



Friday, 2 November 2012

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 12 November 2012**

commencing at **2.00 pm**

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

### **Members of the Committee**

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Stockman

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**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:

**Anne Mulholland, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@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** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 8 October 2012.
3. **Declarations of Interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**  
To consider any other items that the Chairman decides are urgent.
5. **Updated Report - District Heating proposals in relation to application P/2011/0197** (Pages 6 - 8)  
Members to consider an updated report in respect of application P/2011/0197 - Land West of Brixham Road, Paignton.
6. **P/2012/0870/PA - 25 Roundham Road, Paignton** (Pages 9 - 13)  
Change of use of one holiday unit to residential. Internal alterations to turn 6 holiday units in 2 full residential units.
7. **P/2012/0743/PA - Allways, Teignmouth Road, Torquay** (Pages 14 - 19)  
New dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access.

8. **P/2012/0647/PA - Headland Hotel, Daddyhole Road, Torquay** (Pages 20 - 25)  
Excavation of land up to a depth of a metre to create a 19 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities.
9. **P/2012/1032/VC - 48 Torwood Street, Torquay** (Pages 26 - 28)  
Variation of condition 4 to application P/2012/0099/PA use hereby approved shall only be operational between the hours of 08:00 and 00:00 Sunday-Thursday and between the hours of 08:00 and 01:00 Friday and Saturday.
10. **P/2012/0910/CA - 2 Fore Street, Brixham** (Pages 29 - 31)  
Demolition of 2 and 2A Fore Street
11. **P/2012/0911/R3 - 2 Fore Street, Brixham** (Pages 32 - 37)  
Demolition of 2 and 2A Fore Street; junction realignment and replace with 2 ground floor retail units and 2 first floor apartments
12. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
13. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 7 November 2012. 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

8 October 2012

**-: Present :-**

Councillor McPhail (Chairwoman)

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

(Also in attendance: Councillors Bent, Butt and Davies)

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### **66. Apologies for absence**

It was reported that, in accordance with the wishes of the Non-Coalition Group, the membership of the Committee had been amended for this meeting by including Councillor Ellery instead of Councillor Stockman.

### **67. Minutes**

The Minutes of the meeting of the Development Management Committee held on 10 September 2012 were confirmed as a correct record and signed by the Chairman subject to an amendment to minute no. 61. Mr Westaway and Mr Wood both addressed the Committee against application P/2012/0767/PA – 47 Parkhill Road, Torquay whereas the minute stated that Mr Wood addressed the Committee in support.

### **68. P/2012/0896/PA - 2 Whidborne Close, Torquay**

The Committee considered an application for an extension and change of use to form 2 No houses.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mr Ferguson addressed the Committee against the application and Simon Blake addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Bent addressed the Committee.

Resolved:

Approved subject to:

- (i) suitable comments from Torbay Council's Drainage Department

(ii) the receipt of revised plans which result in the re-siting of the proposed dwelling (House 2) moving it 1.5 metres away from the rear boundary with No. 4 Whidborne Close, due to concerns regarding the close proximity of the proposal to the neighbouring property

(iii) the completion of a Section 106 Agreement in respect of waste management, sustainable transport, lifelong learning, education. greenspace and recreation within three months of the date of this Committee or the application be reconsidered by Members; and

(iv) conditions set out in the submitted report be delegated to the Executive Head of Spatial Planning.

**69. P/2012/0767/PA - 47 Parkhill Road, Torquay**

The Committee considered an application for the proposed demolition of existing dwelling and construction of 5 new terrace houses with parking.

Prior to the meeting written representations were circulated to the Committee.

Resolved:

Approved subject to:

(i) concerns in relation to the basement car park and plinth being resolved

(ii) more detailed information being provided in relation to key features and agreement over the detailed approach to the roofscape and elevations

(iii) a SUDS scheme being agreed

(iv) the completion of a Section 106 Agreement in respect of waste, sustainable transport, education. lifelong learning and greenspace within three months of the date of this Committee or the application be re-considered by members; and

(v) conditions set in the submitted report be delegated to the Executive Head of Spatial Planning.

**70. P/2012/0737/PA - 25 Courtland Road, Torquay**

The Committee considered an application for a change of use of flat 2 to office/staff room/meeting rooms for the nursery.

Prior to the meeting written representations were circulated to the Committee.

Resolved:

Approved subject to the condition as set out in the submitted report.

**71. P/2012/0841/PA - Wilsbrook, 77 Avenue Road, Torquay**

The Committee considered an application for a change of use from guest house to (C3) dwelling house – retrospective.

Resolved:

Approved subject to:

the completion of a Section106 Agreement in respect of waste management, lifelong learning and greenspace and recreation within three months of the date of this Committee or the application be reconsidered by Members.

**72. P/2012/0183/R3 - Victoria Park, Torquay Road, Paignton**

The Committee considered an application for the retention and change of use of the existing youth service building with a childcare facility (Class D1).

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

Resolved:

Temporary planning permission approved until 31/08/2014 with conditions as set out in the submitted report.

**73. P/2012/0859/PA - Paignton Community College, Waterleat Road, Paignton**

The Committee considered an application for engineering works and access improvements in connection with the construction of multi-use sports hub; amendment to opening hours - Monday to Friday 08:00 to 21.30; Saturday 08:00 to 21.30 and Sunday 08.00 to 21.30.

Prior to the meeting a written representation was circulated to the Committee and Members of the Development Management Committee undertook a site visit.

Resolved:

Approved subject to conditions as set out in the submitted report.

**74. P/2012/0869/MPA - Land To The East Of Ocombe Farm Car Park, Preston Down Road, Paignton**

The Committee considered an application for vehicle entry and erection of packing shed, glasshouse and poly-tunnel and horticultural trail ground.

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

Resolved:

Approved subject to:

- (i) discussions being undertaken in respect of using a wood fuelled boiler rather than an oil tank; and
- (ii) conditions as set out in the submitted report being delegated to the Executive Head of Spatial Planning.

**75. P/2012/0914/VC - Unit 4, Vista Apartments, 17 Alta Vista Road, Paignton**

The Committee considered an application for the variation of condition 1 to application P/2003/1605 to change from holiday let to permanent residential.

Resolved:

Approved.

**76. P/2012/0995/PA - Roseville, Marine Gardens, Paignton**

The Committee considered an application for a change of use of residential home (Class C2) to house in multiple occupation (sui generis).

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Chris Selway addressed the Committee against the application and Nick Grodhunce addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Butt addressed the Committee.

Resolved:

Temporary planning permission approved for three years subject to:

- (i) the completion of a Section 106 Agreement in respect of waste management, lifelong learning, greenspace and recreation, stronger communities, monitoring within three months of the date of this Committee or the application be reconsidered by Members; and
- (ii) conditions as set out in the submitted report being delegated to the Executive Head of Spatial Planning.

**77. P/2012/1002/R3 - Curledge Street County Primary School, Curledge Street, Paignton**

The Committee considered an application for the construction of a new link corridor extension (revision to permission P/2011/0384/R3).

Resolved:

Approved.

**78. P/2012/1011/PA - Oldway Mansion, Torquay Road, Paignton**

The Committee considered an application for a change of use and restoration of stables to hotel use including internal and external alterations.

Resolved:

Approved subject to:

- (i) the advice of Natural England and English Heritage; and
- (ii) conditions as set out in the report being delegated to the Executive Head of Spatial Planning.

**79. P/2012/1012/LB - Oldway Mansion, Torquay Road, Paignton**

The Committee considered an application for change of use and restoration of stables to hotel use including internal and external alterations.

Resolved:

Approved subject to:

- (i) advice from English Heritage
- (ii) conditions being delegated to the Executive Head of Spatial Planning to resolve following receipt of English Heritage advice; and
- (iii) application to then be referred to the NCPU for a formal decision.

**80. Blue Seafood Company Report**

The Committee considered a Report on the Blue Seafood Company.

Resolved:

Approved in favour of Option 2 as set out in the submitted report.

(Note: Prior to consideration of minute no. 80 Cllr Ellery declared a non-pecuniary interest as he is Chairman of the Harbour Committee. Cllr Ellery left the meeting and did not vote.)

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Chairwoman

## Update Report to Development Management Committee

**Report Title:** District Heating proposals in relation to application **P/2011/0197**

**Application Description:** Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup> A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application)

**Application Site:** Land West Of, Brixham Road, Paignton

### 1.0 Background

**1.1** The Development Management Committee resolved to grant approval for the above proposed development on 13 February 2012. On 18 June 2012 the Committee agreed to extend the period within which to complete the s106 for the development by a further 6 months to December 2012.

**1.2** The minutes to the original decision in February state that the development is approved subject to, amongst other things:

*(iii) further information regarding the viability of the development, and*

*(iv) the detail of the heads of terms of the Section 106 Agreement be delegated to the Executive Head of Spatial Planning in consultation with the Chairman for final resolution. The Section 106 Agreement to be signed within six months of the date of this Committee or the application be reconsidered by members. Heads of terms to include the following:*

- a) the early delivery of employment space*
- b) the provision of a minimum of 20% on-site affordable housing*
- c) the delivery of future-proofing infrastructure to serve a Combined Heat & Power supply if the viability is established*

*If the conditions cannot be agreed the application will be bought back to the Committee.*

**1.3** In accordance with the above minute the matter is being referred back to members in relation to the ambitions to deliver future proofing infrastructure to serve a Combined Heat & Power energy supply for the development.

### 2.0 Update

**2.1** In accordance with the minutes and the clear mandate from the committee, officers have proceeded to negotiate the provision of District Heating on the site, as part of a suite of S106 provisions. As part of this process considerable advice has been sought from SWEEG (the South West Energy and Environment Group), using expertise at the University of Exeter. In addition, viability assessment work has been carried out on behalf of the developer.

**2.2** The conclusion of this work (both the viability assessment from the developer and the viability and deliverability work carried out by SWEEG) was that it would not be viable to provide the relevant energy infrastructure for District Heating (Combined Heat & Power) to serve the proposed development in isolation.

**2.3** Following this conclusion, further exploratory work was then carried out into options for wider 'West of Paignton' District Heating options, including tapping into existing high energy users such as South Devon College and the potential to link up with other future developments such as at Yannons Farm and Bookhams.

**2.4** The work carried out by SWEEG into this broader option was confirmed as being potentially viable, but the issue of deliverability remained unresolved. The principle issues in relation to deliverability surround the requirement to obtain agreement from a number of landowners, the need for upfront investment (of up to £3M), the need to retro-fit infrastructure and the potential for the requirement to deliver infrastructure that could tap into a DH centre without a clear commitment to the delivery of the DH centre.

**2.5** Officers have also taken advice from SCOPE, on the potential for Torbay Council to provide upfront investment. SCOPE advised that the Council is not in a position to provide such funding. It is notable that the District Heating system being installed at Cranbrook, East of Exeter, has benefitted from considerable financial support (£4.1M) from the public sector.

### **3.0 Conclusions**

**3.1** As a result of the conclusions above it is now not possible to enforce the delivery of District Heating (Combined Heat & Power) through the consent at White Rock. Officers are keen not to further delay the approval of the White Rock scheme with the resultant delay in relation to the delivery of jobs and houses.

**3.2** A District Heating system is not viable on the site alone and timescales, cost, necessary procurement requirements and 3<sup>rd</sup> party agreement prohibits delivery of District Heating on a multiple site basis. It is recommended that Members accept the removal of this 'subject to...' matter from the motion to grant that was agreed at the February committee.

**3.3** A significant amount of employment space and commercial premises are being provided as part of this development. The site is attracting considerable interest for commercial development. The hotel and pub are already operating, planning permissions have recently been granted for a new innovation centre and for a sustainable construction centre, for South Devon College. The Innovation Centre will accommodate around 70 companies and bring around 220 new skilled jobs to the area. The sustainable construction centre will support 16 direct jobs and around 400 jobs through training to new and existing businesses. The S106 Agreement secures early and timely provision of further employment space in the Western Bowl, linked to phasing of development at the front end of the site.

### **4.0 Recommendation**

**4.1** Delete item *(iv) c)* from the recommendation (thereby removing the requirement to provide District Heating infrastructure) and proceed to complete the 106, including the District Heating fallback clauses below; subject to completion of the agreement before end of December 2012.

## **5.0 Draft District Heating s106 clauses**

**5.1** Please see below the current draft s106 provisions relating to District Heating (to cover for the eventuality that matters change in the immediate period following the grant of consent). In addition to the provisions below officers will ensure that a further clause is added such that, where the District Heating Site does not come forward for that purpose it is transferred to an employment site (so as to increase the delivery of employment land and so that an alternative non-employment use would require a separate planning consent):

### ***District Heating***

- 1. the Owner shall not commence any building works for the provision of Infrastructure in the Eastern Bowl which would compromise the delivery of the District Heating Infrastructure for six (6) months from the date of issue of the Planning Permission;*
- 2. the Owner shall give the Council a minimum of three (3) months notice in writing of the commencement of any works for the provision of Infrastructure in each Phase of the Eastern Bowl*
- 3. Should the Council within six (6) months from the date of the issue of the Planning Permission wish to take a transfer of the District Heating Site prior to the Owner itself commencing development of the District Heating Site for provision of an Energy Centre it shall serve notice on the Owner of its intention following which the Owner shall transfer the District Heating Site to the Council*
- 4. any transfer of the District Heating Site to the Council pursuant to paragraph 3 shall be on such commercial terms as agreed between the Council and Owner*
- 5. should a transfer of the District Heating Site be made by the Owner to the Council pursuant to paragraph 3 the Owner hereby agrees to work with the Council throughout its delivery of the Development to ensure as far as is reasonably possible that provision of the District Heating Infrastructure by the Council on the Site is constructed in tandem with the Infrastructure needed to deliver the Development*
- 6. in the event that the Council does not take a transfer of the District Heating Site or the Council transfer the District Heating Site to the Owner pursuant to paragraph 7 (below) the Owner acknowledges and agrees that the District Heating Site will not have the benefit of planning permission for any other use and that an alternative use will require express planning permission and in the event of planning permission being granted for another use the payment of such sums shall be made as shall be required pursuant to the SPD or such other system for securing contributions towards social infrastructure as may be in force at the time*
- 7. in the event that the Council does take a transfer of the District Heating Site but does not deliver an Energy Centre on the District Heating Site within three years from the date of such transfer the Council shall offer the District Heating Site back to Owner and the Owner shall have first refusal in respect of the Energy Centre Land*

# Agenda Item 6

## Application Number

P/2012/0870

## Site Address

25 Roundham Road  
Paignton  
Devon  
TQ4 6DN

## Case Officer

Mr Scott Jones

## Ward

Roundham With Hyde

## Description

Change of use of one holiday unit to residential. internal alterations to turn 6 holidays units in 2 full residential units.

## Executive Summary/Key Outcomes

The proposed change of use of the holiday flats and manager's maisonette to form a total of 4 residential apartments is considered to be acceptable on planning merit. The loss of the holiday use is not considered to be detrimental to the character of the PHAA and the resultant built environment improvements will secure a beneficial enhancement within the Roundham and Paignton Harbour Conservation Area. The level of parking provision is appropriate to the urban setting close to local amenities.

## Recommendation

Conditional Approval; subject to the receipt of revised plans showing the windows to the front elevation of the Victorian villa being replaced with uPVC sliding sash, showing the new dwarf wall to the front curtilage being constructed of natural red sandstone and clarifying the removal of existing signage from the building; this is also subject to the signing of an S106 agreement or upfront payment being resolved before 31 January 2013. In the event that the S106 is not resolved by this date, the application will be refused for reasons of the lack of an S106 obligation. Conditions to be delegated to the Executive Head of Spatial Planning and to include those listed in the draft conditions at the end of this report.

## Site Details

The proposal site is an existing holiday apartment block with owner's accommodation in the form of a maisonette. The site consists of one of a semi-detached pair of Victorian properties from the Arts and Crafts era. The Victorian building is constructed of natural red sandstone, red brick and render, with a natural slate roof. The windows have been replaced with uPVC and are not of traditional sliding sash design. A linked corridor extension joins the semi-detached Villa to the subservient extension block that houses the owner's maisonette and one holiday flat.

The main Villa was sub-divided into 6 holiday flats with shared bathrooms and entrance. There are 8 parking spaces to serve the development and a private rear garden and garage.

## Detailed Proposals

The proposal is part retrospective, in that works have commenced. The proposed development is to convert the main villa into 2 flats for permanent residential occupancy, to retain the existing residential maisonette in the block extension and to convert the

ground floor holiday flat in the extension block to permanent residential occupancy.

Following negotiations with officers, the link extension between the original Victorian property and the extension building is to be removed as part of the conversion. In addition, the door to the bay window on the Victorian villa is to be replaced with a window and dwarf wall to re-instate the bay. Furthermore, works are proposed to form a dwarf wall to the front of the extension building and to enclose the garden and create a green frontage.

Following further discussions, officers have clarified the desire to see the dwarf wall to the front curtilage being built of natural red sandstone and have also sought the replacement of the windows to the front elevation with sliding sash.

### **Summary Of Consultation Responses**

*Highways:* No objection, provided that in building the new wall to the front curtilage, the edge of the adopted Highway is returned to its original profile. A copy of their comments are re-produced at Page P.200.

### **Summary Of Representations**

None received.

### **Relevant Planning History**

None relevant to this application at the site, however, the following recent decision in this PHAA is relevant:

P/2011/0632 Change of use from hotel accommodation to residential care home.  
Approved. 30.08.2011

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

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

The following issues of principle and policy are of relevance in this case;

- 1) Impact on the Principle Holiday Accommodation Area
- 2) Design and Appearance in the Conservation Area
- 3) Highways Impact.

**1) Impact on the Principle Holiday Accommodation Area in relation to the principle of the proposed development, the key consideration is policy TU6.13 – Principle Holiday Accommodation Areas.**

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.

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 and as such does not carry the

same weight, it is capable of constituting a material consideration.

Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 should be the starting point when determining applications for proposals affecting PHAAs. This policy states clearly that applications involving the loss of holiday accommodation within an identified PHAA should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

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

It is considered that in relation to criterion a) although the existing holiday flat use is appropriate for the site, the size of the units is restricted and would be improved with the proposed change of use and reconfiguration. There are no on site facilities such as spa/leisure/communal facilities to support the use as holiday flats.

As to criterion b) the property is of a relatively restricted size, currently offering 7 holiday flats along with one owner's/manager's maisonette. There is no scope for the provision of additional accommodation or facilities within the plot, albeit that the existing arrangement is considered acceptable for visiting tourists and offers suitable accommodation for holidaying purposes.

Criteria c) and d) relate to the impact of the change of use on the character of the area. The 2011 PHAA monitor records a predominance of holiday (hotel and holiday flats) uses within this PHAA, and also records two properties in use as C2 (care home). However, it is worthy of note that the recent permission to change the use of the Roscrea Hotel to a care home (reference P/2011/0632) resulted in the expansion of the care home at Harbour Rise and the loss of a 17 bed hotel.

In addition, it is important to note that in terms of character, the PHAA in this location does not offer an obvious and appreciable change in character from the surrounding residential environs. Although there is a collection of holiday uses in this PHAA, the area itself does not exhibit the qualities that one would necessarily expect to see in a holiday / tourism area, in terms of sea views, proximity to open space, relationship to other leisure/tourism uses and a general holiday atmosphere that is distinct from a residential street.

This is not a densely packed and linear PHAA, rather it is a loosely knit allocation that

covers a collection of blocks of holiday uses. As such it is considered that the change of use would not be to the detriment of the holiday character of the area since its character is considered to be akin to a residential environment in terms of appearance and nature. Furthermore, the proposed use as larger family sized accommodation is compatible with the scale and nature of uses in the more general area

In relation to criteria c) and d), it considered that these tests are also met in this case, due to the change of use falling within the 'green' zone in the revised guidance for PHAAs. This revised guidance was produced following an assessment of all PHAAs and their character. The development would result in the loss of a relatively small number (7) of existing holiday flats.

## **2) Design & Appearance**

The proposed development will result in the general improvement of the appearance of the building in the Conservation Area. The removal of the link extension between the main villa and the extension block will act to partly restore the character of the original property as part of a pair of semi-detached villas. Furthermore, the removal of the front door in the bay to the villa and the creation of a green frontage to the block extension bounded by a front curtilage wall will enhance the appearance of the properties in the street.

In addition to these measures, officers have requested that the front boundary wall be constructed of natural red sandstone as opposed to red brick and that the windows to the front elevation of the main villa be replaced with sliding sash windows.

Provided the improvements to the building are appropriately secured by condition it is considered that the development would result in the enhancement of the appearance of the buildings in the Conservation Area.

## **3) Highways**

The proposed development will provide 1:1 parking and an additional visitor space to the rear of the property. Rather than retain the additional parking to the front of the property, it is proposed to improve the street scene by replacing the hardstanding to the front of the extension building with a new garden and dwarf wall. This will be more in character with the prevailing Conservation Area context. It is considered on balance that 1:1 parking with a visitors space to serve the flats is an acceptable compromise and preferable to the retention of parking to the front curtilage.

### **Economy -**

The proposed development would be unlikely to result in any significant loss of jobs and the investment in the building is welcomed.

### **Climate change -**

The refurbishment will result in the provision of family size accommodation that will be required to meet updated Building Regulations and as such provide improved thermal efficiency for the building. The use as residential flats is an appropriate use for a building within the existing urban environment and will reduce the requirement to depend on new Greenfield development for the delivery of much needed housing.

### **Environmental Enhancement -**

In accordance with the revised guidance on PHAAs and existing Conservation Area and

Built Environment policies, the opportunity has been taken to improve the appearance of the building by removing the link extension between the original Victorian Villa and the side extension. Further enhancements have been sought including the provision of a natural red sandstone dwarf wall to the front and a new lawned front garden. In addition, officers recommend that the windows within the front elevation of the Victorian villa be replaced with sliding sash windows more akin to the original appearance of the property.

**Accessibility -**

Adequate access is provided by way of the existing access drive to the side of the property, visibility can be retained so long as the new front wall does not exceed 600 mm in height.

**S106/CIL -**

Policies CF6 and CF7 and document LDD6 (Planning contributions and affordable housing) adopted April 2008 along with the subsequent update (mitigation and clarification) paper of March 2011 are applicable in relation to planning obligations. It has been confirmed that the following 106 payments will be required to mitigate the impact of the development in line with adopted policy. The applicant is considering whether these will be paid upfront or through the signing of a s106 agreement. In either case the policy requirement contributions will be met by either a 106 or upfront payment.

Total S106 contribution: **£11,029.50** (sustainable transport, waste management, lifelong learning, green space and education).

**Conclusions**

The proposed change of use will result in the creation of 4 residential properties, to the character of the PHAA and the resultant built environment improvements will secure a beneficial enhancement within the Roundham and Paignton Harbour Conservation Area. As such it is recommended that this application should be approved.

**Draft Conditions**

- External works to form wall, front garden, replacement front windows to the villa and removal of the link extension to be completed within set timescale
- Parking to be provided and made available for use and retained as such
- Details of bin store and secure cycle parking to be agreed, as shown on the submitted layout plans, and these to be provided and retained on site

**Relevant Policies**

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# Agenda Item 7

**Application Number**

P/2012/0743

**Site Address**

Allways  
Teignmouth Road  
Torquay  
Devon  
TQ1 4TA

**Case Officer**

Mr Adam Luscombe

**Ward**

St Marychurch

**Description**

New dwelling in grounds of existing property with new improved entrance and vehicular/pedestrian access

**Executive Summary/Key Outcomes**

The proposed development site is a large plot of land and would be large enough to sustain a dwelling. The Highways Authority support the proposal because they consider that the proposed new access arrangements for the proposed and the existing dwellings would be an improvement.

However, there are relevant policy considerations that would need to be overcome in order to support the proposed development. The most relevant Local Plan policies relate to the site lying in an Area of Great Landscape Value 'AGLV' (L2), a Coastal Preservation Area 'CPA' (L3) and a Countryside Zone 'CZ' (L4). Although these policies do not preclude development, they make clear that development likely to affect the quality of the landscape without being required for the economic or social well being of the locality should not be permitted.

The Council's Landscaping Officer and the Arboricultural Officer do not object in terms of the impact of the proposal upon the landscape or upon trees. However, this part of Teignmouth Road is very much a transition zone between the rural countryside beyond and the village envelope of Maidencombe, because it is characterised by low density large dwellings in a green setting. This current proposal to subdivide one of the curtilages would run counter to the established policy position of resisting development within gardens in this area, as it would increase the density of development and set a precedent that would lead to the urbanisation of a semi-rural environment. Recent similar planning appeal decisions indicate that the proposal should be refused on this basis.

However, given the balance of this recommendation and the sensitive nature of the location, it is suggested that Members should visit the site for themselves first to assess whether or not they consider the site could sustain a dwelling.

**Recommendation**

Site visit: Refusal on policy grounds.

**Site Details**

Large plot of land, approximately 0.15 hectare in size lying to the south of Teignmouth Road, beyond the settlement boundary of Maidencombe village and part of a string of

large properties set in spacious grounds combining to form an urban/rural transition to the countryside.

### **Detailed Proposals**

Permission is sought for a detached split level dwelling in between "Allways" (Teignmouth Road) and "Torside" (Sladnor Park Road). It is land within the curtilage of "Allways", currently serving as garden space. The plans show a 4 bedroomed property, with dormers providing light into the first floor of accommodation, and a double garage at lower ground floor level. The property would have three floors of accommodation on its north-eastern elevation, but only two on the south-western elevation. Access to the site would be repositioned to allow for one single point of access/egress off Teignmouth Road serving both the existing property ("Allways") and the proposed development. There is a significant tree presence within the site, particularly on the south-west, south-east and north-east boundary, but these are relatively unaffected by the proposal.

### **Summary Of Consultation Responses**

*Highways Authority:* Considers the centralising of the access within the site to be an improvement in terms of highway safety due to the increased visibility it would provide. One extra dwelling would not significantly increase danger on the main road. The development would trigger a sustainable transportation contribution which should be used to improve cycle links into Torquay. See full comments reproduced in the representations bundle.

*RSPB:* Notes that the site is within 250 metres of potential breeding territory for the Cirl Bunting (a protected species). Recommends that if permission is granted the proposal should include boundary hedgerows and nesting opportunities so that existing ecosystems and biodiversity is not adversely affected.

*Arboricultural Officer:* Notes that the site does not contain any TPO trees and is not within a Conservation Area. Therefore the trees on site have no statutory protection. His further comments regarding the Tree Protection Plan are awaited.

### **Summary Of Representations**

Letters of representation have been received (in support and objecting) and are reproduced at page T.201. The main thrust of the comments made are :-

#### *Comments in favour*

- No objection in principle to a house, but needs redesign or realignment to protect privacy.
- The new driveway would improve access/egress onto Teignmouth Road.
- Anything that improves the access to 'Allways' would be appreciated
- Would be acceptable if it was re-aligned or more boundary screening introduced.
- It provides housing.

#### *Comments against*

- Previous similar applications have been refused on appeal
- Would result in a loss of privacy for neighbours.
- No improvement to road safety.
- Would set a precedent.
- Need more detail of the proposal
- Trees and hedging would be lost.

- Access difficulties from Teignmouth Road.
- Would restrict light to neighbouring property

### **Relevant Planning History**

Nothing specifically for this plot of land, but the following decisions made for new dwellings in the vicinity have all been refused.

- P/2008/0121 A gate house lodge at The Barn, Teignmouth Road, refused 26.03.2008 for reasons of policy, Highways, trees and overdevelopment. Subsequent appeal dismissed by letter dated 28 November 2008 and is reproduced at Page T.201.
- P/2005/0936 Dwelling at Langley Manor, Teignmouth Road, refused 28.07.2005 for reasons of policy and highways. Subsequent appeal dismissed by letter dated 25 May 2006 and is reproduced at Page T.201.
- P/2004/1578 Erection Of 3 bedroom bungalow (in outline), refused 17 November 2004 for reasons of policy, highways and residential amenity. Subsequent appeal dismissed by letter dated 26 July 2005 for reasons of impact upon landscape and highways and reproduced at Page T.201.

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

#### **Principle and policy -**

It is with this issue that careful consideration needs to be given. The site lies within an 'Area of Great Landscape Value' as defined by policy L2 of the Saved Adopted Torbay Local Plan, a 'Coastal Preservation Area' (policy L3) and a 'Countryside Zone' (L4). These policies make clear that development likely to affect the quality of the landscape without being required for the economic or social well being of the locality should not be permitted.

It is a relevant material consideration that there have been 3 examples of other applications for dwellings in the area over the past 8 years, and all were turned down by the Local Authority. Impact upon the rural landscape that predominates in the area was cited as a reason in all 3 cases, although there were in each case other justifiable planning reasons as well. Nevertheless, this standpoint was supported on appeal, and Members should refer to the appeal decision notices which have been reproduced as part of this agenda.

Members may consider it relevant that the decisions were made in 2005, 2006 and 2008, and circumstances do change over time. The recent Scotts Meadow decision, in which the Inspector concluded that Torbay does not have a 5 year housing land supply is of relevance, however, it is considered that this is not overriding in this case as the development would not have a significant material effect on the Bay's housing land supply. In addition, the adoption of the NPPF is a material consideration, however, it is argued that the development does not meet the NPPF tests in relation to the presumption in favour of sustainable development due to the location of the proposed dwelling in a semi-rural environment outside of the established settlement boundary.

As such, given the relatively recent appeal decisions there is an understanding that a similar decision should be reached in this instance. Members would have to argue that this particular proposal did not impact upon the wider landscape setting if they were to

consider approval. It is doubtful that this could be the case, and therefore it is advised that the proposal should be refused in line with the precedent set by the appeal decisions and in line with current Local Plan policy.

#### **Highways and parking issues -**

The Highways Authority are not objecting to this current application, whereas the appeal decisions referred to above did include additional highway reasons. The Highways Authority consider that this current proposed new access arrangements for the proposed and the existing dwellings would be an improvement on that which currently exists, and so they support the proposal.

They do ask for consideration of a Sustainable Transportation contribution to help towards providing cycle lanes towards Torquay. The proposal more than meets the requirements of policy in respect of off-street parking, providing a double garage and surface parking facilities. Therefore there cannot be a Highways objection in terms of the impact upon Teignmouth Road, nor can there be a parking objection. The proposal clearly meets the objectives of policies T25 (parking) and T26 (access).

#### **Landscaping, Arboricultural and Biodiversity issues**

The Council's Landscaping Officer is of the opinion that the proposal can be made to fit in to the site and be screened to an extent from the wider landscape. It needs to be borne in mind that there is an existing large mature hedge and tree belt along the Teignmouth Road frontage, and it is not intended to alter this apart from the new access point. The dwelling would therefore not have a significant visual impact.

The Arboricultural Officer notes that none of the trees at the site are covered by a TPO, and the site is outside of the Maidencombe Conservation Area. There is therefore no statutory protection for the trees and they could be taken down lawfully. However, it is helpful that the proposal is intending to retain the best and most significant trees on the site.

The Council has a duty to consider biodiversity and nature conservation, particularly given the more rural nature of the area. The only known protected species that could reasonably be concluded to inhabit the area is the Cirl Bunting. Records show that this species has been noted to have been nesting in the area in the past. The Cirl Bunting thrives on unimproved pasture land, and so would be largely absent from the proposal site which is a domestic garden. Nevertheless, the intention to keep the hedgerows on the boundary would help the species, and it is noted that the RSPB would not object on this basis.

#### **Residential amenity**

The proposal site is a large plot by any standard and is reflective of the low density of development that currently exists in the area. The nearest property (wall to wall) to the proposed new dwelling would be 'Oakdene' to the south and that would be approximately 28 metres away. This is far in excess of the distance normally considered to be acceptable to avoid overlooking and loss of amenity, and given the tree screen it is intended to retain on the boundary, it is doubtful that a loss of amenity argument would be upheld on appeal.

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

It is the Council's policy to seek appropriate financial contributions from developers

under S106 of the Town and Country Planning Act and the legislative requirements of Part 11 of The Community Infrastructure Levy Regulations 2010, towards community infrastructure stemming directly from development and in terms of the resultant pressures on local social, physical and environmental infrastructure. The Council has decided in line with Central Government legislation and advice from the (former) Government Office for the South West 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. This is made quite clear in policies CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan. The proposal to provide a new residential dwelling at this site is therefore liable to a planning obligation under S106 of the Town and Country Planning Act to offset the costs that would arise from this proposal.

The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March of last year (2011). The amount of the required 'developer contribution' for this proposal would therefore be evaluated in line with this adopted revision to the policy. According to this document, contributions due for residential proposals are now based on floor space to be created. Contributions would be due in this instance for the following items - municipal waste and recycling, sustainable transportation, education, lifelong learning, and green space/recreation. This would amount to a contribution of £8160 for this dwelling.

Strategic Transportation have asked for the Sustainable Transportation element (of £3610) to be used towards improved cycling facilities along the main road in the direction of Torquay. This is an identified and much needed facility which the Council is unable to fund by itself and the contribution from this dwelling would help achieve this ambition.

### **Conclusions**

The proposal is considered to be contrary to policy and unacceptable in principle, this stance is supported by recent appeal decisions and would meet the policy tests. As the technical considerations in relation to highways, parking, landscaping, arboricultural, biodiversity and residential amenity considerations have been resolved it is important that members visit the site and consider the proposal in context.

Planning Inspectors have previously identified that free-standing separate dwellings in this area would cause harm to the more rural character of the surrounding area, and this does set a precedent for consideration of this current proposal. It is not considered that circumstances have changed to alter this stance, and so the application is recommended for refusal on landscape and green environment policy issues - namely L2, L3 and L4.

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

01. The site is within the Countryside Zone, an Area of Great Landscape Value and the Coastal Preservation Area as defined by the Saved Adopted Torbay Local Plan. The formation of an additional dwelling in the garden of the existing property would result in an inappropriate form of development when judged against the criteria of the relevant policies L2, L3 and L4. The dwelling would occupy part of the existing garden to "Allways" and would result in the creation of a more urbanised form of development that would be out of character with the

rural spacious layout of adjacent plots. This would adversely affect the special landscape character of the Countryside Zone, Area of Great Landscape Value and Coastal Preservation Area. It would also set an undesirable precedent for similar proposals elsewhere in the vicinity, which accumulatively would totally alter and eventually destroy the rural feel to the character of this low density area.

### **Relevant Policies**

H15	House extensions
CFS	Sustainable communities strategy
CF6	Community infrastructure contributions
CF7	Educational contributions
W7	Development and waste recycling facilities
LS	Landscape strategy
L2	Areas of Great Landscape Value
L3	Coastal Protection Areas
L4	Countryside Zones
L8	Protection of hedgerows, woodlands
L9	Planting and retention of trees
NC5	Protected species
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
T3	Cycling
T25	Car parking in new development
T26	Access from development on to the highway

# Agenda Item 8

## **Application Number**

P/2012/0647

## **Site Address**

Headland Hotel  
Daddyhole Road  
Torquay  
Devon  
TQ1 2EF

## **Case Officer**

Mrs Ruth Robinson

## **Ward**

Wellswood

## **Description**

Excavation of land up to a depth of a metre to create a 19 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities

## **Executive Summary/Key Outcomes**

The proposal involves the excavation of an area of Daddyhole Plain to create a 19 space car park and coach parking to serve the Headland Hotel. The site is sensitive. It is Urban Landscape Protection Area, Conservation Area, within an Area of Great Landscape Value, Coastal Preservation Area and County Wildlife Site. It abuts a SSSI. It has generated objections from residents concerned about its impact on the quality of the natural landscape.

There may, however, be some merit in the proposal if it a) demonstrably underpins the future viability of the hotel, b) delivers an adequate and appropriate mitigation strategy to upgrade the coast path network and the quality of adjacent 'higher value' landscape on the headland, and c) delivers replacement public parking and achieves some resolution of the ongoing problems of coaches reversing down Daddyhole Road.

As it stands, these objectives are not delivered. It is therefore recommended for a refusal of planning permission. Members are requested to offer guidance in relation to a revised scheme that does deliver a more suitable package of improvements.

## **Recommendation**

Site Visit; Refusal: due to adverse impact on landscape character and parking in the absence of an agreed mitigation strategy. Members are requested to provide a steer as to the likelihood of support for a revised proposal that delivers items 1-5 at the end of this report.

## **Site Details**

Comprises an area of land approximately 44m long and 6m wide located opposite the Headland Hotel, within Daddyhole Plain. The application site is within the Lincombes Conservation Area, it is an Urban Landscape Protection Area, an Area of Great Landscape Value and it is within a County Wildlife Site. It abuts a SSSI which is designated for its vegetation which is mainly unimproved grassland. The South West Coast Path [SWCP] passes the eastern boundary of the site. It currently has an attractive landscape character with scrub, grassland trees and hedges. Public car parking is currently available along the public highway which forms the northern boundary of the site. The land is Council owned.

### **Detailed Proposals**

Is to excavate the area of land to create car parking for 19 cars and to include an area for coach parking. The depth of excavation varies from around a meter at the western end of the site to some infill at the eastern end. It is proposed to enclose the car parking area with a bank of varying height and to surface it with 'grasscrete' or similar. There is some loss of planting including a Larch tree. There is some minor demolition of the front boundary wall of the Headland Hotel to facilitate coach turning and loss of a short extent the public footpath.

### **Summary Of Consultation Responses**

*English Heritage:* Does not wish to comment.

*Natural England:* Obs. awaited.

*Torbay Coast and Countryside Trust:* Offer support subject to a range of works to be carried out to the SWCP and adjoining landscape and have been involved in discussions to negotiate a package of mitigation.

*South West Coast Path:* As Above. European funding is apparently available to match fund the contribution derived from the hotel.

*Torbay Development Agency:* Support the principle as it would support the future viability of the Hotel.

*Drainage:* Want details of drainage system to be used.

*Highways:* Considers that there are existing opportunities for coaches to turn and that this represents more of a case of increasing car parking provision. Does not however object to the scheme providing that there is no net loss of public car parking and so would like to see 5-6 spaces reserved for public use.

### **Summary Of Representations**

There have been many representations. The majority of residents are opposed to the scheme for the following reasons:

- Adverse impact on landscape character/trees/loss of natural habitat.
- Such a proposal is unnecessary due to the availability of public car parking in close proximity to the Hotel.
- It would not solve the problem of coaches reversing down Daddyhole Road.
- Public land should not be used for private profit.
- It would lead to the loss of existing public car parking currently available on the public highway.
- The Hotel should use its own land to meet the needs of its customers.
- Increased traffic hazards would be caused to pedestrians using the SWCP.

In terms of support for the proposal, there is a minority view that it will bring to an end the ongoing problems of coaches reversing down Daddyhole Road as it will allow coaches and lorries the opportunity to turn providing that a condition is imposed requiring the forecourt of the Hotel to be kept clear of parked cars.

These representations are reproduced at Page T.200.

### **Relevant Planning History**

Permission has been granted in the past to allow more car parking on the site.

P/2006/0661: Construction of 17 space car park to forecourt of hotel: Approved February 2006.

This followed 2 earlier refusals of planning permission for a 19 space car parking area due to the impact on trees.

A large stone planter which formed the front boundary to the hotel was demolished several years ago without Conservation Area Consent. This area now forms an unauthorised addition to the existing car park.

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

The key issues are: 1) the impact on the natural landscape character of the area and on wildlife habitat and the degree to which this can be mitigated by the improvements to the design of the scheme and to the adjacent SWCP and associated landscape, 2) the need for additional spaces for the Hotel and the contribution that these would make to the long term viability of the hotel, 3) whether the loss of public car parking can be mitigated, 4) whether existing public car parking facilities could be used to resolve the needs of the Hotel, 5) whether it is justified to use public land to provide private car parking, 6) whether the proposal would detract from or enhance the experience of SWCP users and 7) whether the scheme is likely to resolve the long standing problem of coaches reversing along Daddyhole Road. Each will be addressed in turn.

### **Would the proposal adversely impact on the Natural Landscape Character of the Area?**

The site is prominently located within the Lincombes Conservation Area and the Daddyhole Plain Urban Landscape Protection Area; it is within an Area of Great Landscape Value, within a Coastal Preservation Area and it is in the Daddyhole Plain County Wildlife Site. It is also within the Coastal Protection Zone. It abuts a SSSI. This policy protection reflects the importance of its natural landscape and ecological character and the contribution it makes to the quality of the coastal area. It has an undeniably attractive character which is much appreciated by locals and walkers alike.

However it is a strip of roadside land and does not enjoy the same 'value' in terms of visual quality as areas more central to Daddyhole Plain. This suggests that this scheme could be acceptable if the benefits to the wider and 'higher value' protected landscape on the adjacent headland are of a sufficient scale and quality to mitigate the impact of the introduction of the car parking bay.

An acceptable scheme would also be required to be very sympathetically designed itself in order to ensure integration with the character of the wider landscape. The SWCP team and TCCT have been engaged in discussions with the applicant about a package of improvements to the SWCP footpaths and to manage and improve the quality of the headland landscape. These two organisations consider that there is a package which would offer adequate compensation for the impact on the scheme. Unfortunately this package was not fully worked up and included in the application.

In terms of the design of the existing proposal, it is not well detailed, it needs some 'strategic' landscaping and the arrangement of spaces would be better if drawn back from the SWCP and proximity to the SSSI. As it stands, the scheme could be improved and the package of benefits needs to be agreed and included in a S106 agreement.

In terms of ecology, the impact of the development is capable of being mitigated by a 5 year management plan in relation to adjacent land.

**Is the need for additional car parking spaces justified?**

Planning permission has been granted in the past for additional spaces within the grounds of the hotel and these have largely been implemented. The applicant contends that he needs more spaces and is losing custom due to the lack of spaces. He currently has around 20 spaces on site, there is freely available public car parking along Daddyhole Road and there are two public car parks, one on Daddyhole Plain and one on the Meadfoot Beach end of Daddyhole Road which are generally underused and both within easy walking distance.

In comparison to many hotels in the Bay, this is well served by car parking. There is little justification included within the application relating to the need for car parking.

**Should the scheme include mitigation for loss of public car parking?**

Highways have commented that they expect the loss of public car parking, which currently occurs on the public highway to be mitigated by the inclusion of an equivalent number of spaces within this scheme. This would be equivalent to around 5-6 spaces leaving the balance as private spaces for the hotel. It is unknown at the moment how this would be managed and whether the number of spaces remaining for the hotel would render the scheme viable.

**Is it justified to use public land to provide private car parking?**

The land in question is owned by the Council and is currently public open space. There is a concern that a public asset should not be used to benefit a single business, however, highways have asked that public spaces be accommodated within this scheme so that there is no net loss of public car parking. As previously explained, this scheme is only likely to be acceptable if the 'public benefit' i.e. the wider mitigation, is sufficient to outweigh the impacts that arise on the local environment. This has yet to be demonstrated.

**Could Existing Car Parks be used to provide improved car parking opportunities for the Hotel?**

There are two public car parks that are not well used in close proximity to the hotel. Use of CCTV and other management improvements would allow these to be used more effectively to serve local hotels. This needs to be explored as part of the justification and consideration of an alternative scheme.

**Would the Scheme enhance or detract from the public enjoyment of this well used pedestrian route?**

Although the SWCP's defined route borders the seaward side of the application site, this is elevated, in a poor state of repair and not ideal for those with limited mobility. As a consequence many walkers use Daddyhole Road as part of the SWCP as it provides a level access along the route. Again, the acceptability of this depends on how attractive the defined route can be made. It also depends on the quality of the scheme and the

degree to which its visual intrusion can be mitigated. As a minimum, the spaces that are shown immediately abutting the SWCP need to be deleted and appropriate landscaping introduced.

**Is this likely to resolve the long standing problem of coaches reversing along Daddyhole Road?**

There has been a long standing problem of coaches reversing down Daddyhole Plain. This action is contrary to the Highway Act and the drivers are liable to prosecution. It is a cul-de-sac and residents have for some time pushed for a turning circle to be provided to discourage drivers from carrying out this illegal action. The applicant recently demolished a large stone planter that formed a front boundary to the hotel and if the space freed up had been reserved as a turning circle it would have been sufficient to resolve the problem. Whilst the plans show the coaches turning using an existing access to the side of the hotel, this manoeuvre is possible now and has not brought about an end to the practice. For this reason, and to enable a greater degree of certainty about the likelihood of coaches turning it is suggested that this space should be clearly marked as a turning circle and cars denied the opportunity to park. It would mean the loss of 4 existing spaces. This arrangement would also be better aesthetically and for pedestrians as it would obviate the need to demolish the stone boundary wall and to remove part of the footpath.

**S106/CIL -**

A S106 agreement would be required to secure the appropriate mitigation in the event that an acceptable scheme is forthcoming. This would need to mitigate for the landscape impact and the loss of on street parking spaces.

**Conclusions**

The scheme as it stands will primarily achieve more private car parking to serve the hotel. There is widespread concern that the proposal would be damaging to the character and appearance of Daddyhole Plain. There is some limited support from residents of Daddyhole Road if it secures an end to the illegal manoeuvre of coaches reversing down Daddyhole Road. The site is heavily constrained by policies designed to protect the landscape, visual and ecological character of the site. On that basis, the scheme is only likely to be acceptable if:

1. The need for the additional spaces is justified and the contribution of nearby public car parks to satisfying the need for additional spaces addressed.
2. The loss of public car parking spaces is mitigated through inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to secure proper use of the facility.
3. The scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped.
4. Of prime importance, that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a S106 agreement.
5. The car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being

available for coach turning only.

As the current proposal does not achieve these objectives, it is recommended that planning permission be refused but Members are asked to offer a steer as to their views on a revised application that achieves items 1-5 above. This would enable the applicant to have some understanding about the residual viability of the scheme and a degree of 'comfort' about the outcome prior to investing resources in assembling an appropriate package of improvements.

**Relevant Policies**

-

**Application Number**

P/2012/1032

**Site Address**

48 Torwood Street  
Torquay  
Devon  
TQ1 1DT

**Case Officer**

Mr Scott Jones

**Ward**

Wellswood

**Description**

Variation of condition 4 to application P/2012/0099/PA use hereby approved shall only be operational between the hours of 08:00 and 00:00 Sunday-Thursday and between the hours of 08:00 and 01:00 Friday and Saturday

**Executive Summary/Key Outcomes**

The proposals is a variation of a condition, in respect to previously established opening hours of an A3 Restaurant use, seeking to extend the Sunday to Thursday operating hours 1.5 hours each night from 22:30 to 00:00 and extend the weekend (Friday and Saturday) operating hours 1 hour from 00:00 to 01:00.

The key issue relates to the likely impact upon the amenities afforded neighbouring occupiers, which include upper floor flats within close proximity to and above the premises.

Environmental Health and Consumer Protection do not object to the proposal. However they have commented that any forthcoming licence application is likely to be limited at the weekend to a 00:30 closing time, inline with other such businesses in the area, to protect local amenities.

**Recommendation**

Approval; subject to revised operating hours to that proposed, of 08:00 – 00:00 Sunday to Thursday and between 08:00 and 00:30 Friday and Saturday.

**Site Details**

The site is a prominent town centre location close to the harbourside, located on the Northern side of Torwood Street above the traffic-lighted junction with The Terrace and Meadfoot Road. The area has an established commercial character and strong night time economy, with a number of restaurants and nightclubs located in close proximity of each other. The site sits in the designated Town Centre and a defined Secondary Shopping Frontage, and the terrace that it forms part of has upper floor residential use.

**Detailed Proposals**

The variation of condition in regard to opening hours seeking to extend the Sunday to Thursday operating hours 1.5 hours each night from 22:30 to 00:00 and extend the weekend (Friday and Saturday) operating hours 1 hour each night from 00:00 to 01:00.

**Summary Of Consultation Responses*****Environmental Health and Consumer Protection:***

In general the department has no objection to the extended opening times.

However Environmental Health and Consumer Protection have commented that many of the other restaurants within Torwood Street have closing times restrictions of 00:30 on a Friday and Saturday as governed by their Premises Licence.

If the premises wished to serve alcohol or food after 11pm then they would be required to apply for a premises licence for the establishment and due to the fact that other premises within the locality are restricted to 12.30 am, then this may be the time that would be deemed acceptable.

### **Summary Of Representations**

One letter of representation has been received from an occupant of Imperial House (the upper floor flat building) that cites that the proposal will add to the noise nuisance already experienced in the area.

This representation has been reproduced on Page T.202.

Previously the application for the change of use of the premises to a restaurant received six letters of representation, which raised the following issues; noise, smell, residential, amenity, access, waste storage, impact on existing trade, fire hazard.

### **Relevant Planning History**

P/2012/0099 - Change of use of ground floor and basement from class A1 to class A3 – Approved 08.05.2012 – Conditional approval that included opening hours restriction as follows – *“The use hereby approved shall only be operational between the hours of 08:00 and 22:30 Sunday-Thursday and between the hours of 08:00 and 00:00 Friday and Saturday unless otherwise approved in writing by the Local Planning Authority (To ensure that the change of use does not adversely impact on the amenity of the neighbouring occupiers in accordance with policy S4 of the Saved Adopted Torbay Local Plan 1995-2011)”*.

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

The key issue with this proposal is whether the extension to the hours of operation would be harmful to the amenities of nearby residents, because of smell, noise and general disturbance through operations and patrons entering or exiting the business. These issues are considered under the four headings below:

#### ***Existing Use:***

The business sits within an area with a prominent night time economy that offers a range of businesses with late opening hours. The proposal that established the restaurant (A3) use earlier in 2012 also established, through condition, that operating until 10.30 pm Sunday to Thursday and until midnight on Friday and Saturday would be acceptable. This was subject to, amongst other matters, the submission and approval of acoustic information in regard to sound insulation in order to protect local amenity. This condition has subsequently been discharged, ensuring that the use could operate aside residential properties.

#### ***Operation:***

The matter is now the consideration of the possible impact upon amenity from the additional 1.5 hours Sunday to Thursday and the additional hour on Fridays and Saturdays. As the sound insulation detail has been acceptable for operating hours that

already extend to midnight, it is considered that the restaurant could operate using extended hours without any significant impact upon neighbour amenity.

***Use:***

The third issue is the impact on residential amenity through use, by customers of the premises, including patrons entering and exiting the site and the potential likelihood of additional vehicular movements in the vicinity. Environmental Health and Consumer Protection has advised that similar operations within the vicinity have a closing time licence no later than 00:30 over the two busier weekend nights. Consequently, residential amenity will not be significantly effected so long as the hours of operation/use on these nights are not extended to 01:00. The 'weekday' extension to midnight is not considered problematic as other similar businesses operate to similar times over these days.

***Precedent:***

It is important that the operation / hours of use are consistent with nearby commercial properties, in planning and licensing terms, which both consider amenity. If the hours of use were extended via a planning permission beyond those of other commercial properties it is likely that these other properties would also seek extended hours of operation. Cumulatively this would be likely to have a negative impact on residential amenity.

**S106/CIL** - Not applicable.

**Conclusions**

With appreciation of the operational context of other similar businesses in the area, together with the proximity to residential properties, it is considered appropriate to support a revised proposal to extend the hours, with opening hours of 08:00 – 00:00 Sunday to Thursday, but between 08:00 and 00:30 Friday and Saturday, rather than 01:00 as applied for.

**Relevant Policies**

S1 - Town Centres  
S4 - Secondary shopping frontages  
EP4 - Noise

# Agenda Item 10

## Application Number

P/2012/0910

## Site Address

2 Fore Street  
Brixham  
Devon  
TQ5 8DS

## Case Officer

Mr Scott Jones

## Ward

Berry Head With Furzeham

## Description

Demolition of 2 and 2A Fore Street.

## **Executive Summary**

The proposal is to demolish the existing property at 2 and 2a Fore Street on Bolton Cross in Brixham and widen the junction. This will enable the resolution of air quality and traffic congestion concerns. The parent application (P/2012/0911) also includes the replacement with a smaller property on the corner to ensure that this important nodal point and corner feature retains distinction and definition, and provides enhanced legibility.

The proposal is similar to the previously approved scheme (Ref: P/2011/1189) for the demolition of the building and in the absence of any significant change in circumstances it is recommended for approval.

## **Recommendation**

Conditional Approval (conditions at end of report).

## **Site Details**

Bolton Cross is significant in terms of Brixham's townscape and is located within the Brixham Town Centre Conservation Area. The junction signifies a key gateway to the town centre. The building at No 2 and 2A Fore Street forms part of a terrace of properties on the corner of Bolton Cross, linking Fore Street and Market Street. The ground floor consists of a retail unit, previously occupied by Threshers off-licence, whilst the upper floors consist of 3 self contained apartments. There are a number of listed buildings adjacent or close to Bolton Cross including The Bolton Hotel, Brixham Town Hall, Market Hall and Museum and Corner House on New Road.

## **Relevant Planning History**

The most relevant planning history relates to applications for the demolition of the building and its replacement, which were approved in 2011.

P/2010/1189 Demolition of 2 and 2A Fore Street. Approved. 22.03.2011

P/2010/1192 Demolition of 2 and 2A Fore Street; Alterations and works to form junction realignment; formation of new ground floor retail and 2 number first floor apartments. Approved. 08.03.2011

## **Proposals**

The application has been submitted on behalf of the Council. It relates to the need to address air quality and congestion issues associated with the current configuration of the

Bolton Cross road junction. The application proposes the demolition of Nos. 2 and 2a Fore Street which are unlisted buildings in the Brixham Town Centre Conservation Area. The application for demolition has been submitted concurrently with the planning application for the redevelopment scheme.

### **Consultations**

*English Heritage*: No objection, EH Consider that the application should be determined at the local level

### **Representations**

Brixham Town Council recommend approval.

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

Since the only consideration that has changed following the 2011 approval for demolition (P/2010/1189) is the minor alteration to the design of the replacement building, the recent approval in 2011 to the demolition of the building is a very material consideration in this case.

A heritage assessment accompanies the application and this same report was considered and accepted by English Heritage and the Council's Senior Historic Environment Officer during consideration of the 2011 approval. The report confirms that in order to mitigate the impact of demolishing the building, a scheme of historic building recording to document the form, appearance and setting of the structure will be carried out together with an archaeological watching brief during the works.

The proposed demolition is mitigated through the construction of a new building using a design appropriate to the local context and through the improvement of the public realm around the periphery of the application site.

The results of an Ecological Constraints Survey were submitted in a report which accompanies the application. The survey identified the presence of herring gulls nesting on the flat roof of the adjacent building.

Herring gulls are a protected species and therefore it is proposed to minimise adverse effects on the gulls during redevelopment of the site by including mitigation measures, as included in the Ecological Constraints Survey. These measures include no demolition works during the birds' breeding season, which will also avoid contravention of the Wildlife and Countryside Act, 1981 and avoiding the disturbance of breeding herring gulls on the adjacent buildings by undertaking any works outside the breeding season. The views of Natural England in relation to this issue are awaited.

### **Sustainability**

No issues.

### **Crime and Disorder**

No issues.

### **Disability Issues**

No issues.

### **Conclusions**

The proposed demolition of the buildings represents intelligently managed change to this prominent site within the Brixham Conservation Area and the case for the proposal has been made in accordance with the NPPF, subject to the timely construction of the replacement building.

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

01. In accordance with the submitted Heritage Assessment, dated October 2010, a Historic Building Recording of Nos 2 and 2A Fore Street shall be undertaken prior to and during the demolition. The recording shall follow the guidance set out in the English Heritage Level 2 standards (2006). The Historic Building Recording shall be submitted to the Local Planning Authority in writing within 3 months of the completion of the demolition. In addition an archaeological watching brief shall be provided on site during the works of demolition.

Reason: In the interests of preserving and recording features of architectural or historic interest and in accordance with policies BES, BE5 and BE9 and BE10 of the saved adopted Torbay Local Plan 1995-2011.

02. The building(s) shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the character and appearance of the Brixham Town Conservation Area is not prejudiced by the creation of a gap on this key site and to meet the criteria of Policy BE5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. No works of demolition shall be carried out during the breeding season for Herring Gulls (April to June).

Reason: In the interests of protecting the herring gulls' nest on the flat roof of the adjacent building which are protected under the Wildlife and Countryside Act 1981 and to meet the criteria of Policy NC5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

**Relevant Policies**

Adopted Torbay Local Plan (1995-2011)

- BE5 Policy in Conservation Areas
- BE6 Development affecting listed buildings
- BE9 Archaeological Assessment of Development Proposals
- NC5 Protected Species

NPPF Part 12

**Application Number**

P/2012/0911

**Site Address**

2 Fore Street  
Brixham  
Devon  
TQ5 8DS

**Case Officer**

Mr Scott Jones

**Ward**

Berry Head With Furzeham

**Description**

Demolition of 2 and 2A Fore Street; junction realignment and replace with 2 ground floor retail units and 2 first floor apartments

**Executive Summary**

The proposal is to demolish the existing property at 2 and 2a Fore Street on Bolton Cross in Brixham and widen the junction. This will enable the resolution of air quality and traffic congestion concerns. The proposal also includes the replacement with a smaller property to ensure that this important nodal point and corner feature retains distinction and definition, and provides enhanced legibility.

The proposal is similar to the previously approved scheme (Ref: P/2011/1192) and in the absence of any significant change in circumstances it is recommended for approval.

**Recommendation**

Conditional Approval; subject to the receipt of a satisfactory Flood Risk Assessment and the withdrawal of the Environment Agency's objection. Conditions at end of the report (to be delegated to officers to complete to ensure any relevant flood risk related conditions can be added post resolution).

**Site Details**

Bolton Cross is significant in terms of Brixham's townscape and is located within the Brixham Town Centre Conservation Area. The junction signifies a key gateway to the town centre. The building at No 2 and 2A Fore Street forms part of a terrace of properties on the corner of Bolton Cross, linking Fore Street and Market Street. The ground floor consists of a retail unit, previously occupied by Threshers off-licence, whilst the upper floors consist of 3 self contained apartments. There are a number of listed buildings adjacent or close to Bolton Cross including The Bolton Hotel, Brixham Town Hall, Market Hall and Museum and Corner House on New Road.

**Relevant Planning History**

The most relevant planning history relates to applications for the demolition of the building and its replacement, which were approved in 2011.

P/2010/1189 Demolition of 2 and 2A Fore Street. Approved. 22.03.2011

P/2010/1192 Demolition of 2 and 2A Fore Street; Alterations and works to form junction realignment; formation of new ground floor retail and 2 number first floor apartments. Approved 08.03.2011.

**Proposals**

The application has been submitted on behalf of the Council and seeks the junction realignment and demolition and replacement of a ground floor retail unit (former Threshers) and three first floor apartments with a ground floor retail use and two first floor apartments. These buildings are now owned by the Council. The replacement building will stand at a similar height although will be set back from its current footprint to allow the junction realignment. A widened footway will be provided in front of the proposed replacement building.

### **Consultations**

*English Heritage:* No objection, EH Consider that the application should be determined at the local level. Their comments are reproduced at Page B.200.

*Environment Agency:* Holding objection due to the lack of a Flood Risk Assessment and because the site lies within Flood Zone 3

### **Representations**

Brixham Town Council recommend approval.

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

Since the only consideration that has changed following the 2011 approval (P/2010/1192) is the minor alteration to the design of the replacement building, to enable the retention of the light well running down the centre of the building, the recent approval in 2011 for the replacement building is a very material consideration in this case.

This proposal retains the design approach that was approved in 2011. Furthermore, the submission retains the same considerations as the 2011 application, these are: i) the impacts on adjacent listed buildings and the Brixham Town Centre Conservation Area; ii) air quality and highways.

### **Impact on adjacent listed buildings and the Conservation Area**

The existing building at 2 and 2A Fore Street is not listed, however, a number of listed buildings are located in the immediate vicinity, including The Bolton Hotel, Brixham Town Hall, Market Hall and Museum and Corner House on New Road. Therefore new development on the site will have an effect on the setting of those building and indeed on the character of the Brixham Town Conversation Area.

A number of documents accompany the Planning Application, including the Statement of Reasons, a Planning Supporting Statement, a Heritage Statement, a Townscape Appraisal; and a Design and Access Statement. These documents note that the existing building at 2 and 2A Fore Street is not listed and does not possess any particular architectural or historical significance. However, the documents do note that the building does have some townscape merit in terms of its prominence as a corner feature and is typical of the traditional building style in the immediate area and therefore adds to the character of Fore Street and Brixham Town Centre.

The top end of Fore Street includes 19th century three storey terraced buildings with paint rendered and slate pitched roofs, which all add to the area's character. The current building forms part of this terrace although the shop and residential accommodation are vacant. The building is characterised by two distinctive turrets with one located at the corner of Fore and Market Street, and another at the junction of Market Street and Bank Lane. These are prominent features and are characteristic of

the existing surroundings where a number of other similar turrets exist at 5 and 9 Fore Street and at Saxon Heights on New Road.

The plans show the proposed replacement building at 2 and 2A Fore Street as a three storey building with a shop at ground floor level and two apartments above at first and second floor levels. The height would be similar to that of the existing, however, the footprint would be reduced by half in order to accommodate the widened highway at Bolton Cross. The replacement building is similar in scale to that of the existing and other traditional buildings along Fore Street and Market Street.

The Planning Supporting Statement confirms that the new building would be a high quality contemporary building which would reinforce the street corner and maintain its purpose as an important landmark at this local gateway to the town centre. The plans show the incorporation of turrets at the same locations as the existing at Fore and Market Streets and above the entrance to the new shop at the corner of Market Street and Bank Lane. Discussions are continuing with the architects to finesse the design of the main corner turret at Fore Street.

A rendered finish with a slate roof characteristic of Brixham's townscape is proposed, which would allow the integration of the building with the surrounding buildings. The fenestration arrangement would also match the pattern and scale of the existing building. However, the fenestration to the main turret differs to the remainder of the building and is part of ongoing discussions between officers and the architects of this scheme on the finessing of the detailed design. Consultation will continue with English Heritage to ensure that the final design is acceptable. Subject to the revision to the design of the main corner turret on Fore Street, it is considered that the new development would respect the existing grain and massing of the historic townscape, filling the remaining footprint between Fore Street and Brewery Lane.

In terms of the use of the building the opportunity for retail activity (albeit with a reduced floor area) will remain and the upper floors will remain as 'living over the shop' accommodation and will create two affordable units of modern residential accommodation in Brixham Town Centre.

#### **Air Quality & Highways Considerations**

The situation at Bolton Cross contributes to Brixham Town Centre's poor air quality and its subsequent designation as an Air Quality Management Area (AQMA), as noted within the Torbay Local Transport Plan (2006-2011). There is a need to improve the air quality in this area and it has been demonstrated that the proposed scheme does this by alleviating the extent to which traffic is stacking and stationary at this junction.

The air monitoring results for Brixham Town Centre, gathered by the Council, show significant rises in pollutant concentrations, amounting to a 10% rise, year on year at the Town Hall where results are recorded.

Bolton Cross currently operates at capacity in traffic terms during morning and evening peak hours, which is especially severe during the summer months. Market Street is constrained with insufficient width to allow two-way traffic. Traffic signals control traffic in this area which experiences lengthy queues along New Road and Market Street, severe congestion, and lengthy waiting times for pedestrians.

The Bolton Cross Junction Improvement Scheme is included in the Council's Local transport Plan 2006-2011, as approved in March 2006. It is anticipated that this scheme, along with other initiatives such as the Park and Ride service in the northern outskirts of Brixham and improved directional signage and efficiencies in junction signalling will improve air quality and ease traffic movement in the town centre. These measures should assist in ultimately removing the AQMA designation.

A Statement of Reasons report accompanies the application and describes the alternative options that were considered by the Highways Department to reduce the congestion and associated air quality problems at the junction. Each of the alternative options was discounted due to a lack of viability or a lack of suitability in terms of impact on the town centre environment and/or traders. The alternative options considered include the re-routing of buses, restricted access to buses in the town centre, a greater frequency of park and ride and the part demolition of the Grade II Listed Town Hall.

The preferred option for addressing the current problems at Bolton Cross, which form this planning application, are therefore a result of an evaluation and appraisal exercise which has demonstrated that a number of other alternatives have been considered.

The submitted scheme comprises a revised road layout at the junction that is achieved by the demolition of 2 and 2A Fore Street. The road widening in this area is intended to allow two-way traffic on the Market Street arm of the junction and will allow vehicles to turn left into Market Street at the same time as vehicles turn left out of Bank Lane, consequently reducing congestion and the length of time that vehicles are left idle waiting at the junction. This will allow all vehicles, including buses and HGV's, to pass freely and manoeuvre more easily while enabling better access to the Bank Street interchange and to the town centre.

This scheme of road widening will enable a reduction in traffic signal phases in order to increase vehicle numbers through the junction at any given time period and to allow improved waiting times for pedestrians. A revised kerb line and footway is also proposed in order to improve pedestrian accessibility to the town centre. As a package of measures, this planning application for the Bolton Cross junction proposals, along with the proposed permanent Park and Ride site will assist in achieving the Council's strategy for reducing congestion and improving air quality in Brixham.

### **Sustainability & Flood Risk**

The site is located within Flood Risk Zone 3 and therefore consideration must be given as to future users of the development, ensuring that they will not be placed in danger from flood hazard and that they will remain safe throughout the lifetime of the building. The Council has consulted the Environment Agency and a Flood Risk Assessment has been requested.

### **Ecology**

The results of an Ecological Constraints Survey were submitted in a report which accompanies the application. The survey identified the presence of herring gulls nesting on the flat roof of the adjacent building.

Herring gulls are a protected species and therefore it is proposed to minimise adverse effects on the gulls during redevelopment of the site by including mitigation measures, as included in the Ecological Constraints Survey. These measures include no

demolition works during the birds' breeding season, which will also avoid contravention of the Wildlife and Countryside Act, 1981 and avoiding the disturbance of breeding herring gulls on the adjacent buildings by undertaking any works outside the breeding season. The views of Natural England on this specific issue are awaited.

### **Conclusions**

It is concluded that the replacement building is respectful of the scale and massing of the surrounding townscape, the character of the Brixham Town Centre Conservation Area and the setting of adjacent listed buildings and it will make a positive contribution to the built environment.

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

01. In accordance with the submitted Heritage Assessment, dated October 2010, a Historic Building Recording of Nos. 2 and 2A Fore Street shall be undertaken prior to and during the demolition. The recording shall follow the guidance set out in the English Heritage Level 2 standards (2006). The Historic Building Recording shall be submitted to the Local Planning Authority in writing within 3 months of the completion of the demolition. In addition an archaeological watching brief shall be provided on site during the works of demolition.

Reason: In the interests of preserving and recording features of architectural or historic interest and in accordance with policies BES, BE5 and BE9 and BE10 of the saved adopted Torbay Local Plan 1995-2011.

02. The buildings shall not be demolished before a contract for the carrying out of the works of redevelopment of the site has been made.

Reason: To ensure that the character and appearance of the Brixham Town Conservation Area is not prejudiced and to meet the criteria of Policy BE5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. No works of demolition shall be carried out during the breeding season for Herring Gulls (April to June).

Reason: In the interests of protecting the herring gulls' nest on the flat roof of the adjacent building which are protected under the Wildlife and Countryside Act 1981 and to meet the criteria of Policy NC5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. The development hereby approved shall not be commenced until details of 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 ensure a satisfactory form of development and to protect the character and appearance of the Conservation Area in accordance with Policy BE 5 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. The ground floor of the development hereby approved shall only be used for Class A1 Retail as defined in the Schedule to the Town and Country Planning

(Use Classes ) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: Such a proposal would be a separate matter to be considered on its merits and to meet the criteria of Policy S3 of the Saved Adopted Torbay Local Plan 1995 to 2011.

**Relevant Policies**

Adopted Torbay Local Plan (1995-2011)

- T6 Brixham Town Centre Improvements
- T7 Access for People with Disabilities
- T20 Road Improvements
- H3 Residential Accommodation in Town Centres
- T25 Car Parking in New Development
- S3 Primary Shopping Frontages
- BE3 Shopfront Design
- BE1 Design of New Development
- BE5 Policy in Conservation Areas
- BE6 Development affecting listed buildings
- BE9 Archaeological Assessment of Development Proposals
- NC5 Protected Species
- EP1 Energy Efficient Design
- EP11 Flood Control
- EP4 Noise

Proposals Map: T6 Brixham Town Centre Improvements, T24 Traffic Management Zone, T4, T5, T6 Environmental and Access Improvements, S1, S2, E2 Town Centre, S3 Primary Shopping Frontage and BE5 Conservation Area.