therefore more sustainable than a green field site. The proposal maximises use of the site.

Crime and Disorder - Not expected to be an issue, but either the developer or any future occupier will have to ensure proper security for each flat and the site in general. .

Disability Issues - The site is on the level and there is not considered to be an overriding objection under Part M of the Building Regulations. The upper floors as flats will not be covered by the Bldg. Regs.

Conclusions

Negotiations have lead to considerable improvements in the overall proposal, and the key issues and material considerations are considered to be heading towards a recommendation of approval. However, the advice from the Highways Officer is still required, issues surrounding the protection of trees during and after development still need to be resolved and Members have been asked to undertake a site visit to assess the impact of the proposal for themselves. As well as all these matters, the applicant will need to deliver a planning obligation under s106 of the Act as referenced

above, as such any positive recommendation would be subject to the resolution of the s106 agreement before the 28 September, in order that the application could be determined within the relevant time period.

Condition(s)/Reason(s)

01. The proposed development shall be carried out only in accordance with detailed plans which shall previously have been submitted to and approved by the Local Planning Authority. These drawings shall show the siting, design and external appearance of all proposed buildings, the datum level at which they are to be constructed in relation to an agreed fixed point or O.S. datum, details of the colour, type and texture of all external materials, including hard-surfaced areas, the means of access from any public highway, intended areas for vehicle parking, landscaping of the site and all other works, including means of enclosure.

Reason: To ensure that adequate information is available about the detailed nature of the proposals, and to ensure that the proposal accords with policies H10, L10, BES, BE1, BE3, T26 and T27 of the Torbay Local Plan (1995 – 2011), adopted April 2004, and the Environmental guide which forms Supplementary Planning Guidance to the Plan.

02. The development hereby approved shall not be used or occupied until all of the garages and/or car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Torbay Local Plan (1995 – 2011) as adopted in April 2004, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

03. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

04. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;

- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) slating/tiling;
- (vii) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard.

05. Works to trees to be retained.

- (i) Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.
- (ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.
- (iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.
- (iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.
- (v) No trenches for service runs, or any other excavations shall take place within the fenced area.
- (vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Torbay Local plan (1995 – 2011), adopted April 2004.

06. 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 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, and to accord with policies H10, L10, BE1 and BE3 of the Torbay Local plan (1995 – 2011), adopted April 2004.

Relevant Policies

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Application Number

P/2011/0735

Site Address

18 Padacre Road
Torquay
Devon
TQ2 8PU

Case Officer

Mr Adam Luscombe

Ward

Watcombe

Description

Remove kitchen windows and replace with UPVc French windows; replace rear door and steps with UPVc window

Executive Summary/Key Outcomes

The proposed alterations to the property are not considered to have a significant affect on the character or appearance of the property or impact on the amenity of any neighbouring occupiers.

Recommendation

Approval

Site Details

The site contains a detached bungalow site in a small cul-de-sac arm of Padacre Road. It is raised higher than the ground level at the front with the land sloping up towards the rear of the property. There is a driveway and garage to the side. There are steps from the driveway to a side access door.

Detailed Proposals

It is proposed to remove the steps and side door and replace with a window and to include new doors on the rear elevation in place of the existing window.

Summary Of Consultation Responses

No Consultation Comments

Summary Of Representations

At the time of writing this report there were no representations received. The consultation period for this application expires on 11 August 2011. The committee will be updated on this situation at the meeting.

Relevant Planning History

Many extensions and alterations of neighbouring properties approved over time.

Key Issues/Material Considerations

Principle and Planning Policy - The considerations are concerned with the affects on the overall appearance of the property and any affects on the amenity of neighbouring occupiers.

In this case where a window will replace a door on the side and a door will replace a window at the rear there are no additional openings or greater cause of overlooking that would result. As such there are no concerns raised in this respect.

The changes to the appearance of the property are relatively minor and will not have any significant affect. This is not deemed to raise any issues.

Economy - Not Applicable

Closing the gap - Not Applicable

Climate change - Not Applicable

Environmental Enhancement - Not Applicable

Accessibility - Not Applicable

Vibrant Town Centres - Not Applicable

S106/CIL - Not Applicable

Conclusions

The proposed development is considered to accord with local planning policies and as such is recommended for approval.

Relevant Policies

H15 House extensions
BES Built environment strategy
BE1 Design of new development