



Friday, 2 December 2011

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 12 December 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 Brooksbank

Councillor Hill

Councillor Kingscote

Councillor Pentney

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**Our vision is working for a healthy, prosperous and happy Bay**

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

**Democratic Services, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [democratic.services@torbay.gov.uk](mailto: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 this Committee held on 14 November 2011.

(Pages 1 - 6)

## 3. **Declarations of Interests**

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

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

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

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

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

## 4. **Urgent Items**

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

5. **P/2011/1118/R4 - Churston Grammar School, Greenway Road, Brixham** (Pages 7 - 10)  
Installation of solar panels on roof(s) of buildings(s)
6. **P/2011/0898/VC - Flat 3 Carlton Manor, 9 Roundham Road, Paignton** (Pages 11 - 16)  
Removal of condition 1 to application P/2000/1186 to allow permanent residential use for flat 3 only
7. **P/2011/1041/PA - San Remo Holiday Flats, 15 Marine Drive, Paignton** (Pages 17 - 20)  
Internal alterations - first floor rear holiday flat to be combined into owners accommodation
8. **P/2011/1056/MPA - 13-39 Langridge Road, Paignton** (Pages 21 - 32)  
Demolition of 28 dwellings and their ancillary buildings and formation of 43 dwellings together with associated parking and amenity areas
9. **P/2011/1053/VC - Julie Court, 5 Colin Road, Paignton** (Pages 33 - 40)  
Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application P/2002/1896 to allow the holiday flats and owners accommodation to be occupied without limitation, internal alterations & removal of exterior signage
10. **P/2011/1197/VC - Flat 3 Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 41 - 46)  
Variation of condition 1 to application P/2004/0038 to allow residential and holiday use
11. **P/2011/1192/VC - Unit 11, Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 47 - 52)  
Variation of condition 1 to application P/2004/0038 to allow residential and/or holiday use
12. **P/2011/1202/VC - Apartment 2, Sunhill Apartments, 19 Alta Vista Road, Paignton** (Pages 53 - 58)  
Variation of condition 1 to application P/2004/0038 to allow residential and holiday use
13. **P/2011/0628/PA - Torbay Court, Chelston Road, Torquay** (Pages 59 - 64)  
Redesign of previously approved scheme to form 1 additional cottage in lieu of one of the flats (scheme now 4 cottages and 6 flats)

14. **P/2011/0856/MPA - Former General Accident Fire & Life Assurance Plc General Buildings, Greenway Road, St Marychurch, Torquay** (Pages 65 - 80)  
Revised scheme for the redevelopment of GA building and erection of 7 retail units in Class A1, A2, A3, A4, and A5. Modifications to design comprising replacement of pitched roofs to pod unit and retail unit No 5, redesign of fenestration/shop fronts and entrance to anchor store. Erection of 4, two storey residential units with forecourt parking. Improvements to public realm within and adjacent to the site and relocation of bus stop closer to proposed vehicular access. This is a revised scheme.
15. **P/2011/0896/PA - Site Formerly Known As 1-5 Athenaeum Place, Side Of 27 Braddons Street, Torquay** (Pages 81 - 90)  
Formation of 3 houses with 2 bedrooms with pedestrian access
16. **P/2011/0035/MPA - Former Royal Garage Site, 4-24 Torwood Street, Torquay** (Pages 91 - 114)  
Demolition works; formation of mixed use development to form hotel, A3 units, 2 external purpose units ( D2 use for fitness centre and B1 use for office suite) and 14 apartments with vehicular and pedestrian access
17. **P/2010/1141/R3 - Torre Abbey, The Kings Drive, Torquay** (Pages 115 - 120)  
Alterations, repairs and conversion works (Torre Abbey Phase 2)
18. **P/2010/1142/LB - Torre Abbey, The Kings Drive, Torquay** (Pages 121 - 126)  
Alterations, repairs and conversion works (Torre Abbey Phase 2)
19. **Appeal Decisions** (Pages 127 - 128)  
To note.
20. **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](mailto:democratic.services@torbay.gov.uk) before 11 am on the day of the meeting.
21. **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, 7 December 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

14 November 2011

**-: Present :-**

Councillor Morey (Vice-Chairman in the Chair)

Councillors Addis, Baldrey, Barnby, Brooksbank, Hill, Hytche, Kingscote and Pentney

(Also in attendance: Councillors Amil, Richards, Thomas (D) and Tyerman)

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### **363. 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 Councillor McPhail.

### **364. Minutes**

The Minutes of the meeting of the Development Management Committee held on 19 September 2011 and 17 October 2011 were confirmed as a correct record and signed by the Chairman.

### **365. Urgent Items**

The Committee considered the items in Minute 375, and not included on the agenda, the Chairman 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.

### **366. P/2011/0905/HA - Farnaby, 7 Rydons, Brixham**

This application was withdrawn by the applicant.

### **367. P/2011/0197/MOA - Land West Of Brixham Road, Paignton**

The Committee considered an application for a mixed use development of 39 hectares of land at White Rock, Paignton to construct 350 dwellings, 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (approximately 1652m<sup>2</sup> gross) with additional 393m<sup>2</sup> A1/A3 use and student accommodation, 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (outline application), which was a departure from the Torbay Local Plan

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

the meeting Mike Parkes and Lydia Lambert addressed the Committee against the application and Mark Tyrrell addressed the Committee in support of the application. Councillors Thomas (D) and Tyerman also addressed the Committee.

Resolved:

Consideration deferred for further negotiations in relation to the ecological impact, the vehicular junction/access opposite Kingsway Avenue and the terms of the Section 106 Legal Agreement. The item was also deferred for confirmation in writing that the Environment Agency was now satisfied with the proposed drainage strategy.

**368. P/2011/0721/MPA - 16-20 Smallcombe Road, Paignton**

The Committee considered an application for demolition of 8 dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas.

Prior to the meeting, written representations were circulated to members.

Resolved:

Subject to:

- i) suitable comments from the Authority's Arboricultural Team, Environmental Protection Team and South West Water; and
- ii) the signing of a Section 106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning;

Approved with conditions delegated to the Executive Head of Spatial Planning; to include the schedule of suggested conditions listed in the submitted report.

**369. P/2011/0813/MPA - 2-16 Southview Road, Paignton**

The Committee considered an application for demolition of 8 dwellings and ancillary buildings and formation of 14 dwellings together with associated parking and vehicular/pedestrian access and amenity areas.

Prior to the meeting, written representations were circulated to members. At the meeting Kathryn Webb addressed the Committee against the application.

Resolved:

Refused on the grounds that the proposal would result in a cramped arrangement and amounted to the overdevelopment of the site, causing unacceptable harm to the amenities of neighbouring residents and the street in general. The terraced form was also considered to be out of keeping with the general character of the area.

**370. P/2011/0910/PA - 9 Beach Road, Paignton**

The Committee considered an application for demolition of conservatory, change of use to form 4 flats and replace existing windows with white UPVC.

Resolved:

Subject to the payment of planning obligations inline with adopted policy, via an upfront payment or a formal Section 106 Legal Agreement within 6 months of the date of this committee or the application be re-considered by members, approved with conditions delegated to the Executive Head of Spatial Planning; to include the schedule of suggested conditions listed in the submitted report.

**371. P/2011/0796/PA - Watcombe Service Station, Teignmouth Road, Torquay**

The Committee considered an application for the construction of new pitched slate roof on the existing flat roof of the 1<sup>st</sup> floor of the property to provide 2 new dwelling units with access by a rear stairway.

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

Resolved:

Subject to:

- i) the resolution of the arrangements of the fencing at the first floor level and the roof access (resolution delegated to officers);
- ii) the signing of a Section 106 Legal Agreement or upfront payment in order to provide for appropriate planning contributions/infrastructure works, to be signed within 6 months of the date of this committee or the application be re-considered by members;

Approved, with conditions to be delegated to the Executive Head of Spatial Planning; to include the schedule listed in the report.

**372. P/2011/0849/PA - Aremo, 68 Windsor Road, Torquay**

The Committee considered an application for a change of use from residential to House in Multiple Occupation.

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 O'Callaghan and Navoj addressed the Committee in support of the application.

Resolved:

Subject to the completion of a Section 106 Legal Agreement to offset costs that will arise from the use, to be completed within 6 months of the date of this committee or the application be re-considered by members, approved with the conditions set out in the submitted report.

**373. P/2011/0896/PA - Site Formerly Known As 1-5 Athenaeum Place, Side Of 27 Braddons Street, Torquay**

This application was withdrawn by the applicant.

**374. P/2011/0991/PA - 27 - 29 Walnut Road, Torquay**

The Committee considered an application for a change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults.

Prior to the meeting, written representations were circulated to members. At the meeting Debbie Freeman addressed the Committee in support of the application.

Resolved:

Subject to:

The completion of a Section 106 Legal Agreement in respect of

- i) a person employed as a warden/supervisor for the facility shall be accessible to 27 and 29 Walnut Road at all times;
- ii) the occupancy of 27 and 29 Walnut Road shall be limited to persons referred by Torbay Adult Services as somebody classified as a vulnerable adult; and
- iii) the applicant shall not sell, lease or otherwise dispose of either 27 or 29 Walnut Road separately from the other and shall maintain ownership and management of the two properties as one facility at all times;

and the removal of condition 2 of the previous planning application P/2005/1383/PA. Approved with the condition set out in the submitted report.

**375. P/2011/0522/MOA - The Pines, 78 St Marychurch Road, Torquay**

The Senior Planning Officer explained that further to the meeting of the Development Management Committee held on 22 August 2011, where the above application was approved, the Section 106 Legal Agreement had not been completed by the required date. The Senior Planning Officer further explained that the Agreement had now been completed and as such sought approval of the committee to sign the agreement and issue the decision.

Resolved:

That the Section 106 Legal Agreement be signed within one month or the application will be re-considered by members.

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Chairman

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**Application Number**

P/2011/1118

**Site Address**

Churston Grammar School  
Greenway Road  
Brixham  
Devon  
TQ5 0LN

**Case Officer**

Mr Adam Luscombe

**Ward**

Churston With Galmpton

**Description**

Installation of solar panels on roof(s) of building(s)

**Executive Summary / Key Outcomes**

The application has been considered against the relevant policies, specifically EP2 and those contained within the built environment chapter, of the Saved Adopted Torbay Local Plan 1995-2011.

The proposal to install solar photovoltaic panels on the roof of the building at this site has not been considered to have any adverse or detrimental impacts and will preserve the appearance and character of the built environment surrounding the site.

The use of renewable technology is important in achieving sustainability objectives and this scheme will contribute to the creation of additional resource at the point of consumption.

The application sought consent for the principle of the installation with the details reserved for decision by way of condition. The necessary conditions are therefore included with this recommendation.

**Recommendation**

Conditional Approval.

**Site Details**

Existing school premises situated on the south side of Greenway Road. The site is visible in the street scene. There is a bank and beech hedge along the boundary of the premises with Greenway Road. There are a number of trees on the site.

**Detailed Proposals**

It is proposed to install solar PV to the roof of the building at the site.

The application seeks the addition of panels to five different roof slopes of four

buildings to the South of the collection of buildings on the site. The panels are to face towards the South-West

This application identifies the area of the roof to be utilised for Solar Photovoltaic Panels and it is proposed to manage the detail by way of a prior to commencement condition.

### **Summary Of Consultation Responses**

No Comments Received

### **Summary Of Representations**

One letter of representation has been received from a neighbour of the site. It raises concerns about the potential appearance of the panels and the visual impact that this will have given that they consider the gym building in particular to already be very dominating. This letter has been reproduced at Page B.200.

### **Relevant Planning History**

This application forms part of a bulk submission for similar proposals on Council owned/operated buildings and Schools within the authority's boundary.

There are no specific applications relevant to this particular site.

### **Key Issues / Material Considerations**

The key issues in respect of this application concern the affects of the inclusion of the photovoltaic panels on the appearance and character of the building and the surrounding area. The affect on residential amenity, public health and safety, the townscape, landscape and wildlife are also key considerations. There is further consideration given to the economic and environmental impacts of such development.

In this case there is not considered to be any undue harm caused to the residential amenity of surrounding or neighbouring occupiers. Furthermore in respect of the public the panels will not result in any risk to the health or safety of the public.

The panels, in this case, would have no significant impact on the appearance of the wider area or that of the building itself. This would result in no adverse impacts on the appearance or character of the specific townscape and landscape surrounding the site.

The photovoltaic panels will not impact on any wildlife corridors or habitats in the area.

### **Economy -**

Investment in the renewable technology industry throughout Torbay.

### **Climate change -**

Inclusion of renewable technology resource at point of consumption. Additional creation of energy would be fed back into national resource. Planning Policy 22 (Renewable Energy) states that “The Government’s energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.”

The development of renewable energy will make a vital contribution to these aims and will aid to facilitate the delivery of the Government’s commitments on both climate change and renewable energy.

### **Conclusions**

The proposed addition of solar photovoltaic panels on this building will not have a detrimental affect and will accord with the relevant local planning policies as set out within the Saved Adopted Torbay Local Plan 1995-2011.

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

01. Prior to the commencement of the development hereby approved, details of the siting, number and specification of the photovoltaic panels shall be submitted to and approved by the Local Planning Authority.

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

02. Should any part of the panels and equipment as hereby approved become redundant it shall be permanently removed from the site and the building shall be reinstated to its former condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid a proliferation of redundant panels, in the interests of visual amenity and the character of the building, in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

### **Informative(s)**

01. Condition one attached is prior to commencement going to the heart of the permission; therefore details must be submitted to and approved prior to the commencement of works on site.

02. Panels on other areas of the roof not outlined in red on the approved plans are not permitted by this consent.

03. Town and Country Planning (General Development Procedure)

(Amendment) Order 2003.

The proposed development has been tested against the policies of the Development Plan – the Saved Adopted Torbay Local Plan 1995-2011 – and, in the opinion of the Local Planning Authority, is not in conflict with any; in particular it accords with the following:

BES Built Environment Strategy  
BE1 Design of New Development  
EP2 Renewable Energy

**Relevant Policies**

BES Built environment strategy  
BE1 Design of new development  
EP2 Renewable energy

# Agenda Item 6

## Application Number

P/2011/0898

## Site Address

Flat 3 Carlton Manor  
9 Roundham Road  
Paignton  
Devon  
TQ4 6EZ

## Case Officer

Mr Robert Pierce

## Ward

Roundham With Hyde

## Description

Removal of condition 1 to application P/2000/1186 to allow permanent residential use for flat 3 only

## Executive Summary/Key Outcomes

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 7 holiday apartments and 2 residential apartments. A similar application within this building was approved by Members at their meeting in July 2011 and in the light of the recent appeal decisions for similar proposals the residential occupancy of this holiday apartment is also considered to be acceptable.

## Recommendation

Subject to S106 Agreement for Planning Contribution of £1240, Approval

## Site Details

Block of holiday flats on the eastern side of Roundham Road set in an elevated position from the road frontage. The property was formerly a hotel (The Charlton Lodge Hotel) and was granted planning approval for conversion into holiday flats in 2000. This application relates solely to flat 3 of 9 Roundham Road.

## Detailed Proposals

Permission is sought to remove a condition on planning approval P/2000/1186 which restricts the use of Flat 3 as a holiday flat only. The condition states that 'The accommodation hereby approved shall be used for short-term holiday letting purposes only, and not for permanent residential occupation.'

## Summary Of Consultation Responses

Strategic Transport Group and Highways Team : No mitigation measures required therefore would not seek any Developer Contribution towards sustainable transport improvements.

### **Summary Of Representations**

2 Letters of objection from the freeholder of Carlton Manor. The issues raised are related to the terms of the lease and not planning matters. These are reproduced at Page P.200.

### **Relevant Planning History**

P/2000/1186	Change of Use from Hotel to 8 Holiday Flats and owners accommodation. Conditional Approval 13 December 2000
ZP/2010/0718	Pre Application Enquiry Conversion from holiday occupation to residential. Likely to be approved
P/2004/1832	Certificate Of Lawfulness For An Existing Use Of Property As A Private Residence, No 9 Carlton Manor 9 Roundham Road Issued
P/2011/0202	Removal of Condition 1 to Application P/2000/1186 to allow permanent residential use of Flat No 1 Carlton Manor 9 Roundham Road Approved 2nd August 2011.

### **Relevant Appeal Decisions :**

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA.

### **Key Issues/Material Considerations**

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

The Carlton Manor holiday properties were specifically formed by conversion of the Charlton Lodge Hotel and have been converted recently and to a high

standard. This unit offers two bedrooms, a living/dining room, kitchen and bathroom, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

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

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

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. Although it is considered that the tests set out in TU6 have not been met, the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation. This view has now been confirmed by the recent Planning Inspectorate's Appeal decisions for similar proposals. In particular when considering the Goodrington Lodge Appeal the Inspector was of the view that Alta Vista Road has limited holiday character and he gave considerable weight to the Revised Guidance which supports residential use. The Inspector was also of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or to harm the character and function of the PHAA.

Members were minded to approve a similar proposal for Flat 1 Carlton Manor at their meeting in July 2011. This current proposal is therefore also considered to be acceptable.

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

**Principle and Planning Policy -**

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

**Economy -**

Potentially would result in permanent occupancy contributing to vibrancy.

**Closing the gap -**

Developer contributions are applicable to contribute to infrastructure.

**Climate change -**

Use of existing property.

**Environmental Enhancement -**

No external alterations.

**Accessibility -**

No Change.

**Vibrant Town Centres -**

Permanent residents will use the town centre.

**S106/CIL -**

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

Category 2 (55-74 sq m)

Municipal waste and recycling	£ 50
Sustainable transportation	Not applicable
Education (primary only)	£410
Lifelong learning	£220
Green space and recreation (50% reduction)	£ 560

**Total** **£1240**

### **Conclusions**

The Carlton Manor Holiday Flats were specifically formed by conversion of the Charlton Lodge Hotel and have been developed recently to a high standard. There is not considered to be a strong holiday character to this part of Roundham Road and in the light of the recent approval for a similar proposal for Flat 1 and also the recent Appeal decisions the proposed residential occupancy of this flat is considered to be acceptable.

### **Relevant Policies**

TU6 - Principal Holiday Accommodation Areas

CF6 - Community infrastructure contributions

CF7 - Educational contributions

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# Agenda Item 7

## Application Number

P/2011/1041

## Site Address

San Remo Holiday Flats  
15 Marine Drive  
Paignton  
Devon  
TQ3 2NJ

## Case Officer

Mr Alexis Moran

## Ward

Preston

## Description

Internal alterations - first floor rear holiday flat to be combined into owners accommodation

## Executive Summary/Key Outcomes

Permission is sought to amalgamate an existing small unit of holiday accommodation to the rear of the building into the existing owners accommodation. This unit which is some 30m<sup>2</sup> in size is not considered to be functional and its loss would not be of detriment to the guest house or the wider Principle Holiday Accommodation Area (PHAA).

## Recommendation

Approval.

## Site Details

The site, San Remo, 15 Marine Park, Paignton, is a semi-detached property located adjacent to the cul-de-sac of Marine Park and faces onto Marine Drive. The property is currently in use as a guest house. The site is within the Principle Holiday Accommodation Area (PHAA)

## Detailed Proposals

The application seeks permission for the change of use of to an existing small holiday flat to the rear of the building to be combined into the existing owners accommodation. The unit is some 30m<sup>2</sup> and as it is located towards the rear of the property and is less popular than the other two units of holiday accommodation to the front of the building.

## Summary Of Consultation Responses

None.

## Summary Of Representations

None.

## Relevant Planning History

None.

**Key Issues/Material Considerations**

The site is situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the PHAA.

However when considering the undesirable size and siting of this particular unit within the guest house, its functionality as a suitable unit of accommodation is very questionable. To this end it is considered that amalgamating this unit into the existing owners accommodation and keeping the two more usable units of holiday accommodation is acceptable and would not be of detriment to the character of the wider PHAA. It is considered that this judgement should be viewed in isolation and not as a prelude to a future decision for the conversion of the remaining holiday accommodation which would be judged on its own merits.

**Principle and Planning Policy -**

Policy TU6 Principal Holiday Accommodation Area.

**Climate change -**

Use of existing property.

**Environmental Enhancement -**

No external alterations.

**Accessibility -**

No change.

**S106/CIL -**

When mitigating the current use against the proposed and given the very slight size of the unit (some 30m<sup>2</sup>) it is determined that the application would not require a section 106 agreement.

**Conclusions**

The proposal is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

**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:

TU6

**Relevant Policies**

TU6 - Principal Holiday Accommodation Areas

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# Agenda Item 8

**Application Number**

P/2011/1056

**Site Address**

13-39 Langridge Road  
Paignton  
Devon  
TQ3 3PT

**Case Officer**

Mr Scott Jones

**Ward**

Blatchcombe

**Description**

Demolition of 28 dwellings and their ancillary buildings and formation of 43 dwellings together with associated parking and amenity areas

**Executive Summary/Key Outcomes**

The proposal is a social housing redevelopment scheme set within a residential suburb of Paignton that seeks to replace twenty eight post war 'Cornish' dwellings with forty three new dwellings and associated parking, access and amenity space.

The proposal is considered to be a positive scheme for residential redevelopment, which will provide social-rented affordable housing built to modern building and living standards that will help meet the need for affordable homes in Torbay. The removal of the existing uncharacteristic building form is considered positive and the replacement scheme, due to the scale, layout and design of the dwellings, is deemed to provide a suitable residential environment for future occupiers. The proposed design and layout also provides a suitable form of frontage development to frame the streetscene and sits comfortably within the wider built environment. In addition the proposed mix of dwellings and bungalows, together with their orientation and distances to other properties, would appear for the most part to maintain suitable levels of amenity afforded neighbouring occupiers.

It should be noted that negotiations have provided improvements to the scheme as it has progressed towards a formal submission. Discussions have resulted in the introduction of bungalows to the rear, which gives dual benefits in respect to reducing potential impact upon adjacent plots and offering a more balanced and mixed housing stock. Revisions have also been made to the common areas in order to offer less prominent access and parking areas and an enhanced 'greening' of the site as a whole.

The scheme, as it now stands, would appear to provide a suitable marriage between the need to uplift the density of development to enable the social benefit of a non-market housing scheme to be provided, whilst ensuring that the layout and design is a sustainable and attractive living environment. However,

notwithstanding this, there remains a degree of concern over the provision of two-storey units amongst the bungalow development along the Southern (rear) border, adjacent to properties on Jasmine Grove.

### **Recommendation**

Site visit; Conditional Approval; subject to further negotiations on the proposed layout to allow for additional tree planting, to achieve an improvement in relation to plot 43 and to replace plots 39 and 25 with single storey properties; conditions (as laid out at the end of this report) to be delegated to the Executive Head of Spatial Planning; subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee.

### **Site Details**

The site is the combined curtilage of residential plots numbers 13 through to 39 Langridge Road that currently holds fourteen two-storey semi-detached residential 'Cornish' style units, which are subdivided to provide 28 dwellings. The present buildings, which externally are a mix of pre-cast concrete panels and upper floor clay tiles set under clay tiled pitched roofs, feature front and rear gardens with pedestrian access and no off-street parking.

In terms of context the surrounding properties are arranged in a mix of short terraces and semi-detached dwellings and they take a more locally typical form with painted render elevations set under pitched tiled roofs.

There are no built or landscape designations over the land.

### **Detailed Proposals**

Principally the scheme seeks to replace 28 existing dilapidated and outmoded dwellings with 43 dwellings. The redevelopment proposal offers a mix of dwelling types and sizes, providing twenty 2-bed houses, fourteen 3-bed houses, five 4-bed houses and four 2-bed bungalows. The majority of the dwellings front the street and maintain the framing of the road, however, development is also introduced towards the rear of the site to make efficient use of the land. The current dwellings occupy the site at a density of approximately 42 units per hectare, the proposed development will be at a density of around 64 dwellings per hectare.

The external form of the proposed dwellings is simple and modern, with elevations predominantly of white render, supplemented by areas of cedar cladding and blue bricks. Roofs are largely gabled, with occasional hips introduced, and all are finished in fibre cement slates. Front curtilages remain largely open and rear gardens are delineated by boarded timber fencing.

The units fronting the street are supplied in a number of short terraces that are pushed forward of the existing building line by between 2 and 6 metres. Small areas of front garden are supplied, which in areas are supplemented by adjacent highway verge.

Between the terraces three access points lead to landscaped parking courts and a number of semi-detached dwellings and bungalows to the rear.

The redevelopment introduces off-street parking, with 44 parking spaces to supplement the existing 13 street bays on highway land to the front of the site.

### **Summary Of Consultation Responses**

*Affordable Housing Team:* All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes in Torbay. Our Housing Needs Survey shows demand across the spectrum of house sizes and the recent Housing Market Assessment indicates a high need for all house types in Torbay with a particular need for affordable rented accommodation. Our waiting list figures support this with currently 3101 households on the waiting list for rented accommodation, a further 357 households on the South West Homes waiting list for shared ownership accommodation and a further 27 households currently in temporary accommodation.

This development comprises a good mix of house types and sizes and will also contain a number of wheelchair accessible properties which are rarely provided on private developments. This site forms part of a wider regeneration project to replace the current defective accommodation that is currently lying empty with more efficient modern accommodation that people want to live in. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of this application

*Highways Department / Strategic Transportation:* Highways would request that the access lanes to the rear parking courts are a minimum 4.8metres wide to allow vehicles to pass.

Highways would only seek to adopt land to the back of the footway, which would mean that the parking courts are not required to be adopted. The footway/access areas should be a shared space, which would require a dropped crossing at the entry points.

If applicable planning contributions inline with the Authority's adopted policy should be sought towards the provision of new bus shelters, local footway improvements and road markings, cycle link improvements and improvements to the local section of the major distributor road network.

*Arboricultural Team:* No objection, subject to the submission of a revised landscaping plan, by condition, to secure appropriate mitigation for tree loss across the site.

The existing trees are considered to be acceptable for removal given that they are the normal mix of self set trees emerging from boundaries, unmanaged landscape trees, ornamental garden plantings, etc. Whilst, they add interest to the local area given the elevated positions, when looked at in more detail each tree / tree group contains defects or limited life spans that would prevent them from being a constraint to any development.

Study of the supporting landscape mitigation plan indicates a desire of the design team to redress the large loss of amenity tree cover that would follow any permission. The species choice does not contain any tree species that would mature into the local or parts of the wider landscape. This may be due to limited space having been designed into the scheme for tree planting.

There is likely to be a net loss of tree cover in the long term and therefore some remodelling of the layout is required to allow for sustainable tree planting of larger sized trees.

Recommendation is that the scheme is acceptable for approval on arboricultural merit with a condition to be attached that pre commencement a revised landscaping plan be supplied that address's points noted above.

*South West Water:* No objection to the scheme subject to foul and surface water flows being kept separate.

*Drainage Department:* The proposal confirms that foul sewerage will be discharged to the mains sewer and surface water will be disposed of via the main drainage system and soakaways. Where surface water is identified to drain to soakaways the developer must carry out trial hole and infiltration tests at the locations of the soakaways in accordance with BRE 365. Although work has been undertaken the design of soakaways must be in accordance with BRE 365 and designed to cater for 1:100 year storm event plus allowance for climate change. Details should be submitted for approval prior to development.

*Environmental Protection Team:* There is no indication that there is any concern regarding contaminated land.

### **Summary Of Community Involvement and Public Representations**

#### *Community Involvement -*

A statement of community has been submitted with the application outlining that public consultation has been undertaken. An earlier version of the submitted scheme was open to public involvement via a consultation event held in May 2011. Comments made during the event included:-

1. favourable view of the redevelopment schemes already done in the area
2. bungalows are a positive addition that could help provide a varied community
3. the provision of parking within the site was welcomed
4. welcomed houses over flats
5. bins in private areas was positive
6. good location for more family housing with parks close by

*Public Representations -*

A petition with 10 addresses from occupants of Langridge Road (and one from Clennon Rise) has been received with a covering letter outlining the following observations:

- New houses will be closer to the homes opposite
- Heights of new buildings will give an impression of being enclosed and overlooked due to properties opposite being slightly lower
- Suggest double yellow lines are placed opposite due to road width, as owners have always parked opposite the old flats
- Bins will be parked in front of new houses as TOR2 will not go off road to collect at rear
- Residences opposite are all privately owned and the impact of development would have on highway safety, even though car parking available
- Overdevelopment of the site will be visually obstructive and harmful to neighbours amenity.

Six further letters of representation have been received, largely from occupants of Jasmine Grove. These letters express concern over the impact upon neighbour amenity due the scale, location and elevated position of development to the rear, which may result in loss of privacy and overlooking, reduce light and also through overdevelopment, result in congestion.

These have been reproduced at Page P.201.

**Relevant Planning History**

None over the site but various demolitions and redevelopment proposals have been built-out within the area.

**Key Issues/Material Considerations**

**Principle and Planning Policy -**

The key policy issues are considered to be;

- i) The principle of development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access,

v) Arboricultural issues

*i) The principle of development -*

Firstly, demolition and replacement of the existing buildings, which in visual terms are uncharacteristic for the area, not of any great merit and are in poor condition, is considered acceptable and should be supported. The homes have been considered for renovation, however, due to their construction and condition this was not an economically viable course of action.

In regard to the redevelopment it proposes a straightforward replacement of residential with residential. In addition, the tenure is proposed to match the existing in terms of the provision of affordable homes.

In regard to the principle of increasing the number of units, Local Plan policy seeks to encourage the most efficient use of previously developed land, as such higher densities can often come forward on brownfield sites. The proposed density sits at around 64 dwellings per hectare as apposed to the current density of 41 dwellings per hectare for the flats. This density is relatively high for suburban land, but it is not an unachievable level if treated correctly. Whilst there is no longer a minimum density figure set out in national planning policy PPS3, there is also no set maximum density. As such it is for consideration in each case as to whether the proposed density is acceptable.

In this case a range of housing types and sizes are being provided, and the site is within the urban fabric of Paignton and not in a rural / semi-rural location. Furthermore, the nature of the sites' established use value determines the need to provide a greater quantum of development in order to encourage its redevelopment. As such, provided that the appropriate layout and arrangement of buildings can be achieved it is considered that the density would be appropriate in this case.

*ii) Visual implications, scale, layout and design -*

The scheme provides units of a suitable scale reflective of the overriding domestic building form in the area, that being two-storey pitched roof dwellings, arranged in short terraces or as semi-detached properties. In regard to the layout it is also appreciated that the scheme retains a strong frontage to Langridge Road, which is welcomed.

The building line has been brought forward from the established line by between 2-6 metres in places, for the most part, and in particular in regards to plots 1-9 and 13-21, the reduced distances to edge of curb are considered acceptable as a form of green frontage is maintained due to the extent of highway verge. Plots 26-34 and the end plot 43 also step forward of the existing building line, and do not retain such a substantial grass verge to the front. Whilst these plots remain a suitable distance away from the properties on the opposite side of the road, officers would welcome the opportunity to look at whether the building line of plot

43 in particular could be moved back and whether the orientation of plot 43 and the design of the side elevation can be improved.

In regard to the courtyard development the general arrangement is considered acceptable within the context of the need to efficiently utilise previously developed land. The existing plots are over generous in depth to what is generally provided within modern housing schemes. In regard to the specific relationship between new units, the distance between frontage and courtyard buildings has been maximised when considering the constraints of the site.

The scheme includes space for and access arrangements to serve bin storage and cycle sheds to the rear of the plots.

The absence of prominent parking areas is also welcomed with areas broken up in to pockets and softened by landscape planting.

*iii) Neighbour amenity considerations -*

The key issues in regard to neighbour amenity are the impact upon local parking pressures, potential overlooking and loss of privacy, and loss of light or outlook.

Although the proposal provides a net increase in the number of dwellings within the site, the redevelopment appears to provide the opportunity to improve local parking provision and thus lessen local parking pressure. At present the current dwellings are not supported by off street parking and thus all of the resulting parking pressure from occupancy is alleviated by the use of on street parking. The proposal, by developing through to the rear and by having three access points, provides pockets of off street parking throughout the site and as such offers convenient parking for each and every unit. This is achieved without a significant loss of on-street parking.

Although the proposal is of a similar domestic scale to that which exists, it does alter building lines and introduce buildings to the rear of the site, and where these changes occur the interrelationship should afford protection to current amenity levels.

In regard to the frontage development although the buildings do (largely) move towards the highway they are not considered to determinately affect the amenity afforded occupiers opposite across the road. The front-to-front distances that are involved are not uncustomary for a residential area. Due to the scale and distances involved privacy levels would also not be affected, nor would outlook or levels of light.

At each end of the plot the development abuts existing residences. At the northwestern end of the plot the proposal maintains the current building line at the side and two-storey scale of development. Although the footprint is pushed back in the plot by a few metres the relationship is considered to remain largely

unaltered. There is therefore no concern at this end of the plot.

At the western end of the plot the proposal seeks to provide a short terrace perpendicular to the highway that runs into the site. This terrace, although drawn back by 2-3metres from the current building line, introduces a more sensitive elevation treatment towards the abutting dwelling and hence there are variances here. The scale and bulk of the building would not appear sensitive in terms of outlook and light, certainly in light of the slight movement away from the adjacent plot. In terms of privacy and overlooking the terrace would appear to provide an acceptable relationship as the rear elevations face on to a less-sensitive side elevation. It should be noted that the design incorporates a bathroom to the rear which provides only one upper-floor window per property on the rear elevations. This also lessens potential impact.

In regard to the development introduced towards the rear of the plot negotiations have led to the introduction of bungalows along the southern border. This area of the site abuts properties off Jasmine Grove (which appear generally set one storey lower due to a drop in land levels). The introduction of one-storey units with hipped roofs provides development that would offer no overlooking, loss of outlook, or loss of light. Roofscapes may be visible at upper floor levels over border fencing and planting, however the ability to view buildings is not considered an issue of amenity.

Two of the proposed dwellings, plots 25 and 39, remain two-storey in height along this rear border, as their relationships are considered less sensitive due to slight staggers in the adjacent buildings within Jasmine Grove. However, the provision of two-storey dwellings on this border could, potentially, result in development that is over dominant within the suburban surrounds and quite stark on the ridgeline. Considering this, although the distances between properties and levels of privacy and light, appear acceptable, there is concern as to whether a two-storey element would sit comfortably here. Officers would welcome the opportunity to negotiate the provision of single storey units in their place, should members consider this relationship to be unacceptable.

*iv) Highway matters, parking and access -*

Parking bays and manoeuvring space will be provided in accordance with adopted size guidelines. The number of on-site spaces also accords with adopted policy, whereby it proposes 44 spaces for the 43 units. The scheme is also loosely supported by the historic existence of 13 highway bays in front of the development.

The design solution of three fingers of access into the site is supported as it looks to retain maximum curb-side parking through offering parking within pockets to the rear of the plot. The parking areas are also suitably framed by dwellings which will offer natural surveillance of these areas. Furthermore, negotiations

have led to improvements to the hard and soft landscaping of these areas. All matters considered the parking and access arrangements are considered acceptable.

The scheme is supported by the Authority's Highways Department.

*v) Arboricultural issues -*

The sites holds a mix of self set trees emerging from boundaries, unmanaged landscape trees and ornamental garden planting. En masse they add interest to the local area, but it is also accepted that most tree/ tree groups contain defects or limited life spans that would prevent them from being a constraint to any development.

Study of the supporting landscape mitigation plan indicates a desire of the design team to redress the large loss of amenity tree cover that would follow any permission. Appreciating this, although there is likely to be a net loss of tree cover in the long term, there is potential for some remodelling of the landscape layout to address this

With consideration of the above the scheme is considered to be acceptable for approval on arboricultural merit with a condition to be attached that pre commencement a revised landscaping plan be supplied that address's points noted above. Officers would also welcome the opportunity to discuss this issue with the applicants post committee in order to seek minor revisions to the layout to ensure that appropriate tree planting can take place.

**Closing the gap -**

The scheme proposes the replacement of out-of-date social housing with modern units, which will provide modern living in a sustainable location supported by suitable outdoor amenity space and parking provision, all within an established residential area. The proposal looks to use the land more efficiently and in doing so proposes to provide 15 additional social-rented units through rationalising the potential of the site where 28 currently sit. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Additional social / economic benefits of this scheme include;

1. The utilisation of local tradesmen through the Kier formal supply chain for subcontractors who are based in close proximity of Torbay. The scheme itself is expected to offer up such opportunities for 60-70 people.
2. The scheme is part of a wider redevelopment and investment programme for the area worth around £9million that is seeking to be brought forward to offer up homes within the next 14 months.

3. Kier are also committed to providing employment and training opportunities and are working in partnership with Shekinah Mission's "RE:Work" initiative that helps supports those marginalised in society.

4. Opportunities for skills development through the recruitment of students and young apprentices from within the area.

#### **Climate change -**

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

#### **S106/CIL -**

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would however be subject to a S106 agreement with clauses to ensure that should the scheme not come forward as a 100% affordable scheme that it should deliver the policy requirement of 30% affordable housing and the suite of sustainable development contributions in respect to transport, greenspace, education, lifelong learning and waste.

#### **Conclusions**

The principle of the proposal is considered acceptable. The redevelopment of outdated and somewhat dilapidated housing units with new, more energy efficient units supplemented with private parking and private outdoor amenity space, is considered wholly positive.

There is a degree of concern in regard to the suitability of two-storey development on the southern border and areas within the proposed layout where officers would welcome the opportunity for further negotiations. However, as there appears a number of social and economic benefits from the scheme, officers recommend a positive resolution with scope to negotiate further improvements under delegated powers post committee resolution.

Should the above be acceptable, the scheme is supported subject to the resolution of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

#### **Conditions**

- Submission of external materials

- Submission of detailed finishes
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining structures
- Provision of parking facilities as laid out
- Provision of details in respect to Sustainable Urban Drainage
- Removal of Permitted Development Rights

### **Relevant Policies**

-

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# Agenda Item 9

## Application Number

P/2011/1053

## Site Address

Julie Court  
5 Colin Road  
Paignton  
Devon  
TQ3 2NR

## Case Officer

Mr Alexis Moran

## Ward

Preston

## Description

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

## Site Details

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

## Relevant Planning History

ZP/2011/0507 Alterations to Flat 1, Flat 6, Flat 9 and 10. 11 Flats to then become 9 Flats; officer recommendation was that the proposal would be likely to gain permission if a full application was received - 24/08/11.

P/2011/0363	Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application
P/2002/1896	To allow the holiday flats and owners accommodation to be occupied without limitation – Application withdrawn
P/2010/1174	The Chalet, 5 Colin Road; Certificate of lawfulness for an existing use as a dwelling house (Class C3)
P/2002/1896	Variation off condition 2 attached to 96/1527/PA in order to allow continued use by a new owner; Approved
P/1996/1527	Variation of condition 1 of Consent 96/0262/PA; use of the flats for non-holiday purposes between the period of November-Easter. Approved

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

P/2011/0898	Flat 3 Carlton Manor
P/2011/1202	Apartment 2, Sunhill

P/2011/1192 Apartment 11, Sunhill  
P/2011/1197 Apartment 3, Sunhill

### **Relevant Policies**

Saved Adopted Torbay Local Plan, relevant policy

H4 Conversion and Sub-division into flats  
TU6 PHAA, and the revised guidance on PHAA's adopted by the Council in March of this year (Report no. 73/2010).  
CF6 Community infrastructure contributions  
CF7 Education contribution  
LDD6 Planning contributions and affordable housing adopted April 2008, and the subsequent update (mitigation and clarification) paper of July 2009.

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and

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

### **Proposals**

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

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

In order to provide sufficient sized units of accommodation the application seeks to convert the property from 10 holiday units with associated owners accommodation to 8 residential units plus an office/store and the existing owners accommodation.

As part of the conversion from a guest house to a residential the applicant proposes to remove any external advertisements.

### **Consultations**

None.

### **Representations**

None received.

### **Key Issues/Material Considerations**

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

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

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

The premises, on the whole, have a basic range of facilities, however some units are more basic than others, there is the potential for improvement by means of reducing the existing density of the units to provide fewer, but higher quality units.

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

There is a mix of holiday and residential uses in Colin Road and therefore there is not an overall strong holiday character in the immediate area. The principle of converting this property from holiday to residential is considered to be acceptable and supporting evidence does suggest that the existing use is not viable.

It is considered that a change from holiday to residential is unlikely to impact on the holiday character and atmosphere as the accommodation due to its limited functionality as a unit of holiday accommodation. Similarly, the units are self-catering and there are no convenience shops within easy walking distance of the units and as such this may promote an unsustainable form of tourist accommodation.

Suitable on site parking is available to accommodate residential units and is

located to the rear of the premises and accessed via a driveway to the side elevation.

It is considered that the proposed change would not meet all the requirements of TU6.

As a result of recent changes in holiday trends and more importantly the recent severe economic problems, policy TU6 has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. Last year, the Council adopted a revised interpretation of the PHAA policy. Prior to its adoption, this Revised Guidance was the subject of public and stakeholder consultation. Although the Revised Guidance on PHAA's does not form part of the LDF or Local Plan, it is capable of constituting a material consideration which can be weighed against others when determining whether consent may be granted.

"Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas. This site sits within Preston seafront PHAA which was identified as a green area. Para 3.17 of the Revised Guidance states that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

In addition to this a recent Appeal Decisions for similar proposals have to be taken into account, in particular the Inspector when considering the Goodrington Lodge Appeal was of the view that another PHAA (Alta Vista Road) has a limited holiday character and he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character of function of the PHAA.

In view of the recent appeal decisions and the weight placed on the revised guidance the proposed residential occupancy of this site is now considered to be acceptable.

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

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a

burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The proposed sum and workings are shown below and is based on ten holiday flats (with a discount included as mitigation for the existing holiday use) with permission for residential winter lets being replaced with eight permanent flats (therefore resulting in a further discount). The owners' flat is already a 'permanent' flat and therefore there are no contributions payable.

#### PROPOSED FLATS

up to 54sq m

Waste Management	£ 50
Sustainable Transport	£ 1260
Education	00
Lifelong Learning	£ 160
Greenspace	£ 550

**TOTAL PER FLAT £ 2020**  
**TOTAL FOR 6 FLATS(a) £12120**

55-75 sq m

Waste Management	£ 50
Sustainable Transport	£1720
Education	£ 410
Lifelong Learning	£ 220
Greenspace	£1120

**TOTAL PER FLAT £3520**  
**TOTAL FOR 2 FLATS(b) £ 7040**

**OVERALL TOTAL FOR 8 Proposed Flats (c = a + b) £19160.00**

#### EXISTING FLATS

Units up to 54sq m

Waste Management	£ 50	75% discount	£ 37.50
Sustainable Transport	£1260	75% discount	£945.00
Education	00		

Lifelong Learning	£ 160	75% discount	£120.00
Greenspace	£ 550	75% discount	£412.50
<b>TOTAL DISCOUNT PER FLAT</b>			<b>£ 1515.00</b>
<b>TOTAL DISCOUNT FOR 9 FLATS</b>		<b>(d)</b>	<b>£13635.00</b>

55-75 sq m

Waste Management	£50	75% discount	£37.50
Sustainable Transport	£1720	75% discount	£ 1290
Education	£410	50% discount	£ 205
Lifelong Learning	£220	75% discount	£ 165
Greenspace	£1120	75% discount	£ 840
<b>TOTAL DISCOUNT PER FLAT</b>		<b>(e)</b>	<b>£2537.50</b>

**OVERALL DISCOUNT FOR 10 EXISTING FLATS (f = d + e)£16172.50**

**NET CONTRIBUTION (c - f) £2987.50**

### **Sustainability**

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

### **Crime and Disorder**

No issues.

### **Disability Issues**

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

### **Conclusions**

When this proposal is tested against policy TU6 of the Saved Adopted Local Plan, the revised guidance on this policy and the recent appeal decision, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

### **Recommendation**

Conditional approval subject to the completion of a section 106 legal agreement.

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

01. The unit described on approved plan PGN/0088/11/2 as "OFFICE/STORAGE" on the Ground Floor Layout shall not be used as a separate unit of accommodation and shall remain as an office/store at all times.

Reason: To ensure that adequate residential accommodation is provided and to comply with policies H4 & TU6 of the saved adopted Torbay Local Plan (1995-2011) and the Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery').

02. Before the new accommodation hereby approved is occupied, a program of works to improve the exterior of the building and remove all signage shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of the amenity and privacy of the adjoining property and to comply with the policy TU6 of the saved adopted Torbay Local Plan 1995-2011 and Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery').

### **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:

TU6

### **Relevant Policies**

BES Built environment strategy  
BE1 Design of new development  
H4 Conversion and sub-division into flats  
TU6 Principal Holiday Accommodation Areas  
CF6 Community infrastructure contributions  
CF7 Educational contributions

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**Application Number**

P/2011/1197

**Site Address**

Flat 3 Sunhill Apartments  
19 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA

**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Variation of condition 1 to application P/2004/0038 to allow residential and holiday use

**Executive Summary/Key Outcomes**

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 12 holiday apartments. This application together with two others within this development were previously considered by members at the Committee Meeting in July 2011 when they were refused for being contrary to Policy TU6. However, in the light of the recent appeal decisions for similar proposals it is now Officer opinion that any further objection to permanent residential occupancy of this holiday apartment would not be supported by the Planning Inspectorate.

**Recommendation**

Subject to S106 Agreement for Planning Contribution of £1240, Approval

**Site Details**

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

**Detailed Proposals**

Permission is now sought to vary the condition to allow residential occupation of this holiday flat. The existing condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times'.

### **Summary Of Consultation Responses**

Strategic Transport Group and Highways Team : No mitigation measures required therefore would not seek any Developer Contribution towards sustainable transport improvements.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0437	Change of Use from Holiday Use to Residential Use Refused 26th September 2011

### Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA.

### **Key Issues/Material Considerations**

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

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

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

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

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. Although it is considered that the tests set out in TU6 have not been met, the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation. This view has now been confirmed by the recent Planning Inspectorate's Appeal decisions for similar proposals. In particular when considering the Goodrington Lodge Appeal the Inspector was of the view that Alta Vista Road has limited holiday character and he gave considerable weight to the Revised Guidance which supports residential use. The Inspector was also of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or to harm the character and function of the PHAA.

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

**Principle and Planning Policy -**

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

**Economy -**

Potentially would result in permanent occupancy contributing to vibrancy.

**Closing the gap -**

Developer contributions are applicable to contribute to infrastructure.

**Climate change -**

Use of existing property.

**Environmental Enhancement -**

No external alterations.

**Accessibility -**

No Change.

**Vibrant Town Centres -**

Permanent residents will use the town centre.

**S106/CIL -**

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

Category 2 (55-74 sq m)	
Municipal waste and recycling	£ 50
Sustainable transportation	Not applicable
Education (primary only)	£ 410
Lifelong learning	£ 220

Green space and recreation (50% reduction) £ 560

**Total** **£1240**

### **Conclusions**

The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been developed recently to a high standard. The prevailing context of Alta Vista Road is one of a holiday character, with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy TU6. However the recent Appeal Decisions for similar proposals have to be taken into account. In particular the Inspector when considering the Goodrington Lodge Appeal was of the view that Alta Vista Road has a limited holiday character and he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character of function of the PHAA. In view of the recent appeal decisions the proposed residential occupancy of this holiday flat is now considered to be acceptable.

### **Relevant Policies**

TU6 - Principal Holiday Accommodation Areas  
CF6 - Community infrastructure contributions  
CF7 - Educational contributions

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**Application Number**

P/2011/1192

**Site Address**

Unit 11  
Sunhill Apartments  
19 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA

**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Variation of condition 1 to application P/2004/0038 to allow residential and/or holiday use

**Executive Summary/Key Outcomes**

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 12 holiday apartments. This application together with two others within this development were previously considered by members at the Committee Meeting in July 2011 when they were refused for being contrary to Policy TU6. However, in the light of the recent appeal decisions for similar proposals it is now Officer opinion that any further objection to permanent residential occupancy of this holiday apartment would not be supported by the Planning Inspectorate.

**Recommendation**

Approval.

**Site Details**

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

**Detailed Proposals**

Permission is now sought to vary the condition to allow residential occupation of this holiday flat. The existing condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times'.

### **Summary Of Consultation Responses**

None.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0271	Change of Use from Holiday Use to Residential Use Refused 26th September 2011

### Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA.

### **Key Issues/Material Considerations**

Flat 11 is within a medium sized block of holiday flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

The Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently to a high standard. The

prevailing context of Alta Vista Road is one of a holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms, a bathroom, a living/dining room, kitchen and a large sun deck with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

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

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

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. Although it is considered that the tests set out in TU6 have not been met, the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation. This view has now been confirmed by the recent Planning Inspectorate's Appeal decisions for similar proposals. In particular when considering the Goodrington Lodge Appeal the Inspector was of the view that Alta Vista Road has limited holiday character and he gave considerable weight to the Revised Guidance which supports residential use. The Inspector was also of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or to harm the character and function of the PHAA.

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

#### **Principle and Planning Policy -**

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

**Economy -**

Potentially would result in permanent occupancy contributing to vibrancy.

**Closing the gap -**

Developer contributions are not applicable for this application.

**Climate change -**

Use of existing property.

**Environmental Enhancement -**

No external alterations.

**Accessibility -**

No Change.

**Vibrant Town Centres -**

Permanent residents will use the town centre.

**S106/CIL -**

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought for applications received before this date. The previous application (P/2011/0271) was received before 24th March and under these circumstances no Community Infrastructure Contribution would be sought for this proposal.

**Conclusions**

The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been developed recently to a high standard. The prevailing context of Alta Vista Road is one of a holiday character, with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy TU6. However the recent Appeal Decisions for similar proposals have to be taken into account. In particular the Inspector when considering the Goodrington Lodge Appeal was of the view that Alta Vista Road has a limited holiday character and

he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character or function of the PHAA. In view of the recent appeal decisions the proposed residential occupancy of this holiday flat is now considered to be acceptable.

**Relevant Policies**

- TU6 Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- CF7 Educational contributions

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**Application Number**

P/2011/1202

**Site Address**

Apartment 2  
Sunhill Apartments  
19 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA  
United Kingdom

**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Variation of condition 1 to application P/2004/0038 to allow residential and holiday use

**Executive Summary/Key Outcomes**

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 12 holiday apartments. This application together with two others within this development were previously considered by members at the Committee Meeting in July 2011 when they were refused for being contrary to Policy TU6. However, in the light of the recent appeal decisions for similar proposals it is now Officer opinion that any further objection to permanent residential occupancy of this holiday apartment would not be supported by the Planning Inspectorate.

**Recommendation**

Approval.

**Site Details**

Flat 2 is in a block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly a hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

**Detailed Proposals**

Permission is now sought to vary the condition to allow residential occupation of this holiday flat. The existing condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times'.

### **Summary Of Consultation Responses**

None.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0215	Change of Use from Holiday Use to Residential Use Refused 26th September 2011

### Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA.

### **Key Issues/Material Considerations**

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

The Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently to a high standard. The prevailing context of Alta Vista Road is one of a holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms

both en suite, a living/dining room, kitchen, bathroom and a balcony with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

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

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

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. Although it is considered that the tests set out in TU6 have not been met, the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation. This view has now been confirmed by the recent Planning Inspectorate's Appeal decisions for similar proposals. In particular when considering the Goodrington Lodge Appeal the Inspector was of the view that Alta Vista Road has limited holiday character and he gave considerable weight to the Revised Guidance which supports residential use. The Inspector was also of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or to harm the character and function of the PHAA.

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

**Principle and Planning Policy -**

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

**Economy -**

Potentially would result in permanent occupancy contributing to vibrancy.

**Closing the gap -**

Developer contributions are not applicable for this application.

**Climate change -**

Use of existing property.

**Environmental Enhancement -**

No external alterations.

**Accessibility -**

No Change.

**Vibrant Town Centres -**

Permanent residents will use the town centre.

**S106/CIL -**

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought for applications received before this date. The previous application (P/2011/0215) was received before 24th March and under these circumstances no Community Infrastructure Contribution would be sought for this proposal.

**Conclusions**

The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been developed recently to a high standard. The prevailing context of Alta Vista Road is one of a holiday character, with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy TU6. However the recent Appeal Decisions for similar proposals have to be taken into account. In particular the Inspector when considering the Goodrington Lodge Appeal was of the view that Alta Vista Road has a limited holiday character and he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be

very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character or function of the PHAA. In view of the recent appeal decisions the proposed residential occupancy of this holiday flat is now considered to be acceptable.

**Relevant Policies**

- TU6 Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- CF7 Educational contributions

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**Application Number**

P/2011/0628

**Site Address**

Torbay Court  
Chelston Road  
Torquay  
Devon  
TQ2 6PX

**Case Officer**

Mr John Burton

**Ward**

Cockington With Chelston

**Description**

Redesign of previously approved scheme to form 1 additional cottage in lieu of one of the flats (scheme now 4 cottages and 6 flats).

**Executive Summary/Key Outcomes**

Permission exists for 7 flats within the main villa and 3 freestanding houses within the curtilage. That permission has been kept alive and is capable of implementation. The current proposal keeps the existing number of units within the site exactly the same. However, it does alter the mix in a manner that would be better suited to the Torbay housing market. Indeed this is why the application has been lodged. It is not felt that the proposal would adversely impact upon the adjacent property, as the new dwelling would not breach the building line that this newer property and its neighbour have already established. However, the new dwelling would though spoil the setting of the original villa, and detract from the principle elevation which is important within the street scene and the Conservation Area. The decision therefore is an on balance one in which Members will need to weigh up the provision of housing (as oppose to flats) against the detriment to the integrity of the villa. All this would be best judged on site, and it is suggested that Members undertake a site visit to assess this.

**Recommendation**

It is recommended that Members visit the site to assess the impact of the proposal upon the original villa and the street scene in general. Subject to this, Officer's recommendation will be one of refusal.

**Detailed Proposals**

Torbay Court is a Victorian Villa, lying on the south side of Chelston Road, in generous grounds. The plot rises markedly from the level of Chelston Road from the driveway entrance to the rear of the plot, where it meets the boundary of properties fronting onto Seaway Lane. The building was last used for light industrial and warehousing purposes. The site is located within the Chelston Conservation Area, amid predominantly residential property.

Full planning permission has previously been obtained for the selective

demolition, conversion and extension of this two-storey and basement building and its single storey outbuilding to provide 7 flats and a free standing terrace of 3 dwelling houses in the grounds. 16 car parking spaces are shown to be served by the existing access onto Chelston Road. A combined bin and cycle compound (2m x 3.5m) is shown close to the access. Although approved by the LPA in June 2007, the Council has determined that the permission is kept alive because all of the conditions have been satisfied and a legal commencement to the works has been verified.

The current proposal does not seek to increase the number of units at the site, but rather it seeks to alter the split such that there would be 6 flats and a terrace of 4 houses. This would be achieved by extending the approved terrace towards Chelston Road by 4.3 metres. The resulting dwelling is shown as a two-storey structure, measuring 7.7 m by 5.6 m externally. Accommodation comprises two bedrooms and a bathroom at first floor level, with a kitchen, lounge and cloakroom at ground floor level. The front door is on the inward facing eastern elevation. The boundary/western elevation has no windows facing the adjoining property.

#### **Summary Of Consultation Responses**

*Conservation Officer:* Raises reservations about projecting out further than approved towards the road. The full observations will be reported to Committee.

*Highway Engineer:* Has concerns that the narrow entrance to the site and access to the car park may cause conflict between vehicles entering and exiting the site and also that car space No.4 may be difficult to manoeuvre into and out of, however this does not result in a highways objection.

#### **Summary Of Representations**

Objections have been received and are reproduced at Page T.200.

#### **Relevant Planning History**

- |            |  |
|------------|--|
| 1980/2000  | Planning permission granted for the change of use of the building for manufacturing of gentlemen's outfitting accessories (for the benefit of the applicants only). Granted August 1980.   |
| 2005/1814  | Planning permission for the conversion and extension of the building to form 14 residential apartments. Refused at committee December 2005. A subsequent appeal was dismissed on the   |
| 22/11/2006 | A copy of the appeal decision is attached at Page N.204. Paragraph 21 specifically refers to the importance of the landscaping between the car park and the roadway, and that any reduction of this planting would be detrimental to the area. |
| 2006/0955  | Conservation Area Consent for the demolition of parts of the   |

principal building, and the entirety of a curtilage building (to effect 2006/0982). Approved 2/8/2006.

- 2006/0976 Planning permission for the erection of a dwelling within the curtilage of Torbay Court. Refused 2/8/2006.
- 2006/0982 Conversion to form 10 apartments including car parking etc. Considered by Committee on 31/7/2006 following a site visit and determined to be acceptable subject to a Section 106 Agreement and satisfactory revised plans showing 16 parking spaces.
- 2006/0982 Conversion To Form 10 Residential Apartments With Vehicular/Pedestrian Access, approved at Committee with decision notice issued 21/09/2011 subject to a legal agreement under s106 of The Act.

### **Key Issues/Material Considerations**

This scheme is an alteration to that previously approved under P/2006/0982 and subsequently kept alive. The number of units remains the same, so that the current proposal could not be considered to be an overdevelopment of the site. It is not considered that there would be any undue impact upon the neighbouring property at Orchard House, as there are no new windows proposed that would overlook the neighbouring curtilage, the proposed new dwelling would be to the north-east of the neighbour and so would be unlikely to result in a loss of light, and the relationship would be side to side approx. 6 metres apart which is a standard relationship within a street scene.

Also in favour of this proposal is the fact that the number of dwellings (as against flats) would increase. The Torbay housing market needs houses rather than small scale flats and this proposal would help in this regard. The residential conversion and new-build would assist in the delivery of additional housing at a reasonably high density. This is an important consideration under PPS3.

The main difficulty this scheme presents is that the freestanding dwellings would, if this application were to be allowed, project forward of the building line of the original villa. Although the elevation facing Chelston Road is not the principal elevation of the villa, it still has great significance within the street scene. The additional dwelling would obscure the original villa thereby spoiling its setting in what was clearly once a low density Victorian setting. This would make the proposal contrary to the design policies of the Saved Adopted Torbay Local Plan, particularly policy BE5. However, it will be noted that the adjacent two properties at Orchard House and Orchard Cottage already significantly breach the building line of the original villas in Chelston Road, and this has to be taken into account.

Although the Highways Authority does have some concerns, it is noted that they do not raise objection. The entrance and parking provision is as originally

approved and therefore capable of implementation. As the overall number of units is not proposed to alter, and the site overall is well provided for with parking, it is considered that it would be unreasonable to object on highways grounds alone.

#### **S106/CIL -**

As the number of units proposed is not altered by this scheme, no changes would be required to the existing s106 legal agreement which is in force and should be attached as part of this permission too.

#### **Conclusions**

The consideration is one of balance - whether the need to provide better, more saleable accommodation within the Torbay Housing market outweighs the detriment that is caused to the appearance and setting of the Victorian villa. On balance, it is considered that the site has as much new build as is reasonable without undue impact upon the original Victorian villa, and this additional build would cause harm to an important building within a designated Conservation Area.

#### **Relevant policies**

PPS1 "Delivering Sustainable Development"

PPS3 "Housing"

PPS 5 "Planning for the historic environment"

#### *Torbay Local Plan 1995-2011 -*

H9 Layout, Design and Community aspects

H10 Housing Densities

H11 Open Space requirements for New Housing

CF6 Community Infrastructure Contributions

L9 Planting and retention of trees

BES Built Environment Strategy

BE1 Design of New Development

BE2 Landscaping and Design

BE5 Policy in Conservation Areas

T25 Car Parking in New Development

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

01. The proposal increase the size of the new build element and would bring it out towards Chelston Road. This would significantly and detrimentally affect the principal elevation of the original villa, its setting, the street scene and the Chelston Conservation Area in general, as well as resulting in the loss of green space and planting which will also be detrimental to the open spacious setting of the villa. Therefore the proposal would be contrary to policies H2.7, BES, BE1, BE2 and BE5 of the Saved Adopted Torbay Local Plan, as well as design objectives A.1, A.3, A.4, A.5 and A.7 of the Urban Design Guide (LDD7) adopted

May 2007 which forms part of the Torbay Local Development Framework 2005 - 2026.

**Relevant Policies**

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**Application Number**

P/2011/0856

**Site Address**

Former General Accident Fire & Life  
Assurance Plc General Buildings  
Greenway Road  
St Marychurch  
Torquay  
Devon  
TQ1 4PN

**Case Officer**

Mrs Ruth Robinson

**Ward**

St Marychurch

**Description**

Revised scheme for the redevelopment of GA building and erection of 7 retail units in Class A1, A2, A3, A4, and A5. Modifications to design comprising replacement of pitched roofs to pod unit and retail unit No 5, redesign of fenestration/shop fronts and entrance to anchor store. Erection of 4, two storey residential units with forecourt parking. Improvements to public realm within and adjacent to the site and relocation of bus stop closer to proposed vehicular access. This is a revised scheme.

**Executive Summary/Key Outcomes**

This application was considered by the Development Management Committee at its meeting of the 19th September and deferred for further consideration of Highway matters and design. It was then deferred at the meeting of the 17th October for clarification on highway matters and for further public consultation to be carried out on more recent amendments to the scheme. Copies of the previous reports are appended.

As detailed in the previous report, the scheme has been amended to meet a variety of concerns in relation to bus movements, servicing, pedestrian movement and design. Specifically these changes were:-

Relocation of the bus stop slightly closer to the vehicular entrance to the site and reduction of kerb build out to alleviate impacts on the free flow of traffic and on pedestrians. Set back of the give way markings to allow the bus to approach square on and the introduction of raised kerbs to facilitate buggy/wheelchair accessibility.

-Amendment to bus shelter on Manor Road to encourage 'laying off' of buses in their correct location rather than outside GA building.

-Demonstration that the service bay is practical through swept path analysis and agreement to conditions being imposed in relation to timings of servicing and size

of vehicle.

-Demonstration that the access to the mews houses is workable based on swept path drawings. Creation of forecourt parking fronting the terrace. This will need to be carefully detailed to be acceptable in the street scene.

-Works to reinforce the attractiveness of the link to the precinct through resurfacing in an appropriate material/hard landscaping and use of street furniture to help integrate the new development with the existing centre.

In terms of the S106, a sum of £25,000 was offered to cover the cost of relocating the existing bus shelter and link enhancements. It will only be clear if this is sufficient once details of improvements to the link are agreed and costed.

-In design terms, discussions centred on the need to improve the quality of the entire public realm and a more sympathetic response to the character of the site and to the treatment of the Greenway Lane link and beyond this to the precinct.

-The parapet detail and the treatment of the corner to the anchor store were raised as needing more attention as was the window division in the glazed areas that form the main approach to the anchor store. An additional window to the flank of the mews cottage was included to overlook the Greenway Lane link more effectively.

Given the changes to the scheme Members were anxious that further consultation was carried out.

### **Recommendation**

Conditional Approval; subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the main report with the addition of further conditions in relation to a servicing plan, screening to Kingsbridge, replacement of timber fence on Greenway Lane and the submission of revised plans which address the matters highlighted above.

### **Summary of further public consultation and representations**

The application was re-advertised and neighbours re-consulted.

One letter of support signed by 5 residents of Kingsbridge was received, offering strong support for the scheme. As immediate neighbours, they are concerned that the site in its current state is subject to vandalism and abuse. One further letter objecting to the scheme on the grounds of poor vehicular access on Greenway Lane has also been received. These letters are reproduced at Page T.200.

An exhibition was held on the 10th November. This was advertised in the local paper and letters sent out to local residents. The responses arising have been submitted as an addendum to the statement on Community Involvement. An extract from this document is included at Page T.200. Generally, the amendments to the scheme are thought to be positive and are welcomed.

Meetings were held with ward members and the Chair of the community partnership. A response from the CP is reproduced at Page T.200. In summary, this confirms that the linkages to the precinct are a matter of concern, that suggestions of a Notice Board to highlight shops and services within the precinct would be welcome as would an exploration of a possible link via Molloy's Public House.

The inclusion of a bus stop on Fore Street has now been dropped. This was included in the exhibition material.

Concerns were expressed in discussions with ward members about the 'laying off' of buses on Manor Road. However this is where the buses are supposed to catch up and the practice of doing this on Greenway Road has led to traffic problems for some time. The implementation of the changes to bus stops/shelters should ease traffic congestion around this junction.

Consultation has confirmed the importance of addressing the quality of the public realm within the scheme and how this is carried through to link in a meaningful way with the precinct. Done well, this will create a real sense of place and facilitate and encourage linked trips. It is important that this is done well and it will help overcome English Heritages concerns about creating a meaningful street frontage and Highways concerns about legibility and pedestrian activity. Full details of how this is to be handled will be presented to the Committee.

## **Executive Summary/Key Outcomes**

This application was considered by the Development Management Committee at its meeting of the 19th September and deferred for further consideration of Highway matters and design. The original report is appended.

In summary, the Highway concerns related to expenditure of SPD sustainable transport contributions, access to houses on Greenway Lane, the impact of the service bay on pedestrian movement and the practicality of its use, and the rationale for the public transport improvements (including the location of bus stops).

In relation to design, the comments from English Heritage were that their previous concerns had not been met. These related to the need to create a meaningful street frontage and to resolve height and boundary relationships. They also wanted to ensure that the residential units occupied the most comfortable and contextually suitable relationship with the retail building.

In response to these concerns, the proposal has moved forward as follows:-

-The bus stop is to be relocated slightly closer to the vehicular entrance to the site and the kerb build out reduced to alleviate impacts on the free flow of traffic and on pedestrians. They have set back the give way markings to allow the bus to approach square on and have introduced raised kerbs.

-In terms of the service bay it has been demonstrated through swept path analysis that this is practical. They are agreeable to conditions being imposed in relation to timings of servicing and size of vehicle.

- The access to the mews houses is tight but workable based on swept path drawings. There will be a large forecourt to the properties to facilitate parking. This needs to be carefully detailed to ensure that it is acceptable in the street scene and revised plans are awaited.

- Works to improve the attractiveness of the link through resurfacing in an appropriate material are to be submitted once considered in more detail by the landscape architect for the scheme.

- In terms of the S106, a sum of £25,000 is offered to cover the cost of relocating the existing shelter and link enhancements. It will only be clear if this is sufficient once details of improvements to the link are agreed and costed.

- In design terms, discussions have been held to improve the quality of the entire public realm and a more sympathetic response to the character of the site and to the treatment of the Greenway Lane link and beyond this to the precinct. Details are awaited.

-The parapet detail and the treatment of the corner to the anchor store have been raised as needing more attention as has the window division in the glazed areas that form the main approach to the anchor store. An additional window to the flank of the mews cottage has been included to overlook the Greenway Lane link more effectively. Details of the frontage treatment of the properties on Greenway Lane are awaited.

It is felt that these amendments will overcome the concerns voiced.

Of particular importance is the need to fully address the quality of the public realm within the scheme and how this is carried through to link in a meaningful way with the precinct. Done well, this will create a real sense of place and facilitate and encourage linked trips. This will help overcome English Heritages concerns about creating a meaningful street frontage and Highways concerns about legibility and pedestrian activity.

### **Recommendation**

Approval, subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the main report with the addition of further conditions in relation to a servicing plan, screening to Kingsbridge, replacement of timber fence on Greenway Lane and the submission of revised plans which address the matters highlighted above.

### **Executive Summary/Key Outcomes**

Revised proposals have been submitted showing that a mixed use redevelopment of this redundant site in the centre of St Marychurch can be successfully integrated with the adjacent District Centre and can help support its

retail function. The revised proposals overcome previous concerns expressed in the withdrawn report to Development Management Committee on the 31.03.11. and will result in a well designed scheme that delivers benefits to St Marychurch and Torbay.

### **Recommendation**

Committee site visit: Approval, subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the report and the submission of revised plans which address the following matters:

1. Modifications to the design of the roof to pod unit and unit 5 and to entrance to main block.
2. Amendments to landscape proposals.
3. Reduction in height of the 4 dwellings, deletion of integral garaging and inclusion of windows to elevation overlooking link to Greenway Lane.
4. Screening to 'Kingsbridge'/design of service entrance.
5. Receipt of English Heritage comments.

### **Site Details**

The GA building is a 2 storey office building which has been vacant for at least 10 years. It was constructed in the 1960s and now has a dated and neglected appearance that is out of character with the predominantly Victorian streetscape which typifies this part of the St Marychurch Conservation Area. The building fronts the busy junction of Greenway Road, St Marychurch Road and Fore Street and is adjacent to the boundary of the defined District Centre.

Vehicular access to the car parking area to the rear is found to the west of the building close to the no entry sign on Greenway Road. Bordering the car park is a narrow vehicular route at Greenway Lane, which is backed by a terrace of Victorian dwellings which directly overlook the site. The rear of shops within the nearby St Marychurch District Centre forms the eastern boundary to the site.

The existing frontage to the site comprises planting, pavement and a bus stop. To the west of the site is Kingsbridge, an attractive Victorian villa and to the east the Corinthian Babbacombe Sailing Club and the Co op supermarket. Opposite the vehicular access to the site is Alderbourne, a Grade II listed building. The frontage to the opposite side of St Marychurch Road is an attractive 2-3 storey Victorian terrace which sympathetically addresses the corner into Fore Street.

### **Detailed Proposals**

This is a revised application responding to design concerns identified in the previously withdrawn application, P/2010/1404.

It is a full application for the replacement of the existing building with a mixed residential/retail/commercial development, which comprises 1000m<sup>2</sup> of retail floor space in up to 7 units of various sizes and requested to be in classes A1, A2, A3, A4 and A5.

The submitted plans indicate a larger anchor unit of 370m<sup>2</sup> located adjacent to Greenway Road with a Sainsbury's Local store as the likely occupier. To the rear of this is a run of single storey retail/commercial units extending two thirds of the way into the site. A pedestrian route to Greenway lane separates this from a detached single storey retail unit that sits at the head of the site. A smaller 'pod' retail unit is located adjacent to the Corinthian Sailing Club and wraps into the site.

6 car parking spaces are provided parallel to the retail units. A servicing bay is incorporated into the extended footway adjacent to the anchor store.

The design approach is traditional, utilizing render finish, steeply pitched slate roofs with traditionally styled shop fronts.

The scheme includes 4, 3 bed houses facing the back of dwellings on Greenway Lane with off street car parking.

The footways along Greenway Road/St Marychurch Road are to be widened to provide a more extensive public realm. It is also proposed to relocate the bus stop from its current position closer to the junction with Fore Street, improve the bus shelter on Manor Road and provide a new stop on Fore Street. 4 on street car parking spaces are to be provided on Greenway Road.

### **Summary Of Consultation Responses**

*English Heritage:* Observations awaited.

The previous withdrawn application was considered by the Design Review Panel on the 4th February. In summary its comments are:-

1. The use of separate parking and service accesses creates an interrupted street frontage and creates more 'edges' to the scheme.
2. The relationship to Greenway Lane needs to be improved and made more positive.
3. The linear nature of the parking creates difficulties of manoeuvring and access.
4. Concerns at long term viability of units to the rear of the site due to limited footfall.

5. A single retail occupier with residential may ease conflicts.
6. In order to relate to context and to avoid amenity issues, the scale of the scheme to the front should be increased and that to the rear reduced.
7. The flat roofed pod and views from the west are unresolved
8. Questioned the ability of planters to create a quality landscape scheme.
9. Felt that the scheme could benefit from a more profound urban analysis of its relationship to the town.

The full comments have been reproduced and placed in the Members Room and it will be explained in the body of the report how these matters have been addressed.

*Highways:* Observations awaited.

### **Summary Of Representations**

It is appropriate to include the objections received in relation to the withdrawn application where these relate to matters of principal that are not necessarily overcome by the revised application.

A petition signed by 2000 people was received in relation to the withdrawn application objecting to a new supermarket being located on this site due to its impact on the shops within the existing centre.

Previous concerns from neighbours on matters of principal were:

- Impact on existing shops and supermarkets within the District Centre
- Increased traffic/congestion, impact on junction of Priory Road and Greenway Road
- Lack of car parking
- Arrangement of parking within the scheme which will be hazardous to vehicular and pedestrian safety
- Concern at movement of bus stop
- Impact on amenity from servicing vehicles/plant/noise activity/overlooking

At the time of writing, the following comments have been received in response to the current consultation.

- Concern at pushing building and pavement out with landscaping whilst moving bus stop closer to Coop car park entrance.
- Residents backing onto Greenway Lane claim that the Lane is in their ownership and used for parking. The inclusion of new houses that will use the lane for access will inhibit access to their parking spaces and create obstruction and congestion.

- Concern at height and impact of new dwellings on privacy/light.

Any further comments will be reported verbally.

Sainsbury's are keen to occupy the site and have written explaining the benefits they will bring to the centre and that the scheme will create 20 local jobs and achieve significant regeneration

All letters of representation, the petition and supporting information from Sainsbury's have been placed in the Members Room.

### **Relevant Planning History**

P/2006/1070: Demolition of building and construction of supermarket and 14 2 bed flats. Withdrawn.

P/2010/1404: Redevelopment to provide 7 retail units [for uses within classes A1,2,3,4,5] 4 residential dwellings, highway works, car parking and landscaping. Withdrawn.

### **Principle and Planning Policy -**

There are a number of key issues to consider as follows:-

1. Existing condition of the site.
2. Impact on the existing shopping centre.
3. Design and layout.
4. Highways/congestion/car parking.

#### *1. Existing Condition of the Site.*

The existing building is neglected and dated in appearance. It is prominent within the St Marychurch Conservation Area. It's redevelopment is long overdue and is welcomed. The site is overgrown and subject to some tipping.

In terms of the impact on the existing shopping centre, the site is located at the edge of the defined District Shopping Centre and as such the relevant policies are nationally, PPS4 'Planning for Sustainable Economic Growth' and locally, policies SS, S6, S8 and S9 of the Saved Torbay Local Plan.

#### *2. Impact on the St Marychurch District Centre.*

The acceptability of the proposal has to be tested in terms of its impact on the retail function of the shopping centre, it has to be sequentially preferable and has to meet standards in terms of design and sustainability. A Retail Impact Study [RIA] has been submitted, even though at the proposed scale of use it is not mandatory, and this has been evaluated by officers. The study assessed the

broad health of the centre, the likely impact on turnover and included shoppers surveys to establish shopping patterns and likely future behaviour. It concluded that the health of the centre was good, that the size and scale of the scheme was acceptable and that the impact on turnover was low at around 4%.

The shoppers survey identified that a high proportion of shoppers [48.4%] visited the centre on foot and that 67.5% would combine a visit to the proposed development with a trip to the existing facilities in St Marychurch. 90 per cent of those surveyed indicated that they would carry out these linked trips on foot. Given that the shoppers profile revealed a strong tendency to access the centre on foot and to carry out linked trips it is likely that the identified impact on turnover and existing shops will be mitigated if 'linked trips' can be secured through an appropriate design that achieves a more permeable relationship to the adjacent District Centre. A Sainsbury's store will exert a strong pull and be attractive to shoppers particularly for walk in 'top up' shopping as confirmed in their supporting information. If links to the existing centre are reinforced, this could significantly benefit the centre's long term future as shoppers will be able to easily carry out linked shopping trips.

Sainsbury's supporting information provides case studies in similar sized centres where they indicate an overall increase in turnover following their stores becoming established. It is likely, based on the information provided, that investment by Sainsbury's could result in an overall increase in turnover by other retailers in the area.

It is thus considered that the scale of development is such that it will not harm the centre and that the proposed regeneration of the site would be beneficial to the overall range and quality of the retail offer in St Marychurch if the scheme is integrated to the centre in a way that will support and encourage linked trips. The recent revisions to the design of the scheme focus on creating improved links to the centre and enhancing the public realm to facilitate pedestrian movement.

The application requests permission for A1,2,3,4 and 5. There needs to be some control over the location of uses that have the potential to cause nuisance such as A5 and a condition is suggested to deal with this.

### *3. Design.*

In terms of design, PPS4 'Planning for Sustainable Economic Growth' is relevant. Policy EC10, whilst explaining that applications for economic development should be regarded favourably, requires LPAs to fully consider whether a scheme secures a high quality and inclusive design which takes the opportunities available for improving the character, quality and character of an area and how it functions.

This advice is reiterated in policy EC17 of PPS4, which relates to edge of centre retail developments such as this. The fact that the site is sensitive in terms of its

prominence within the Conservation area and proximity to listed buildings supports the legitimacy of concerns about design.

The withdrawn scheme exhibited a range of design deficiencies which were reflected in the putative reasons for refusal. These were, in summary, that the scheme was self contained and not well integrated to the centre with disruptions to the frontages from the 2 vehicular accesses which would exacerbate its impact on the vitality and viability of the centre, that it related poorly to the form scale and appearance of the Victorian Town Centre, adversely affecting key views and adjacent listed buildings, that it created a poor pedestrian experience, that it provided a poor residential environment and adversely affected the amenity of neighbours. The scheme has been substantially revised to overcome these concerns.

The layout of the withdrawn scheme was a self contained 'cul de sac' and it would have operated as a 'stand alone' retail outlet with a consequent impact on the vitality of the centre. It was served by 2 vehicular access points which disrupted the frontages and the pedestrian footways. The approach in the revised scheme has been to delete the service access, to provide more space for pedestrian movement and for the arrangement of buildings and to treat the layout more as a natural extension to the centre through opening up links from the rear of the site via Greenway Lane to the centre, reinforcing pedestrian links along Greenway Road by extending the footway and enhancing the public realm.

In terms of its relationship to the character form and appearance of the town centre and its impact on listed buildings/ key views, the design is improved through an increase in scale of the buildings to the front of the site, by announcing the corner more effectively and by modifications to the style of the roof design to the main building and to the 'pod' building to create a more consistent and sympathetic roofscape. There are some minor amendments to the overall design of the scheme needed but these are itemised in the recommendation section and have been agreed in principle by the applicants.

The concerns about the quality of the proposed residential environment has been met by the deletion of flats in a 2/3 storey block to the rear of the site and the construction of 4 family sized homes with gardens overlooking Greenway Lane. In the submitted plans these are shown as 3 stories with integral garages which would relate poorly to the scale of buildings to the front of the site and be too imposing on the Victorian terraces they overlook. The applicants have agreed to reduce this to 2 stories and to include curtilage car parking. This will result in a better scale relationship across the site, a more active frontage with better overlooking of Greenway Lane and a lessening of the impact on the amenity of existing dwellings.

It is important that the flank elevation to the terrace which overlooks the pedestrian link to Greenway Lane is redesigned to include windows to provide

greater surveillance and that the boundary treatment is properly resolved. These details are awaited and if received in time will be reported to Committee.

There were concerns in the withdrawn scheme about the quality of the pedestrian experience created. Pedestrian areas were tight, poorly designed, disrupted by vehicular accesses and by the pedestrian space within the scheme being dominated by the backdrop of the rear of the shops on Fore Street. These concerns have been overcome reducing disruptions to footways and frontages through the deletion of the service access, enhancements to the pedestrian realm through rationalising and extending footways fronting the site, the provision of more space within the site for pedestrian movement and the use of a landscape architect to look at the treatment of spaces and linkages to create a 'sense of place' that will tie it into the character of St Marychurch. The modification to the pod building has helped screen the backdrop to the public space and planting proposals have been supplied which will in time complete the softening. These proposals, whilst welcomed, do need to be upgraded to ensure a quality public realm is achieved and extended in scope to include the treatment of the Greenway lane link and the applicant has agreed to this.

In terms of the impact on existing residential amenity, this has been mitigated as a consequence of the new layout, by improved roof design to the main anchor store which fully encloses plant and by improved design to easily visible parts of the building. The revised proposals provide an opportunity to screen, via a landscaping scheme, the outlook from 'Kingsbridge'. The applicants are working on this which can, in any event, be secured through a condition.

It is felt that in design terms the scheme is now satisfactory and importantly delivers a scheme that is integrated with the existing centre and has developed a sense of place through improved design and a high quality public realm.

Concerns about the ownership of Greenway Lane and the ability of the new dwellings to use this for access will be investigated and reported verbally.

#### **Highways/congestion/parking -**

This is a matter of general concern to residents who consider that there is insufficient parking that it is poorly arranged, and that the location of the access will jeopardise vehicular and pedestrian safety. Residents also consider that traffic will back up at the junction to the site and that the relocation of the bus stop should be resisted. This revised scheme provides for a similar level of car parking for customers but is improved from the previous scheme in that the parking to serve the residential elements of the scheme is now not accessed from the main entrance to the site.

It is evident from the RIA that a large number of shoppers [almost 50%] will walk to the proposed store/retail centre and a higher percentage, 67.5% would make linked trips. In terms of the Local Plan, Policy T25 specifically states that car parking standards in relation to retail developments will not apply to schemes in

Town and District Centres as the LPA will want to encourage the use of existing off street parking. If on site car parking is minimised, this will reduce congestion around the proposed access, encourage use of nearby public car parking and thus increase the likelihood of linked trips. On this basis and taking into account the District Centre location of the development and the proximity of public car parking, the level of car parking is considered acceptable

Comments from Highways in respect of the revised scheme and particularly the works to extend the footways and works to bus stops are awaited and will be reported verbally.

**Economy -**

This application does result in the loss of employment floor space contrary to policy EC6 of the Saved Torbay Local Plan. However given that it is of poor quality, has not been occupied for over 10 years and that the proposed use will create alternative employment it is considered that the redevelopment of this building will have a positive effect on employment opportunities. The scheme will provide around 20-25 jobs within the anchor store, and up to 50 across the site as a whole with around 70 jobs during construction. . There are significant regeneration benefits arising from the loss of the current building which is in a poor state and of an unattractive design. The value of the scheme in terms of investment is around £4 million.

**Closing the gap -**

Providing improved retail facilities adjacent to existing centres will assist those who are less mobile, the redevelopment of a redundant site will reduce opportunities for vandalism and anti social behaviour, the provision of new homes will help meet the shortages in supply and will secure New Homes Bonus.

**Climate change -**

The scheme is to be constructed to BREEAM Good standard. A Sustainability Audit can be requested to ensure that the development operates to best practice.

**Environmental Enhancement -**

These matters are detailed in the body of the report.

**Accessibility -**

These are largely detailed in the body of the report. In addition, parking for disabled customers is to be provided and secure lit cycle parking.

**Vibrant Town Centres -**

This will have a beneficial effect on the vitality and viability of the Town Centre as links to the existing centre are now reflected in the design.

**S106/CIL -**

A S106 Legal Agreement would be required in relation to this scheme and would

be in line with the SPD 'Planning Contributions and Affordable Housing'. This will cover Waste, Sustainable Transport, Greenspace and Lifelong learning in respect of the dwellings and sustainable transport contributions will be required to meet the impact of the retail element of the scheme. This will partly meet the costs of relocating and enhancing bus stops.

### **Conclusions**

The site has been vacant for over 10 years and redevelopment for a retail scheme of this scale is acceptable and welcomed. PPS 4 indicates that applications for economic development should be supported where locational criteria and design concerns are met. The recently published Draft National Planning Standards advises that planning permission should be forthcoming where sustainability criteria have been met and where proposals accord with policy. It is felt that the revisions to this scheme will deliver a more pedestrian friendly experience, will increase permeability and improve integration. This will act in a way that reinforces the District Centre through facilitating the high level of top up shopping and promotion of opportunities for linked trips highlighted in the RIA and in the supporting letter from Sainsbury's.

The revisions have produced a scheme that is sympathetic to the character and appearance of the Conservation Area and to the neighbouring occupiers and buildings.

### **Conditions**

1. 1:20 details of key features.
2. Samples of materials.
3. Implementation of approved landscape scheme including treatment of widened footways, links, boundary treatments and screening proposals.
4. Implementation of modifications to bus stops.
5. Details of waste collection.
6. Identification of use class for each unit.
7. Removal of PD in respect of residential dwellings.
8. Implementation of BREEAM Good/Sustainability Audit.
9. Details of plant/ventilation/extraction.
10. Measures to ensure that shopfronts remain open and not obscured by internal displays.
11. Submission of Travel Plan.
12. Implementation of car parking/cycle parking and retention for customer use.
13. Provision and retention of link via Greenway Lane to the District Centre.

### **Relevant Policies**

PPS1 Delivering Sustainable Development  
PPS5 Planning for the Historic Environment

PPS4 Planning for Sustainable Economic Growth  
SS Shopping strategy  
S6 Retail development outside identified To  
S8 Hot take-away food  
S9 District Centres  
ES Employment and local economy strategy  
E6 Retention of employment land  
HS Housing Strategy  
H9 Layout, and design and community aspects  
H10 Housing densities  
BES Built environment strategy  
BE1 Design of new development  
BE5 Policy in conservation areas  
BE6 Development affecting listed buildings  
TS Land use transportation strategy  
T1 Development accessibility  
T2 Transport hierarchy  
T25 Car parking in new development  
T26 Access from development on to the highwa  
CF6 Community infrastructure contributions  
W7 Development and waste recycling faciliti

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**Application Number**

P/2011/0896

**Site Address**

Site Formerly Known As 1-5 Athenaeum Place  
Side Of 27 Braddons Street  
Torquay

**Case Officer**

Mr John Burton

**Ward**

Ellacombe

**Description**

Formation of 3 houses with 2 bedrooms with pedestrian access

**Executive Summary/Key Outcomes**

Although the site has been occupied by residential properties in the past (and as such is brownfield urban land) the former properties were demolished as part of a slum clearance programme back in the late 'sixties. The site has laid empty since. As originally submitted, the design was inappropriate given the sloping nature of the site and the distinctive architecture of the surrounding dwellings. However, following negotiations and advice from the Design Review Panel issues of design have been substantially overcome. The crucial consideration now left with this proposal is whether or not the scheme can successfully integrate into the locality without any off-street parking. The Highways Authority are recommending refusal to the scheme on highways grounds, and maintain that they would do so whether the scheme had parking or not. None can be achieved within the current layout. However, this consideration needs to be weighed against the need for good quality new housing in Torbay and the regeneration of a prominent unused brownfield site. The proximity of the site to the town centre and its facilities also militate substantially against concerns around the lack of parking.

**Recommendation**

Committee Site Visit; Conditional approval; subject to a legal agreement under s106 of the Town and Country Planning Act.

**Site Details**

The application site comprises a tight triangular parcel of land of approximately 0.017 hectares in size, situated on the corner of Braddons Street with Hillesdon Road. Hillesdon Road adjoins the rear of the site at a higher level, and the road itself is supported by a large retaining wall and buttresses which stretch over much of the width of this site. Braddons Street is steeply sloping at this point. The site has been vacant for over 40 years since demolition in the late sixties as part of a slum clearance programme. The site is within the Warberries conservation area.

### **Relevant Planning History**

P/1984/0311	Extension and use as a dwelling. Permission granted 16/3/84
P/1985/0812	Use as a single storey dwelling. Permission granted 30/4/85
P/1986/2463	Alterations and extension to form one dwelling. Permission granted 18/12/86
P/1987/2156	Use of Land for storage of one boat. Permission granted 25/1/98
P/2011/0680	1 House with vehicular/pedestrian access – concurrent application not as yet determined.
P/2011/0681/CA	Conservation Area consent for demolition works. No demolition works proposed and so consent not required. Application withdrawn
P/2011/0682	3 Houses. Application withdrawn, as design changes were made and these required a fresh application (this current proposal).

### **Detailed Proposals**

Permission is sought for 3 dwelling units on the site continuing the line of terraced properties along this side of the road. The southern end dwelling is shown as a 3 storey dwelling with a total of 72.4 sq. m. of accommodation. A small external terraced area is provided at first floor level to the rear up to the high wall which retains Hillesdon Road. Although this would provide some amenity space, it is primarily provided in order to allow light into the rear of the property. The middle unit is also 3 storeys high but is slightly smaller at 67.4 sq. m. It has a slightly smaller outside amenity space at first floor level to the rear. The northern end unit is the smallest of the 3 proposed being shown as a two storey property with a floorspace of 62 sq. m. The dwelling at this point would occupy almost all of the width of the plot, but it takes advantage of space at the side to provide a roof terrace and garden. The land left over within the apex of the triangular plot is designated as a communal bin and cycle store area for all three dwellings. Each of the dwellings is shown as having 2 bedrooms.

The development retains the buttresses supporting Hillesdon Road by incorporating them into the design and placing the internal staircase up over them. In this way little internal space is lost. No off street parking is provided for, indeed none could be provided with the current design.

### **Summary of consultation responses**

*Highways Authority:* Object to a scheme for 3 dwellings in this location, with or without parking provision. The full observations are reproduced at page T.201.

*Leisure and Community Development* Would be pleased to receive a contribution from any Planning Obligation towards new equipment in the children's playground immediately opposite.

### **Summary of representations**

One letter of objection has been received from an occupier of one of the properties in Hillesdon Road to the rear and it expresses the following concerns:-

- Buildings now higher than originally proposed (with previous withdrawn application) and this will lead to a loss of light and outlook,
- Windows are now above the top of the retaining wall on Hillesdon Road and will lead to overlooking,
- Noise from rear amenity area would be unacceptable,
- Lack of parking,
- Difficulties with access by emergency vehicles would be exacerbated by on street parking

This is reproduced at page T.201.

### **Key Issues/Material Considerations**

#### **Principle and Planning Policy -**

The land once contained residential development although it has been vacant for over 40 years. The land is not now zoned for any specific use within the Saved Adopted Local Plan, but the surrounding area is predominantly residential. Residential use of the land is entirely appropriate given the surrounding uses and the urban locality. Of important consideration is the size of the site, its relationship with neighbouring properties, the hilly nature of the location and the number of units and their built form. These considerations would need to be judged against the relevant policies within the housing and design chapters of the Saved Adopted Local Plan.

There are no criteria within Policy H2 (New housing on unidentified sites) that could not be met, although officers have not as yet seen evidence to satisfy the 'green' and energy efficiency requirements of H2(7). Also, because the scheme is now deemed to have an improved design, having been altered by reference to the Design Review Panel, the proposal would be compliant with policy BES (Built Environment Strategy) and part compliance with policy H9 (Layout, design and community aspects) in respect of its design.

Although the density of the proposed development would be high, it is in general keeping with the prevailing densities of the area and the site is in close proximity to Torquay Town Centre. As such, it is considered that the proposal would be consistent with the density requirements of policies H9 (Layout & design), H10 (Housing densities) and BE1 (Design of new development).

However, of most pertinent consideration in this case is the issue of the lack of available off- street parking and the existing high demand for on-street parking in the area. The key policy in that respect is policy T25. All of these issues will now

be explored in more detail.

### **Design**

As originally submitted, the proposal was considered to be out of keeping with the character and appearance of the area. However, following positive intervention by the Design Review Panel the scheme was altered appropriately and a new application was submitted. Many of the issues and improvements suggested by the DRP have been incorporated into the current proposal, although, it is noted that the rear wall has not been included as an integral part of the development.

On balance this issue is not felt to be of such significance as to justify refusal, as the design approach therefore maintains a relatively discreet building height onto Hillesdon Road. On design grounds it is considered that the scheme has overcome previous concerns and is acceptable. This of course would need to be subject to seeing appropriate detailing on the building, particularly the windows, eaves overhang, rain water goods and slating. These matters could be addressed by an appropriately worded condition if Members were minded to approve the proposal.

### **Neighbour amenity**

There has been one objection to the scheme that cites concerns relating to the impact on neighbouring living conditions, particularly those of residents overlooking the site from Hillesdon Road. Officers consider that the relationship is acceptable, as the existing properties would be at a significantly higher level than the proposed dwellings and as such would look down on them. There would not be a substantial loss of light or outlook and no overbearing impact would result. The relationship would be typical of street relationships in this area. Although the dwellings will partially block the view from properties in Hillesdon Road this is not considered to be an important public view and as such this is not a matter of planning merit. The new dwellings may well block views from Hillesdon Road down to the play area, however, the play area will remain well overlooked and indeed the new dwellings will provide additional natural surveillance of the park.

### **Highways and parking issues**

The Highways Authority maintains an objection to the development on parking grounds. Highways state that the scheme as submitted, without any off-street parking provision, would lead to a greater need for on-street parking in an area of already high demand. This is considered unsatisfactory for 3 two-bedroomed properties where car ownership is highly likely. The alternative would be to provide some off-street parking, however, this could not be achieved in the current design and even if it could, this would take away the on-street parking outside and so there would be no advantage gained. The Highways Authority does not consider that this location is close enough to the town centre to justify a relaxation of the normal policy on parking. The site lies outside of the Traffic

Management Zone (Controlled Parking Zone). It is also noted that residents were asked recently whether they wanted 'Residents Only Parking' in the area and they did not. The applicant cannot therefore overcome this primary and over-riding problem through the provision of residents parking permits for the new occupiers.

There are several options which have been suggested and discussed in order to overcome the parking issue.

Firstly, the design could be altered to make the units smaller, such as one bed units where car demand could reasonably be expected to be less. However, this would be likely to result in a less satisfactory design and form of building and would not provide the much needed small family units that the current scheme provides.

Secondly, the number of units being proposed for the site could be reduced, so that demand for parking is consequently reduced. In this event, two units would still probably not be able to provide any off-street parking, and so only one unit would work in this regard. This would work in parking terms, but would not maximise the re-use of this brownfield urban site. On balance, it is considered that the provision of new housing close to the town centre and its facilities would outweigh the lack of parking in this location, where many properties exist without dedicated parking provision.

Thirdly, Officers have explored whether there could be any financial contributions as part of a s106 sustainable transportation contribution that could be used to improve the highway network and parking provision in the area. There are no bus routes in the immediate vicinity that would benefit from improvement, and the contribution that would fall due for three houses would not provide enough money to provide a new bus route. This might in any event prove difficult given the gradients involved. The money could be used to provide an improved footpath network and highway crossing facilities in the area, and this would make a difference to pedestrian access.

Fourthly, the applicant has offered to fund a local Residents Parking Scheme for the surrounding area, in which residents of his three dwellings would legally be prohibited from obtaining parking permits. However, the existing nearby Residents Only Parking Area was to have included Braddons Street, but local residents resisted its inclusion. There is therefore no guarantee that such a scheme would be brought forward in this area.

It is officer opinion that the scheme could be approved as it is without any off-street parking provision. The applicant, in support of the scheme, refers to two cases he considers similar (see his letter reproduced). Notwithstanding some of the differences between this scheme and those previous approvals for car free development (P/2010/0776 at Lymington Road and P/2011/0031 on Braddons

Hill Road West) it is considered that the principle of car free development can be acceptable where circumstances permit. In this case, the site is within walking distance of the Town Centre and bus provision at Pimlico, although there is a steep incline up to the site, there is good stepped access down to the town centre for pedestrians and s106 monies could be used to improve access for those with mobility problems or for parents with buggies. It is conceivable that the future occupiers of the development may wish to own cars, and this could not reasonable be prevented and enforced by any condition or legal agreement. The applicant has provided written justification for a car free development in this location and this has been fully considered. On balance, given the location and proximity to the Town Centre, given the existing provision of dwellings without parking and given the provision of a s106 contribution to improve pedestrian access in the area, it is considered that this application could be approved.

### **Density**

The proposal is for 3 dwellings on land with an area of 0.017 hectare. This results in a very high density of development, however, given the nature and design of properties in the surrounding area, it is considered unlikely that any reason for refusal based on density would be sustainable on appeal. This is a brownfield urban site within a dense terraced area and the proposed form of development is considered appropriate in this context.

### **Closing the gap -**

The site is situated in the Ellacombe Ward, which is known to have an over supply of small properties, flats and bedsits, and so two bedroom houses would be welcomed.

### **Climate change -**

No information has been submitted to show the sustainability credentials of the site other than the usual requirements of the Building Regulations.

### **Environmental Enhancement -**

The site is situated within the Warberries Conservation Area and all of the surrounding properties are identified in the conservation area appraisal as being 'key buildings of architectural importance or which make a significant contribution to the townscape'. On this basis, a high quality scheme would be expected were approval to be considered. By following the guidance given by the Design Review Panel and with the judicious use of conditions to control the detailing of the dwellings, this could be achieved. Two of the new properties would have fairly limited amenity space, but this is not unusual in this area and they would benefit from a pleasant aspect overlooking the park.

### **S106/CIL -**

Contributions due for residential proposals are now based on floorspace to be created. The Council's SPD and subsequent update papers split contributions up into 5 categories according to size. The proposed dwellings fit into the

second category, as they range between 55 and 74 metres squared.

Municipal waste and recycling	£ 50
Sustainable transportation	£1720
Lifelong learning	£ 220
Green space and recreation-	£1120

**TOTAL** **£3110 per unit**

This gives a total contribution due of (£3110 x 3 units = **£9,300**). It is recommended that, should members wish to approve this scheme, the above contribution be obtained. This should be secured via a s106 legal agreement and should be used to improve pedestrian movement in the area.

### **Conclusions**

There are some shortcomings to the existing design, but officers are happy that the general guidance provided by the Design Review Panel has been followed. The better detailing sought could be dealt with by way of conditions.

There remains a Highways objection to the lack of parking off-street and to the impact of the development on the already high demand for parking in the area. Whilst officers consider that this is an entirely legitimate concern, the sites location, surroundings and proximity to the Town Centre militate against this concern somewhat.

The applicant is offering 3 new dwellings in close proximity to the Town Centre and within walking distance of many of the facilities that would be needed for successful occupation and living. The nature of the proposal and the area suggests that these would be relatively low priced dwellings, whether for sale or rent, and this is exactly what the Torbay Housing Market needs. Also, the proposal would make good use of a brownfield urban site. These factors all need to be weighed against each other when considering the proposal. Account will also need to be taken of the objection received from a local resident and the concerns surrounding residential amenity. It is felt that it would be beneficial for Members to view the site and the area for themselves to assess these issues in-situ.

On balance, Officers consider that the need for good quality low priced housing can outweigh the lack of parking, and that on this basis, conditional approval is recommended. However, it would be advisable to apply the usual rate of developer contribution to mitigate some of the costs arising from the proposal.

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

01. 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 appropriate within the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan and design objectives A.1, A.5 and A.6 of the Urban Design Guide which is an adopted Supplementary Planning Document forming part of the Torbay Local development Framework 2005 - 2026.

02. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 1 (classes A - D incl. and H) shall be carried out without the prior written consent of the Local Planning Authority.

Reason The site is small and in close proximity to neighbouring properties, and so the Local Planning Authority will need to maintain control over all of the cited developments in the interests of the amenities of the surrounding properties, the area in general and to ensure accordance with policies H15, BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan area in general.

04. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan and design objectives A.1, A.2, A.4, A.5 and A.7 of the Urban Design Guide which is an adopted Supplementary Planning Document forming part of the Torbay Local development Framework 2005 - 2026..

**Relevant Policies**

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**Application Number**

P/2011/0035

**Site Address**

Former Royal Garage Site  
4-24 Torwood Street  
Torquay  
Devon  
TQ1 1EB

**Case Officer**

Mr John Burton

**Ward**

Wellswood

**Description**

Demolition works; formation of mixed use development to form hotel, A3 units, 2 external purpose units ( D2 use for fitness centre and B1 use for office suite) and 14 apartments with vehicular and pedestrian access

**Update report in relation to s106 negotiations**

**Executive Summary/Key Outcomes**

This item was last reported to the Committee on 8th April 2011 when it was resolved that the proposal should be approved subject to a number of items being delegated to the Executive Head for Spatial Planning. These are as follows:

- (i) the receipt of satisfactory revised drawings in relation to the finish of the buildings and the design of the west elevation of the building on the Terrace;*
- (ii) following receipt of a satisfactory viability assessment, the signing of a Section 106 Agreement securing appropriate contributions to be signed within six months of the date of this Committee;*
- (iii) the conditions and informative set out in the submitted Report; and*
- (iv) an additional condition with regard to sustainable renewable energy sources being used where appropriate.*

Discussions on the s106 legal agreement in respect of this scheme have been ongoing since the decision in April. Unfortunately it has not been possible to conclude negotiations by the agreed time, i.e. within 6 months of the April committee meeting. As such this item is returning to members for confirmation that the terms of the s106 agreement are acceptable and to request additional time to complete and sign the agreement.

As such this constitutes an update report in relation to the s106 agreement. The original report, including a summary of all of the key considerations as well as a description of the site and the proposed scheme, is appended for information.

### **Recommendation**

That the terms of the 106 agreement shall include those listed within this report and that the s106 agreement shall be completed and signed within 3 months of the date of this committee.

### **Key Issues/Material Considerations - S106/CIL**

The previous scheme (P/2009/0690) was approved following the signing of a s.106 agreement which secured the following contributions:

- £280,000 towards sustainable transport/public realm improvement in the area
- £20,000 to pay for inspections of the highway wall at the rear of the site.

Due to the new mix of uses that this latest scheme includes it is considered necessary to revisit this issue. Taking account of the new Supplementary Planning Document (LDD6) and fully mitigating for the existing uses on the site the required contribution would be as follows:

Waste Management	£ 400
Lifelong Learning	£ 2,400
Green Space	£ 16,400
Sustainable Transport/Public Realm -	£341,540
Highway Inspections	£ 20,000
<b>Total</b>	<b>£380,740</b>

Following the committee resolution in April an independent viability assessment was undertaken. The conclusions of the viability assessment are that the development is made unviable by the need to make the full s106 contributions. As a result an offer of £100,000 has been made by the developer and this is considered fair in relation to the outcome of the viability assessment, as this would still be likely to result in a relatively low profit on cost.

A s106 agreement has now been drafted and agreement is anticipated on the detailed wording of the draft prior to the committee meeting. When Members resolved to approve the application back in April, this was conditional (amongst other matters) upon the signing of a section 106 agreement securing appropriate contributions within six months from the date of the Committee. As this has not been possible, the matter is being reported back to members for further authority to agree the s106.

In addition to the usual and general legal terms and requirements, the key terms of the draft legal agreement are as follows:-

#### *Sustainable Transport/ Public Realm Contribution*

To pay the Sustainable Transport/ Public Realm Contribution in three instalments

as follows:-

1. £35,000 to be paid prior to Commencement of Development
2. £35,000 to be paid prior to the first occupation of the ground floor A1 and A3 units erected pursuant to the Planning Permission; and
3. £30,000 to be paid prior to first occupation of the hotel erected pursuant to the Planning Permission

#### *Highway Wall*

A range of measures are included as per the agreement signed in relation to the previous consent (P/2009/0690), to ensure that the highway retaining wall at the back of the site is properly maintained, during and after the development.

#### *Travel Plan*

Measures are included to secure the provision of acceptable travel plans for the various uses on the site.

#### *Stone from Parapet Wall*

The terms provide for the careful removal and potential re-use of the stone from the parapet wall.

#### *Review of Viability*

The viability of the development will be looked at again if the scheme is not complete within 3.5 years from the date of approval. In such an event an independent viability assessor will be appointed and if he/she concludes that the Development will produce a profit in excess of 20% of GDV (gross development value) then additional contributions will be payable up to a maximum sum of £280,470 (the residual contributions payable under the SPD).

#### **Conclusions**

Members resolved to approve this scheme subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head within 6 months of the date of the April committee. This has not been possible to achieve in the timeframe, however, agreement on the wording of the draft is expected to be reached by the committee meeting. As such it is recommended that members give authority to officers to conclude matters and sign the agreement.

#### **Previous Reports**

##### **Update**

Members considered the application at a meeting on 21st March 2011, it was deferred in order to report additional information on a number of matters, which will be addressed below:

*The relationship of the proposal with the Building Heights Strategy*

Members will be aware that the Building Heights Strategy was commissioned by the TDA. At present the report does not carry a great deal of weight as it does not constitute Council policy. However it is likely to be used within the Development Management process for considering where there are opportunities for taller buildings and will form part of the evidence base for the emerging Core Strategy.

Firstly it must be considered whether the proposal constitutes a 'tall building'. Due to the fact that the building is made up of three different elements and that it faces two streets which are on different levels, the consideration of whether the building should be considered as 'tall' is not as straight forward as it might otherwise be.

The element of the building which fronts Torwood Street is not significantly taller than the frontages which exist along this street (the prevailing context). Similarly the rear element of the building which fronts The Terrace is of a similar height to the terrace buildings which also front this street. As such the building has not been considered to fit into the category of a 'tall building', although it is acknowledged that the total number of storeys from 'floor to ceiling' is 8, which is above the prevailing height of buildings in the locality. Therefore considering the proposal against the Building Heights Strategy is a valid exercise.

Within the document there is a plan which identifies the Town Centre, including Torwood Street as an 'Area of Search' where tall buildings are considered to be appropriate in principle, subject to a set of considerations. It sets out three main objectives for Torquay Town Centre; to reinforce the character of fine-grained 3 storey buildings and a varied roofscape, to promote vibrancy and vitality of the town centre through a flexible approach to building height and to reinforce Torquay's role as the primary centre in Torbay. The proposed development has sought to integrate into the fine-grained character of the conservation area, particularly along the Torwood Street frontage. The building elements do exceed three storeys, however, the proposal is crucial in fulfilling the second and third criteria.

The acceptability of a tall building within a certain area turns on a number of key considerations such as the impact on views, whether the development breaches the sky line and how it responds to the topography of the area. The view of Torquay harbour is analysed within the strategy. It refers to the backdrop of the view being tree covered slopes loosely developed with medium scale development. It identifies that this view is sensitive to tall buildings which could harm the balance of the view, particularly in the foregrounds, on hill tops or where it would break the sky line. The design of the proposal has come forward as a response to similar analysis of how the site fits within its context. This has resulted in the breaking up of the building into smaller elements which are not perceived as tall when viewed from key vantage points around the harbour area.

As has already been mentioned the proposed development has not been considered to constitute a tall building, for the reasons outlined. However the criteria for assessing a tall building are similar to those which have been used in assessing the proposal in any event. These are its location, conservation, views, topography, design, public realm, streetscape, microclimate, amenity, land use and sustainability.

In summary, the Building Heights Strategy does not constitute Council Policy as yet and therefore has limited weight. The proposal is not considered to be a tall building due to the way in which the elements have been positioned on the site. In any event, if the proposal were to be considered as a tall building it is considered to be in accordance with the guidance provided within the strategy. Importantly the site is within the area of search, where tall buildings can have acknowledged benefits by way of regeneration and vitality.

#### *Impact of Increased Height on the Conservation Area*

The approved proposal was considered, on balance, to result in an enhancement of the conservation area, due to the overall package of works which were proposed and the quality of the design which came forward. As discussed above, the overall height of the building is less of an issue, the key consideration being the heights of the various elements of the building and the composition of these on the site.

There are two key changes in this composition, the lowering of the middle 'band' of development, set back from the Torwood Street frontage and the increase in the height of the rear section which fronts The Terrace. Whilst there is nothing within policy or guidance which dictates how high is 'too high', the relationship of the rear section of the building with the buildings beyond, in particular the car park and the Terrace buildings, has been considered important in assessing how well the building will assimilate itself in the conservation area.

The building is still lower than the flat roof of the Terrace buildings, however, it does now exceed the height of the parapet of the Terrace buildings. It is considered that a building of the height now proposed can be successfully integrated into the conservation area, provided the treatment of the upper storeys of the rear section of the building (on The Terrace) is appropriate. The key in this case is to ensure that the top of that part of the building appears as a roof, is recessive, lightweight and not overly dominant.

#### *Additional computer modelling*

Additional visual information will be made available to members both prior to and during the committee meeting. This will assist in understanding the proposal as well as being able to assess how well it assimilates into its surroundings.

#### *Servicing*

The servicing arrangements were negotiated during the consideration of the

approved scheme for the site. It is proposed to form a shared coach parking and service bay on Torwood Street with coach parking permitted between the hours of 10:00 and 20:00 and servicing permitted to take place between 06:00 and 10:00.

Highways have agreed the hours of use and the dimensions of this bay. Servicing would take place either from the loading bay on Torwood Street or directly from The Terrace. The applicant's highways consultant have submitted drawings which indicate that it will be possible for delivery vehicles to access The Terrace for servicing and Highways have not raised any objection to these arrangements.

Whilst the composition of the uses within the building differs from the approval these servicing arrangements are considered to be appropriate for the current proposal. The hours available for servicing will assist in ensuring that there is limited conflict of movements on Torwood Street with general traffic and or coaches.

#### *Update from English Heritage*

The visual impact assessment documents which were provided for the presentation to committee were forwarded to English Heritage. This additional information has given rise to concerns, in that the penthouse levels on development to the Terrace were to be of a lightweight, glazed construction, which helped in its mitigation and effected a contrast with the more 'solid' floors below. This does not appear to have been achieved, specifically when viewed from higher up Torwood Street adjacent to the bowling alley.

The additional information has led English Heritage to be less comfortable with the increase in height than they previously had been. They have said that this may be down to the presentation and imagery, or may require additional negotiation in order to overcome these concerns. The additional modelling which is to be provided for members may assist in overcoming or clarifying these issues.

Officers are continuing to negotiate this part of the scheme in order to redesign this element and effect a change in the visual impact of the building on the Terrace from Torwood Street. It is considered that this detail can be appropriately designed and as such the scheme could be approved subject to the resolution of this part of the scheme.

#### *Clarification of proposed floorspace*

The total floor space provided by the flats is 1206 sqm, broken down as follows:

- 1 x 60 sqm
- 2 x 82 sqm
- 4 x 85 sqm
- 5 x 89 sqm

1 x 91 sqm

The non-residential floor space which is as follows:

A1 (shops) – 391 sqm (net loss of 78.9sqm)

A3 (café/restaurant) - 1034 sqm (net increase of 822.3 sqm)

B1 (office) - 294 sqm

C1 (Hotel) - 5749 sqm

D2 (leisure) - 327 sqm

This is a significant increase over the approved scheme. The increase is predominantly achieved by the removal of the cinema, which required 2 storey height rooms for the cinema screens and through the addition of a storey at the rear on The Terrace. Officers are confident that this additional floor space has been successfully accommodated on the site.

### **Site Details**

The site comprises the frontage buildings of 4 – 24 Torwood Street and includes the land to the rear of these buildings, which is currently being used as a car park. It is bound to the south by Torwood Street and to the north by a concrete faced rock wall of approximately 10m in height beyond which is The Terrace at the higher level. To the west of the site is a public right of way which provides pedestrian access between the two roads. The car park originally provided stabling and garaging for the former Royal Hotel, to the west of the application site. The site area is approximately 0.23ha.

In terms of constraints; the site is within the Torquay Harbour Conservation Area. The Torquay Harbour Area Character Appraisal identifies most of the buildings on the site as key buildings within the conservation area with largely unspoilt frontages. Within the Local Plan the frontage buildings are identified as being within a Secondary Shopping Frontage. Most of the site is allocated for mixed use development which could include retail, leisure, employment and residential. Torwood Street is part of the major road network.

The existing buildings on the site are as follows:

4 Torwood Street – “Tictocs’n’rocks” – Retail  
6 Torwood Street – “Devon Kebab House” – Takeaway  
8 Torwood Street – “Trents” – Bar  
10 Torwood Street – “Legends” – Restaurant  
12–16 Torwood Street – “Brights of Nettlebed” – Retail  
22 Torwood Street – “Wild Jacks” – Takeaway  
24 Torwood Street – “The Gold Shop” - Retail

### **Relevant Planning History**

Various applications have been submitted in relation to the existing buildings on site including changes of use, minor alterations including shop-front alterations

and signage.

Various applications were submitted in the 1980's as follows:

P/1983/1792	Retail unit/multi-storey car park. Refused 4/6/1984
P/1984/3237	84 Sheltered flats and wardens flat. Refused 29/1/1985
P/1985/0361	49 flats. Refused 2/4/1985. Appeal dismissed 5/9/1985
P/1986/2379	Erection of 43 sheltered flats plus wardens accommodation, offices and retail/storage space. Approved 25/9/1987

Subsequently an application for a certificate of lawfulness was submitted in 2005 in an attempt to prove that work had commenced on the scheme which was approved in 1987, thereby allowing the work to continue. The certificate of lawfulness application was refused on 6/3/2006 and subsequently dismissed at appeal on 22/08/2007.

P/2009/0689	Demolition Works. Approved 06/07/2010
P/2009/0690	Demolition of 4 – 24 Torwood Street. Redevelopment of site comprising 12 residential apartments with residential parking, 80 bedroom hotel and associated facilities, 6 screen cinema. 1 retail unit and 3 restaurants. Approved 6/1/11

#### **Relevant Policies**

HS	Housing Strategy
H2	New Housing on Unidentified Sites
H3	Residential Accommodation in Town Centres
H6	Affordable Housing on unidentified sites
H9	Layout, design and community aspects
H10	Housing densities
ES	Employment strategy
E1	New employment on identified sites
E9	Layout, design and community aspects
TUS	Tourism Strategy
TU1	Harbourside and waterfront regeneration
TU5	New holiday accommodation
SS	Shopping strategy
S1	Town Centres
S2	Town centres mixed use developments
S4	Secondary shopping frontages
S5	New town centre shopping developments
CF6	Community infrastructure contributions
W6	New development and minimisation
W7	Development and waste recycling facilities
EP1	Energy efficient design
EP7	Contaminated land
EP8	Land stability

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings
- TS Land Use Transportation Strategy
- T1 Development Accessibility
- T2 Transport Hierarchy
- T3 Cycling
- T19 District Distributor Road Network
- T25 Car Parking in New Development
- T26 Access from development onto the highway

Supplementary Planning Documents:

“Planning Contributions and Affordable Housing: Priorities and Delivery”  
 “Urban Design Guide”

- PPS1 “Delivering Sustainable Development”
- PPS3 “Housing”
- PPS4 “Planning for Sustainable Economic Growth”
- PPS5 “Planning for the Historic Environment”
- PPG13 “Transport”
- PPS25 “Development and Flood Risk”
- Good Practice Guide on Planning for Tourism (replacement for PPG21)

**Proposals**

As mentioned above a mixed use scheme involving the demolition of the existing buildings and the erection of a replacement structure has been approved. Members resolved to approve that scheme in June 2010 and following extensive negotiations in relation to the s.106 agreement and finalising the detailing of the scheme, it was approved in January 2011.

This proposal is a revised version of the approved scheme which incorporates a different mix of uses and a revised building envelope.

The main changes in terms of the mix of uses are summarised below:

**P/2009/0690**

- 12 flats
- 80 bedroom hotel
- 1 x retail unit
- 3 x restaurant
- 6 screen cinema

**P/2011/0035**

- 14 flats
- 113 bedroom hotel
- 1 x retail unit
- 3 x restaurant
- Office
- Gym

The accommodation would be laid out as follows:

### *Ground Floor*

It is proposed to provide 4 units on the ground floor. Three of these would be in A3 use (of 367/270/371 sqm) and one would be in A1 use (361 sqm). The western-most of the A3 units (adjacent to the existing footpath) would also have a first floor mezzanine. The frontage of the retail unit would be recessed with access to the lift, providing access to the hotel above. Leading from this recess steps would lead up to a new public footpath which provides pedestrian access between Torwood Street and The Terrace.

### *First Floor*

The main pedestrian access to the hotel would be off the new footpath. This floor of the hotel provides the public facilities; reception, bar, meeting and working areas, breakfast area, kitchen, office and WC facilities. A central light well is accessible from the public areas. Beyond the hotel facilities, adjacent to the highway wall would be a gym of 327 sqm, including welcome desk, changing rooms and plant room. This would be accessed from The Terrace.

### *Second Floor*

Above the gym would be a purpose built office of 294 sqm, with ancillary toilets and kitchen. This would also be accessed from The Terrace. The remainder of this level is given over to hotel rooms and a fitness room.

### *Third Floor (ground floor from The Terrace)*

This storey of accommodation is at the level of The Terrace. 14 parking spaces are provided for the residential accommodation. Entrances are provided into the office/gym area of the building and also to the residential flats. There is also a secondary access to the hotel. The remainder of this level is given over to hotel rooms and ancillary functions.

### *Fourth Floor (first floor from The Terrace)*

This floor is given over wholly to hotel rooms and associated circulation space.

### *Fifth Floor (second floor from The Terrace)*

From this floor upwards the accommodation is only provided within the rear section of the building which faces onto The Terrace. At this level 2 flats are provided, the remainder of the floor is given over to hotel rooms.

### *Sixth Floor (third floor from The Terrace)*

This floor provides 9 flats, 6 of which are duplex style with bedrooms on the floor above.

### *Seventh Floor (fourth floor from The Terrace)*

In addition to the upper floors of the 6 duplex apartments, 3 additional flats are provided on this floor.

In terms of building form the current scheme is very similar to the previous

scheme in that it presents 3 storeys to Torwood Street. There are also still two linear elements in the same locations as the approved scheme. The front element which is set back from the Torwood Street elevation is still two storeys in height. However, it is 1m lower than the approved scheme. The rear element, which fronts onto The Terrace now has an additional storey and is 2m higher than the approved scheme. The two upper storeys of this element are set back from The Terrace elevation by 1.8m.

The materials are similar to the approved scheme comprising white render, cedar cladding, zinc, grey interlocking cladding, lime stone, sand stone and areas of glazing.

### **Consultations**

*Environment Agency:* No objections to the proposal, provided the finished floor levels are set no lower than the 5.6 AOD shown on drawing no. 3145-212.

*English Heritage:* Full text copied with representations. Extract below:  
“... we do not believe that the extra height to The Terrace block will generate a sufficiently additional strategic impact on the historic townscape of the area to prompt fundamental objection on our part, nor do we consider it a significant and unjustified departure from the guidance contained in the recently completed Building Height Strategy.

*The ‘penthouse’ treatment of the uppermost tier of the building further assists in its mitigation... One aspect of the approved scheme which generated significant attention in principle was the treatment of the new roof above and set back from the Torwood Street frontage. While an acceptable solution was achieved eventually, we welcome the opportunity provided by the need to review the scheme which allows this element to be improved and its impact to be further reduced.*

*Structural Engineer:* No objection in relation to the rear wall, subject to conditions.

*Sustainable Transport Officer:* Require a full SPD contribution towards Sustainable Transport/Public Realm, payable on commencement. Double clearway bus box required which can accept loading 1600 to 1000 daily. Each dwelling must have at least one secure, lit and covered cycle space and there should be travel plans for all the commercial uses.

*Drainage:* Requested to see detailed Flood Risk Assessment (Subsequently supplied). Details of sustainable drainage system required.

*Highways:* No objection. Levels of parking appear to be acceptable, The Harbourside car park opposite will be able to accommodate any additional demand. Improvements are required to existing footpath. Footways on both sides

of Torwood Street should be widened. Slight amendments to the loading bay design will be required.

### **Representations**

At the time of writing approximately 15 letters of objection had been received which relate to the following issues:

- Building should not be any higher than was previously agreed
- Negative impact on views from the harbour and from The Terrace car park
- Negative impression for visitors
- Building heights should be limited around the harbour
- Size and scale is inappropriate
- Heritage justification tests in PPS5 have not been met. Demolition should not be approved.
- Negative impact upon properties in Museum Road and Braddons Hill
- General concern about the Mayoral Vision and Torwood Street's part in it
- Scheme is in direct contravention of a number of policies and documents some of which were not in place when previous scheme was approved.
- Negative impact upon nearby listed buildings
- Cinema was an excellent part of the approved scheme. Its loss is regrettable
- The hotel does not appear to be of a high standard
- The loading bay will lead to a bottle-neck on Torwood Street
- Materials are inappropriate
- No mention of green technology or renewables
- Concern that buildings will be demolished and site will remain vacant
- Proposed gym will not help in providing family visitor attraction
- There are already too many gyms in Torquay
- Viability arguments are spurious
- Consultation has been inadequate
- Drawings are misleading

These have been re-produced and placed in the Members Room.

### **Key Issues/Material Considerations**

The key issues in determining this application are considered to be (1) The principle of the uses, (2) the demolition of the existing buildings, (3) the size, design and impact on the conservation area, (4) parking and access issues, (5) appropriate planning contributions, (6) Impact on residential amenity, (7) land conditions.

#### *Principle*

The land is allocated for mixed used development within the Local Plan. Policy S2 states that the Torwood Street site is suitable for retail and leisure uses. The approved scheme included a cinema, this has now been removed from the proposal for commercial viability reasons. Many people supported the idea of a cinema in this location and the quarry-like nature of the site seemed to lend itself

to this use. However there is no policy reason to object to its removal from the proposal.

The alternative package includes a larger hotel than which was approved, 2 additional residential units and, within the void at the rear, an office suite and a gym. This mix of uses is considered to be equally in line with policy and as such the principle is considered to be acceptable. It is considered that the mix of uses and their disposition on the site will contribute positively to the viability and vitality of this part of the town centre. The scheme has the advantage of being financially viable, whereas the developers have stated that the previous scheme was not. The alternative mix of uses and the increase in scale has had a consequent impact upon the building envelope as described above. The consequences of this change are considered in detail below.

#### *Demolition*

The demolition of the buildings on the site was approved as part of the earlier scheme. There is extant conservation area consent for their demolition. The applicant has submitted a fresh application for demolition although this is technically not required. Members will recall from considering the approved scheme that the principle of the demolition of these buildings within the conservation area was closely linked with the quality of the replacement scheme.

It was shown that an acceptable scheme, which delivered regeneration benefits, was well designed and appropriate to the conservation area was possible on this site. English Heritage agreed to the demolition on this basis and after all the possible ways of retaining the building were explored and discounted. It was therefore concluded that all the tests of PPS5 were met. The merits of the revised design will be discussed below. The demolition of the buildings is considered to be acceptable. The concurrent conservation area consent application is recommended for approval subject to a condition which prohibits the demolition of the buildings until planning permission is approved for a replacement scheme and a contract let for the work.

#### *Visual Impact*

Significant levels of negotiation were required in order to bring forward an acceptable scheme for the site. This involved the applicant employing new architects to bring forward a fresh approach from the site which moved from a very vertical form of development to a more horizontal form of development which sits much more comfortably in the landscape and respects the topography of this part of Torquay. This followed consideration by both the local and regional design review panel. The revised scheme was successful in securing the support of English Heritage and of the Development Management committee. The proposal was delegated in order to finesse the small scale details of the scheme and it was subsequently approved.

The key consideration here is the impact that the revisions have had on the

proposal both in terms of its quality as a piece of architecture and also in terms of how well it relates to the townscape.

The most significant change in terms of visual impact is the increase in the height of the rear element of the building, which fronts The Terrace, by one storey. The architect has managed to accommodate the increase of one storey within a 2m increase by rearranging the internal spaces. The upper two storeys are recessed from the main elevation on to The Terrace which assists in reducing the perceived mass. In terms of context, the height of the building now sits between the eaves and ridge of the listed terrace immediately to the north west of the development.

The proportions of the building have changed, however the elevational treatment to The Terrace has been adjusted to accommodate this. There is no doubt that this part of the development is larger, and therefore closer to the limit of what is considered to be too tall for the site. However the height is still comparable to similar scale buildings nearby e.g. The Terrace and it is not considered that the scheme has moved so significantly beyond what has been approved as to be considered unacceptable.

The other significant change to the building envelope is that the 'middle row' of development is now 1m lower in height. This is considered to be a significant benefit as it reduces the visual impact of this element of the scheme then viewed from Torwood Street and from the harbour. Therefore on balance the changes to the building envelope are considered to be acceptable. This view is supported by English Heritage.

Other changes have been made to the elevations which are considered to be generally acceptable, although it will be necessary for the same level of detailed information to be produced for this proposal as was produced for the approved scheme. The drawings indicate that the cladding would be dark grey, rather than the approved muted blues. It is considered that the blue colour scheme would be far more appropriate for the upper parts of the development and the applicant has been asked to amend this. Subject to this additional level of detail being agreed, the visual impact is considered to be acceptable.

#### *Parking and Access*

This issue is unchanged from the previous application. Although the exact patterns of vehicular activity and associated parking demand associated with the application will not be identical due to the changed nature of the scheme, this has not given rise to any new areas of concern. The provision of the loading/bus bay was negotiated through the original proposal and is not required to be changed. The proposed footpath is unaffected by the revisions to the proposal. Similar conditions will be attached to the new consent securing detailed design of these areas and improvements to the existing foot path.

*Planning Contributions (s.106)*

The previous scheme was approved following the signing of a s.106 agreement which secured the following contributions:

- £280,000 towards sustainable transport/public realm improvement in the area
- £20,000 to pay for inspections of the highway wall at the rear of the site.

At the time of the application the applicant stated that this was the maximum contribution the scheme would yield without making the scheme unviable. Due to the new mix of uses that the scheme includes it is considered necessary to revisit this issue. Taking account of the new supplementary Planning Document and fully mitigating for the existing uses on the site the required contribution would be as follows:

Waste Management-	£ 400
- Lifelong Learning	£ 2,400
- Green Space	£ 16,400
- Sustainable Transport/Public Realm	£341,540
- Highway Inspections	£ 20,000
<b>Total</b>	<b>£380,740</b>

The impact of this requirement upon the viability of the new proposal has not yet been confirmed and negotiations were not concluded at the time of writing. This matter will be updated at the meeting.

*Impact on Residential Amenity*

The increase in the height of the rear section of the scheme will undoubtedly make the scheme more visible to people who live up-hill from the site. However as members will be aware, private views are not protected under planning law. Given the distances involved the proposal would not have an overbearing impact on any nearby residential properties and would not result in a loss of privacy or light.

*Land Conditions*

A standard land remediation condition is recommended. Council Engineers and the applicant's engineers have been in discussions in relation to the issue of the rear wall which retains the highway above (The Terrace). A series of conditions and items included in the s.106 agreement were agreed in order to ensure that the development proceeds and operates in a way which does not jeopardise the stability of the rear wall or its future maintenance. An additional condition is required on a technical matter, however subject to the appropriate conditions and clauses this issue is considered to be acceptable.

*Flood Issues*

No new issues, the proposal is acceptable from a flood risk perspective.

### *Sustainability*

The site is in a highly sustainable location and would involve the re-use of a brownfield site. Its presence would encourage people to holiday and recreate in the town centre, rather than make trips further away. No explicit reference is made to the use of green technologies which is regrettable, however this is not yet a mandatory requirement. Current Building regulations will have to be met.

### *Crime and Disorder*

The police architectural liaison officer was happy with the approved scheme. No comments have been received in relation to the current application however it is not considered that the changes to the scheme impact on this issue.

### *Disability Issues*

Lift access is provided to all floors. The proposal would need to be compliant with the Disability Discrimination Act.

### **Conclusions**

The proposal has had to change in order to become a viable and realistic proposal. Taken in the round the changes are not considered to be detrimental. Therefore the scheme still represents a significant opportunity for investment into the town centre. The range of uses, whilst different from the approval would still offer significant regenerative benefits to this part of the town.

### **Recommendation**

That the application be delegated to the Executive Head of Spatial Planning for approval subject to the following:

- receipt of satisfactory detailed drawings in relation to the finish of the buildings and the design of the west elevation of the building on Terrace
- the signing of a s.106 securing an appropriate level of contributions

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

01. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the car parking shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the purposes of residential parking for the approved flats unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide off street parking for the residential element of the proposal, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the first use or occupation of the dwellings hereby approved as part of the development, the cycle parking shown on drawing number 3079-203

Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for use by the residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage residents to utilize sustainable modes of transport, in accordance with policy T3 of the Saved Torbay Local Plan 1995 – 2011.

03. Prior to the first use or occupation of the dwellings hereby approved as part of the development the bin storage area shown on drawing number 3079-203 Revision 0 shall be provided in accordance with said plan and shall be retained thereafter for the sole purpose of bin storage in connection with the residential units unless otherwise approved in writing by the Local Planning Authority

Reason: To ensure that there is adequate space within the development for waste and recycling purposes, in accordance with policy W7 of the Saved Torbay Local Plan 1995 – 2011.

04. Prior to the commencement of the development hereby approved samples of all the materials to be used externally in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using only the approved materials. The Pantone colours to be used in the glazing system for the elevations shall be restricted to lighter shades which shall be agreed in writing by the Local Planning Authority prior to the commencement of works.

All sections of new stone wall shall be constructed of natural stone laid on its natural bed and lime mortar. A sample panel shall be constructed on site and agreed in writing by the Local Planning Authority prior to the construction of any new sections of wall.

Reason: To ensure that the appearance of the finished development is acceptable, in accordance with policies BES, BE1 and BE5 of the Saved Torbay Local Plan 1995 – 2011.

05. Provision shall be made for keeping foul drainage separate from clean surface and roof water and connected to the public sewerage system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the efficient drainage of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

06. The development hereby approved shall be carried out in strict accordance with the submitted Flood Risk Assessment ref. R22509Y001/B dated June 2010 and the update of October 2010, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in unacceptable flood risk, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011

07. The finished floor levels of the development shall be no lower than 4.45 AOD, unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in the vicinity of the site, in accordance with policy EP11 of the Saved Torbay Local Plan 1995 – 2011.

08. Prior to the commencement of the development hereby approved (or at such other time as may be agreed with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include the following elements, unless otherwise agreed in writing by the Local Planning Authority:

a) A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme based on a) above to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

c) The results in the site investigation and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

d) A verification report on completion of the works set out in c) above confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Reason: To prevent pollution of the water environment and in the interests of the well-being of future users, in accordance with policy EP11 and EP7 of the Saved Torbay Local Plan 1995 – 2011.

09. Prior to the commencement of the development hereby approved a noise impact assessment shall be carried by a suitably qualified person of the existing noise climate within the area likely to be affected by noise produced by the development. The assessment shall identify all residential and commercial properties likely to be affected by such noise and provide predictions of the noise

impact of the proposed development on these properties. Regard shall be had to guidance contained in the document 'British Standard 5528:2009. Code of practice for noise and vibration control on construction and open sites – part 1: noise'.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

10. Demolition or construction works that are likely to be audible in neighboring properties shall be carried out only during the following times:

08:00 – 18:00 hours Mondays to Fridays (excluding Bank Holidays)

08:00 – 13:00 hours Saturdays

All deliveries shall only occur during the above mentioned working hours.

No work of this nature is to be carried out on the site on Sundays or Bank Holidays.

In exceptional circumstances, where noisy works are believed to be necessary outside these hours, such works shall only take place on the following basis:

- prior approval for specified works must be obtained from Torbay Council's Environmental Health Team; and

- Notification must be provided to those local residents that are likely to be affected, of the nature and duration of the works.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

11. All equipment to be used in the construction of the scheme hereby approved shall be operated, site and maintained so that disturbance to people living and working in the immediate areas is minimized. In particular, all items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with the manufacturers instructions.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

12. Any piling operations required in connection with the construction of the scheme hereby approved shall be carried out using the quietest practicable method available. The use of any other method shall first have been agreed in writing by Environmental Protection under the provisions of section 61 of the Control of Pollution Act 1974

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EP4 of the Saved Torbay Local Plan 1995 – 2011.

13. A method for controlling the vibration in relation to the construction of the scheme hereby approved shall be adopted and put in place before and/or during construction. This shall have regard to guidance contained in the document 'British Standard 5228:2009. Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration'

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP4 of the Saved Torbay Local Plan 1995 – 2011.

14. During the course of the demolition and construction of the development hereby approved all reasonable steps shall be taken to minimize dust and litter emissions from the site, including damping down site roads. An adequate water supply must be provided with a means of disposal of waste water. The perimeter of the site shall be screened to a sufficient height to prevent the spread of dust. Where this is not practicable, screening should be provided close to the source of the dust, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties, in accordance with policy EPS and EP3 of the Saved Torbay Local Plan 1995 – 2011.

15. No development shall commence until a scheme for the off site highway works has been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Works to The Terrace of the type shown on drawing number 2239.03 A received on 18/01/11

- Works to Torwood Street of the type shown on drawing number 2239.02C received on 18/01/2011

- Details of the proposed hard landscaping of the type indicated on drawing number 3145-210 Revision 0.

The agreed works shall be completed prior to the first use or occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy T26 and T27 of the Saved Adopted Torbay Local Plan 1995 -2011.

16. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved in writing 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.

17. No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: a programme and methodology for site investigation and recording; post-investigation assessment and analysis; publication; and archive deposition.

Reason: To ensure that any archaeological remains present on the site are appropriately recorded, preserved and stored, in accordance with Policy BE10 and advice contained in PPS5 "Planning for the Historic Environment".

18. No development shall commence until a scheme for improvements to the existing public footpath to the west of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include new lighting, and/or such other proposals to mitigate the impact of the new building as shall be agreed with the Local Planning Authority.

Reason: To mitigate against the impact of the building on the footpath and to ensure that the path remains safe to use, in the interests of all users of the footpath, in accordance with policies TS, T1 and T2 of the Saved Torbay Local Plan 1995 – 2011.

19. No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the conservation area, in accordance with policy BE5 of the Saved Torbay Local Plan 1995 – 2011.

20. The development shall not be commenced until the following information has been submitted to and approved in writing by the Local Planning Authority:

– Structural Engineers sectional sketches, method statements and risk assessment to assist in demonstrating that the parts of the development hereby approved, adjacent to the existing wall which retains the highway, can be constructed without materially affecting the stability of this wall.

- Preliminary calculations that indicate the critical stability conditions of the ground at the base of the retaining wall during the excavation phase in forming new reduced ground floor levels

The development shall be carried out in accordance with the submitted information.

Reason: To ensure that the development does not result in the movement of partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

21. Prior to the commencement of the development hereby approved details of a monitoring system shall be submitted to and approved in writing by the Local Planning Authority. The system shall include monitoring locations and methodology for monitoring the existing retaining wall and road surfacing behind the wall during construction period. The development shall be carried out in accordance with the agreed monitoring system.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

22. No development shall commence until written confirmation has been submitted to the Local Planning Authority which confirms that the proposed development will not impart any dead or live loads on the existing wall retaining the highway.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

23. An assessment shall be made of the change in relative member loadings being carried by the existing retaining wall at critical stages during and after construction, in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority, and their levels checked against the original designed loadings. Any significant changes in

loading shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

24. No development shall commence until information has been submitted to, and approved in writing by the Local Planning Authority, which demonstrates how the section of original masonry wall will be protected and supported during the construction phase. It will also demonstrate how the completed development will support the highway live and dead loads associated with this section of wall during the operational phase.

Reason: To ensure that the development does not result in the movement or partial failure of the rear wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

25. Prior to the commencement of the development hereby approved the results of an assessment into the following shall be submitted to and approved in writing by the Local Planning Authority:

- the impact on the existing upper level of masonry wall supporting The Terrace highway as a result of any material changes to the wall or its foundations, particularly in relation to the wall's ability to resist highway loadings during and after the construction phase of the development.

Any strengthening works recommended in response to the assessment shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable which shall also be agreed in writing.

Reason: To ensure that the development does not result in the failure of the rear masonry wall and thereby to ensure that the function of the highway it retains can continue, in accordance with policy TS and T26 of the Saved Torbay Local Plan 1995 – 2011.

26. The gym hereby approved shall be used only for that purpose and for no other purposes within Class D2 of the Use Classes (Amendment) Order 2005 without the prior grant of planning permission.

Reason: To ensure that the mix of uses provided on the site is compatible with, and generates vitality in this key town centre site. In accordance with policies E1.10, S5.2 and S2 (TM4) of the Saved Torbay Local Plan 1995 – 2011.

**Informative(s)**

01. The applicant is advised that any works to the highway will require the consent of the highway authority.

**Relevant Policies**

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**Application Number**

P/2010/1141

**Site Address**

Torre Abbey  
The Kings Drive  
Torquay  
Devon  
TQ2 5JE

**Case Officer**

Mr Robert Pierce

**Ward**

Tormohun

**Description**

Alterations, repairs and conversion works (Torre Abbey Phase 2)

**Executive Summary/Key Outcomes**

This is the associated Planning Application for Phase 2 of the 2009 Heritage Lottery Bid for further improvements to Torre Abbey. The works will achieve important results for Torre Abbey including new elements compatible with its historic fabric and the continued improvement of the architectural expression of the building to make it more relevant and legible to visitors.

**Recommendation**

Approval.

**Site Details**

The Abbey itself is a grade 1 listed Premonstratensian Abbey, founded in 1196 and converted to a house in 1598. The Abbey has been progressively remodelled in the late C17, C18 and early C20. More recent developments at Torre Abbey include the repair of the Porch Tower in 1996 and HLF funded Phase 1 works to repair and reorganise the building to improve visitor access and clarify historically significant elements.

**Detailed Proposals**

The principal components of phase II of the HLF-funded project include major internal and external works: the stabilisation and repair of the South Range, the repair of the vaults of the south undercroft, the repair of the south-east wing and the creation below the Ballroom of a new multi-purpose education suite with external provision extending northwards into the former brewery courtyard. The other external components of the scheme include the replacement of the gravel surfaces of the north and east cloister walks with a hard surface suitable for DDA into the south undercroft. The east range: chancel, south transepts, sacristy, and chapter house walls will be fully conserved and wall tops capped. The blocked medieval entrance to the south undercrofts at the southeast corner will be re-

opened.

#### South Range

The cementitious render across the whole of the south front and all elevations of the south east wing will be removed; the 20 windows of the three storeys and the seven balconettes of the first floor will be renewed, or replaced, in their entirety; the south porch will be dismantled, its foundations underpinned, and rebuilt. The terrace surface will have all tree root growth and concrete removed and be re-flagged. A new roof structure will replace that existing with the historic lead re-used; improvements to the ceiling of the top floor gallery and air handling will result. All windows will be provided with working internal shutters. Internally the new fire escape staircase leading from the top floor east side to the first floor will have its enclosure re-fashioned, consent for this will in part be retrospective.

#### Southeast Wing and new Education Suite

A new education suite will be created beneath the ballroom by demolishing the existing disused toilets and internal partition walls, lowering the floor as required. The late 18th century door will be re-instated in the middle of the front and will match that created in 2008 in the middle of the café front in the southwest wing. The external courtyard behind the wing will be reduced with foundations inserted for an external canopy, allowing the space to be an extension of the education suite. Access to the medieval calefactorium will be sealed off. In the Ballroom the 1930s inserted RSJs will be removed from the decorated ceiling and a completely new roof constructed to replace the existing failing one. A platform lift will be provided to allow DDA access from the south range.

#### South Undercroft and East Range

The south undercroft vaults with the failing masonry will be repaired. New access will be provided to the south range and the calefactorium by unblocking the medieval door at the eastern end of the south cloister walk. The west wall of the east range will be re-pointed as required and the Victorian pillar removed from the Sacristy entrance, which will be strengthened by an arch, allowing the display of the tiled entrance beneath. The east range beyond including the transept chapels and the chancel will be re-pointed as required and coped to prevent plant growth.

The north and east cloister walks will be resurfaced in a hard material; the east cloister walk will be lowered at its southern end to allow DDA access into the courtyard behind the new education suite, with varying levels to allow access to the sacristy and chapterhouse, and the newly re-opened entrance to the south undercroft.

#### **Summary Of Consultation Responses**

English Heritage : Supports the proposal and content for Torbay Council to determine the application.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2008/0694 Reinstatement of Gate Piers with increased width to main gates Approved 17.07.2008  
P/2010/1142/LB Alterations, repairs and Conversion Works Concurrent Listed Building Application

### **Key Issues/Material Considerations**

The main issue with the proposed works is whether they will preserve the character and appearance of the Listed Torre Abbey and its setting. In this respect it is considered that the proposed works will enhance Torre Abbey and as confirmed in the submitted Design and Access Statement there will be very positive benefits including:

- 1) Effective and appropriate repair and conservation.
- 2) Increased knowledge and understanding of the history, detail and development of the remaining elements of the abbey.
- 3) The design of the new elements is compatible with the historic fabric and its development through eight centuries.
- 4) There will be a clearer interpretation and understanding of the building's archaeology, architecture and history.
- 5) The new facilities can be installed without detriment to the ancient fabric and spaces.
- 6) The proposal will improve the architectural expression of the building to make it more relevant, legible and interesting to users and visitors alike.

### **Principle and Planning Policy -**

The proposal complies with Tourism Policies as it will result in sensitive development of Torbay's heritage and enhances a tourism asset. It will preserve and enhance an important Listed Building and its setting.

### **Economy -**

This is a significant investment which will improve an important tourist facility.

### **Closing the gap -**

Important benefit to the Community.

### **Climate change -**

No adverse impact.

### **Environmental Enhancement -**

Will improve the existing historic building and gardens.

**Accessibility -**

Centrally located and the proposal includes a platform lift to the ballroom and level access throughout the cloister and education room.

**Vibrant Town Centres -**

The proposal will have a positive impact on the town centre.

**S106/CIL -**

Not applicable.

**Conclusions**

The proposal will result in effective and appropriate repair and conservation of Torre Abbey. The works will introduce new elements compatible with its historic fabric and its development through eight centuries. Overall this HLF funded project will improve the architectural expression of the building to make it more relevant and interesting to visitors. The proposal will complete the coherent presentation of the south range, south east wing, cloister and ruins and their surrounding environment together with improving the museum design to fulfil the latest aspirations of a museum and art gallery.

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

01. Detailed Proposals for the following works shall be submitted to the Local Planning Authority for approval by English Heritage prior to the commencement of those works on site :

- 1) The levels of surface treatment and materials to be used on the new cloister walk pavements.
- 2) The treatment of wall tops and high level repairs to the east cloister ruins.
- 3) A treatment and repair schedule for the collapsed central tower of the abbey.
- 4) The conversion of window WB3 to door DB35A in the southeast wing is to match the existing southwest wing door DB64 (formerly window WB28), otherwise a detailed design for both doors shall be submitted.
- 5) The siting, form and insertion of the Platform Lift in G2/G2A

Reason: In the interests of preserving historic character and setting of the Listed Building and to meet the criteria of Policy BE6 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. No demolition or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been

submitted to and approved by the Local Planning Authority in writing. The scheme shall include: a programme and methodology for site investigation and recording; post - investigation assessment and analysis; publication; and archive deposition.

Reason: In order to ensure that the archaeological potential of the site is properly investigated and any archaeological remains are properly recorded in accordance with Policy BE9 of the Saved Adopted Torbay Local Plan (1995 to 2011)

**Informative(s)**

01. The proposed works have been assessed against the criteria of Policies TUS, BES, BE1 and BE6 of the Saved Adopted Torbay Local Plan and it is considered to be acceptable as it will make a posit

**Relevant Policies**

- BES Built environment strategy
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings
- BE9 Archaeological assessment of development

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**Application Number**

P/2010/1142

**Site Address**

Torre Abbey  
The Kings Drive  
Torquay  
Devon  
TQ2 5JE

**Case Officer**

Mr Robert Pierce

**Ward**

Tormohun

**Description**

Alterations, repairs and conversion works (Torre Abbey Phase 2)

**Executive Summary/Key Outcomes**

This is the associated application for Listed Building consent for Phase 2 of the 2009 Heritage Lottery Bid for further improvements to Torre Abbey. The works will achieve important results for Torre Abbey including new elements compatible with its historic fabric and the continued improvement of the architectural expression of the building to make it more relevant and legible to visitors.

**Recommendation**

Approval.

**Site Details**

The Abbey itself is a grade 1 listed Premonstratensian Abbey, founded in 1196 and converted to a house in 1598. The Abbey has been progressively remodelled in the late C17, C18 and early C20. More recent developments at Torre Abbey include the repair of the Porch Tower in 1996 and HLF funded Phase 1 works to repair and reorganise the building to improve visitor access and clarify historically significant elements.

**Detailed Proposals**

The principal components of phase II of the HLF-funded project include major internal and external works: the stabilisation and repair of the South Range, the repair of the vaults of the south undercroft, the repair of the south-east wing and the creation below the Ballroom of a new multi-purpose education suite with external provision extending northwards into the former brewery courtyard. The other external components of the scheme include the replacement of the gravel surfaces of the north and east cloister walks with a hard surface suitable for DDA into the south undercroft. The east range: chancel, south transepts, sacristy, and chapter house walls will be fully conserved and wall tops capped. The blocked medieval entrance to the south undercrofts at the southeast corner will be re-

opened.

#### South Range

The cementitious render across the whole of the south front and all elevations of the south east wing will be removed; the 20 windows of the three storeys and the seven balconettes of the first floor will be renewed, or replaced, in their entirety; the south porch will be dismantled, its foundations underpinned, and rebuilt. The terrace surface will have all tree root growth and concrete removed and be re-flagged. A new roof structure will replace that existing with the historic lead re-used; improvements to the ceiling of the top floor gallery and air handling will result. All windows will be provided with working internal shutters. Internally the new fire escape staircase leading from the top floor east side to the first floor will have its enclosure re-fashioned, consent for this will in part be retrospective.

#### Southeast Wing and new Education Suite

A new education suite will be created beneath the ballroom by demolishing the existing disused toilets and internal partition walls, lowering the floor as required. The late 18th century door will be re-instated in the middle of the front and will match that created in 2008 in the middle of the café front in the southwest wing. The external courtyard behind the wing will be reduced with foundations inserted for an external canopy, allowing the space to be an extension of the education suite. Access to the medieval calefactorium will be sealed off. In the Ballroom the 1930s inserted RSJs will be removed from the decorated ceiling and a completely new roof constructed to replace the existing failing one. A platform lift will be provided to allow DDA access from the south range.

#### South Undercroft and East Range

The south undercroft vaults with the failing masonry will be repaired. New access will be provided to the south range and the calefactorium by unblocking the medieval door at the eastern end of the south cloister walk. The west wall of the east range will be re-pointed as required and the Victorian pillar removed from the Sacristy entrance, which will be strengthened by an arch, allowing the display of the tiled entrance beneath. The east range beyond including the transept chapels and the chancel will be re-pointed as required and coped to prevent plant growth.

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#### **Summary Of Consultation Responses**

*English Heritage:* Supports the proposal and content for Torbay Council to determine the application.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2008/0694 Reinstatement of Gate Piers with increased width to main gates Approved 17.07.2008  
P/2010/1141 Alterations, repairs and Conversion Works Concurrent

### **Key Issues/Material Considerations**

The main issue with the proposed works is whether they will preserve the character and appearance of the Listed Torre Abbey and its setting. In this respect it is considered that the proposed works will enhance Torre Abbey and as confirmed in the submitted Design and Access Statement there will be very positive benefits including:

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- 3) The design of the new elements is compatible with the historic fabric and its development through eight centuries.
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- 5) The new facilities can be installed without detriment to the ancient fabric and spaces.
- 6) The proposal will improve the architectural expression of the building to make it more relevant, legible and interesting to users and visitors alike.

### **Principle and Planning Policy -**

The proposal complies with Tourism Policies as it will result in sensitive development of Torbay's heritage and enhances a tourism asset. It will preserve and enhance an important Listed Building and its setting.

### **Economy -**

This is a significant investment which will improve an important tourist facility.

### **Closing the gap -**

Important benefit to the Community.

### **Climate change -**

No adverse impact.

### **Environmental Enhancement -**

Will improve the existing historic building and gardens.

### **Accessibility -**

Centrally located and the proposal includes a platform lift to the ballroom and level access throughout the cloister and education room.

**Vibrant Town Centres -**

The proposal will have a positive impact on the town centre.

**S106/CIL -**

Not applicable

**Conclusions**

The proposal will result in effective and appropriate repair and conservation of Torre Abbey. The works will introduce new elements compatible with its historic fabric and its development through eight centuries. Overall this HLF funded project will improve the architectural expression of the building to make it more relevant and interesting to visitors. The proposal will complete the coherent presentation of the south range, south east wing, cloister and ruins and their surrounding environment together with improving the museum design to fulfil the latest aspirations of a museum and art gallery.

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

01. No demolition or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include: a programme and methodology for site investigation and recording; post - investigation assessment and analysis; publication; and archive deposition.

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- 5) The siting, form and insertion of the Platform Lift in G2/G2A

Reason: In the interests of preserving historic character and setting of the Listed Building and to meet the criteria of Policy BE6 of the Saved Adopted Torbay Local Plan 1995 to 2011.

**Informative(s)**

01. The proposed works have been assessed against the criteria of Policies TUS, BES, BE1 and BE6 of the Saved Adopted Torbay Local Plan and it is considered to be acceptable as it will make a posit

**Relevant Policies**

TUS Tourism strategy  
BES Built environment strategy  
BE5 Policy in conservation areas  
BE6 Development affecting listed buildings  
BE9 Archaeological assessment of development

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## Report to Development Management Committee on Recent Planning Appeal Decisions

23<sup>rd</sup> November 2011

### Introduction

Between 5<sup>th</sup> September 2011 and 23<sup>rd</sup> November 2011 there have been 6 appeal decisions made. All of these were dealt with by the Written Representation method. The appeals concern householder/residential proposals and were all made under Section 78 of the Town and Country Planning Act 1990. All 6 of the appeals were lodged against a refusal to grant planning permission by Torbay Council. Of the 6 appeal decisions, 5 were dismissed and 1 was allowed.

The allowed appeal has already been brought to Members attention at a previous Planning Committee.

Below is a brief summary of the appeals dismissed, followed by the details of the appeal which was allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

### Appeals Dismissed (5)

- 1) **Site:- Land adjacent to 19-21 Penn Lane, Brixham, Devon TQ5 9NR**  
Case Officer:- Alison Read  
LPA ref:- P/2011/0276/HA  
Ward:- St Marys With Summercombe  
Proposals The development proposed is the formation of a double garage.  
Council's decision:- Delegated Refusal.  
Inspector's reasons:- The main issue in this appeal were the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular reference to noise and disturbance and outlook..
- 2) **Site:- 47 Fowey Avenue, Shiphay, Torquay, Devon TQ2 7RE**  
Case Officer:- Alix Cathcart  
LPA ref:- P/2011/0422/HA  
Ward:- Shiphay With The Willows  
Proposals:- The development proposed is formation of extensions with lower ground and ground floors.  
Council's decision:- Delegated Refusal.  
Inspector's reasons:- This was the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.
- 3) **Site:- 11 Chiltern Close, Torquay TQ2 6UD**  
Case Officer:- Alexis Moran  
LPA ref:- P/2011/0615/HA  
Ward:- Cockington With Chelston  
Proposals:- The development proposed is a dormer roof extension to form two bedrooms and bathroom.  
Council's decision:- Delegated Refusal.

Inspector's reasons:- The main issues were the effect of the proposal on the character and appearance of the host property and the locality and on the living conditions of neighbours.

**4) Site:- 11 North View Road, Brixham TQ5 9TS**

Case Officer:- Alison Read

LPA ref:- P/2011/0444/HA

Ward:- Berry Head With Furzeham

Proposals:- The development proposed is a dormer to the front of the property.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The main issue was the effect of the proposal on the character and appearance of the host property and the locality.

**5) Site:- 87 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JF.**

Case Officer:- Ruth Robinson

LPA ref:- P/2010/1062/PA

Ward:- Berry Head With Furzeham

Proposals:- The development proposed is the construction of an attached two bedroom dwelling.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The two main issues are whether the proposal would: preserve or enhance the character or appearance of the Lincombes Conservation Area (LCA) or harm the setting of Kents Cavern Scheduled Ancient Monument (SAM) and; result in a harmful increase in on-street car parking.

**Appeals Allowed (1)**

Appeal for none determination.

**1) Site:- Goodrington Lodge, 23 Alta Vista Road, Paignton, Devon, TQ4 6DA.**

Case Officer:- John Burton

LPA ref:- P/20110021/VC

Ward:- Roundham With Hyde

Proposals:- The application sought planning permission for: a) an extension and amended layout to flat 5 without complying with a condition attached to planning permission Ref. P/2008/1663/PA, dated 5 February 2009; b) alterations and change of use of front part of building to form 5 holiday flats without complying with a condition attached to planning permission Ref. P/2008/1263/PA; c) a change of use of rear part of building to 3 holiday flats without complying with a condition attached to planning permission Ref. P/2008/0961/PA and; d) alterations and conversion from hotel to 6 holiday flats without complying with a condition attached to planning permission Ref. P/2008/0217/PA.

Council's decision:- Due to this case being an appeal for none determination a report was brought to planning committee. Committee decided inline with officer recommendation that had the application been determine it would have been refused.

Inspector's Reasons:- The three main issues were: whether the proposals would harm the character or function of the PHAA; whether adequate living conditions would exist for 'permanent' occupiers of flats GL2 and No.5, having particular regard to room sizes and; the implications for car parking.