



Friday, 3 January 2014

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 13 January 2014

commencing at **2.00 pm**

The meeting will be held in the Burdett Room, Riviera International Conference Centre, Torquay

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Brooksbank

Councillor Kingscote

Councillor Pentney

Councillor Stockman

Working for a healthy, prosperous and happy Bay

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

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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 - 3)
To confirm as a correct record the Minutes of the meeting of this Committee held on 9 December 2013.
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. **P/2012/1074/MPA Land Off Alfriston Road, Paignton** (Pages 4 - 33)
Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works (revised).
6. **P/2013/1189/MPA Land At Playing Fields Dartmouth Road, Paignton** (Pages 34 - 49)
Formation of 1.5km macadam closed road cycling circuit, and associated works inc 1.8m boundary fence.
7. **P/2013/0141/PA Cockington Primary School, Old Mill Road, Torquay** (Pages 50 - 65)
Single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage.

8. **V/2013/0004/V The Corbyn Apartments, Torbay Road, Torquay** (Pages 66 - 71)
Proposed modifications to Section 106 (P/1991/0370).
9. **P/2013/1202/PA Craig, Ilsham Marine Drive, Torquay** (Pages 72 - 78)
Formation of 5 no. apartments with vehicular parking (Re-Submission of P/2013/0258).
10. **P/2013/1257/MPA Combe Pafford School, Steps Lane, Torquay** (Pages 79 - 85)
Demolition of temporary portacabin teaching accommodation and provision of a new hospitality learning facility / cafe and teaching accommodation; together with a new controlled access route providing pedestrian and occasional vehicular access from Moor Lane. (Re-Submission of P/2012/1208).
11. **P/2013/1070/MPA The Pines, 78 St Marychurch Road, Torquay** (Pages 86 - 91)
Erection of 4 storey block containing 14 two bedroom dwellings with 14 car parking spaces.
12. **P/2013/0372/MPA Bishops Court Hotel, Lower Warberry Road, Torquay** (Pages 92 - 108)
Erection of 18 residential units (1x2bed, 8 x3 bed and 9x4 bed) in 2 terraces in garden are to east of Bishops Court Hotel on site of former holiday accommodation.
13. **P/2013/1184/HA San Marino, Vanehill Road, Torquay** (Pages 109 - 114)
Proposed loft conversion & extension with landscaping alterations.
14. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
15. **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, 8 January 2014. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.



Minutes of the Development Management Committee

9 December 2013

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Addis, Baldrey, Barnby, Brooksbank, Kingscote, Morey (Vice-Chairman),
Pentney and Stockman

75. Minutes

The Minutes of the meeting of the Development Management Committee held on 11 November 2013 were confirmed as a correct record and signed by the Chairwoman.

76. P/2013/1188/PA Brixham Indoor Swimming Pool, Higher Ranscombe Road, Brixham

The Committee considered an application for a proposed extension to existing swimming pool for use as a training area and store for pool equipment.

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

Resolved:

Approved.

(Note: Prior to consideration of application P/2013/1188/PA, Councillor Morey declared a non pecuniary interest as he was Torbay Council's nominated director of the Admiral Swimming Centre.)

77. P/2013/0462/OA Land Off, Montserrat Rise, Scotts Meadow, Torquay

The Committee considered an application for the erection of two storey detached dwelling houses with associated access and parking (integral garages).

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

Resolved:

Subject to:

- i) the development being contained to the north of the site;
- ii) the resolution of the detailed wording of the conditions; and
- iii) the signing of a Section 106 Legal Agreement, within three months of the Committee, securing £13,650.00 contribution towards community infrastructure.

Approval delegated to the Executive Head of Spatial Planning or such other officer delegated the role as decision taker for such matters under the Council's Constitution.

78. P/2013/0665/PA Orestone Manor Hotel & Restaurant, Rockhouse Lane, Torquay

The Committee considered an application for the temporary siting for a period of one year of a 10 x 26ft static caravan and surrounding fence (retrospective).

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

Resolved:

That Temporary Planning permission be granted for a period of 12 months from the date that planning permission is issued. That authority be granted to officers to take planning enforcement action in the event that the caravan is not removed after the expiry of the 12 month period.

79. P/2013/1125/MPA Snooty Fox, 89 - 91 Fore Street, St Marychurch, Torquay

The Committee considered an application for the erection of a four storey block of flats containing 14 one bed flats and 13 two bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698).

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

Resolved:

Subject to the signing of a Section 106 Legal Agreement securing £42,745.50 towards the redevelopment of Pavor Farmhouse as enabling funding and including a clause for the completion of a schedule of works to Pavor Farmhouse prior to the completion of the Snooty Fox development. The agreement being signed within 13 weeks of the valid application being submitted, or the application be refused for the lack of a Section 106 Legal Agreement.

That approval be delegated to the Executive Head of Spatial Planning, or such other officer delegated the role of decision taker for such matters under the Council's Constitution, to detail the wording of conditions and to add further conditions as necessary.

80. P/2013/1239/PA Land Adjacent To Newton Road, Edginswell, Torquay

The Committee considered an application for the construction of a public house/family restaurant (Use Class A4) with managers accommodation (Use Class C3) and staff facilities at first floor level plus car parking, landscaping and all associated development.

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

Resolved:

Subject to

- i) no substantive new issues being raised during the consultation period that expires on 12th December 2013, that have not been considered by the Development Management Committee;
- ii) condition requiring details of the ventilation and extraction system to be submitted;
- iii) condition requiring suitable wildlife mitigation in line with the ecology survey;
- iv) car park plans to show designated motorbike parking;
- v) prior to the decision being issued, the submission of evidence demonstrating that 55 parking spaces is adequate for the level of custom envisaged;
- vi) officers to negotiate to seek relocation of the play area to the north of its existing location;
- vii) the delivery and opening hours being controlled by condition in line with the Environmental Protection Officer's comments; and
- Viii) discussions with officers over the potential to install photovoltaic panels.

The approval be delegated to the Executive Head of Spatial Planning, or such other officer delegated the role of decision taker for such matters under the Council's Constitution.

Chairman/woman

Application Number

P/2012/1074

Site Address

Land Off Alfriston Road
Paignton
Devon

Case Officer

Matt Diamond

Ward

Description

Residential development to form 84 dwellings, creation of new vehicular and pedestrian accesses and associated works (revised)

Executive Summary/Key Outcomes

The application is a full application to develop a site on part of the land known as Great Parks Phase 2, which is allocated for housing in the Adopted Torbay Local Plan 1995-2011 (the 'Local Plan'). A masterplan is currently being prepared for Great Parks Phase 2 and this application has been submitted before the masterplan principles have been established for the site and wider area. However, the proposal would result in early delivery of housing on the site, helping the Council to meet its 5 year land supply, and could help to 'pump prime' the overall development.

The original proposal was for 98 dwellings on the site, but following two sets of revisions the proposed number of dwellings is now 92. However, there are still a number of issues to be resolved with the design of the scheme, which could be attributed in part to the fact that too much development is trying to be squeezed onto this steeply sloping site. The amount of development on the site in terms of building footprint has not decreased in the reduction to 92 units, as the reduction has been achieved by removing the second storeys of three blocks of flats.

Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. At this point in time the junction would go over capacity making the proposed development unacceptable. However, by this time the rest of Great Parks Phase 2 should have been delivered, including the access road to the site from the northwest. When this new access road has been built, the access from Alfriston Road can be closed to all but pedestrians, cyclists and buses, which can be secured in a S106 Agreement. Therefore, there would not be a detrimental impact on the Cotehele Drive/King's Ash Road junction in that event. The provision of MOVA traffic signals at the junction by the applicant would possibly extend the capacity of the junction by a year, but this would need to be confirmed by further traffic modelling closer to the time.

Officers are still negotiating with the applicant over the acceptable amount of contributions for the development and mix and tenure of affordable housing. The applicant has stated that it is able to make contributions up to £450K, but, due to a number of site acceptability issues needing to be dealt with, the full suite of contributions normally required to make the development acceptable would exceed this amount. The updated position in respect of s106 obligations will be reported at Committee.

Recommendation

Conditional approval delegated to the Executive Head of Spatial Planning; subject to overcoming the remaining design issues (through a moderate reduction in the number of dwellings, resultant improvements to the layout, revisions to the general architecture, materials, parking layout and hard and soft landscaping), and; subject to the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee or the application be reconsidered in full by the committee. Appropriate planning conditions to be determined by the Executive Head of Spatial Planning.

If members consider that the resolution of outstanding matters should be reviewed by the committee then the application will be returned to a future committee for further consideration.

Site Details

The site is located on the western edge of Paignton. It is bounded by residential properties to the southeast, a public footpath (Luscombe Road) and residential properties to the northeast, and open countryside to the northwest and southwest. The site area is 1.8 ha. The site is allocated for housing in the Local Plan as part of Great Parks Phase 2. The Council has commissioned external consultants to produce a masterplan for Great Parks Phase 2, which is currently being prepared. The site is also part of the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation).

The countryside to the northwest and southwest also forms part of the CWS and SINC. It is also designated in the Local Plan as an Area of Great Landscape Value (AGLV). A large part of it is also located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head. These come to within 5 metres and 30 metres of the southwest boundary of the site. Luscombe Road is designated as a cycle route in the Local Plan.

Alfriston Road is a cul-de-sac that meets the site approximately half way along the southeast boundary. This could provide vehicular access to the site. In addition, there is an existing pedestrian access to the site from Luscombe Road in the northern corner of the site.

The site comprises a field of improved grassland surrounded by both species rich and species poor hedgerows, with trees. A 1-2m margin of tall ruderal plant species borders the hedgerows, with a bank of bracken also present along the eastern edge. A number of protected and/or notable species of flora and fauna have been recorded on the site. The site topography rises from southeast to northwest by 12.23m, measured from the lowest point in the far eastern corner to the highest point approximately half way along the northwest boundary.

Detailed Proposals

The proposals have been revised twice since the application was originally submitted, following comments from the Design Review Panel and planning officers. The latest plans are for a residential development with a total of 92 dwellings, comprising: 30 no. 2-bed dwellings (1 coach house, 20 flats and 9 terraced houses); 37 no. 3-bed dwellings (1 maisonette, 22 terraced houses and 14 semi-detached houses); and 25 no. 4-bed houses (8 terraced houses, 10 semi-detached houses and 7 detached houses).

The number of dwellings has reduced by 6 from the plans originally submitted, this has been achieved by reducing the heights of three of the blocks of flats from 3 storeys to 2 storeys, resulting in the loss of 2 flats in each block. This has been carried out in order to provide enough parking for these blocks of flats with reference to the Council's parking standards. Building heights range from 2 storeys to 3 storeys, with a number of 2 and a half storey terraced houses and split 2/3 storey semi-detached and detached houses also.

28 (30%) of the dwellings are proposed as affordable housing (12 no. 2-bed flats, 7 no. 2-bed terraced houses, 7 no. 3-bed terraced houses and 2 no. 4-bed semi-detached houses). The mix of affordable housing is 68% 2-bed, 25% 3-bed and 7% 4 bed. This compares to the total mix of dwellings of 33% 2-bed, 40% 3-bed and 27% 4-bed. About two thirds of the affordable housing would be located to the north of the site, with a smaller cluster in the centre and 3 affordable dwellings to the south.

Vehicular access to the site would be from Alfriston Road. This would continue through the site by looping to the north before turning through 90 degrees and meeting the northwest boundary more-or-less directly opposite Alfriston Road to provide a future vehicular connection to the rest of Great Parks Phase 2. This connection is annotated as a bus link on the plans. A stepped pedestrian footpath would be built directly up the slope from Alfriston Road to the new connection to provide a more direct and shorter route for pedestrians. An access road would be built to provide access to the southern part of the site. This would be block paved instead of tarmac to indicate a more pedestrian friendly environment and to slow traffic. Three parking courtyards would also be built, one in block paving in the northern corner of the site and two in permeable paving to the south of the site entrance from Alfriston Road and for the 'L' shaped block of

flats. A footpath would connect the end of the parking courtyard to the north with Luscombe Road.

The buildings would have fairly simple standard designs, with pitched roofs and render and brick elevations. The amount and patterning of brickwork to render varies across the site according to unit type, although the amount of brickwork has been reduced on some of the units following comments from planning officers in order to try and enhance the character of the scheme. Some of the larger dwellings would have integral garages. Buildings would generally be arranged back-to-back with new and existing properties.

A (soft) landscape scheme has been submitted. This includes provision of ornamental shrub and grass borders in front of properties, as well as a limited number of street trees and hedgerows. No public open space would be provided except for a small area of low maintenance grass either side of the bottom part of the proposed public footpath up the slope.

The majority of the proposed housing has 2 parking spaces in accordance with the Council's maximum parking standards, either within the curtilage of the proposed dwelling or within unadopted parking bays adjacent to the street, or in a few cases a combination of both. However, 12 houses only have 1 parking space (plots 33, 34, 58-61, 69-71 and 85-87). The proposed flats have 1 parking space per dwelling, provided within parking courtyards and unadopted parking bays adjacent to the street. However, the required amount of visitor's parking to comply with the Council's parking standards would only be provided for the three blocks of flats to the north of the site. The larger 'L' shaped block of flats would have no visitor's parking.

The plans show that the main vehicular route through the site would be adopted by the Local Highway Authority, as would the access road to the south, pedestrian footpath up the slope and parking courtyard and footpath connecting to Luscombe Road to the north. The parking courtyards to the south of the site entrance from Alfriston Road and for the 'L' shaped block of flats would be private, as would the end part of the access road to the south.

Summary Of Consultation Responses

Given the current position with this application and the recent receipt of further amended plans, the following provides a substantive summary of current consultation responses.

Torbay Design Review Panel:

Original Scheme (application drawings presented by officers)

- Notwithstanding the lack of the masterplan, a connection across the site will be desirable in creating a well connected enlarged neighbourhood with good internal permeability and this is likely to be fairly high in the

- masterplan 'street hierarchy'.
- The slope is a considerable challenge, but it is not clear that this is the only solution in highway terms and further investigation of alternative ways of dealing with the contours is desirable.
 - Taller blocks of flats located on the higher part of the site should be of exceptional architectural quality due to their prominence, otherwise they might be better located lower down.
 - A pedestrian link to the adjoining public footpath (Luscombe Road) should be provided and properties should adopt a positive posture towards the route as it passes the site.
 - Several disadvantages with the road layout not least because resulting rear gardens are likely to be very difficult for residents to use in many locations. Unattractive retaining structures may be necessary. Potential overlooking and loss of privacy.
 - Integration with Alfriston Road is good – orderly posture of houses and gardens opposite seem good devices, but this is lacking elsewhere, e.g. opposite the future western connection. Large building on corner presents gable to street. Poor groupings of buildings forming less than ideal spaces between them to the south.
 - The large building on the 'hairpin' bend is supported, but this needs to be a bespoke piece of design due to special location.
 - The planned on-street parking provision is good, especially perpendicular spaces with tree planting as it helps create a distinct place. This should be repeated elsewhere.
 - The parking strategy elsewhere, particularly to the south, is weak and double banked spaces carries inherent risks for success. Lines of vehicles parked in front of front facades should be avoided.
 - Cul-de-sacs should be designed as shared spaces and possibly Home Zones to promote the social use of street spaces. The change in road surface in the southern area needs to be part of a larger design ambition for the space.
 - Even if the form of the main street is compromised by the slope, a more direct pedestrian route should be included within the layout. This would help support inclusive design principles.
 - The character of the existing neighbourhood is very weak and should not provide a benchmark for the new development. Hope to see architectural compositions and detailing that represents a significant improvement. There are landscape possibilities in dealing with the slopes that might make the development more distinct, e.g. 'raised pavements' are characteristic of South Devon.
 - The slope on this site is a serious constraint and the proposed street layout does not fully overcome the challenge and leaves the development with some clear weaknesses.
 - The quantum of development proposed (similar to what might be expected on a flat site) are bound to lead to a living environment for the residents that is less satisfactory – increased over-looking, sloping private

- gardens, awkward stepped accesses prevalent, etc.
- There may be alternative solutions available once the Great Parks masterplan has been completed and a clearer understanding of the role of this land within that wider framework is identified.
 - Perhaps the grading of the main street could commence further west (off site) to allow it to become a straight route with secondary streets running perpendicularly along contours? Alternatively, if the Great Parks masterplan proves that this link is less significant (although we doubt it) then perhaps the site could be split into an upper portion and lower portion separately accessed by vehicles from above or below with only pedestrian and cycle routes connecting the two?
 - The Panel does regret not having the opportunity to explore these and other ideas with the applicants but nevertheless hope that alternatives might still be explored, preferably in conjunction with the wider master-planning exercise.

Draft First Revision (presented by applicant)

- We are pleased to see some areas of strong improvement to the earlier scheme, but would now offer the following guidance some of which reiterates our earlier findings where we detect little change.
- This sloping site is a considerable three-dimensional challenge; certain relationships within the site appear still untested and clearer information is required re over-looking/privacy and the utility of rear gardens.
- Encouraged the local character of the existing development is not being used as a precedent for the proposed architectural language. Needs to be a step change in the aesthetic quality of the neighbourhood, with more restricted palette of materials and greater consistency of detailing.
- A clearer idea driving the appearance needs to be developed that might give the place an identifiable and distinct character, rather than an assembly of individual housing units/types.
- Would like to see a stronger pattern of urban form developing in the layout – random changes in building line are unhelpful.
- Pleased with connection to Luscombe Road now, but this needs to be simplified to avoid conflicts between the route and private space. There needs to be a consistent building line along the northwestern edge, with the final block of flats turned to face southeast.
- The pedestrian route across the site is welcomed and this has potential with careful landscape design.
- Parking might be too dominant in the lower shared space.
- Support focal shared spaces as ‘incidents’, but find these amorphous – need more careful urban design of building masses and trees to create more ‘legible’ places. 3D representations of these spaces should be constructed and tested. Perhaps a clearer/stronger geometry should be employed?
- Still a lack of a coherent idea to the grouping of buildings in the far south of the site – perhaps they should be better organised around a further

- 'place' created here?
- The architecture of the 3 storey building on the higher ground should be very strong. The appearance of this and neighbouring buildings should be tested in a landscape and visual impact assessment of the proposals, as they will be visible from further west and existing streets/houses to the east.
 - The larger building commanding the inside of the corner to the northern end of the site is still not at ease with the site layout – this point was noted in our previous guidance.
 - There is a general improvement in parking, but still several errant spaces in different parts of the site. Parking needs to be integrated with the streetscene and/or places created, e.g. with street trees.
 - There have been some good improvements since the initial review. A more rounded exploration of the three-dimensional appearance of the neighbourhood still has the capacity to improve the scheme dramatically. We would like to see further refinement of place making that has been attempted and the formation of integrated streetscapes which have a logic and an order to them capable of combining street trees, parking, etc. with stronger urban form.
 - The pedestrian route eastwards connecting with Luscombe Road should be simplified and strengthened.
 - The architectural character and language has been barely presented or discussed but we have noted that the existing context sets a very low standard and must be significantly improved upon.

South West Water:

Original Scheme

No objection. Any on site drainage surface water drainage requiring connection to the existing public surface water sewer network must be designed in accordance with and meet the requirements of Sewers for Adoption to qualify as public sewers.

First Revision

Having reviewed the revised flood risk assessment the majority of the domestic surface water flows from the development are to now be directed to soakaways with the proposed highway generating the majority of surface water to be discharged to the public sewer in Alfriston Road.

This being the case South West Water will not adopt the on site surface water drainage as it will not qualify as a public sewer, or allow such a connection to the public sewer until confirmation is obtained from the Highway Authority that they will adopt the proposed highway drainage and application being made under S115 of the Water Act for its subsequent connection.

Second Revision

Comments awaited.

Engineering – Drainage:

Original Scheme

- The preliminary drainage strategy within the FRA appears satisfactory, however further detailed design works are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
- Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
- All the above details must be submitted before planning permission is granted.

First Revision (Draft Flood Risk Assessment V2 received 17/12/12; Flood Risk Assessment V2 received 20/12/12)

- Comments based on Draft FRA V2.
- Flood risk mitigation measures for Clennon Valley in Great Parks development were only designed for Great Parks Phase 1, with no allowance for Phase 2.
- Drainage strategy included within the FRA appears satisfactory, however the detailed design works in Section 4.4 are required before the proposed surface water drainage can be approved.
- Trial holes undertaken not in location of individual property soakaways or the communal soakaway. Trial holes and infiltration tests must be carried out at the location and invert level of all the proposed soakaways. These details must be submitted with the detail design. Soakaways must be designed for critical 1 in 100 year storm event plus allowance for climate change.
- The lowest infiltration rate identified from the three trial pits undertaken to date should be used in the sample soakaway designs, i.e. 0.087m/hr not

- 0.125m/hr.
- The surface water system discharging to soakaways must be designed so that no flooding to properties is predicted for critical 1 in 100 year storm event plus allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
 - No design details for surface water drainage system to storage tank at point where surface water drainage will discharge to South West Water sewer. This must be designed for critical 1 in 100 year design storm event plus an allowance for climate change. If flooding predicted, the developer must demonstrate how floodwater/overland flow will be dealt with.
 - The proposed box culverts for the surface water attenuation tank have a storage volume of 196.6 cubic metres, assuming there is no dry weather flow channel or benching within the box culverts. The required storage volume identified is 193.9 cubic metres. The applicant must confirm if there is a dry weather flow channel within the box culvert and how the box culvert has been designed to remove the risk of siltation during low flows. Normally box culverts of this nature are benched and hence there would be a significant reduction in storage volume due to the benching.
 - Micro drainage design sheets in FRA only identify the rainfall parameters used together with the results from the range of 100 year rainfall events plus climate change. There are no details of the system data used in these designs. All this information is required.
 - As the storage volume for the Great Parks storage lagoon only caters for the phase 1 development, as part of the phase 2 development further works are required at the storage lagoon with a view to increasing the storage capacity in order to reduce the risk of flooding to properties downstream. As this work is required as a result of the proposed second phase of the Great Parks development the cost of these works together with the increased cost of the future maintenance of the storage lagoon should be secured from the developer through S106 funding.
 - All the above details must be submitted before planning permission is granted.

Second Revision
Comments awaited.

Environment Agency:
Original Scheme

- Support the principle of the surface water drainage strategy proposed, but object to the current design. Confident our concerns can be overcome by an amended redesign.
- There is a history of flooding downstream of this site and further development should not add to this. Aware that a drainage strategy was developed, and measures put in place, to deal with surface water run-off from the Great Parks Phase 1 development, and this took into account the

Phase 2 aspect. However, this strategy was based upon old, superseded hydrology, which didn't take the effects of climate change into account. It would not therefore be unreasonable to state that it is very important that runoff from this site and other sites within Great Parks Phase 2 is managed in accordance with current guidance.

- The proposed management of surface water runoff for the development site includes much best practice, including allowance for climate change. However, we raise concern with the intent to discharge 'all events up to the 100 year return period plus 30%' at what in effect would be the existing 30 year greenfield runoff rate. This approach would not mimic greenfield performance and in particular circumstances waters would drain off the site at rates over and above existing. This would inevitably risk an increase in both surface water and fluvial flooding.
- It would appear that the provision of a hydrobrake control, which would better manage the lower return period events, in conjunction with providing more attenuation storage would resolve the issue and we advise this approach be appraised.

First Revision

- No in principle objection subject to the inclusion of a condition and contribution towards the upkeep of an existing flood risk management asset.
- The proposed strategy for the management of surface water run-off, as shown on Drawing 'Proposed Surface Water Drainage Strategy 19896-905-SK01 P4', includes infiltration and attenuation arrangements. The features shown would better mimic current surface water runoff rates and represent an improvement over the original proposal. The use of soakaway features should very much take priority over other techniques, in particular hard attenuation features, because such offer the best way to limit inflow to the existing surface water drainage system and watercourse downstream. However, despite the provision of soakaways it is clear that a large proportion of the site would be drained downstream into the existing piped system and watercourse.
- Therefore, the following condition is required and a contribution towards the upkeep/upgrading of the existing attenuation lagoon that is situated on the Clennon Valley watercourse off Old Widdicombe Lane.

"CONDITION

No development approved by this permission shall be commenced until such time that a scheme for the management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority. Priority should be given to the use of infiltration features, such as soakaways, given it has been proven that ground conditions are favourable.

REASON="To ensure that surface water is managed in line with best practice with a view to ensuring there is no increase in flood risk downstream of the site."

- A financial contribution towards the maintenance and future upgrading of the existing attenuation lagoon situated on the Clennon Valley watercourse should be secured. The existing lagoon is an important strategic asset and failure to maintain it risks an increase in flood risk occurring downstream of the site, including residential properties, parts of the A380, A3022, A379 and parts of Torbay Leisure Centre. Upgrading the existing flood attenuation lagoon would help reduce flood risk downstream and the NPPF very much advocates using development opportunities to achieve such.

Second Revision
Comments awaited.

Highways & Engineering:
Original Scheme

- The small section of road immediate left, when entering the site outside plots 93 and 94 has inadequate turning facilities.
- The on street parking outside plots 5 to 8 would not be acceptable protruding into the adoptable highway.
- From the Long section drawing the bend outside plots no 12 to 20 has a vertical alignment of 1:12 which if correct is acceptable, but the drawing shows an 8m horizontal radius with an inner radius of 5.25 which is far too tight and this radius would not work.
- This bend would require widening to make it work with forward visibility required as well. The length and width of the widening would depend on the transport assessment of the road.
- Highways would not accept designated on street parking spaces on an adoptable road.
- The bend leading into the future Development is also too tight.
- The final drawings would require technical approval on layout and materials before a section 38 Agreement is entered into.

First Revision

- Top junction adjacent to Plot 41 is not acceptable as a right angle and needs to be a radius (minimum 10m, preferred 12m radius), the width of the road is not annotated but looks narrow with poor visibility. The trees cannot be placed on the junction as again this causes problems with visibility. The bus link also looks insufficient for future use in terms of width as you drive out of the site at the top.
- On street designated parking is not acceptable as previously advised.
- The forward visibility is obscured by the block of flats and the proposed hedge on block 48-55 which causes an almost blind corner.
- Echelon parking for plots 91–94 does not work as there is not enough

- room to be able to turn and drive out.
- Tree is obscuring visibility adjacent to Plot 1, again the radius needs to be a minimum of 10m or the preferred 12m.
- Bus tracking is very tight and on all the corners needs the whole road to make the manoeuvre leaving no room for opposing traffic, if there are any visitors parking or residents who leave the vehicles on street, the bus will have difficulty and possibly no chance of getting round the loop. For information we do not as a rule put yellow lines in residential areas. Should the bus go up through the middle, the loop would be more usable for residents assuming all the points have been addressed.
- All the information is given from plan only as there are no annotated drawings to make observations from.

Second Revision (initial comments)

- 0455-105 Tracking Drawing ... None Shown?
- Adoption Plan – Bend adjacent to parking spaces 48/49 has not been widened and should be widened. Radius adjacent to plot 68 is not sufficient should be 10m. Plot 77 has parking on the highway? We have stated many times that we will not accept designated parking on the highway. Shape of road layout adjacent to plot 57 does not look very good. None of the plans are annotated and therefore widths are not shown of footpaths and carriageways. I cannot see any provision for cyclists, which was mentioned as being important if this were to be viewed as a main street type layout.
- 0455-105. 1B – Tracking only shows one vehicle and turning looks very tight adjacent to plot 74. The road looks too narrow adjacent to plot 24 as tracking is showing an override of the kerb by the bus; the tree adjacent to plots 20 -23 look vulnerable. It would be helpful if the tracking was colour coded, i.e. green one way and red the opposite to better view the opposing lines. On street parking by visitors and residents would severely restrict movement.
- 0455-105.3B – Refuse tracking not shown?
- Torbay Council will adopt the highway drainage as long as it is only highway water and South West Water allow the connection or an alternative drainage strategy will be required.
- Whilst Alfriston Road is wide enough for two buses to pass in accordance with Manual for Streets, it should be noted that it is not designed as a major street nor is Cotehele Drive.
- The visibility for the parking access for plots 33, 34 and 35 look poor. The developer needs to look to see if he can get the appropriate X and Y distances for visibility, which I feel being so close to such a tight junction and with a building line so close to the road is almost impossible. The minimum X distance should be 2.4m; for a distributor road Y distance should generally be 33m each side. There are other parking areas on the main route that are also vulnerable to this, which need to be checked.

Strategic Transportation (based on Transport Assessment submitted with the application and Addendum Transport Assessment submitted 14/12/12):

- Review of TA and Addendum TA set within context of Council's TA by Jacobs.
- There is currently some spare capacity at the Cotehele Drive/King's Ash Road junction. The applicant shows that the junction is reaching capacity (although not exceeding) with the introduction of 100 dwellings up until 2018 when King's Ash Road north arm saturates. Its opposite arm is close to saturation at this point in time.
- The proposal to introduce MOVA traffic signals might provide a further year's worth of capacity before going over capacity, but that cannot be modelled with any certainty at this point in time.
- The Jacobs work focused on a higher number of dwellings, therefore showing the junction to exceed capacity.
- The applicant's analysis has not taken into account future traffic growth from developing the rest of Great Parks Phase 2, which is why the traffic growth from the proposed development is shown to be accommodated within the capacity of the Cotehele Drive/King's Ash Road junction.
- Unless the new access from the northwest of the site is delivered before 2018, without improvements to maintain free flow along King's Ash Road the Cotehele Drive/King's Ash Road junction will exceed capacity in 2018; MOVA traffic signals could potentially provide another year's worth of capacity.
- With reference to the original TA and modal split, the applicant has extracted modal split estimated percentages from TEMPRO for the Paignton area, and as a result it includes a low car/van driver proportion of 49%. This is not considered to be representative because 2001 Census data for the Blatchcombe Ward is 72% car/van driver. The site is not located in the centre of Paignton, so there are fewer alternative modes of transport to the car available.

Torbay Local Access Forum:

Original Scheme

No comments.

First Revision

No comments.

Arboricultural Officer:

Original Scheme

- Comments based upon review of the following supporting documents/plans:
- Arboricultural Constraints Report D34 03 05
- Arboricultural Plan D34 03 P1

- Landscape scheme plans 5130-L-01 and 02
- Ecological impact assessment (ead) September 2012
- Study of the landscape plan indicates a tree planting programme of 23 Heavy Standard trees. The site has an area of approximately 1.81ha and therefore a greater number of trees can be accommodated to both comply with the requirements of the present Local Plan, NPPF, Torbay Green Infrastructure Delivery Plan, etc.
- Use of cellular type rooting systems should be used where verges or garden areas are not available for tree planting, and a suggestion of a staggered planting to spine roads would create an avenue type theme giving local identity. Significant sized trees should be planted to quickly soften the highly visible built environment from elevated topography to the East and South East and long range views to other aspects from the wider countryside. The entrance to the new estate could be marked visually by a pair of flanking large canopy sized trees to create a sense of arrival and local distinctiveness to the new build contrasting with the present form of Great Parks.
- A brief study of the Ecological Impact Assessment finds that it informs a need for hedgerow management. This has not been detailed as yet and its creation should be conditioned as part of any permission. Given the sensitive nature of the site adjacent to the County Wildlife Site this should be undertaken by an ecologist supported by a landscape architect.
- The tree survey has no detail of tree and hedgerow protection methodology which should be both approved and installed prior to any commencement.
- In other phases of the Great Parks development hedges have become isolated by private residencies either side of a strip of highway land. This has placed an ongoing management burden on the authority. To prevent this situation all hedge banks should be within the ownership of the associated dwelling; fence lines may be placed within the hedge line for aesthetic or privacy/security reasons, but ownership should encompass the hedge and exclude the Local Authority. Trees of merit can be subject to a TPO and the conditioned ecological management plan will protect species within.
- Recommendation: That the scheme be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:
 1. Tree protective fencing should be installed in line with BS 5837 2012: Trees in Relation to Design, Demolition and Construction Recommendations (plan required).
 2. Detailed landscaping plan to be submitted and approved that is attentive to the wider landscape context and ecological requirements of the site.
 3. No grade changes to root protection areas to hedgerows to be retained.
 4. Detailed hedgerow management plan to be submitted.

First Revision

- Comments based upon review of the following supporting documents/plans:
- Landscape plans 5130-L-01 B and 2. Rev B
- Study of the revised layout plan and supporting documents indicates that recommendations 2 and 4 have not been addressed.
- Study of the tree planting schedule notes that 1 less tree is proposed than that within the original plan. This is contrary to officer recommendation 2 which requires greater contextual planting in terms of numbers, species and strategic positioning.
- The species selected are not of long term landscape scale benefits, and will not serve to integrate the scheme into the wider landscape.
- It is of note that a Tree Preservation Order was served in 1974 which serves to protect all trees and hedgerow trees within the local area and indicates the importance of the landscape at this time.
- It is likely that minor amendments to the highways layout may occur but in terms of overall implications this will not greatly restrict planting opportunities. I have marked the attached plans loosely indicating planting opportunities which may be forwarded to the landscape architect. It indicates options in private and shared public spaces where trees may be planted. Not all have enough space to be large trees but given the site a mixture of higher and lower canopy sized trees is necessary to again soften the site when viewed from external view receptors.
- Where engineered surfaces exist proprietary soil rooting systems are available that allow paved surfaces above that would allow pedestrian and vehicle passage.
- Recommendation: That the reduction in the number of trees to be planted serves to prevent any integration of the scheme as it exists into the local and wider landscape. Until comments made within this and earlier emails are addressed no recommendation for approval on arboricultural merit could be made.

Second Revision

Comments awaited.

RSPB:

Original Scheme

- Have concerns relating to the adequacy of mitigation for the loss of part of the Ramshill County Wildlife Site (CWS) that supports farmland habitats and species, including ciril buntings, and also forms part of the sustenance zone/strategic flyway for greater horseshoe bats, designated features of the South Hams Special Area of Conservation, and urban biodiversity provision.
- Seek confirmation how this application relates to strategic ecological mitigation for masterplanned area, including the level and timings of financial contributions, in the form of enhancements to the Ramshill CWS,

- including habitat for cirr buntings.
- The extent of proposed loss of existing habitat arising from this development means mitigation via enhancement of off-site habitat (e.g. on the remainder of the CWS) is in our view necessary. However, there is scant information in the application regarding off-site mitigation provision and, in our view, an insufficient level of confidence that effective mitigation would be delivered in an appropriate location within an acceptable timescale. Financial contributions for the management and enhancement of habitats, including for cirr buntings, should be required as part of the any planning permission, and payments made before development occurs. Without such provision, the impact of the proposed development on part of the Ramshill CWS will not be adequately mitigated and there will not be any 'biodiversity gain'.
 - There is inadequate on-site provision for 'green infrastructure' and therefore a need for disproportionate provision within the larger Great Parks development. Such provision should not adversely affect the biodiversity value of the CWS or the enhancements to the habitats of the CWS that are proposed via financial contributions as part of a Section 106 Agreement relating to this application. There is no information on how the potentially conflicting requirements of enhancing the habitats and wildlife interest of the CWS and providing accessible areas of greenspace for future residents will be resolved.
 - Welcome provision of bat and bird boxes on trees, and wildlife friendly planting schemes, but there is no mention of maximising opportunities for birds associated with built development by incorporating nesting sites for species such as swift, house sparrow, starling, house martin and swallow within the proposed new housing. Designing in such nest sites should be a condition of any planning permission.
 - Welcome recommendations for mitigation and enhancement in the Ecological Impact Assessment. These should be secured as appropriate via planning conditions or via adequate financial contributions as part of a Section 106 Agreement. This is in accordance with Local Plan Policies NC3 and NC5.
 - Our recommendations are supported in the NPPF (paragraphs 9, 109 and 118).

First Revision

No further comments and our original comments are still relevant.

Second Revision

Comments awaited.

Natural England:

Original Scheme

- Support RSPB comments dated 23/10/12. In particular, how the proposals fit with the Great Parks masterplan and measures to safeguard Ramshill

County Wildlife Site.

- The proposals will need to demonstrate that there is no detrimental impact upon the strategic flyway and sustenance zone associated with the South Hams SAC. Avoidance of light spillage from the proposed development will ensure that potential habitat is effectively safeguarded.
- In accordance with national legislation and the NPPF, the ecological assessment should provide clear detail on appropriate mitigation and adequate enhancement measures that deliver net gain for biodiversity. The ecological assessment should provide details relating to area of new/enhanced BAP habitat. It should include an effective mitigation strategy (based upon an up-to-date biodiversity budget that provides a breakdown by habitat of losses/gains (in hectares/metres) and considers impact at the various stages of the proposed development).
- Where on-site mitigation opportunities are restricted, off-site compensation should be considered – the Torbay biodiversity offsetting pilot might be a good mechanism for this. One of the benefits of biodiversity offsetting is that it provides a clear and transparent mechanism to evaluate biodiversity impacts and allows the applicant to successfully demonstrate that the proposals deliver sustainable development.
- Keen that green infrastructure is integrated into the proposals.
- The proposals should consider potential impact upon the landscape and visual context (Landscape Visual Impact Assessment).
- The potential mitigation strategy will only be considered sufficiently robust where delivery mechanisms are explicitly identified and secured in perpetuity through appropriate planning condition/obligation. The mitigation strategy should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities. A Construction Environmental Management Plan (CEMP) and landscape and Environmental Management Plan (LEMP) are useful mechanisms towards ensuring sufficient certainty for delivery of environmental outcomes.
- Our standing advice for protected species is a material consideration.

First Revision

- The plans need to be cross referenced to supporting text to show how the matters that we raised in our previous letter (dated 7th November) have been addressed.
- Cotoneaster should not be used as part of the planning proposals.
- Locally sourced native plants should be used as part of the proposed planting scheme to maximise biodiversity value.

Second Revision

Comments awaited.

Housing Services:

Original Scheme

- Whilst we appreciate the current proposals are providing the required number of affordable units which is to be commended, Torbay Council's affordable housing policy requires that the mix of affordable housing provided should be proportionate to the mix as a whole. Currently the scheme is made up of a disproportionately higher number of 2 bedroom flats and houses and although a number of 3 bedroom houses are being provided, this number does not meet the policy requirement. The current proposals are not providing any 4 bed properties as affordable units and whilst we have a need for all types of affordable housing in Torbay, larger family homes are a strategic priority for us as there is currently a very long wait for these types of units.
- Delivering accessible units suitable for wheelchair access is also a policy requirement and a strategic priority; it is not clear from the current plans if accessible accommodation is being provided, but we would also expect to see 5% of the rented provision to be wheelchair accessible.
- The affordable housing is currently clustered in one area of the site, however we would want to see the affordable housing distributed throughout the scheme in more than one area.
- To date we have received insufficient information as to why this scheme is unable to provide the policy requirement and without this information we are unable to support this application.

First Revision

- Although it is to be commended that the revised scheme is providing 30% affordable housing and the required tenure split, the affordable provision is not proportionate to the development and without further information to justify these proposals, Housing Services would not be able to support this application.

Second Revision

Comments awaited.

Torbay Coast and Countryside Trust: No response.

Devon and Cornwall Police: No response.

Refuse Collection & Disposal: No response.

Summary Of Representations

The application has been publicised twice, once for the original scheme and once for the first set of revised plans amending the proposed development layout. Following the submission of a second set of revised plans on 25/01/13 reducing the proposed number of dwellings from 98 to 92 and minor revisions to the layout, the application is currently being publicised for a third time. Any further

representations from statutory consultees or members of the public will be provided as late representations or reported verbally at Committee. On the date of Committee, the second set of revised plans will have been publicised for 11 days.

There were 27 objections to the application following the first publicity, including an objection from Paignton Heritage Society. Two more representations were received, one raising no objection provided another vehicle access to the site could be found, which does not go through the existing road network, and another raising significant concerns with the impact of the proposal on local highways. The following material considerations were raised:

- King's Ash Road and the estate are at capacity and cannot cope with more traffic
- Alfriston Road not wide enough/suitable to accommodate an access road
- More housing is required, but the infrastructure should be put in place first with access from a new junction on King's Ash Road near Spruce Way
- There is only one access to the estate from King's Ash Road
- Impact of construction traffic on residential amenity/child safety
- Premature to proceed ahead of the masterplan in a piecemeal manner
- Any approval should be conditional on the construction of an alternative vehicular route to the north
- Housing density is very high and not in keeping with surroundings
- Few detached houses – not in keeping with existing surrounding properties
- 3-Storey buildings on top of slope will cause visual impact – buildings should be no more than 2-storeys
- Steep nature of site will create problems overlooking and reduced privacy for existing houses
- Not enough parking, which is likely to lead to roads cluttered with cars
- Concerns with impact of proposals on localised flooding
- Render on elevations will not fit in with the existing estate and will deteriorate quickly if not properly maintained
- Storage areas for the large refuse bins have not been identified
- Noise and dust pollution during construction
- No plans to develop local facilities and services within the application – the area has very poor services and facilities, especially recreation and play facilities
- Impact on local wildlife
- Location of proposed substation in close proximity to existing residential property
- No public consultation has been carried out
- No foot or cycle path links in or out of development
- Still outstanding work from Phase 1
- Light pollution
- Would spoil Area of Great Landscape Value

- Pressure on local schools and medical facilities
- Potential slope instability from water entering upper levels of slope/soakaways
- Trial pits not in location of individual property soakaways or communal soakaway
- Concern over the location of the communal soakaway above and behind existing properties to the south of the site
- Impact on trees/hedgerows
- Overdevelopment – housing not needed
- Loss of potential agricultural land
- Impact on foul drainage

There were 6 further objections following the second publicity, 5 of whom had already objected and 1 changing from no objection provided another vehicle access to the site could be found to objection. The following issues were raised:

- The revised plans take no account of the major objection of local residents – impact on local highways during construction and after the development is completed
- Access to the site from the northwest must be constructed before any development begins, leaving Alfriston Road as pedestrian access only
- Does nothing to address previous objections
- No change to the access to the site
- No advances on the original scheme

Relevant Planning History

- ZP/2007/0714: Residential Development (pre-application enquiry): Split Decision 30.08.2007
- ZP/2012/0151: Housing development (pre-application enquiry): Refuse 20.08.2012
- P/2012/0660: Screening opinion: EIA not required 04.09.2012

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the development on local highways, including the capacity of Cotehele Drive/King's Ash Road junction
3. Design
4. Car parking
5. Privacy and amenity
6. Impact on biodiversity/loss of part of CWS
7. Surface water drainage
8. Affordable housing

1. The principle of the development is acceptable, as the site is allocated for housing in the Local Plan as part of Great Parks Phase 2 (Policy H1). The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. (Para 14)

Unless material considerations indicate otherwise.

Therefore, provided the design and technical matters of the application are in accordance with the policies in the Local Plan, the application should be approved. Where issues are not addressed by policies in the Local Plan, or policies are out-of-date, the application should be approved unless its impacts are significantly greater than its benefits, taking into account the policies in the NPPF, or policies in the NPPF restrict development on the site.

Until March 2013, full weight may be given to the policies in the Local Plan even if there is a limited degree of conflict with the NPPF. After this, weight should be given according to their degree of consistency with the NPPF.

The NPPF states that its policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system (Para 6).

The sections below discuss the acceptability of the proposed development with reference to the other relevant policies in the Local Plan and the policies in the NPPF, i.e. how sustainable is the proposed development?

2. Contrary to previous evidence, it has been confirmed that the Cotehele Drive/King's Ash Road junction has enough capacity to cope with the traffic generated by the proposed development until 2018. This could be extended by about 1 year through the introduction of MOVA traffic signals at the junction, but this would have to be confirmed by carrying out further traffic modelling closer to the time. Therefore, the proposed development is acceptable in this regard, as by the time the Cotehele Drive/King's Ash Road junction goes over capacity in 2018/2019, the rest of Great Parks Phase 2 will have been built, including the access road to the site from the northwest. When access to the site from the northwest has been provided, access to the site from Alfriston Road can be

closed to vehicular traffic except for buses.

As the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this, the development should contribute to funding the new access. This should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole.

Should for any reason the rest of Great Parks Phase 2 not be built prior to 2018/2019 when the Cotehele Drive/King's Ash Road junction goes over capacity, the funding towards the new access should be spent instead on upgrading the existing junction to ensure that it operates within capacity. The funding should be secured as a bond in a S106 Agreement.

Whilst the above does not take into account the impact of development coming forward on the rest of Great Parks Phase 2 on the Cotehele Drive/King's Ash Road junction as a result of additional traffic flow along King's Ash Road, which might realistically be built before the access road to the site from the northwest has been completed, it allows the delivery of housing on the site now rather than waiting, which is a material consideration given the Council's lack of a 5 year land supply. In addition, the development could be seen as 'pump priming' delivery of the rest of Great Parks Phase 2.

The proposed development would not have an impact on other local highways on the estate or in the area. The acceptability of the internal configuration of highways on the site will be discussed as part of 'Design' in the next section. Should planning permission be granted, local residents' concerns regarding the impact of construction traffic on the estate roads and local amenity can be addressed through a condition for a Construction Method Statement requiring these details.

Based on the above, the proposal accords with criteria (2) and (3) of Policy T26 of the Local Plan, subject to a bond towards funding the new access to Great Parks Phase 2 or improvements to the Cotehele Drive/King's Ash Road junction secured in a S106 Agreement.

3. To date, the proposed design layout of the scheme has been revised twice. The first was in response to two Torbay Design Review Panels, one presented by officers and the other by the applicant. The main changes were to the structure of the scheme, in particular providing a pedestrian route up through the middle of the site and providing a pedestrian connection to Luscombe Road. These changes provided a significant improvement in terms of pedestrian permeability and therefore sustainability. However, planning officers felt that nothing had been done to respond to the DRP's comments in terms of place making and adding character and identity to the scheme. This was reiterated by

the Arboricultural Officer who noticed that even fewer street trees were proposed than before, when too few had been proposed in the first place.

Planning officers provided further design comments to the applicant raising these issues, as well as confirming that the main street through the site needs to be designed as a 2 way bus route and the streets need to be designed according to an appropriate street hierarchy (as recognised by the DRP, the main street is likely to form a primary route through the whole of Great Parks Phase 2). In addition, a number of blank 'inactive' elevations were identified, most notably facing onto the junction at the top of the slope, as well as other details, and inadequate provision of car parking in relation to the Council's parking standards and poor relationships of some of the spaces to the proposed dwellings.

At the time of writing, the applicant has just submitted a second set of revised plans responding to some of these comments. The main changes are to the streets, so they fit in with an appropriate hierarchy, loss of 6 flats on the second storeys of three of the blocks of flats to accord with the Council's parking standards (these blocks are now 2 storeys instead of 3 storeys), provision of windows on blank elevations, and minor changes to the materials to provide more render instead of brick to create a more distinctive identity. There has also been a concerted effort to ensure that as many of the proposed dwellings as possible have 2 parking spaces to accord with the Council's parking standards.

At first glance there are still issues with the design of the scheme: There is still little attempt at place making and creating local character, the generic building typologies and lack of local distinctiveness in materials and design are still evident. The attempt to comply with the Council's parking standards has resulted in even more parking bays along streets and beside dwellings that detracts from place making principles and would lead to a car dominated environment.

There is also little room on the plan for landscape features that might enhance the quality of the streets. There is also still no provision of visitor's parking for the large 'L' shaped block of flats, which raises significant concerns with potential overspill parking on the street. 12 of the houses also still only have one parking space. This all points to the view that the applicant is seeking to provide too much development on the site to the detriment of good design and sustainability.

At least one of the blocks of flats to the north should be removed due to inadequate provision of private amenity space for the future occupants of the flats. This may provide an opportunity to improve the pedestrian route to Luscombe Road, which is through a parking courtyard and not well overlooked. The removal or reconfiguration of the 'L' shaped block (perhaps through its replacement with a dwellinghouse) would provide scope for a more policy compliant parking provision and would allow the development room to breath.

As mentioned, the design of the main street through the site must be designed as

a 2 way bus route, so that it is 'future proofed' for this when the rest of Great Parks Phase 2 is built. Highways officers have raised concerns with the geometry of the street, as the bus would override the kerb at certain points. Other highways issues have been raised (see consultation responses above), including poor visibility related to some of the parking spaces. The parking space for plot 35 adjacent to plot 35 looks particularly dangerous on this bend.

There is still no public open space on the site or provision of green infrastructure, whilst a contribution towards providing this elsewhere on Great Parks Phase 2 would be acceptable, this does not obviate the need to provide a 'place' with sufficient openness.

Based on the above, it is considered that the proposal does not accord with Policies H9, H10, H11, CF2, BE1, BE2 and T26(1) of the Local Plan or Section 7 of the NPPF. However, officers are continuing negotiations and believe that acceptable design is achievable, subject to a moderate reduction in the number of dwellings to allow an improved layout and taking place making opportunities through revisions to the general architecture, materials, revised parking layouts and streetscape enhancements through hard and soft landscaping.

4. The Council's parking standards require 2 garages/car parking spaces per dwelling within the curtilage, or 1 car parking space per dwelling plus 1 visitor's space per 2 dwellings located within reasonable walking distance of the units to be served. For flats it is 1 garage/parking space per unit plus 1 space per 2 units for visitors. Whilst these are maximum standards, the location of the development site on the edge of Paignton means that the maximum provision is required.

As stated previously, 12 of the houses (plots 33, 34, 58-61, 69-71 and 85-87) only have 1 car parking space, with no visitors parking, and the 'L' shaped block of flats (8 flats) has no visitors parking. There is a significant risk that visitors to these plots will park on the street to the detriment of highway safety and function, and the quality of the streetscene.

Therefore, the proposal does not accord with Policy T25 of the Local Plan. However, as above, officers are confident that acceptable parking provision can be achieved subject to a moderate reduction in the number of dwellings to allow an improved layout and place making opportunities.

5. The separation distances between the proposed dwellings and existing properties surrounding the site appear satisfactory in order to maintain adequate levels of privacy and amenity. This can be supplemented with vegetation screening if necessary.

The separation distances between the proposed dwellings within the central perimeter block in the north of the site is less than what would usually be

expected, especially given the difference in levels. However, this cannot be improved without significant and dramatic changes to the layout that could lead to the loss of a significant number of dwellings. Therefore, as future occupiers will be aware of this when they buy/let the property and vegetation screening could be used to provide greater levels of privacy, this is considered acceptable in the circumstances.

Therefore, in terms of privacy and amenity, the proposal accords with Policy H9 of the Local Plan.

6. Both the RSPB and Natural England have expressed concern over the lack of detail in the application of how the proposal will mitigate for the loss of part of the Ramshill County Wildlife Site, and how this mitigation will relate to mitigation for the rest of Great Parks Phase 2. Natural England has recommended using the Torbay biodiversity offsetting pilot to help calculate off-site compensation, where on-site mitigation measures are restricted. The Council's Green Infrastructure Coordinator has used this tool to calculate a contribution from the proposed development towards the proposed community park adjacent to Great Parks Phase 2 to offset the biodiversity loss on the site, including ongoing management and maintenance. This contribution should be secured in a S106 Agreement.

Therefore, the proposal accords with Policy NC3 of the Local Plan, subject to a contribution for biodiversity offsetting secured in a S106 Agreement. In addition, recommendations for biodiversity enhancements in the application should be secured by condition.

7. The Council's Engineering – Drainage department has confirmed that the proposed drainage strategy appears satisfactory, but further details are required before planning permission is granted. Following the submission of the revised Flood Risk Assessment (V2), the Environment Agency has confirmed that it would be happy with a condition to deal with these details. This has yet to be discussed and agreed with the Council's Engineering – Drainage department.

As part of the surface water runoff from the site would drain into the main sewer, both the Council's Engineering – Drainage department and the Environment Agency require a financial contribution towards works to increase the storage capacity of the Great Parks storage lagoon situated on the Clennon Valley watercourse and its maintenance. This is necessary because it currently only caters for the phase 1 development and in order to reduce the risk of flooding to properties downstream. The contribution should be calculated on a pro rata basis according to the proposed number of dwellings on the site and the estimated number on Great Parks Phase 2 as a whole. It should be secured in a S106 Agreement.

Therefore, the proposal accords with paragraphs 99-104 of the NPPF with reference to managing flood risk, subject to the submission of the details

requested above before development commences on the site and a contribution towards upgrading and maintaining the Great Parks storage lagoon secured in a S106 Agreement.

8. Affordable housing. The proposal would provide 30% affordable housing in accordance with Policy H5 of the Local Plan. However, the applicant proposes a tenure split of 75% affordable rent and 25% shared ownership. As stated in the Planning Contributions and Affordable Housing SPD (LDD6), the Council usually seeks 75% social rent and 25% intermediate; however, the SPD Update 3 states that as an interim measure affordable rent will be sought as an element of development and treated as social housing for planning purposes. The emerging preference is for 33% social rent, 33% affordable rent and 33% shared ownership/intermediate. Since this will still provide social rented accommodation to meet local needs.

The Council also seeks a proportionate mix of affordable housing to the overall development. In this case the affordable housing mix proposed is disproportionate to the mix of dwellings across the site, with a greater number of smaller 2-bed units instead of larger family housing.

Housing Services has objected to the proposed mix of affordable housing and formal comments are awaited on the proposed tenure split of 75% affordable rent and 25% shared ownership. Negotiations are ongoing and the latest position will be reported at Committee.

S106/CIL -

The following contributions are required in accordance with Policy CF6 of the Local Plan and the Planning Contributions and Affordable Housing SPD Update 3:

- Waste Management (Site Acceptability)
- Sustainable Transport (Sustainable Development)
- Stronger Communities (Sustainable Development)
- Education (Sustainable Development)
- Lifelong Learning – Libraries (Sustainable Development)
- Greenspace and Recreation (Sustainable Development)

Figures have not been calculated for the latest set of plans, which changed the number of units from 98 to 92. The applicant must also confirm which units are social rent, affordable rent and shared ownership, as this will have a bearing on the calculations.

In addition, the following further site acceptability contributions are required:

- Bond for contribution towards Great Parks Phase 2 access minus cost of MOVA traffic signals

- Biodiversity/CWS offsetting (works and maintenance)
- Upgrading and maintenance of Great Parks storage lagoon

Again, the above contributions have to be re-calculated for the reduced number of dwellings in the latest set of plans.

In addition, a contribution is required towards the South Devon Link Road (SDLR) in accordance with the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012. This must be subtracted from other contributions, taking into account the recommended order of priority in the SDLR report.

A contribution is also required towards the provision of a Local Centre elsewhere on Great Parks Phase 2.

30% Affordable housing is also required, as previously discussed.

The total sum of contributions for 98 dwellings was in the region of £1 million. The applicants have stated that they are able to make contributions up to £450K, whilst including 30% affordable housing. Therefore, planning officers are continuing to negotiate with the applicant over the required contributions, taking into account the tests in paragraph 204 of the NPPF. The updated position will be reported at Committee.

It is likely that, given the Council's s106 priorities, the site acceptability matters, the SDLR contribution and the affordable housing provision will take precedence over the other sustainable development contributions in this case.

Justifications

The contribution towards waste management is justified in paragraph 2.18 of the Planning Contributions and Affordable Housing: Priorities and Delivery SPD (LDD6) and will pay the cost of providing bins to the proposed dwellings. It also accords with Local Plan Policy W7.

The contribution towards sustainable transport is justified in paragraphs 4.12-4.24 of LDD6 and will be used towards the enhancement of local bus/cycle infrastructure. The NPPF and Local Plan Policy T2 promote sustainable transport modes. The proposed dwellings would generate additional trips and should therefore contribute toward sustainable transport in the area.

The contribution towards stronger communities is justified in paragraphs 4.31-4.35 of LDD6 and will be used towards the provision of a street warden in the area.

The contribution towards education is justified in paragraphs 4.40-4.46 of LDD6

and will be used towards funding Children's Services Capital Programme, which includes projects at Roselands Primary School and White Rock Primary School in Paignton. The proposed development includes family dwellings where children might reasonably be expected to go to these schools; therefore, the development should contribute towards education. It also accords with Local Plan Policy CF7.

The contribution towards lifelong learning is justified in paragraphs 4.47-4.51 of LDD6 and will be used towards the cost of improving provision at Paignton Library, including Wi-Fi. The proposed dwellings would place additional demand on the services provided by Paignton Library and the contribution will ensure these services are provided with funding to mitigate the proposed development.

The contribution towards greenspace and recreation is justified in paragraphs 4.52-4.58 of LDD6. No public open space will be provided on-site; therefore a contribution is required towards provision of off-site public open space elsewhere on Great Parks Phase 2.

The bond for a contribution towards Great Parks Phase 2 access, minus the cost of MOVA traffic signals, is justified because the proposed development will eventually be served via the new access to Great Parks Phase 2 further to the north along King's Ash Road and its acceptability is dependent on this.

The contribution required to offset biodiversity impact on the site and loss of part of the County Wildlife Site is justified because biodiversity mitigation will not be provided on-site. Further justification is provided in the consultation responses from the RSPB and Natural England. This approach is given weight in Section 11 of the NPPF.

The contribution towards upgrading and maintaining the Great Parks storage lagoon on the Clennon Valley watercourse is justified because surface water from the development site will drain into the main sewer, which will place additional burden on this infrastructure and increase the risk of flooding to downstream properties. The storage lagoon and other attenuation measures were only constructed to accommodate the downstream discharge from Great Parks Phase 1, not Great Parks Phase 2 also.

The contribution towards the SDLR is justified in Appendix 1 of the 'Third Party Contributions towards the South Devon Link Road' report adopted by the Council on 6 December 2012 and is based on an assessment of the impact that the development would have on the road.

The contribution towards the Local Centre is justified, as the development site forms part of Great Parks Phase 2, which must include a Local Centre in order to deliver a sustainable community. The land required for the Local Centre will have less value than land for residential development and this cost should be borne equally by all the land owners of Great Parks Phase 2.

30% affordable housing is justified in Section 3.0 of LDD6. It also accords with Local Plan Policy H5.

Conclusions

Whilst the principle of the development is acceptable and the main constraint in developing the site, namely the capacity of the Cotehele Drive/King's Ash Road junction, can now be overcome through a bond in the S106 Agreement, there are still some issues with the design of the scheme that need to be resolved before planning permission can be granted.

In particular, these relate to the integration of the required amount of car parking in the scheme and the provision of place making principles that are currently lacking, as well as a safe and functional highway layout incorporating a two way bus route. The scheme needs to be amended accordingly, which may result in the loss of further dwellings. It is considered that the applicant is trying to squeeze too much development on the site at present leading to the problems identified and a much better development is achievable if the number of dwellings was reduced. This does not necessarily mean that a significant number of dwellings need to be lost though.

In addition, negotiations are still ongoing concerning the contributions required to make the development acceptable in planning terms and deliver sustainable development. Contributions need to be recalculated for the reduced number of dwellings as a result of the latest set of plans and would need to be recalculated again should the number of dwellings reduce further. In addition, negotiations are still ongoing concerning the proposed mix and tenure of the affordable housing.

In light of the above, the recommendation is that the principle of the development should be approved, subject to officers finalising the design and number of dwellings accordingly and agreeing the contributions required and mix and tenure of affordable housing to be secured in a S106 Agreement.

Relevant Policies

HS	Housing Strategy
H1	New housing on identified sites
H5	Affordable housing on identified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
CFS	Sustainable communities strategy
CF2	Crime prevention
CF6	Community infrastructure contributions
CF7	Educational contributions

CF14 Health Centre, Great Parks
INS Infrastructure strategy
IN1 Water, drainage and sewerage infrastructure
LS Landscape strategy
L2 Areas of Great Landscape Value
L8 Protection of hedgerows, woodlands and o
L9 Planting and retention of trees
L10 Major development and landscaping
NCS Nature conservation strategy
NC1 Protected sites - internationally import
NC3 Protected sites - locally important site
NC5 Protected species
EPS Environmental protection strategy
EP1 Energy efficient design
EP3 Control of pollution
EP5 Light pollution
EP10 Water supply
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE9 Archaeological assessment of development
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development onto the highway
T27 Servicing

Agenda Item 6

Application Number

P/2013/1189

Site Address

Land At Playing Fields Dartmouth Road
Paignton
Devon

Case Officer

Mr Alistair Wagstaff

Ward

Goodrington With Roselands

Description

Formation of 1.5km macadam closed road cycling circuit, and associated works inc 1.8m boundary fence.

Executive Summary/Key Outcomes

This application seeks approval for the formation of a 1.5 km Closed Road Cycling Circuit and associated works including a 1.8 boundary fence. The application site is currently part of the wider playing pitches and outdoor recreation space of Clennon Valley leisure centre.

The key issues for consideration are considered to be the principle of the development on the existing sports pitches, the visual impact of the development, accessibility considerations, the impact on residential amenity, matters concerning contamination and flooding and the environmental impacts of the scheme.

The scheme offers a significant opportunity for Torbay providing a new sports facility through the development of a Closed Road Cycle Track. It is considered that the benefits to the wider sports offer generated by the scheme offset the loss of the existing sport pitches.

The impacts of the scheme in relation to flooding and land contamination are able to be overcome through the provision of further information by condition.

The application is not considered to have a detrimental impact in ecological terms on the South Hams SSSI or the Wider South Hams SAC. In relation to the more localised environmental impacts the amendments to the scheme post submission are considered to provide a net gain to bio-diversity and an enhancement to local green infrastructure. This, in addition to the detailed conditions recommended, will overcome the issues of concern.

Recommendation

Conditional approval subject to member site visit and the conditions listed below.

Statutory Determination Period

13 Weeks 12th February 2014

Site Details

The application site is currently part of the wider playing pitches and outdoor recreation space of Clennon Valley leisure centre. The site is predominantly laid with grass for use as playing pitches, which includes one rugby pitch and one football pitch. The site is located within the functional flood plain and is in Flood Zones 2a and 3.

Prior to the use of the site for sport and recreation facilities the site was historically used as a landfill site. This has created a number of issues with its current use as sports pitches and is in part why the Cycle Park is proposed in this location.

The site is boarded on the South and East by a belt of trees and streams. The majority of this area surrounding the site forms part of wildlife corridor (NC4.)

The site area has altered during the course of the application. It now includes an area to south and east, including the majority of the wildlife corridors and tree belt up to the edge of the streams on the East and South. This allows those areas to be brought into a positive management regime as part of the development.

Due to this change to the application boundary the application has been re-advertised and the consultation process undertaken for a second time, to ensure that nobody is disadvantaged by this change and that statutory requirements are met.

Detailed Proposals

The proposal is to install a 1.5 kilometre closed road cycling circuit on the site for use as a new cycling facility for the Bay. The track is set at just above ground level to allow water run off on to the surrounding area for cycle safety. To the northern boundary of the track is an additional hard surface area for an embarking and exiting point to the cycle track, waiting and coaching area. This also provides the principle access point to the site. This connects to and is located alongside the existing leisure centre and access path, which itself provides access to the other outside recreational pitches.

The application was originally to be enclosed on all sides by a 1.8 meter high security fence. This has now been amended to enclose only the northern half of the site running from the entrance adjoining the leisure centre to the south eastern corner of the site where it joins Dartmouth Road. The fence along the north-western side will be landscape. The remainder of the boundary will be enclosed with extensive belt of landscaping which will include habitat improvements as an enhancement to the existing wildlife corridor.

The original proposed layout included a potential location for a replacement playing pitch. This has now been removed due to the conflict between cycling track and ball based sports which creates a health and safety risk.

Public Consultation

A Statement of Community Involvement has been submitted by the applicant. The consultation period ran from 29th August to 1st November 2013. This included postal distribution of 1000 Surveys and consultation forms were placed at public locations through out the Torbay with supporting information displays. An online survey on the Council's website was also provided and the project has also been presented at public meetings of the Paignton Neighbourhood Forum and the Goodrington and Roselands Community Partnership.

The Postal Survey received 84% in support, 14% oppose
The Online Survey received 94% support and 4% Oppose

A further information on the public consultation has now been produced and has been made available in the Member's Briefing Pack.

Summary Of Consultation Responses

English Heritage-

Have no comments to make on these proposals.

Torbay Coast and Countryside Trust: Biodiversity - support the broad recommendations within the Extended Phase 1 Habitat Survey

We recommend that an ecological assessment be provided to assess the ecological effects of the fixed, final scheme and provide specific detail regarding the proposed mitigation measures including landscape plans. proposals should seek to result in a net gain for biodiversity.

We recommend that the linear boundary habitats be enhanced as wildlife corridors, Given the site's location within a sustenance zone and strategic flyway for Greater Horseshoe Bats development should not add luminance to the existing lighting regime.

Green Infrastructure - The Torbay Green Infrastructure Delivery Plan² should be considered as part of the planning application. The Torbay Green Infrastructure Delivery Plan identifies Clennon Valley as an area for proposed wetland creation/enhancement and the expansion and/or enhancement of the existing wetlands should be considered as part of the SuDS strategy.

Site is located within Flood Zone 3a. We suggest that Sustainable Urban Drainage Systems (SuDS) be considered to mitigate potential flood risk. SuDS can also provide high quality green infrastructure providing benefits to water quality, biodiversity and recreation, as well as flood alleviation.

We suggest that the possibility of creating linkages to the proposed facility via additional footpaths and cycle paths be explored.

Environment Agency: We have no objections to the proposal subject to:

- ground levels within the area at risk of flooding not being raised above existing, and
- the development being safe in times of flood, over its lifetime.

A large proportion of the site is at risk of inundation, as some of the site is Flood Zones 3a and 3b. This relatively undeveloped floodplain corridor performs an important local flood risk management function reducing the risk of flooding to adjacent built development including the Leisure Centre.

The usage sought would be deemed 'water-compatible' development as defined within Table 2 of the NPPF. The principle of allowing 'water-compatible' development within areas of 'functional floodplain' is acceptable subject to the caveats within Table 1 (NPPF) being met. It is for this reason why we strongly advise that ground levels within the areas at risk should not be raised above existing.

Given the depths of water that could occur, as highlighted within the Flood Risk Assessment, we advise that the site management produces an evacuation plan so that the risks to persons can be minimised and that measures be put in place.

We also advise that access to the existing open watercourses for maintenance and clearance is not compromised by the proposal.

Environmental Health: Recommend that a condition pertaining to contaminated land is attached to the permission as the development will be sited on an old landfill site.

With regard to excavation, for root barriers for example, there is concerns that this would break any capping and therefore expose the old landfill. This will need to be investigated further by way of either boreholes or trial pits to establish the depth of the capping and the best way forward for the root barrier system.

The conditions should cover:

1. Site Characterisation
2. Submission of Remediation Scheme
3. Implementation of Approved Remediation Scheme
4. Reporting of Unexpected Contamination

Arboricultural Officer: The scheme is acceptable if the following point can be addressed by way of pre-commencement condition requiring a detailed plan to be submitted and approved specifying the alignment and specification for a

permanent root barrier to a minimum of 1m depth.

Natural England: Statutory nature conservation sites - no objection

This application is in close proximity to the South Hams Site of Special Scientific Interest (SSSI) part of the South Hams Special Area of Conservation (SAC).

Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which South Hams has been classified. Natural England therefore advises that an Appropriate Assessment is not required to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the South Hams SSSI has been notified. We therefore advise that this SSSI does not represent a constraint in determining this application.

Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

South West Water: South West Water has no objection to the application.

For information a public water main and sewer runs through the site, no buildings will be permitted within 3 metres of these and neither should there be any alterations to ground cover over them.

Strategic Transport including Highways: There are no objections to this proposal and given mitigation for jobs created, no SPD contribution should be requested.

However to ensure key events do not cause an problems, an Event Management Travel Plan must be approved prior to first use. This Plan needs to focus on how

on street parking will be minimised. For any major events, this will require close cooperation of various stakeholders including Highways in advance.

RSPB: Has no information to suggest that the site supports any important numbers of birds of conservation concern. Our priority species, Cirl bunting, has not been recorded on or near the site and most of the existing habitat is unsuitable for this species. We have no objection to the proposed development but do wish to see enhancements for nature as part of this development. Opportunities to incorporate biodiversity in and around developments should be encouraged and suitable management and appropriate retention of the existing boundary habitats and creation of a new hedgerow and buffer strip should be sought.

RSPB supports the recommendations made in the Ecosulis Extended Phase 1 Habitat Survey. If permission is granted, these measures should be taken forward in the form of conditions and/or a Section 106 agreement.

Sport England: It is understood that the site forms part of a playing field. Sport England has therefore considered the application in the light of its playing fields policy. When considering an application of this nature we need to be satisfied that the proposal meets one of the exceptions of the policy (E.5) in that:

'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields'.

The proposed closed cycle track will offer an alternative sporting use to the playing fields where participation figures should be much higher. It is a proposed development that will meet economic, health/wellbeing and tourism agendas.

The proposal will see the loss of (existing) one football and one rugby pitch and playing field land. The applicant states that the playing field site is 'low quality', the football pitch has not been used for several years and the rugby pitch will be moved to an adjacent area that is not used by football. We await details of the relocated rugby pitch including support for this proposal which should be secured by planning condition.

Summary Of Representations

One received, from Local Access Forum, neither supporting or objecting. It identifies that development is a good idea but questions whether any public right of way will be affected. (For information there is no public right of way effected by the application)

Relevant Planning History

None directly relevant.

Key Issues/Material Considerations

The Key issues in relation to this application are considered to be the Principle of the development on the existing sports pitches, the visual impact of the development, accessibility considerations, the impact on residential amenity, contamination and flooding issues and the environmental impacts of the scheme. These matter are set out below in detail.

Principle of Development -

The application site currently forms part of the outdoor recreation facilities for Clennon Valley Leisure Centre. The area is predominantly used for ball games including football and rugby. As identified in the applicants sports statement, these pitch are infrequently used due to their poor quality, associated with their location on a former landfill site and flooding on site.

Notwithstanding the poor quality of the existing pitches, the loss of sports pitches is a significant concern in any planning application and their loss is not normally supported. In this instance the loss is to provide a dedicated new sports (cycling) facility not currently available within Torbay. This increase in offer is considered an enhancement to the range and offer of sporting facilities available, both at Clennon Valley but also in the wider Torbay area which is in principle supported. This is supported by Sport England, on the basis that a replacement rugby pitch is provided in the Clennon Valley area and further enhancement to the remaining sports pitches is provided. These Matters will be secured via Planning Conditions.

The provision of new Cycle Park is supported in principle, as it offers a diversity of sporting facilities in Clennon Valley and the wider Torbay area, subject to the replacement of the rugby pitch and further enhancements of the remaining playing pitches.

Visual impact -

The site at present is currently predominantly open grass land maintained as playing pitches. The proposal will see this altered to provide a closed road cycle track. This will only occupy around a quarter of the site with the remainder remaining completely open. The impact of the development, in visual terms, is not considered significant, given the minimal works proposed to provide the track, the limited extent to which it protrudes above the ground and the extensive planting proposed within and to the south and east of the site.

The proposed security fencing could cause a greater visual impact, particularly when viewed from the west further up Clennon Valley and from the properties on Brantwood Drive. Planting along the perimeter of the fencing will reduce the visual impact of the fencing. It is also acknowledged that the scheme of landscaping proposed for the site as a whole will also enhance it visually. On this basis it is considered that the proposed fencing is visually acceptable, subject to further detail of the mitigation planting to the security fencing being

secured by way of planning condition.

Treatment of the new entrance and access point to the site on the Northern boundary adjacent to the leisure centre building is yet to be resolved. This area is currently not shown in detail on the plans submitted, but will need to include at least one entrance and exit. It is envisaged this will include some security and/or staffing facility as well as ancillary facilities for people utilising the new cycle track. In principle the provision of these facilities is considered to be visually acceptable given the limited visibility of the area and it being located in close proximity to the leisure centre building. The exact detail of what is proposed will need to be controlled via condition.

In conclusion the proposed development is considered acceptable in visual terms subject to detail of the entrance and exit area to the site and the mitigation planting being controlled by condition.

Accessibility -

The access to the site is provided via Penwill Way. This is the principle entrance to the Clennon Valley Leisure centre. There is already a dedicated surface level car park provided (chargeable), with approximately 400 car parking spaces available. The car park is set just off the junction with Dartmouth Road.

Given the site is for cycling activities it is considered that a reasonable percentage of users are likely to arrive on bike to utilise the facilities.

The majority of other users are likely to arrive via car. Given the level of parking already available on site it is not considered that further facilities will be required to meet the additional demand created by the new facility.

Additional national / local cycling events will be a welcome addition to Torbay's economy and profile, but there will be a need to manage traffic and parking caused by these events. An event management plan should be submitted to ensure successful events and that any parking and traffic is properly managed.

The site is at present accessible to the public at all times. The introduction of the Cyclo track will remove this ability as access to the facilities needs to be managed. This will remove the application site from wider public access for informal recreation. However the remainder of the site remains available for informal recreational use and the loss of public access to the application site is not considered a significant issue.

Services accessibility -

The Environment Agency (EA) have identified that there is a need to ensure that access is available to the surrounding water courses. The revised layout/site plan has now been discussed with the EA and they have confirmed that there is sufficient access under this arrangement.

Southwest Water have identified that there are sewers running adjacent to and along the northern boundary of the site and that buildings should not be permitted within 3 meters of these, nor should ground cover be altered. The area affected concerns the track entrance and exit area. Given that further detail is required, it is considered this issue can also be addressed through the condition to ensure that the scheme put forward is acceptable to South West Water.

In conclusion the accessibility of the proposed facility is considered acceptable subject to further detail being provided concerning the detail of the entrance and exit area and also an Event Management Plan.

Residential amenity -

Given the location of the facility, away from residential properties, it is not considered that the provision of the Cycle Park will have any substantial impact of the residential amenity in terms of noise or disruption of the surrounding residents. The only potential area of concern relates to the pressures on the surrounding streets for parking. However given the large car parking facility available this is not considered a significant issue other than for large events. Given the limited occurrence of such events and the suggested Event Management Condition, this is considered to be an appropriate mechanism to reduce the potential impact.

Land Contamination-

It is important to consider the potential impacts of disturbing and breaking earth in area where contamination is present. Historically the site was in use as a landfill site although this has now ceased and the site has been capped and converted to recreational use. A basic land contamination report has been submitted with the application and further detailed survey work including boreholes and trial pits is currently being undertaken.

The construction of the proposed cycle track and associated works will require minimal alteration to land levels, which will limit the potential disruption to contamination below the surface of the site. However it is important to ensure that potential risk from contamination is avoided. A detailed pre-commencement condition is required to ensure that contamination risk is managed.

Given the limited potential for disruption to the contamination below the site and subject to pre-commencement condition to ensure that any contamination found is treated properly the scheme is considered acceptable.

Flooding -

The application lies within an area of undeveloped flood plan which performs an important local flood risk management role. The site is located in Flood Zones 2 and 3a and is prone to flooding. The proposed use is however considered a 'water compatible' use as defined in table 2 of the NPPF. A flood risk

assessment has been provided with the application and the Environment Agency has been consulted and do not object to the scheme, subject to ground levels not being raised and the development being safe in times of flood.

The proposal retains much of the site as undeveloped and only a limited amount is required to be surfaced to provide the track. The track has been designed to allow water to run off the track and there is adequate available land for surface water to be absorbed on site. It is not considered that any significant detrimental impact to the function of the site in flood management terms will be created. Following the consultation response from the Environment Agency a more detailed landscaping strategy has been produced this introduces a range of Sustainable Urban Drainage measures in the form of swales to increase the potential for the site to positively enhance the capacity and value of the site from a flood management perspective.

In light of the proposed flood management measures introduced and the suitability of the development, in this flood risk area, the scheme is considered acceptable in relation to flood risk. This is subject to the provision of a condition to provide a flood evacuation plan for the scheme.

Environmental consideration -

There has been substantial assessment of the potential impacts of the scheme from an ecological and wildlife perspective. This is due to a wide range of potential constraints which exist in close proximity to the site, including the close proximity South Hams Site of Special Scientific Interest (SSSI); part of the South Hams Special Area of Conservation (SAC); the wildlife corridors running along the South and East of the site; the use of these areas by protected species (specifically Bats) and the wider role of these areas in relation to biodiversity.

Consultation responses have been received from Natural England, RSPB, Natural England and the Torbay Coast and Countryside Agency, provided in the agenda pack for Member's information. The issues identified are split into two different areas which are interlinked, 1. The potential impact on the South Hams SSSI and wider South Hams Special Area of Conservation (SAC), and 2. The impact on the wildlife corridors which surround the site on the south and east.

In relation to point 1 regarding the South Hams SAC, Natural England have advised that the development would not significantly impact upon the integrity of the SSSI and SAC it forms part of. Kestrel Wildlife Consultants on behalf of Torbay Council have undertaken a screening assessment of the scheme in accordance with the Habitats Regulations and have drawn the same conclusion. As such a full Habitats Regulation Assessment will not be required for the application. It is not considered that the application will have a detrimental impact on the integrity of either the SSSI or the SAC.

The more local impacts of the scheme (Point 2) have however raised more

concerns. As a result of these concerns the application site has been increased to take in significant element of these areas, up to the boundary of the streams on the south and east boundaries. These areas will be brought into positive management as part of the wider development scheme. A preliminary landscaping strategy has been produced which identifies that a buffer strip which includes landscape and habitat enhancement, and enhancements to tree belt and hedge rows will be provided along the outside edge of the Cycle track on the entire south and east boundaries of the site. This will also extend in part along both the west and northern edge of the track. It is considered that this offers a significant benefit to the scheme that will overcome the concerns expressed in the consultation responses and it delivers a net-gain for bio diversity through the retention and enhancement of existing habitat and delivering enhancement to the local green infrastructure.

The Landscaping plan also identifies that this area will include Sustainable Urban Drainage Swales which will provide new wetland area enhancing the value of the wildlife corridor. The central area within the cycle track will be transformed into a wildflower meadow, which again increase the ecological benefits of the scheme. Further detail of the landscaping strategy will be controlled by a detailed condition to ensure the appropriateness of the enhancement provided and ensure its retention.

In addition to the landscaping plan the application is supported by an Extended Phase 1 Habitats Survey, Bat Activity Survey and Bat Mitigation strategy. Each of the documents provide recommendations which will improve the scheme from an ecological perspective, including; habitat creation, provision of bird and bat boxes, management of Knotweed on site, native tree planting and the long term management of the site. These elements are again a significant enhancement to the scheme. These elements will all need incorporating in a wider landscape and ecological management plan which will be a conditioned as part of any planning permission.

The Bat Mitigation Strategy and Bat activity Survey also identify the sensitivity of the southern and eastern boundaries to light spill which can impact upon the use of these areas by Bats. The applicant has agreed that the application site shall not include illumination of the track and that cycle lights will not be permitted to be used on the track. This will insure that the foraging and travel routes of the local bat population will be preserved. It is also important that care is taken during construction process in this regard.

In conclusion while there are significant issues surrounding the development from an environmental perspective the scheme delivers significant benefits, which alongside detailed management strategy will deliver significant environmental improvements to the site and wider area.

S106/CIL -

A Section 106 contribution is not required for the type and form of development proposed.

Conclusions

The scheme offer a significant opportunity for Torbay providing both economic benefits and also in the enhancement to the range of sports available through the provision of a Closed Road Circuit Cycle Track. The impacts of the provision of the facility are able to be appropriately controlled via detail conditions. This is specifically important to the way the environmental benefits are secured. Normally this matters would secured by way of a pre commencement condition however there is financial pressure through the provision of grant funding from British Cycling and such a time limited condition for a detailed Landscaping and Ecological Management Plan from the start of construction is recommended to allow work to commence in a well managed way with a detailed strategy to follow within 6 weeks. Subject to this being acceptable to Member's and subject to the detailed conditions set out the application is recommended for Conditional approval.

Condition(s)/Reason(s)

01. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems. Where contaminated is found which poses unacceptable risks, a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of Development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development being brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and in accordance with policies EPS, EP3 and EP7 of the Saved Adopted Torbay Local Plan 1995-2011.

02. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified pursuant to condition 1, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and site investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation, or the development being brought into use, on the site affected.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and in accordance with policies EPS, EP3 and EP7 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the first use of the Cycle Park a Flood Evacuation Plan Shall be submitted to and approved by the Local Planning Authority, the site shall then be permanently operated in accordance with the approved Plan.

Reason: To ensure the users of the site are able to be safely evacuated from the site at times of flooding and in accordance with policy EP11 of the Saved Adopted Torbay Local Plan 1995-2011.

04. Prior to the first use of the Cycle Park hereby approved a detailed Transportation Event Management Plan shall be submitted to and Approved by the Local Planning Authority. The Management Plan shall set out the traffic management strategy for events to be held at the site. All Events shall thereafter be managed in accordance with the Approved Transportation Event Management Plan.

Reason: to ensure safe operation of the site of the site and surrounding area during Events and to protect the residential amenity of the neighbouring properties and in accordance with policies TS, T1 T9, T25, T26 and T27 of the Saved Adopted Torbay Local Plan 1995-2011.

05. Prior to the commencement of development, details of a replacement rugby pitch in the Clennon Valley area shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure that the playing pitch is replaced to maintain adequate

sporting provision an in accordance with Policies RS, R2, R3 R5and R7 of The Saved Adopted Torbay Local Plan 1995-2011and the requirements of the NPPF.

06. Within 1 year of the commencement of development, details of playing pitch enhancements including the replacement rugby pitch (as set out in Condition 5) in the wider Clennon Valley recreation area for rugby and football pitches shall be submitted to the Local Planning Authority, this shall included: (a) Detailed plan of the Replacement rugby pitch and the sports pitches to be improved; (b) A detailed assessment of ground conditions (including drainage and topography) of the playing fields which identifies constraints which could affect playing field quality including maintenance; and (c.) Based on the results of the assessment to be carried out pursuant to (b) above, an enhanced grounds maintenance programme to address issues identified, this should include an annual grounds maintenance regime to an agreed specification to achieve a Performance Quality Standard. The approved scheme subject to this condition shall be carried out in full and in accordance with the plans submitted to and approved by the Local Planning Authority and to a timeframe agreed with the Local Planning Authority (in consultation with Sport England). The land shall thereafter be maintained in accordance with the scheme and made available for playing field use.

Reason: To ensure that the playing pitch is replaced and to maintain adequate sporting provision an in accordance with Policies RS, R2, R3 R5 and R7 of The Saved Adopted Torbay Local Plan 1995-2011and the requirements of the NPPF.

07. Prior to the commencement of development a Precautionary Method of Working Document for construction shall be submitted to and approved by the Local Planning Authority, this shall include habitat protection measures, tree protection measures and details of construction lighting. The Construction process shall be undertaken in strict accordance with the agreed detail.

Reason: to preserve important habitats and the species which use them (specifically Bats) during the construction process and in accordance with Policies EPS, EP5, NCS, NC1, NC2 Nc4 and NC5 of the Saved Adopted Torbay Local Plan 1995-2011 and the requirements of the NPPF.

08. With the exception of Construction lighting identified pursuant to condition 7, No lighting shall be allowed on site without prior agreement of the Local Planning Authority this includes Bicycle lights.

Reason: To ensure the protection of Wildlife Corridor and surrounding area for Bat foraging and flight paths and in accordance with policies EPS,

EP5, NCS, NC1, NC2 NC4 and NC5 of the Saved Adopted Torbay Local Plan 1995-2011 and the requirements of the NPPF.

09. Prior to the commencement of development, detailed plans of the entrance and exit area including layout and elevations shall be submitted to and approved By the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

10. Within 6 weeks of the commencement of works a detailed Landscaping and Ecological Management Plan shall be submitted to and approved by the Local Planning Authority, the Development shall thereafter be undertaken and maintained in strict accordance with it. The Landscape and Ecology Management Plan shall include the details implementation of the recommendation of the Approved Extended Phase 1 Habitat Survey, Bat Activity Survey and Bat Mitigation Strategy. As well as detail of the proposed boundary fencing and mitigation planting, proposed landscaping and Habitat Enhancements, root barrier system, proposed swales and tree management measures.

11. No trees or shrubs retained or planted as part of the approved plans shall be cut down, felled, uprooted, removed, destroyed, lopped or topped without the prior written consent of the Local Planning Authority. If within a period of 5 years from completion of the development any of the approved landscaping, whether it be retained or planted, is destroyed, dies or is seriously damaged or defective, another tree or shrub of the same species shall be planted at the same location in the first planting season following death, damage, removal etc.

Reason: To ensure that landscaping as approved and implemented is allowed to become established and to comply with the objectives of Policy L9 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

- CFS - Sustainable communities strategy
- CF1 - Provision of new and improved community
- RS - Recreation and leisure strategy
- R2 - Outdoor recreation developments
- R5 - Protection of public open spaces and pla
- R7 - Areas of amenity open space
- INS - Infrastructure strategy
- LS - Landscape strategy
- L6 - Urban green spaces
- L8 - Protection of hedgerows, woodlands and o

L9 - Planting and retention of trees
NCS - Nature conservation strategy
NC1 - Protected sites - internationally important
NC2 - Protected sites - nationally important sites
NC3 - Protected sites - locally important sites
NC4 - Wildlife Corridors
NC5 - Protected species
EPS - Environmental protection strategy
EP4 - Noise
EP5 - Light pollution
EP7 - Contaminated land
EP9 - Groundwater
EP11 - Flood control
BES - Built environment strategy
BE2 - Landscaping and design
TS - Land use transportation strategy
T1 - Development accessibility
T3 - Cycling
NPPF - National Planning Policy Framework

Application Number

P/2013/0141

Site Address

Cockington Primary School
Old Mill Road
Torquay
Devon
TQ2 6AP

Case Officer

Matt Diamond

Ward

Cockington With Chelston

Description

Single storey extension, comprising three classrooms, staffroom, hall and kitchen with associated storage

Executive Summary/Key Outcomes

The application is to develop a single storey building on the existing play ground at Cockington Primary School, Torquay to provide three classrooms, staffroom, group room, hall, kitchen, toilets and stores. The building is required to meet the growing demand for primary school places within Torbay.

The site is unallocated and unaffected by policy designations in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'). However, the site is partly within Flood Zone 3 and the playground is within the functional floodplain (zone 3b). In addition, the site adjoins Torre Conservation Area to the north and east.

Determination of the application has been delayed whilst the applicant carried out further work to demonstrate that the proposal is safe on flood risk grounds. The Environment Agency, which objected initially, has removed its objection and considers the proposal to be acceptable with regard to this issue. The Council's Emergency Planner and Engineering - Drainage department have no objections. Therefore, the proposal is considered to be acceptable on flood risk grounds, subject to conditioning the works in the latest updated Flood Risk Assessment.

The design of the proposed development is considered acceptable and would not harm the character of the adjoining conservation area. A number of London plane trees along the boundary with Avenue Road would be retained.

The other key issue is the impact of additional traffic generated by the proposal on local highways. As a result of the proposal, the school would expand from 420 to 630 pupils, an increase of 210. It is estimated this would lead to an additional 73 cars travelling to/from the school during the peak hours. However, the applicant proposes a shift from car travel to more sustainable modes, such as walking, cycling and scooting, through the implementation of a school Travel

Plan. Potentially this would reduce the number of car trips and mitigate the impact on local highways. The Council's Highways department and Strategic Transportation are satisfied with this, subject to securing an updated Travel Plan by condition of planning permission, if granted, requiring more robust targets for reducing car travel. Therefore, the application is acceptable on highways grounds, subject to this condition. A contribution is also required in order to carry out necessary highway measures to restrict on-street parking/loading on the surrounding roads.

Recommendation

Conditional approval; subject to payment of the cost of the required highways measures or s106 agreement securing payment of these costs within 3 months of the date of the committee, otherwise the application be refused; conditions and informatives as drafted.

Statutory Determination Period

The application was validated on 08.05.2013. The 8 week determination date was 04.07.2013. The delay has been a result of waiting for further information on flood risk to remove an objection from the Environment Agency. Therefore, an extended time period will be agreed with the applicant in writing prior to issuing the planning decision notice in accordance with article 29 paragraph (2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Site Details

The site is Cockington Primary School, Old Mill Road, Torquay. The land to be developed is the hard surfaced play ground to the east of the site adjacent to Avenue Road. There is a row of London plane trees along the east boundary of the school adjacent to the play ground.

The site is not located within or affected by any policy designated areas in the Local Plan. However, it adjoins Torre Conservation Area to the north and east.

Part of the site is within Flood Zone 3. The playground is within the functional floodplain (Zone 3B).

Detailed Proposals

The proposals are to develop a new single storey building on the existing play ground. The building would comprise three classrooms, staffroom, group room, hall, kitchen, toilets and stores. It would have a gross floor area of c.906 sq m. It would be accessed via two glazed links connected to the existing building. An additional pedestrian access and ramp would be provided to the south.

The primary external materials would be white render with accent (colour TBC) and timber effect cladding, with a brick plinth to match existing. Two standing seam (mill finished aluminium) mono-pitched roofs would be built over the west

and east sides of the building, with a flat roof with three roof lights between. Windows, doors and rainwater goods would be made from powder coated aluminium (colours TBC).

Photovoltaic panels would be provided on top of the glazed links.

Drainage would be to the existing culvert which crosses the site between the playground and existing school building. This would be enlarged to provide extra flow capacity and storage.

The floor level of the building would be set at 11.1m, which is a minimum of 400mm above the highest existing ground level. A 100mm high kerb would be provided along the back of the footpath along Avenue Road to ensure flood flows are contained within Avenue Road. The access to the school along Avenue Road would be lowered to divert flood flows from Avenue Road to across Torre Valley North greenspace.

Summary Of Consultation Responses

Environment Agency: Objected originally due to potential flooding of new extension and existing school, and the potential adverse affect of the development on the functional floodplain. Withdrew objection following updated Flood Risk Assessment showing that the layout would act to manage overland flows and mitigate against the risk of internal flooding to the proposed building. The Council's Emergency Planner should also be consulted.

Engineering: Drainage: No objections provided the development proceeds in accordance with the updated Flood Risk Assessment.

It should be noted that the works to replace the culverted watercourse that runs through the school grounds will require land drainage consent from Torbay Council. The developer should contact the Council's drainage section to discuss the information required to be submitted when applying for the land drainage consent.

South West Water: No objection or comment.

Network Rail: Submitted a holding objection originally, due to potential flooding affecting embankments running parallel with the school which could cause failure, and concerns over drainage. Withdrew holding objection following further details from developer's flooding consultants. Made a number of comments and requirements with regard to the safe operation of the railway and protection of Network Rail's land.

Highways/Strategic Transportation: No direct effect on the highway, however increased pupil numbers are likely to lead to additional traffic congestion

and potential increase in danger at school dropping off and collection times. Strategic Transportation will lead on the development of a revised Travel Plan and Highways recommends that a solution is found to ensure the already congested area is not made worse by additional car journeys. A £2500 contribution is required to review traffic regulation orders with a view to implement further parking and loading restrictions. If pedestrian access arrangements changes the Road Safety Team must be consulted with regard the impact on the two School Crossing Patrol sites serving the school.

Strategic Transportation: stated no objections provided the Travel Plan is amended and reviewed annually to show whether the objectives and targets have been met. The £2500 contribution shall be split as follows:

£1000 - time related 'No Loading' Traffic Regulation Order (TRO) restriction in the vicinity of the Avenue Road School Crossing Patrol site

£1000 - for a time related 'No Loading' TRO restriction in the vicinity of the Old Mill Road School Crossing patrol site

£500 - associated signage

With staff already double parking on-site and relying upon street parking, and the additional traffic created (between 50 and 73 cars per peak period), without successfully implementing the Travel Plan, any additional expansion could increase staff parking problems and increase congestion in an area with an accident record.

Arboricultural Officer: Suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions:

- That the noted supporting arboricultural report, its plans and included methodologies be conditioned as approved plans that should be enacted in their entirety as per their contents throughout the build process if approved.
- Heras fencing to be installed on the radius defining the root protection area as detailed within the supporting arboricultural plan and report.

Community Safety: No response

English Heritage: No response

Torbay Local Access Forum: No response

Summary Of Representations

Representations have been received for this application and have been sent

electronically for Members consideration.

Relevant Planning History

P/2012/0723/PA: Adjustment of school site boundary to create additional play area: Approved 25.04.2013

P/2011/1102/PA: Installation of solar panels on roof(s) of building(s): Approved 11.11.2011

DEP/2009/0269/PD: Childrens play area at Acorns Pre-school (permitted development enquiry): Split decision 28.07.2009

P/2008/0129/PA: Boundary Extension And New Fence To South Of Site: Approved 14.03.2008

P/2006/1654/PA: Single Storey Extension: Approved 28.12.2006

ZP/2006/0336/ZP: Child Centre Extension (pre-application enquiry): Approve 19.05.2006

P/2003/0451/PA: Complete Re Roofing Of School Building With New Double Pan Tiles: Approved 09.05.2003

P/2001/0184/PA: Formation Of Pedestrian Access To Avenue Road Including Gate, Guardrail, Ramps And Paths: Approved 04.04.2001

P/2000/0780/PA: Installation Of Velux Windows To Hall And Erection Of Store: Approved 21.07.2000

P/1994/0204/R3: Two Additional Single Storey Classrooms: Approved 13.04.1994

P/1986/0141/R4: Single Mobile Classroom: Approved 24.04.1986

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Flood Risk
3. Design
4. Impact of Traffic on Highways and Road Safety
5. Impact on Trees
6. Impact on Network Rail Land

1. The Principle of the Development

The principle of the development is acceptable. Local Plan Policy CFS approves all educational infrastructure in principle and Policy CF10 permits the improvement of educational facilities at existing schools provided that:

1. Sites for new schools are well related to existing or proposed residential areas, accessible to public transport and have safe pedestrian and vehicular access;
2. School sites are of a sufficient size to accommodate the satisfactory design and layout of new or improved school facilities;
3. Proposals have regard to the need to safeguard existing playing fields within the school site; and
4. Proposals can be accommodated without undue detriment to surrounding residential areas.

It is considered that the proposal accords with criteria 1, 2 and 4. With regard to criterion 3, paragraph 7.72 under Policy CF10 states:

"Extensions onto school land must have regard to the need to retain sufficient outdoor space to provide playing field and recreational needs."

Whilst the proposed development would be located on the existing playground, planning permission has been granted to form a replacement playground to the south of the existing school building (ref. P/2012/0723/PA). Therefore, the proposal accords with criterion 3.

Furthermore, paragraph 72 of the NPPF states:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted."

As can be seen, the NPPF places great weight on providing new school facilities where they are needed and local planning authorities should work positively to meet this requirement. The proposed development is needed to meet the growing demand for primary school places within Torbay.

2. Flood Risk

The site is located within Flood Zone 3 and the playground is within the functional floodplain (zone 3b). The NPPF states:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere." (para 100)

"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems." (para 103)

Applying the Sequential Test, there are no sites available within the school boundary with a lower probability of flooding that could accommodate the proposed building. The only reasonable alternative site is on the playing field land to the south of the existing school building. However, the majority of this land is also within Flood Zone 3, including zone 3b (functional floodplain).

It is considered that the proposed development passes the Exception Test because it would provide wider sustainability benefits to the community in the form of much needed new school facilities that outweigh flood risk, and a site-specific flood risk assessment has been submitted that demonstrates that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

The flood risk mitigation measures that have been included in the design to ensure the building is safe include:

- Raising the floor level to 11.1m (above sea level), which is minimum of 400mm (0.4m) above the highest existing ground level.
- Provision for attenuation storage with controlled discharge.
- Removal of existing raised flower bed enabling flood flows to pass to the east of the building instead of the middle of the playground. A grated open channel will be provided to the east of the building to ensure a minimum of 200mm of freeboard in the 1:100 year event plus climate change.
- Provision of a 100mm high kerb along the back edge of the western

- footpath along Avenue Road to ensure flood flows are contained within Avenue Road.
- Lowering of the entrance to the school along Avenue Road to divert flood flows from Avenue Road to across Torre Valley North greenspace.

Safe access and escape routes would be provided to the west of the new building on raised platforms, which calculations have shown would remain above the flood waters should flood flows occur along the western side of the building.

The proposed development would not increase flood risk elsewhere, as surface water runoff would be attenuated by enlarging the existing culvert.

The Environment Agency has withdrawn its initial objection to the application. It considers that the layout would act to manage overland flows and mitigate against the risk of internal flooding to the proposed building. In addition, the risk of flooding to the existing property would not be exacerbated by the proposal.

The Council's Emergency Planner and Engineering - Drainage department have been consulted and have no objections provided the development proceeds in accordance with the updated Flood Risk Assessment.

Therefore, subject to conditioning the works in the updated Flood Risk Assessment, the proposal is considered acceptable on flood risk grounds and accords with Local Plan Policy EPS and paragraph 103 of the NPPF.

3. Design

The design of the new building is considered acceptable and in accordance with Local Plan Policies BES, BE1 and BE5. The scale and layout of the proposed building fit in with the site context. It is of similar scale to the existing school building and would not be overly dominant. It would have a positive relationship with Avenue Road by providing an 'active' and visually interesting elevation to the road, which would be glimpsed through the existing trees (which are to be retained). It would not harm the conservation area, which borders the site to the east. The contemporary design is considered to be acceptable.

4. Impact of Traffic on Highways and Road Safety

The proposal would result in the school increasing in size by 210 pupils from 420 to 630. The Transport Statement (TS) submitted with the application anticipates this will lead to an additional 73 cars travelling to/from the school during the peak hours.

The TS proposes a number of mitigation measures to secure a modal shift away from car travel to more sustainable modes of travel, such as:

- Provision of secure covered bike/scooter storage (the TS states this is not provided currently).

- Targeted classes and assemblies, and promotional material sent home to promote the benefits of sustainable travel.
- Provision of 'Safety Awareness' information to pupils and parents to support sustainable modes.
- Implementation of Walking Buses and Cycle Trains.
- Implementation of a Travel Plan, which would be regularly reviewed and updated if necessary.
- Close working with Council to manage inconsiderate parking.

The Travel Plan submitted with the application includes the target of achieving a 5% reduction in the number of pupils being driven to school, and a comparable increase in walking and cycling and scooting over a two year period following expansion. Highways and Strategic Transportation require this target to be updated to achieve a 5% reduction in the number of pupils being driven to the school by July 2014 and a further 5% reduction one year after expansion.

In addition, Highways and Strategic Transportation require more cycle parking for pupils and separate cycle parking for staff. A target is also required to reduce the level of staff car parking. The Travel Plan should be reviewed annually to see whether the objectives and targets have been met. If they have not, a new Travel Plan should be submitted containing further actions to meet the objectives and targets.

Therefore, the submission of an updated Travel Plan incorporating the changes above should be a condition of planning permission if granted. It should be submitted before development of the new building commences.

Highways requires prior notification if the pedestrian entrance/exit arrangements are changed to ensure the existing School Crossing Patrol sites are unaffected. The costs of relocating the Patrol sites must be met by the school. The application does not propose to change the pedestrian entrance/exit arrangements. Therefore, this requirement should be added as an informative on the planning permission if granted.

Highways and Strategic Transportation also require a contribution to secure parking and loading restrictions on the roads around the site. This is detailed under S106/CIL below.

Therefore, subject to the condition and informative above, and securing the necessary contribution, the proposal is acceptable in terms of traffic impact and road safety, and accords with Local Plan Policies CF1.3 and T26.2.

5. Impact on Trees

A Tree Report has been submitted with the application. The most significant trees are six London planes along the eastern boundary, which are growing in a restricted area and are unable to reach their full size potential. Five of these trees

are assessed as fair quality and one is good quality. These trees would be retained.

The new building would be 4m from the London plane trees. Protective fencing would be erected during construction 3m from the building. Whilst tight, this is considered sufficient to carry out the construction works and protect the trees. The Council's Arboricultural Officer does not object to this.

A horse chestnut tree of fair quality and two small ornamental trees would be removed as a result of the proposal. These are located to the north of the existing play ground. As they are within the site, their loss would not have a significant impact on the character of the area.

Therefore, subject to a condition securing the tree protection measures, the proposal is acceptable in terms of impact on trees and accords with Local Plan Policy L9.

6. Impact on Network Rail Land

Network Rail has provided a number of comments and requirements for the safe operation of the railway and the protection of Network Rail's land. These include:

- The requirement for a trespass proof fence (minimum 1.8m high) adjacent to Network Rail boundary if not already provided. Existing fencing/wall must not be removed or damaged. No vegetation on Network Rail's land may be disturbed.
- Additional or increased surface water flows should not be discharged onto Network Rail land or into Network Rail's culverts or drains. Soakaways should not be constructed within 20m of Network Rail's boundary.
- No construction works should be carried out that may endanger the safe operation of the railway or the stability of Network Rail's structures and land. The developer should contact Richard Selwood at Network Rail before commencing development.
- Network Rail must be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.
- New buildings should be situated at least 2m from Network Rail's boundary fence to allow construction and maintenance without entering Network Rail land. Design of foundations close to boundary must take account of root penetration of any trees on Network Rail land in accordance with Building Research Establishment guidelines.
- Children's play areas, open spaces and amenity areas must be protected

- by a secure fence along the boundary. This should be a minimum of 2m high and not climbable. It should either be concrete post and panel, iron railing, steel palisade or such other fence approved by the LPA in consultation with the railway undertaker.
- The design and siting of buildings should take account of the possible effects of noise and vibration, and dust generation resulting from the operation of the railway.
 - Trees and shrubs planted adjacent to railway boundary should be positioned at a minimum distance greater than their predicted mature height from the boundary. Landscaping adjacent to the railway should be agreed with Network Rail. Hedges should not damage fencing or provide means of scaling it.
 - No scaffolding allowed to over-sail or fall onto railway. All plant and scaffolding must be positioned that in the event of failure it will not fall onto Network Rail land.

These appear to be standard comments and requirements and not bespoke to the proposed development. The new building would be between 68 and 86 metres away from the railway boundary. Therefore, it is considered that the requirements should not be added as a condition, but should be added as an informative on the planning permission if granted.

S106/CIL -

Highways/Strategic Transportation require the following highways measures to be paid either as an upfront payment or secured in a s106 agreement:

£1000 - time related 'No Loading' Traffic Regulation Order (TRO) restriction in the vicinity of the Avenue Road School Crossing Patrol site

£1000 - for a time related 'No Loading' TRO restriction in the vicinity of the Old Mill Road School Crossing patrol site

£500 - associated signage

Conclusions

The application is acceptable, subject to conditions discussed above. The proposal is needed to meet the demand for additional primary school places and this material consideration carries great weight in the overall planning balance. The development site is located within the functional floodplain and further technical work has been necessary to demonstrate that the proposal is safe on flood risk grounds, which has caused delay in determining the application. The Environment Agency has removed its initial objection following the submission of an updated Flood Risk Assessment and the Council's Emergency Planner and

Engineering - Drainage department have no objections. Therefore, the application is considered to be safe on flood risk grounds and to pass the Sequential Test and Exception Test in the NPPF.

The proposed design is appropriate for the site context and would not harm the character of the adjoining conservation area. The London plane trees along the eastern boundary with Avenue Road would be retained and protected during the construction period.

The size of the school would increase by 210 pupils from 420 to 630, leading to approximately 73 more cars travelling to/from the school during the peak hours. A Travel Plan has been submitted with the application proposing a shift from car travel to more sustainable modes, including walking, cycling and scooting. Highways and Strategic Transportation require an updated Travel Plan by condition with more robust targets in order to mitigate the impact of the development on local highways, as well as a contribution to restrict parking/loading on the roads surrounding the site for safety.

Condition(s)/Reason(s)

01. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:(a) the parking of vehicles of site operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (e) wheel washing facilities (f) measures to control the emission of dust and dirt during construction (g) a scheme for recycling/disposing of waste resulting from demolition and construction works (h) measures to minimise noise nuisance to neighbours from plant and machinery

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.

02. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. The External Materials Schedule shall include the arrangements for the display of samples of materials on site prior to the approval of the same. The development shall be constructed from the building materials approved.

Reason: In the interests of design and in order to accord with saved Policies BE1 of the Adopted Torbay Local Plan 1995-2011, and paragraph 58 of the NPPF.

03. No development shall take place until fencing has been erected to protect the trees along the eastern boundary of the site in accordance with the Draft Tree Protection Plan (2120) submitted with the application. The fencing shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the fencing.

Reason: To protect the trees to be retained in the interest of amenity and in order to accord with saved Policy L9 of the Adopted Torbay Local Plan 1995-2011.

04. The building hereby permitted shall be constructed in accordance with the details contained within the Flood Risk Assessment and Drainage Strategy (Atkins, February 2013) Revision 3 (07/10/13). Drainage shall be constructed in accordance with the Drainage and CBR Assessment at Appendix D. The building shall not be usefully occupied until the building and drainage has been constructed in accordance with these details and it has been confirmed in writing by the Council's Engineering department that the details have been completed to the satisfaction of the Council.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. No development shall take place until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall amend the Target in the Travel Plan submitted with the application to achieve a 5% reduction in the number of pupils being driven to school and a comparable increase in walking, cycling and scooting by July 2014 and a further 5% reduction over a 1 year period after the new building is first usefully occupied. It shall also add a target to reduce the level of staff car parking on the site and on surrounding roads over the same period. It shall also commit to the provision of additional cycle parking for pupils and staff. A review of the approved Travel Plan shall be submitted to the Local Planning Authority on 1 August 2014 and annually on the same date thereafter to show whether the objectives and targets have been met. In the event that they have not, the School shall submit a new Travel Plan to the Local Planning Authority containing further actions to meet the objectives and targets on 1 September 2015 and annually on the same date thereafter.

Reason: In the interests of road safety and sustainability, and in order to accord with saved Policy T26 of the Adopted Torbay Local Plan 1995-2011 and paragraphs 29, 30, 35 and 36 of the NPPF.

Informative(s)

01. The works to replace the culverted watercourse that runs through the school grounds will require land drainage consent from the Council. The developer should contact the Council's Engineering - Drainage department to discuss the information required to be submitted when applying for the land drainage consent.

02. The Council's Highways department should be consulted if pedestrian access and egress arrangements are changed at the school in the future to ensure that the existing School Crossing Patrol sites remain unaffected. The costs of relocating the Patrol sites must be met by the school, if required as a result of the changes.

03. Torbay Council Emergency Planner comments: Please note that the Environment Agency does not provide a specific flood warning service for this type of flood risk. As flood risk cannot be fully mitigated, the School should be made aware of the residual risk. The School's flood evacuation procedure should be updated to take into account the raised platform escape routes to the west of the new building. The School is recommended to write a business continuity plan if it does not have one already in case the building is lost due to flooding, fire, etc.

04. Network Rail Comments and requirements:

FENCING If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary.

SAFETY No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at

Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

GROUND LEVELS The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

SITE LAYOUT It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

CHILDRENS PLAY AREAS/OPEN SPACES/AMENITIES Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

ENVIRONMENTAL ISSUES The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

LANDSCAPING Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

PLANT, SCAFFOLDING AND CRANES Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Relevant Policies

- CFS Sustainable communities strategy
- CF1 Provision of new and improved community
- CF2 Crime prevention
- CF6 Community infrastructure contributions
- CF10 New schools and improved school facilities
- IN1 Water, drainage and sewerage infrastructure
- L9 Planting and retention of trees
- EPS Environmental protection strategy
- EP5 Light pollution
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy
- T26 Access from development onto the highway

Agenda Item 8

Application Number

V/2013/0004

Site Address

The Corbyn Apartments
Torbay Road
Torquay
Devon
TQ2 6RH

Case Officer

Mrs Helen Addison

Ward

Cockington With Chelston

Description

Proposed modifications to Section 106 (P/1991/0370).

Executive Summary/Key Outcomes

This application is a revision of application reference P/2013/0775, which was approved by the Development Management Committee on 14th October 2013, and subsequently withdrawn by the applicant because he wished to make a change to the proposal.

The application is to allow all eight apartments previously proposed for residential use to be sold and to clarify that the short term letting of the remaining nine holiday apartments be permitted between the end of October and 30th April. In comparison with the previous proposal under application reference P/2013/0775 it is now proposed that an additional two residential apartments be sold (previously it was requested that 6 could be sold and this has now been increased to 8).

The revision to the S106 agreement would include the following which were previously considered under application reference P/2013/0775;

- Where an apartment is sold a proportion (as yet to be agreed) of the difference between the value of the apartment for full residential use and the value with a holiday use restriction to be reinvested into the Corbyn Apartments business (i.e. funds to be retained in a bank account and drawn down in respect of agreed works only, e.g. maintenance of the apartments)
- If more than 14 units on the site (including the 8 proposed in this application) are changed to permanent residential use then an affordable housing contribution would be paid to the Council;
- S106 infrastructure contributions would be paid for the eight apartments that are changing to permanent residential use; and
- A monitoring contribution is to be paid in order that the clauses proposed (such as maintaining a register of holiday makers) can be monitored.

As a result of this proposal the following would be included in the S106

agreement;

- The sale of up to eight of the residential apartments, with the remaining 11 apartments retained in holiday use during the summer and in one ownership.
- eight apartments in the southern half of the building to be used for residential purposes and the nine apartments in the northern half of the building to be used for holiday purposes, with short term letting in the winter months between end of October and 30th April.

The sale of two additional flats previously considered acceptable for residential use would not have an adverse affect on the holiday character of the area and would be consistent with Policy TU6 of the Torbay Local Plan 1995-2011 and the Council's guidance in "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010 and would therefore constitute an acceptable proposal in this location.

It would provide sufficient flexibility for the serviced apartment block to continue to operate effectively as a business and would have a limited impact on the character of the Principle Holiday Accommodation Area.

Recommendation

The proposed modification to the S106 agreement be granted.

The S106 to be signed and completed within 6 months of the date of this committee.

Statutory Determination Period

The eight week target date for determination of the application is 14th January. Although a decision will be made on the proposal within this time period by the Development Management Committee it is unlikely that the modifications to the legal agreement will be completed within this time period.

Site Details

The application site relates to a modern four storey block of apartments that are in holiday use, situated on the west side of Torbay Road opposite the Livermead Cliff Hotel. The property is clearly visible in the street scene. It is finished in brick and render and has a mansard roof. There is a parking court in the front curtilage of the site. On the southern side of the building is the recent South Sands development of residential properties and on the northern side is the Corbyn Head Hotel. The railway line runs along the western boundary of the site.

The application site is a high class and well maintained holiday operation that contributes positively to the holiday character of the locality.

The surrounding area has a mix of uses which are predominantly residential and holiday. In the Torbay Local Plan 1995-2011 the site is shown as being within a PHAA. In the “Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan” March 2010 the site is within an Amber area.

Detailed Proposals

This application is to make changes to the modification of the S106 agreement that was considered under application reference P/2013/0775 and was agreed at the Development Management Committee on 14th October 2013. Following the Committee meeting the applicant decided to revise his proposal and withdrew application P/2013/0775.

Planning permission was granted for 17 holiday apartments and associated parking on the site under application reference 91/0370PA. The S106 agreement limits the occupancy of the 17 apartments as it requires that “the units the subject of the said Planning Application 91.0370 shall be permanently retained for holiday purposes only”.

Under application reference P/2013/0775 it was agreed by the Development Management Committee that eight apartments could be used for residential purposes and nine would be retained for holiday purposes, and those 9 also to be let on a short term basis in the winter period between the end of October and Easter. In addition up to six of the residential apartments could be sold with the remaining 13 apartments retained in one ownership. As part of this approval it was agreed:

- that if an apartment was sold then a proportion (as yet to be agreed) of the difference in the value of an apartment as a full residential use compared to a holiday use either to be reinvested in The Corbyn / put into a fund for maintenance of The Corbyn.
- If more than 14 units on the site (including the 8 proposed in this application) are changed to permanent residential use then an affordable housing contribution would be paid to the Council;
- S106 infrastructure contributions would be paid for the eight apartments that are changing to permanent residential use; and
- A monitoring contribution is to be paid in order that the clauses proposed (such as maintaining a register of holiday makers) can be monitored.

The current application is to make a further revision to the above changes to the S106 agreement to allow eight apartments to be sold with the nine holiday apartments being retained in one ownership.

The applicant has also requested confirmation that the definition of the winter period when the nine remaining holiday apartments may be used for short term letting be revised from the end of October to 30th April. The applicant requested this revision prior to the consideration of application reference P/2013/0775 at the committee meeting but after the committee report was written. This decision has

not been recorded in the minutes and is referred to here for clarity.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received.

Relevant Planning History

P/2013/0775 Modification of S106 ref; P/1991/0370 to allow eight apartments to be occupied on a permanent residential basis and the remaining 9 apartments to be used for holiday letting except during the winter months when they could be used for short term letting. Withdrawn 25.11.13

1991/0370 Erection of 17 Holiday Units and associated parking approved 9.3.92

1991/1008 Alterations To Form Caretakers Accommodation To Proposed Holiday Flats Development Reference Number 91.0370.Pa approved 25.9.91

Key Issues/Material Considerations

The principle of changing the use of eight apartments to permanent residential use and the changing the restrictions on the occupation of the remaining 13 apartments has been accepted by the Development Management Committee under application reference P/2013/0775. The issue to consider in this case is whether allowing the sale of two additional flats in permanent residential use would have an impact on the holiday character of the area.

Principle and Planning Policy -

In support of the application the agent has advised that the applicant is seeking this amendment “not because there is a current intention to sell any of the apartments but because the modified S106 will be binding for at least five years and in an uncertain market ... there is a need for as greater flexibility as possible whilst providing the Council assurance that the nine holiday apartments will be run as a business”.

The principle of allowing residential use of eight of the apartments on the site has already been accepted. It is unlikely that a change in ownership of two additional apartments would have a significant impact on the character of the PHAA, as there would be no change in the way in which the apartments would be occupied. The proposed revision to the S106 agreement would require the remaining 9 apartments in holiday use to be within the same ownership. This is seen as a positive aspect of the proposal, as it means the majority of apartments would be operated and run as one business, which would continue to offer fully serviced suite accommodation.

The Council’s guidance document “Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan” March 2010 identifies this site as being within an Amber Area. The guidance states that for Holiday

Apartments within an Amber Area conditions on occupancy are likely to be removed. It continues that “it is recognised that a more flexible approach to their occupancy may allow for a better overall contribution to the economy of Torbay. On this basis, the Council will consider favourably applications to relax occupancy restrictions on holiday apartments to allow residential use”.

In support of the application the applicant has advised that the Corbyn Apartments is not a viable business providing only holiday lettings. The previously agreed modifications to the S106 agreement would provide other income streams whilst meeting the demand for holiday lettings. However the applicant perceives that the restriction that only 6 of the 8 residential apartments is unnecessary as retention of two residential apartments with the 9 holiday apartments would have no benefit to the holiday business. It is noted that there is currently no restrictions on the sale of any of the apartments on the site and the proposal would ensure that the 9 holiday apartments remained within the same ownership which would make a positive contribution to the holiday character of the PHAA.

It is considered that the proposal would be within the spirit of the guidance on the interpretation of Policies TU6 and TU7 in that it would allow a flexible approach to the operation of the business and retain the 9 holiday apartments in the same ownership.

It should be noted that Policy TU8 in the Torbay Local Plan 1995-2011 allows winter letting of holiday accommodation in the period end of October to Easter with a maximum occupancy period of six months. As such the proposal for winter letting is consistent with policy.

S106/CIL -

The following S106 contributions would be required to offset the impact of the creation of the eight new dwellings on local infrastructure;

Waste Management	£400
Sustainable Transport	£6903
Lifelong Learning	£158
Greenspace and Recreation	£4013
South Devon Link Road	£6545
Admin charge	£901
Total	£18,920

The total payable would be reduced to £17,975 for early payment.

Conclusions

In conclusion, the application is to modify the existing S106 agreement to allow the use of eight apartments for permanent residential accommodation with the remaining nine being retained for holiday purposes. This principle has previously

been accepted by the Development Management Committee under application reference P/2013/0775. The revision to be considered is allowing all eight of the residential apartments to be sold by the applicant rather than 6 as was previously agreed. The remaining 9 holiday apartments would remain within the same ownership. A case in support of this application has been submitted that this revision is needed to maintain the viability of the business by introducing flexibility in the way in which the apartments are occupied.

The applicant has requested that the period for short term letting of the 9 holiday apartments is agreed as being between the end of October and 30th April.

It is considered that the proposal would be consistent with the objectives of Policy TU6 and the Guidance on the interpretation of Policies TU6 and TU7 and would therefore constitute an acceptable form of development.

Relevant Policies

-

Application Number

P/2013/1202

Site Address

Craig
Ilsham Marine Drive
Torquay
Devon
TQ1 2HT

Case Officer

Mr Scott Jones

Ward

Wellswood

Description

Formation of 5 no. apartments with vehicular parking (Re-Submission of P/2013/0258)

Executive Summary/Key Outcomes

The proposal is for five apartments in a modern marine styled building set centrally within the plot. The proposal includes 11 car parking spaces in a lower ground floor, with two flats provided on the ground and first floors and a further flat provided on a partial second floor.

A similarly scaled marine style building, to provide two houses, was approved in 2008. A subsequent proposal for five apartments, accommodated within a comparably sized building, was refused by the Authority. This was due to the likely impact upon the character of the area, uncertainty over the accuracy of the plans in regard to levels and scales, and also uncertainty over the impact upon trees. A subsequent appeal was dismissed. However the Inspector concluded that whilst a development of five apartments would intensify the use of the site, over a housing scheme, there is no reason to believe that this alone would be harmful to the character of the area, subject to suitable on-site parking arrangements.

The current proposal is set lower in the site than previous schemes. This requires considerable excavation but permits a simpler, less steep and more direct access through the site. The parking area that it serves is lower and visually more recessive than previous schemes. The area in front of the apartments will be a soft landscaped garden.

The reduced height of the building within the site, to a height below that previously approved, will ensure the development is acceptable in the streetscene and sits comfortably within the local environment, which notably contains a number of plots that have been redeveloped to offer larger modern marine styled buildings.

The site includes TPO'd trees, which will be retained.

The proposal is considered a positive response to the Council's concerns and the Inspector's comments on previous proposals.

Recommendation

Approval; Subject to; (i) securing planning contributions as outlined within this report within 3 months of the date of the Committee and, (ii) appropriate planning conditions delegated to the Executive Head Of Spatial Planning, to include those laid out in this report.

Statutory Determination Period

8 weeks / 3 January 2014.

Site Details

The site is a cleared residential plot that previously accommodated a single dwelling known as 'Craig'. The former building was a detached single-storey chalet style bungalow set in spacious grounds and orientated to overlook the coast to the South, which is a sensitive landscape area. To the rear of the plot are mature Scots Pines, which are protected by a Tree Preservation Order (no. 1971.11).

The site includes a number of trees, which screen the site from the north, east and west. There are large two/three storey properties in the area, with adjoining properties located some distance away from application site. These properties are set back from Ilsham Marine Drive and are served by drives / parking areas.

Detailed Proposals

The application proposes the formation of a modern marine style building, cut back into the slope of the site and containing five apartments. The accommodation is to be distributed over 3 storeys, with additional lower ground floor space offering underground parking to accommodate 11 spaces and cycle parking. The building is 9.8 metres high, from ground floor level, with approximately 2.8 metres of height to the lower ground floor, which is partially underground.

Access is provided via a drive to the east side of the plot that rises to a "double" garage door to the parking court.

The building is finished in clean render with areas of cladding, broken up by large elements of glazing with terraces and balconies off the principle elevation offering coastal views. Pedestrian access in to the building is provided either via steps to the ground floor or via a lift / stairs from the parking area.

The ground floor and first floors would each contain two apartments, containing 2 bedrooms per flat, with a single, three bedroom apartment occupying the

recessed second floor. Each apartment has a terrace or balcony as well as access to shared garden space.

Summary Of Consultation Responses

Arboricultural Officer: The scheme is suitable for approval on arboricultural merit subject to pre-commencement conditions to cover the submission of a detailed landscape plan prior to commencement, and that the arboricultural reports methodologies and plans are enacted in their entirety.

Highway Officer: Iterated previous comments offered, that the parking spaces should be 4.8m x 2.4m with at least 6m manoeuvring space between opposing spaces and that the gradient of the access should not exceed 1-in-8.

Sustainable Transport Officer: If considered acceptable apply the SPD to secure infrastructure improvements in the vicinity.

Summary Of Representations

Four letters of representation have been received with the key points raised as follows;

- Appose apartment blocks in this area
- Previous applications for apartments refused
- Information supplied is sparse
- Scale, form out of character
- Overdevelopment
- Impact on privacy
- Impact on sea views
- Impact on trees
- Precedent
- Traffic impact

The Chair of Development Management Committee has requested that the proposal is considered by the Committee rather than be treated as delegated matter.

The above representations have been sent electronically for Members consideration.

Relevant Planning History

P/2006/084	Erection of two dwellings - Refused 11/01/2007
P/2007/0119	Demolish House and erection of 2 new houses with vehicular/pedestrian access (revised scheme) - Refused 22/3/2007. Appeal dismissed 15/06/2007
P/2007/1444	Demolition of dwelling and erection of 2 new dwellings - Approved 12/12/2007

P/2008/0966	Demolition of dwelling and construction of 2 new dwellings with pedestrian access (revision of P/2007/1444) - Approved 30/10/2008
P/2011/0086	Erection of 5 flats - Refused 06/04/2011
P/2011/1343	Erection of 5 flats - Refused 24/05/2012 / Appeal dismissed
P/2013/0258	Formation of 5 apartments WDN - 23/10/2013

Key Issues/Material Considerations

The key issues in determining this application are (i) whether the principle of flats in this location is acceptable, (ii) the visual implications, (iii) amenity concerns, (iv) highway and access matters, and (v) implications upon trees.

1. Principle of flats

The Council has previously resisted the development of flats on this site, with concerns about the impact on the character of this part of Ilsham Marine Drive, which is defined by spacious houses in large plots. This preceded the Inspector's comments in December 2012 following the refusal to grant permission for a five apartment scheme under planning reference P/2011/1343. The Inspector's comments are a material consideration in determining this application and carry reasonable weight.

The Inspector considered that there was no policy support for an in principle objection to the development of flats in this area. The Inspector also offered that concern over precedent (set by an approval of flats) is not binding on future decisions, as each case is considered on its own merit. The Inspector specifically drew attention to the fact that it is the physical differences between developments of flats and houses, rather than the use, that could impact on the character and appearance of the area. i.e. occupation of similar buildings, whether houses or flats, would not necessarily alter that character of the area, but the divergence in detail, such as the necessity for and visual impact of additional levels of parking and access, that may raise concerns.

Development of the site for flats is supported by Policies H2, H9, H10, BES and BE1 of the existing Local Plan.

Given the Inspector's comments, and policy support in the Local Plan and NPPF, the principle of development of flats on the site is acceptable.

2. Visual impact / size and design

The previous planning permission, for two houses within a large contemporary building set centrally within the site, has established the parameters of an acceptable solution for development. The height of the proposed development, for five flats, is lower than that previously approved and the building will be the same width as previously approved. The quantum of development area is acceptable for the size of the plot and in relation to the character of the area.

The form and design maintains that previously considered acceptable, that of a modern marine style building finished with large elements of glazing and areas of terrace and balconies.

The extent of under-build parking has been reduced by lowering its level and re-orientating it 90 degrees, which hunkers it further into the plot and reduces the exposes levels of retaining walls necessary. In addition the side access offers a more domestic approach to the parking area and removes large areas of hard surface and retaining walls that featured to the south of the previously unsuccessful flatted scheme.

The proposal sits comfortably in the site and manages to access and supply parking for the multiple units without compromising the spacious and verdant character of the site and area.

3. Amenity impact

The proposed building, which will sit centrally within the site, will not have a negative impact on the amenities currently enjoyed by residents of adjoining properties. Those properties are more than 30 metres away from the proposed flats and are, in any case, screened by trees. It is important to note that the Council has approved a larger building on this site than is now proposed.

There is extensive glazing and numerous areas of raised outdoor amenity space (balconies and terracing) to the proposed building. However, in addition to existing trees and distance from adjoining houses, obscure glazing and privacy screens will be used in the new development. Consequently, there will be no loss of privacy or increased overlooking to adjoin properties.

4. Highway and access matters

With the scale of excavation, which results in a reduced ground floor level, the access can now be provided at a gradient not exceeding 1:8, which meets the required Highway standards.

The level of parking is considered acceptable for the number and size of units proposed. The size of the parking bays, and the manoeuvring space available, accords with Highway standards, which require 2.4m by 4.8m parking spaces and 6m for manoeuvring.

5. Trees

Given the attractive landscaped nature of the site, and the presence of TPO'd and specimen trees within the site, it is important for the proposed development to retain as many trees as possible. The Council's arboricultural officer is satisfied with the detail supplied in respect of the protected trees on the site and has advised that the proposal is acceptable, subject to conditions relating to protection of trees during construction and the submission of a more detailed

landscape plan prior to commencement of development.

S106/CIL -

The proposal would attract new occupants who would make use of local services and facilities. Therefore the developer must make a contribution, via a s.106 legal agreement, towards meeting these additional demands. The Council's SPD and Update Paper 3 set out how these should be calculated and the amounts are as follows for 5 flats:

Sustainable Transport	£10,366.67
Green Space	£ 8,066.67
Lifelong Learning	£ 76.67
Waste Management	£ 200.00
South Devon Link Road	£ 4,355.00
Administration fee	£ 1,153.25
TOTAL	£24,218.25 + Legal Fees

The Sustainable Transport Contribution would be used towards the provision of improvements to the walking and cycling infrastructure serving the area, helping to discourage car trips and promote alternatives for local trips.

The Greenspace and Recreation Contribution would be used towards the enhancement and improvement of the nearby section of the South West Coast Path and other routes in the vicinity where in accordance with the Public Rights of Way Improvement Plan.

The Lifelong Learning Contribution would be used to subsidise the local library service and improve self service kiosk technology.

The Waste Management Contribution would subsidise the costs of additional physical property and the rerouting of services, required because the proposed development would necessitate certain change in the provision of the waste collection and recycling service.

The applicant has confirmed that they are willing to enter into a S106 Agreement subject to a positive resolution.

Conclusions

The proposal provides a suitable form of development for the site, having overcome previous concerns in respect to how the building would sit on a sloping site, and having overcome concerns in respect to the visual impact of the parking under-build necessary to provide an appropriate degree of parking.

The proposed building is lower in height than that previously approved and its design is acceptable. The provision of flats, rather than houses, is supported by

Local Plan policies and by the NPPF. There would be no negative impact on the character of the area.

Trees within the site will be protected during the construction period and are protected thereafter.

Consequently the application is recommended for approval.

Conditions:-

- Submission of a detailed landscape plan
- All recommendations within the arboricultural report enacted in full
- Parking provided prior to occupation and maintained as such at all times thereafter
- All obscure glazing and screening enacted prior to occupation and maintained as such at all times thereafter
- Details of all external finishes to the building submitted prior to commencement
- Details of the following submitted prior to commencement;
 - Windows
 - Doors
 - Reveals
 - Fascias

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- HS Housing Strategy
- H9 Layout, and design and community aspects
- H10 Housing densities
- T25 Car parking in new development
- T26 Access from development onto the highway
- LS Landscape strategy
- L9 Planting and retention of trees
- CFS Sustainable communities strategy
- CF6 Community infrastructure contributions
- LDD6 Affordable Housing Contributions

Agenda Item 10

Application Number

P/2013/1257

Site Address

Combe Pafford School
Steps Lane
Torquay
Devon
TQ2 8NL

Case Officer

Mr Scott Jones

Ward

Watcombe

Description

Demolition of temporary portacabin teaching accommodation and provision of a new hospitality learning facility / cafe and teaching accommodation; together with a new controlled access route providing pedestrian and occasional vehicular access from Moor Lane. (Re-Submission of P/2012/1208)

Executive Summary/Key Outcomes

Combe Pafford School is an established educational facility that caters for children who have moderate learning difficulties or autism. The school offers a progressive academic system integrated with vocational interests including animal care, horticulture, construction, motor vehicle mechanics and hairdressing, which coalesce with academic learning to offer pupils an environment designed for wider personal development.

The proposal is principally a resubmission of a recently approved scheme that was determined by the Committee in January 2013. It again seeks permission for a new educational facility and hospitality learning space, which is combined with a working community café. The facilities are still located towards the Southwest part of the site, to the West of the main building group.

The key amendments for consideration are the slight re-location of the training and community café block to permit the temporary retention of the adjacent teaching block "2" (previously to be removed), the omission of the previously proposed extension to teaching block "3", which is loosely replaced with the small extension to the rear of the proposed training / café facility block. The resubmission also includes moderate changes to design and material finishes, however the principal design ethos and look of the building is retained.

The proposed building is still orientated to create a courtyard feature to offer a central focus for the site. The limited change in its precise siting also retains the building in a relatively secluded location that will limit the visual impact of the development.

The fundamental principle of further extension, over the broad footprint identified, is still considered acceptable.

The scale and design of the proposed addition will sit comfortably within the context of the adjacent buildings and comfortably with buildings and uses outside the site. The design and change of materials is considered to offer a visually interesting building.

As with the previous scheme highway, drainage and arboricultural matters are still under discussion and can again be resolved by planning conditions.

Recommendation

Conditional Approval; Delegated to the Executive Head of Spatial Planning with outstanding matters subject to the receipt of further information prior to the grant of permission or achieved via planning conditions, to the satisfaction of the Authority's Arboriculture Team, the Authority's Drainage Department; and the Authority's Sustainable Transport Officer / Highways Department.

Site Details

This suburban school site is located to the South of Moor Lane in Watcombe, Torquay. It is bounded by areas of residential use, Local Authority playing fields (to the East) and a further school site (to the West). The plot is loosely divided into an expanse of playing fields and play space to the North with school buildings contained to the South. The building group incorporates a variety of building designs as the school has expanded gradually over the years.

The proposed development is to be located to the west of the main school building, adjacent to the boundary with Watcombe Primary School.

Detailed Proposals

This is a school expansion scheme that seeks a revised permission for a new educational facility that will offer a combined teaching and hospitality learning facility that includes a working community café, together with an occasional access off Moor Lane from the North.

The revised scheme offers one block that combines a teaching and hospitality space, supplied in a more contemporary design than the existing buildings of the school. It still offers two pitched roof 'pods' that are interconnected by a single-story flat-roofed link. The proposed block has been extended to the rear over that previously considered in a single-storey flat-roofed form.

The building has been moved slightly towards the western boundary of the site from that previously approved. This allows temporary retention of an existing building that was to be demolished. The form and materials have been amended to suit the schools ambitions going forward, with the footprint / external building lines slightly amended and simplified to suit the internal layout. In addition the

elevation treatment and material have been simplified away from the principal corner and main elevation. The basic principle and form does remain largely similar to that previously approved and the finishes are commensurate with its surrounds and context of the building group that it will sit as part of.

The scheme maintains access from the North off Moor Lane adjacent to the tree-lined border with Watcombe Primary School. The proposal again shows a gated and bollard entrance that will provide access to the community café and Hospitality Learning Block. Limited car parking is shown on the plans to serve occasional necessary access.

Summary Of Consultation Responses

Arboricultural Officer: Pending updated comment. Previously the scheme was considered to be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows;

- Detailed landscaping plan to be submitted and approved to define replacements for the 3 trees lost.
- A detailed submission in line with B.S5837 2012 Trees In Relation to Design, Demolition and Construction Recommendations to be submitted

South West Water: No objection.

Drainage Department: The applicant is required to provide greater detail in respect to existing discharge and proposed methods of discharge in regard to surface water run-off.

Highway/Sustainable Transport Officers: As the scheme is a basic resubmission previous comments stand. There remains no objection in principle, key matters were;

- The proposed access path should be primarily and overwhelmingly a pedestrian / cycle path and designed as so, especially given the desire for the public to walk in.
- The entry point is closed at all times, except when unlocked by school staff to facilitate occasional and infrequent access by minibuses and coaches bringing in students / visitors who need to be dropped off right at the front door of the new facilities.
- A minibus / coach turning area is required by the new facility. Private car individual drop off parking is not an acceptable component.
- Service vehicles should not use the new access, and instead need to use the existing on site road. A condition should also be required to keep the existing road and proposed new access path separate as a circuit around the site must be discouraged given the unsuitability of having a second vehicular access onto Moor Lane in close proximity to Watcombe

- Primary's own access.
- The access onto the Adopted Public Highway at Moor Lane, given its intended use for more than just pedestrians, will need to have a suitable visibility. Current guidance is 43m at 2.4m back from the carriageway in each direction unless speed readings can prove a lower 85th percentile speed along Moor Lane.
- The access road, due to its length, should have a passing bay.
- Given the proposed security bollard / gate to the access road, it must be clearly visible as a vehicle approaches along Moor Lane to ensure no prohibited vehicle attempts to gain access, and is then forced to reverse back out again onto the highway.

Summary Of Representations

One letter of representation received however it does not comment on the merits or impact of the scheme, only wider parking issues. This has been sent electronically for Members consideration.

Relevant Planning History

P/2012/1208 Demolition of 2 existing teaching blocks and replace with educational facilities and central courtyard – Approved 29/01/2012

In addition there is an extensive planning history for the site covering various large and small scale matters. The most pertinent proposals in the past 10 years are as follows;

P/2011/0387 Extension to form office/interview room to side of existing classroom block - PER - 03/06/2011

P/2009/1195 Construction of vocational training centre - PER - 28/01/2010

P/2008/0022 Formation Of Business And Enterprise Centre - PER - 22/07/2008

P/2007/1457 Ground And First Floor Mobile Classroom With Toilets And Changing Rooms With Showers And Stores - PER - 20/11/2007

P/2003/1486 Erection Of 4 New Classrooms; New Multi-Purpose Hall, And Associated External Works - PER - 27/10/2003

Key Issues/Material Considerations

Principle and Planning Policy -

The most directly relevant Local Plan Policy is that of CF10 *New schools and improved school facilities*. The policy provides for the improvement and expansion of existing school facilities providing the following four criteria are met:

- 1) The sites for new schools are well related to residential areas
- 2) School sites are of a sufficient size to accommodate the design and layout
- 3) Proposals have regard to the need to safeguard existing playing fields
- 4) Proposals can be accommodated without undue detriment to surrounding residential areas

Considering the context of the site and policy guidance the key issues in respect of this application are:

1. Design and Visual Impact
2. Neighbour Amenity
3. Highway Implications
4. Arboricultural Implications

Each of these matters is addressed in turn below.

1. Design / Visual Impact

The proposed building is sited to the South western part of the site, fitting neatly between existing buildings. The site is considered an acceptable area for further development, maintaining the swathe of play areas to the North.

The scale of the proposed block is similar to that previously approved and it is again considered appropriate in relation to the bulk and massing of the existing school buildings. The modern form of building proposed is considered acceptable, providing a more contemporary and visually interesting solution.

Whilst there are matters of detail, especially of the access route and extent of retaining walls which require clarification through further information and/or planning condition, the proposed development is a relatively minor amendment from that previously approved and is acceptable in terms of design and visual amenity.

2. Neighbour Amenity

The nearest user to the proposed development is Watcombe Primary School to the West. When considering the scale of the development and the similarity of use there are unlikely to be any affects across this boundary.

The location of the block still sits comfortably within the borders of the site and is unlikely to impact on the amenity enjoyed by occupiers of nearby residential properties, which are around 50 metres to the south west. Residential properties to the North sit to the other side of Moor Lane and are further than 100metres from the block proposed

3. Highway Matters

The access arrangements have evolved from the aspiration to offer further teaching facilities and a community café within a central location of the site.

A direct route to the buildings off Moor Lane is considered essential to the operation of the school, specifically this development and ambitions to link with the local community. It fits well with the school's managed access arrangements and the necessity to provide public access without compromising the school's wider operations.

The model of a permissive pedestrian route, that also offers some form of limited and managed vehicular access for specific user groups by arrangement, is considered achievable subject to submission of an access management plan. In addition to the technical highway detail there would also need to be some further detail in relation to construction features, such as small retaining walls, and arboricultural implications for the trees alongside the route.

4. Arboriculture

The site is not within a Conservation Area and is not within an area with individual or area Tree Preservation Orders. Hence trees on site are unprotected at present. The Council's arboricultural officer has previously commented on the value of boundary trees alongside the proposed access lane and requested that they be protected via the following pre-commencement requirements:

- Detailed landscaping plan to be submitted and approved to define replacements for the 3 trees lost.
- A detailed submission in line with B.S5837 2012 Trees In Relation to Design, Demolition and Construction Recommendations to be submitted

Further comments on the revised scheme are awaited however with limited change the proposal is likely to be considered acceptable on arboricultural merit with planning conditions attached.

S106/CIL -
N/A

Conclusions

The principle of expansion of the school is acceptable and is supported by Policy CF10. The specific location for development is also acceptable.

The scale and design of the proposed block is much as previously approved. It sits comfortably within the context of the adjacent buildings and the relationships across the sites boundaries.

The design of the building is visually interesting and acceptable.

There are details of access, drainage and arboricultural matters still to be submitted, but these can be resolved through Planning Conditions or the submission of further information before determination.

Further information or Conditions to include;

- Drainage matters
- Arboricultural matters
- Materials
- Detailed design
- Access detail / management strategy for the access
- Management of the café ancillary to the school and learning facility

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- CFS Sustainable communities strategy
- CF10 New schools and improved school facilities
- T25 Car parking in new development
- T26 Access from development onto the highway
- LS Landscape strategy
- L9 Planting and retention of trees

Application Number

P/2013/1070

Site Address

The Pines
78 St Marychurch Road
Torquay
Devon
TQ1 3HG

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Erection of 4 storey block containing 14 two bedroom dwellings with 14 car parking spaces.

Executive Summary/Key Outcomes

The site is now cleared following demolition of the Victorian Villa that formerly occupied the site. It is a complex site due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

Outline approval with all matters reserved was granted in 2011 for 13 flats on the site with 13 car parking spaces. This new detailed application is for 14 flats with 14 car parking spaces. The key issues are the size and design of the proposed building, the impact on neighbours, trees and the level of car parking which has drawn much comment from neighbours to the site.

The original submission was for a building that was slightly larger than the outline approval, had moved closer to the rear boundary and was of a design that, in taking a typical villa form produced a bulky and intrusive form of building.

Following negotiation, this has been modified in a recent revision to the scheme. The building has moved away from the rear boundary, balconies have been deleted, and a more contemporary approach to design has succeeded in reducing the height and dominance of the roof and delivers a form of building that will sit more comfortably in the street scene.

Parking levels are consistent with the outline approval and are appropriate given the location of the site in relation to local shops and services and public transport links.

The level of S106 contributions is being challenged on the grounds of viability and the outcome of IVA will be reported verbally to the Committee meeting.

Recommendation

Approve: subject to the conclusion of a S106 to secure an agreed level of sustainable development contributions and conditions in relation to large scale

details, samples of materials, tree protection, advance boundary planting/ landscape, implementation of bins and bike storage and possibly widening of access (subject to tree investigation)

Statutory Determination Period

This application should be determined within 13 weeks which expires on the 15th January.

Site Details

Development along this part of St Marychurch Road is largely Victorian in character and comprises either original or redeveloped villas in spacious plots. Building forms become much more tight grained closer to the Local Centre and away from the road frontage.

The site is currently cleared following demolition of the detached Victorian Villa which formerly occupied the site. This was most recently used as a Care Home. It is located on a busy traffic route and is bounded on three sides by residential properties which are located close to the boundaries of the site.

Vehicular access is via a drive entrance from St Marychurch Road. The level of the site slopes away from the road.

The site contains several trees that are protected by a Tree Preservation Order (TPO no. 2002.21 - St. Marychurch Road, Torquay). These occupy the southern boundary of the site, forming a dense screen between the application site and the adjacent residential block of flats, Locksley, on the eastern street frontage and on the extreme NW of the plot.

The large mature Pine and Holm Oak trees occupying the eastern street boundary and are a significant feature in the street scene.

Detailed Proposals

This is a detailed application for the construction of a three and four storey block containing 14 2 bed flats.

Summary Of Consultation Responses

Highways: Suggest that vehicular access might usefully be widened and some visitor parking would be welcome. They request £29,080 sustainable transport contribution to be spent on improved cycle links with the town centre and outbound towards the hospital.

Trees: Have no in principle objection subject to matters of detail being secured by condition.

South West Water: Point out location of public sewer which will have to be diverted at the applicant's expense.

Police Architectural Liaison Officer: Raises the lack of reference to designing out crime in the Design & Access Statement. Suggestions are included in the comments for reducing the potential of crime.

Summary Of Representations

Many letters of objection have been received from adjacent occupiers. Objections fall into 3 broad categories.

1. Height and bulk of building: particularly the 4 storey elevation facing the rear of properties on Studely Road.
2. Loss of privacy and impact on residential amenity, inclusion of balconies to rear elevation and failure to include details of boundary treatment.
3. Lack of visitor parking.

Relevant Planning History

P/2005/0892: Construction of 33 apartments: Refused 26.07.05

P/2006/0799: Erection of 14 flats: Refused 1.08.06.

P/2006/1217: Erection of 11 flats and 2 houses: Withdrawn following advice that would be refused.

P/2011/0552: Erection of 13 flats (in outline): Approved 18.11.11.

Key Issues/Material Considerations

It is a complex site to develop due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

There have been a series of applications to redevelop this site. Earlier proposals to redevelop the site for 33, 14 and 13 flats respectively were refused due to the size of the proposed buildings and impact on amenity and on protected trees.

In 2011, outline approval (with all matters reserved) based on a feasibility study was granted for a replacement building containing 13 2 bed flats with 13 car parking spaces. This extended beyond the footprint of the existing villa and achieved three stories to the front of the site and four to the rear.

A fresh detailed application has now been submitted for 14 2 bed flats with 14 car parking spaces.

The key issues are height and size of the proposed building, its design its impact on residential amenity and lack of visitor parking. Each will be addressed in turn.

Height, Size and Design of Building.

The former building on the site was a predominantly two storey villa which sat comfortably in its tree bordered grounds and had little impact on the street scene or on the amenity of neighbouring properties. This building has now been demolished and the site cleared.

This application is for 14 units and is of a broadly similar form to the outline approval.

As originally submitted, the height of the proposed building had grown by around 1.5 m and the footprint by about 10% from the previously approved scheme. The outline approval was, however on the very margins of acceptability in terms of size and height and this further, albeit relatively minor increase in size was a cause for concern in terms of impact on the street scene, on residential amenity and on the health and longevity of protected trees.

The proposed building had also been moved further back into the site than the outline scheme which meant that it was about 2-3m closer to the residential dwellings to the rear of the site. Whilst this was beneficial in terms of the impact on the street scene and on the mature pines which front the site it exacerbated the impact on amenity particularly on properties on Studely Road which are directly overlooked by the rear elevation of the proposed building.

The inclusion of balconies on the rear elevation was also raised as a specific concern by residents on Studely Road.

In addition, the design of the proposed building was not successful and attempts to replicate the 'villa' character resulted in a bland and bulky building with a dominant roof which would have been intrusive in the street scene.

The applicants were advised of the need to resolve these matters. This required a reduction in height, footprint, some movement of the building towards the front of the site and the inclusion of advance boundary planting that would mitigate the impact on the amenity of adjacent properties.

They were also advised that a more contemporary design, which reduced the dominance of the roof and introduced more interest to the elevations might help absorb the impact of introducing a large mass of building into such a constrained site. They were also asked to delete the balconies to the rear elevation.

Revised plans have now been submitted in response to these concerns.

In terms of design, the dominance of the roof is reduced by a more contemporary approach that involves a series of flat and mono pitch roofs to the building. This has reduced the height and achieves a less 'bulky' form of building. The building has moved closer to the front of the site, and subject to confirmation that this will not unduly impact on the TPO Pine tree, will reduce the impact on the amenity of residents of Studely Road. The balconies have been deleted which will further assist in terms of amenity. A scheme of advance planting to the rear boundary has been requested and the applicants have agreed to this.

It is considered that the scheme is now acceptable in terms of design, size, position in the site and relationship to neighbours. The Council's Arboriculturalist supports, in principle, the movement of the building towards the trees fronting the site subject to a more detailed implications assessment which will be presented at Committee.

Vehicular Access/Parking.

The access to the site is from St Marychurch Road and is not ideal due to the poor visibility. Officers have indicated a preference for widening the access so that 2 vehicles can pass during access and egress. The impact that this has on the trees will need to be assessed but preliminary investigations suggest that this should be acceptable. Again, confirmation will be available by the Committee date.

In terms of the level of parking, officers have suggested that the inclusion of some visitor parking would be preferable but increasing parking levels will be difficult due to the change in levels across the site and proximity to trees. The outline scheme was approved with 1:1 car parking and circumstances have not changed since that decision was made. It is also the case that the site is well located for public transport and local services so insistence on additional parking is not justified.

S106/CIL -

The SPD 'Planning Contributions and Affordable Housing' indicates that the scheme should yield the following in terms of developer contributions.

Waste Management (Site Acceptability)	£700.00	£665.00
Sustainable Transport (Sustainable Development)	£26,340.00	£25,023.00
Stronger Communities (Sustainable Development)	£0.00	£0.00
Lifelong Learning (Sustainable Development)	£940.00	£893.00
Greenspace & Recreation (Sustainable Development)	£20,340.00	£19,323.00
South Devon Link Road	£10,480.00	£9,956.00
Total	£58,800.00	£55,860.00
Administration charge (5%)	£2,940.00	£2,793.00
Total with Admin Charge	£61,740.00	£58,653.00

The applicants contend that the scheme is not viable with this scale of charge particularly in light of the design changes requested which will increase construction costs. They[PKES1] are to submit an IVA to confirm their position. Progress on this will be reported verbally.

Conclusions

The revisions to the submitted scheme result in a proposal that is acceptable in terms of design, size, position in site and relationship to trees (subject to confirmation) and adjacent occupiers.

The scheme contains an acceptable level of parking that is consistent with the outline approval and satisfactory given its location in relation to public transport and local shops and services.

The applicants contend that the scheme has limited viability and have commissioned an IVA to substantiate this. Progress on this will be reported verbally.

Recommendation

Approve subject to:

- A. The conclusion of a S106 at the applicant's expense to secure the agreed level of Sustainable Development Contributions.
- B. Conditions to secure large scale details, samples (or specification) of materials, advance boundary planting, landscaping of site, arboricultural method statement, tree protection, implementation of bins and bike storage and possibly widening of access.

Relevant Policies

-

Application Number

P/2013/0372

Site Address

Bishops Court Hotel
Lower Warberry Road
Torquay
Devon
TQ1 1QS

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Erection of 18 residential units (1x2bed, 8 x3 bed and 9x4 bed) in 2 terraces in garden are to east of Bishops Court Hotel on site of former holiday accommodation

Executive Summary/Key Outcomes

Four related applications for residential development at Bishops Court were considered by Members at the DMC meeting of the 11th November.

Members, in line with officer advice, considered the scheme acceptable in terms of use, design and functional aspects.

Members were however concerned at the level of off-site Affordable Housing (AH) contribution. This was less than offered in relation to a similar scheme approved in 2009 despite an Independent Viability Assessment (IVA) showing the more recent scheme to be more profitable.

The minutes of the meeting recorded that consideration of the S106 be deferred to a future meeting of the Development Management Committee (DMC) to allow Officers to negotiate with the applicant in respect of AH, the level of deferred contributions and agreed community infrastructure contributions. Suggested heads of terms for officers to take forward were included in the minutes.

In order to establish clarity about land value a Red Book valuation was commissioned to help determine whether there is some additional profit in the site which will enable an improved AH offer.

The previous officer report is attached as Appendix 1. This report provides i) a brief summary of the development, ii) an update of the current position and iii) the proposed heads of terms for the S106.

i) Summary of Development at Bishops Court.

Planning permission and listed building consent were originally granted in 2009 for the redevelopment of the above site, a former hotel set in extensive grounds (P/2008/1623/MPA and P/2008/1624/LB).

This scheme proposed 42 residential units, 8 within the listed former hotel and the rest from redevelopment of the blocks of holiday accommodation in the grounds. The scheme included a spa, pool and a range of health and leisure facilities. The ambition was that the facilities would encourage use of the site in a more holiday centred way than a straight residential scheme would thus offering some mitigation for the loss of the hotel.

The scheme was subject to an IVA and this confirmed that it would make a profit of 5.4% on Gross Development Value (GDV). The applicant at the time agreed to contribute half of this (£336,500) as an Affordable Housing contribution.

The S106 also included deferred contributions in the event of the scheme being more profitable than anticipated, to a maximum of £1.24 million. Community Infrastructure contributions of £63,000 were secured in relation to waste, stronger communities, lifelong learning and green space. Sustainable transport contributions were mitigated due to the existing use of the site for hotel and holiday accommodation. This resulted in a total level of contribution of £399,500.

A Certificate of Lawful Development (P/2012/1001/CE) was subsequently granted confirming a material start on site. This keeps the consent alive in perpetuity.

A revised scheme is now for consideration. This comprises four related applications and was considered at the DMC meeting of the 11th November.

This proposes 34 dwellings, 7 within the former hotel and the rest from redevelopment of the holiday accommodation in the grounds. The spa/treatment facilities have been much reduced and are now only contained within the basement of the Villa.

An IVA was submitted to justify the applicant's contention that there was not sufficient profit in this scheme to meet the full AH and community infrastructure requirement as set out in the SPD 'Planning Contributions and Affordable Housing'

The applications are:

P/2013/0372/MPA: This provides for the demolition of the existing holiday accommodation in the garden area and its replacement by a lower terrace of 9, 3 storey, 3 bed dwellings and a rear terrace of 9, three storey, 4 bed dwellings. Each of the terraces has integral garages and visitor spaces.

P/2013/0400/PA: This comprises amendments to the approved scheme for conversion of the main villa to flats and reduces the number of units from 8 to 7. The ground floor apartments comprise 2 large 3 bed units to avoid undue impact

on the existing layout. Of the remaining units, 4 are 2 bed units and 1 is 1 bed. The changes relate principally to the layout and alterations to the rear elevation.

P.2013/0401/LB: Is the listed building application in connection with the above planning application.

P/2013/0891: This relates to the redevelopment of a block of holiday accommodation to the rear of the villa to provide 6 new dwellings (2x 1 bed 3 x 2 bed and 1 x 3 bed)

The scheme was considered acceptable in all respects except in relation to the S106. This offered £68,000 towards meeting sustainable development contributions, a payment of £ 102,000 towards meeting Affordable Housing Contributions and an agreement to deferred contributions in the event that the scheme proved to be more profitable than anticipated. This offer, Members felt, should be explored in more detail particularly to see if the AH contribution could be increased. Members also wanted clarity about the scale of deferred contributions and proposed heads of terms. A red book valuation was commissioned to investigate the land value in more detail as in other respects, the IVA was considered to be an accurate assessment of costs and likely sales values.

ii) Update of Current Position

The Red Book valuation confirms that the correct land value for the site as a whole is £1.95 million. If the site is divided into two development plots, i.e the garden sold separately, then the site value is estimated at £2.5 million. This information was not received in time for a reassessment of the IVA to be carried out so progress will be reported verbally.

iii) The Proposed S106 Heads of Terms.

The minutes of the previous meeting indicate that Members wanted consideration of the S106 deferred to a future meeting in order to allow further negotiation in respect of the AH contribution, the level of deferred contributions and confirmation of the community infrastructure contributions. The minutes confirmed that the S106 should include the following heads of terms.

- a) Tying together of the applications to form an agreed phasing plan and to require reappraisal of the whole scheme in the event of any changes to any of the applications.
- b) A mechanism to secure delivery of the schedule of works to the listed building and replace the adjacent Mews building.
- c) A deferred contributions clause.
- d) A commuted sum payment which is to be confirmed through re evaluation.
- e) Implementation of any of the consents to have the effect of rescinding previous consents on the site and CLEUD.

The minutes also indicate that applications P/2013/0400/PA P/2013/0401 and P/2013/0891 should be tied back to the in principle decision through the S106 and that implementation be dependent on works to the listed building and its setting being carried out.

As stated, due to the Red Book valuation not being available until the report deadline, it is not possible at this stage to agree the exact level of financial contribution nor the maximum level of deferred contribution.

There are outstanding matters in relation to when the agreed sums should be paid. In respect of the AH contribution, the applicant favours payment on sale of the Management Company which would be on occupation/sale of the 34th unit. This could be some considerable time in the future and officers are of the opinion that this should be paid earlier in the process. Payments could be staggered to ensure they are received as early as practicable.

In terms of the mechanism to secure delivery of the works to the listed building and its setting, as it is the applicant's intention to sell off the eastern portion of the site containing the 2 new terraces and retain the listed building and the mews building in his ownership, the S106 agreement will need to include provisions for linking the development of the new terrace buildings with key stages in the refurbishment of the buildings retained in the applicant's ownership.

This is to be achieved via use of a joint bank account which is recommended by English Heritage in their guidance on enabling development. A schedule of works is currently being drawn up to clarify the extent of works required to restore the building and its setting.

There may be potential to incentivise the early delivery of the works to the Listed Building and the adjacent mews houses. Discussions are ongoing in this regard.

It is also important to include delivery of the spa facilities but this can be done by condition.

Conclusions

The scheme is acceptable in terms of design, functional aspects and delivery. It will deliver fewer but larger units than previously agreed. There are improvements in design particularly in relation to the listed building, its setting and there will be assured implementation of the works. It achieves resolution of a site that has become neglected. It will create a quality residential scheme that will add to range of the housing stock available in the area. 34 dwellings will be provided within the built up area on a brownfield site and this will make a significant contribution to the Council's 5 year housing land supply.

Progress on agreeing the commuted sum for both AH and community infrastructure and their associated triggers and the scale of deferred contributions will be reported verbally.

Recommendation

Conditional Approval; subject to agreement being reached in terms of:

- A. Conclusion of a S106 agreement at the applicants expense within 6 months of the date of this committee meeting that delivers the following:
- i) Tying together of the individual applications to form an agreed phasing plan and a requirement that any changes to individual applications triggers a reappraisal of the viability of the whole scheme.
 - ii) A mechanism (joint bank account) to secure delivery of an agreed schedule of works to the listed villa and to secure the demolition of the adjacent mews building. In the event that the replacement mews building is not delivered within 12 months of the date of demolition, the site to be landscaped in accordance with details which shall have been previously agreed with the LPA.
 - iii) A deferred contributions clause to deliver an improved AH contribution in the event of improved viability. (Maximum scale of contribution to be confirmed).
 - iv) A commuted sum payment (AH and Community Infrastructure Contributions) to be confirmed subject to further negotiations with the applicant. Triggers for payment to be confirmed
 - v) The implementation of any of the approved schemes to act to rescind the previous consent and its associated CLEUD.
 - vi) Applications P/2013/0400/PA, 0401/LB and 0891/PA being tied to the main application P/2013/0372 and implementation tied to delivery of works to the listed building.

And to the following conditions in relation to individual applications as appropriate.

Conditions:

1. Large scale detail in relation to new build and listed building.
2. Samples of materials /sample stone panel
3. Phasing Plan/implementation of works to listed building in line with schedule of works
4. Landscape detail and submission of WMP.
5. Implementation of car parking, cycle parking etc
6. Tree protection measures
7. Delivery of spa facilities to an agreed time table
8. Detail of internal works to listed building in terms of services/thermal/sound insulation etc.

9. Audit of internal features to be protected.
10. Details of all boundaries/fences.
11. Reinstatement/refurbishment of pavilion building/gates piers.

The original Committee Report follows for reference:

Application Number

P/2013/0372

Site Address

Bishops Court Hotel
Lower Warberry Road
Torquay
Devon
TQ1 1QS

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Erection of 18 residential units (1x2bed,8 x3 bed and 9x4 bed) in 2 terraces in garden are to east of Bishops Court Hotel on site of former holiday accommodation

Executive Summary/Key Outcomes

Planning permission and listed building consent were originally granted in 2009 for the redevelopment of the above site, a former hotel set in extensive grounds (P/2008/1623/MPA and P/2008/1624/LB).

The scheme proposed 42 residential units, 8 within the listed former hotel and the rest from redevelopment of the blocks of holiday accommodation in the grounds. The scheme included a spa, pool and a range of health and leisure facilities. The ambition was that the facilities would encourage use of the site in a more holiday centred way than a straight residential scheme would thus mitigating for the loss of the hotel.

The scheme was subject to an IVA and this confirmed that it would make a profit of 5.4% GDV. The applicant at the time agreed to contribute half of this (£336,500) as an Affordable Housing contribution.

The S106 also included deferred contributions in the event of the scheme being more profitable than anticipated, to a maximum of £1.24 million. Community Infrastructure contributions of £63,000 were secured in relation to waste, stronger communities, lifelong learning and green space. Sustainable transport contributions were mitigated due to the existing use of the site for hotel and holiday accommodation. This resulted in a total level of contribution of £399,500.

A Certificate of Lawful Development ((P/2012/1001/CE) was subsequently granted confirming a material start on site. This keeps the consent alive in perpetuity.

A revised scheme has now been submitted. This proposes 34 dwellings, 7 within the former hotel and the rest from redevelopment of the holiday accommodation in the grounds (3 of which to the back of the Villa are relying on the previous consent as they remain unaltered). The spa/treatment facilities have also been much reduced and are now only contained within the basement of the Villa.

The scheme is acceptable in terms of design, functional aspects and delivery. It will deliver fewer but larger units than previously agreed. There are improvements in design particularly in relation to the listed building, its setting and there will be assured implementation of the works. It achieves resolution of a site that has become neglected. It will create a quality residential scheme that will add to range of the housing stock available in the area.

34 dwellings will be provided on a brownfield site and this will make a significant contribution to the Council's 5 year housing land supply.

An IVA has been submitted due to concerns about viability in relation to Affordable Housing and Community Infrastructure Contributions. This identifies a greater profit margin than demonstrated in connection with the previous scheme (5.4%-8.56% GDV). However, the Gross Development Value still falls well below expected margins to finance a development such as this.

The current offer from the applicant is for a contribution of £68,000 either towards sustainable development contributions or affordable housing. If this were used toward sustainable development matters other than AH, then the £68,000 would represent 'full' contributions in relation to waste, stronger communities lifelong learning and 75% of the greenspace contribution. The sustainable transport contribution is mitigated due to the existing use of the site as was agreed previously.

The benefits arising from the current scheme are that it will result in a reduced number of larger units and the design is in some respects an improvement, particularly in relation the listed building and the blocks that immediately abut it.

The remaining concern, given acceptance of the principle, design, level of parking etc, is the lack of an Affordable Housing contribution. Negotiations are ongoing in order to see if some additional profit can be derived from the site which would help meet this deficit. Progress will be reported verbally.

Recommendation

Site Visit; Conditional Approval; subject to:

- a) Delivery of an acceptable level of AH contribution
- b) Conclusion of a S106 agreement to secure agreed AH contribution and a level of deferred contributions; any agreed community infrastructure contributions; tying of the various applications together to form an agreed phasing programme and; mechanism to deliver implementation of the schedule of works to restore the listed villa and replace the adjacent mews building.
- c) Conditions as itemised at the end of the report.

Statutory Determination Period

There are 4 applications under consideration. The 'major' part of the development P/2013/0372 has passed the 13 week deadline and agreement to a determination after the deadline will be obtained from the applicant.

Site Details

Bishops Court, a former hotel and Grade II listed building stands in a spacious plot with a vehicular access from Lower Warberry Road. It was formerly known as 'Normount' and was built in 1844.

The villa has been subject to a number of alterations and extensions over the years in order to provide additional holiday accommodation in the hotels heyday, which did compromise its architectural integrity.

The site is bound to the north by Middle Warberry Road, to the east by The Warberries Nursing Home and to the west by a block of flats known as 'Sorrento'. The site slopes down from the north to the south. The main villa is grade II listed, as is the neighbouring nursing home; the pavilion at the east of the site is also separately grade II listed as is the entrance gate and piers.

The major part of the garden to the villa, which lies to the east of the site, was previously occupied by two additional terraces of holiday accommodation running east-west across the site and built into the slope. The lower terrace has been partly demolished in recent years. This part of the site is very prominent in views across the valley.

The site is within the Warberries Conservation Area. The Conservation Area Appraisal identifies the main villa as an important building with an unspoilt frontage. The view south from the rear of the villa is identified as important within the conservation area and the front boundary walls are shown as prominent walls. The site is covered by a Tree Preservation Order (1973.12).

Detailed Proposals

There are 4 applications under consideration:

P/2013/0372/MPA: This provides for the demolition of the existing holiday

accommodation in the garden area and its replacement by a lower terrace of 9, 3 storey, 3 bed dwellings and a rear terrace of 9, three storey, 4 bed dwellings. Each of the terraces has integral garages and visitor spaces.

P/2013/0400/PA: This comprises amendments to the approved scheme for conversion of the main villa to flats and reduces the number of units from 8 to 7. The ground floor apartments comprise 2 large 3 bed units to avoid undue impact on the existing layout. Of the remaining units, 4 are 2 bed units and 1 is 1 bed. The changes relate principally to the layout and alterations to the rear elevation.

P/2013/0401/LB: Is the listed building application in connection with the above planning application.

P/2013/0891: This relates to the redevelopment of a block of holiday accommodation to the rear of the villa to provide 6 new dwellings (2x 1 bed 3 x 2 bed and 1 x 3 bed)

Summary Of Consultation Responses

English Heritage: Consider that the lower terrace of the garden new build is unduly dominant due to the inclusion of a third storey of accommodation.

Highways: Have no objection based on the previous use of the site as a hotel but would favour widening of the access to Lower Warberry Road.

Arboriculturalist: Considers there is the possibility of harm arising to trees on the eastern boundary of the site from continuing demolition of the lower terrace of holiday accommodation and requests a Method Statement to be submitted to detail how the works will be carried out to minimise possible impacts.

Summary Of Representations

None received.

Relevant Planning History

There is a long history of applications (over 40 in the 1980's – 90's) for various proposals including alterations to entrances, windows, fire exits, additional leisure facilities, outbuildings, dwellings in grounds, additional extensions, bedrooms in roof space, additional parking areas.

Following extensive negotiations, planning permission and listed building consent were granted in June 2009 for the conversion of the former hotel to provide for 8 flats and the construction of 34 flats/dwellings in the grounds to replace the existing terraces of holiday accommodation (P/2008/1623/PA and P/2008/1624/LB)

Subsequently a Certificate of Lawfulness (CLEUD) under reference P/2012/1001 was granted, for the erection of four dwelling houses on the site. This confirms

that a material start was made in relation to P/2008/1623 and P/2013/1624 thus preserving the permissions referred to above.

Key Issues/Material Considerations

Background

The former Bishops Court Hotel was one of the larger and more successful of Torbay's hotels outside the defined PHAA's and as such, careful thought was essential in considering a move to residential use. In 2008 this was a key consideration and it was concluded that the existing business had struggled for some considerable time. Furthermore, the amount of investment needed to restore the listed building was unlikely to be generated through a continuation of the hotel use.

There were opportunities to enhance the setting of the listed building and the wider conservation area that would only come about if a residential scheme were allowed and there would be consequent benefits in terms of Affordable Housing and associated community infrastructure contributions.

The 2008 approval included, in addition to 42 residential dwellings, the provision of a health spa, pool and beauty and treatment rooms and it was argued that this would encourage letting for holiday purposes which would to some degree mitigate for the loss of the hotel.

A viability report (IVA) was submitted with the application and this confirmed that the scheme would make a profit equating to 5.4% of GDV (approx £673,000) and the applicant at that time agreed to contribute half of this as an AH contribution. This was significantly less than would be required through strict application of the SPD.

It was agreed to include an 'overage' clause which would recoup AH contributions in the event of the scheme being more profitable than anticipated to a maximum of £1,240,000. The AH manager was at the time satisfied with this, providing that the £63,000 community infrastructure contributions were also allocated towards meeting AH needs. This amounted to a total contribution of £399,500.

The scheme was not carried forward and the site is now in a more dilapidated state than it was in 2008, with demolition on the site part completed and the listed building in need of additional investment.

A revised scheme has now been submitted which reduces the number of units on the site from 42 to 34, there are design changes which are for the most part an improvement, the health spa has been significantly reduced in size and a IVA has been submitted which indicates that the profit now equates to 8.56 GDV. The applicant has indicated that no AH contributions will be made but the community infrastructure contribution has been increased from £63,000 to

£68,000.

There are therefore a number of key issues:

1. Use of the site.
2. Design,
3. Viability
4. Impact on trees/functional matters.
5. Phasing and deliverability of key elements of the scheme.

Each will be addressed in turn.

1. Use of the site

The principle of residential use of the site has already been agreed and a CLEUD issued confirming a material start on site, which will keep that application alive in perpetuity.

The 2008 approval included the provision of a large health spa, pool, beauty treatment rooms, snooker/meeting room and library which it was argued would make it attractive to investors who wanted to buy properties to use as holiday lets. It was hoped that this would mitigate for the loss of the tourism offer by creating more of a 'holiday destination' than a straight residential scheme. These facilities have now been significantly scaled back and a small spa and treatment rooms occupy the basement of the villa only. The applicant has confirmed an intention to include a small swimming pool but this is not currently shown on the submitted plans.

However, it is not considered that this can be used to justify a re-evaluation of the principle of residential use in this case. There was no guarantee that it would have had the effect hoped for and there is a CLEUD confirming that the approved residential scheme could be built out.

In addition, since 2008/2009 when the decision was made, the Council has adopted a revised guidance document in relation to PHAA's and holiday uses outside of PHAA's. This provides for a more flexible approach that would again be likely to lead to the acceptance of the principle of residential use in the particular circumstances of this case. As such the principle of residential use is considered acceptable.

2. Design

The scheme has been submitted as 4 separate applications.

The main application is for the 'Garden New Build' P/2013/0372. Sister applications relate to the 'Amendments to the conversion of the villa'

(P/2013/0400) and the 'Redevelopment of the mews building to the rear of the villa' (P/2013/0891).

The fourth application P/2013/0401 is the listed building application for the conversion works to the villa.

a) The Garden New Build.

This involves the construction of 2 new terraces, the lower terrace and rear terrace on the line of the former holiday accommodation set within the garden. The lower terrace has now been partly demolished.

The topography of the site falls from north to south and the intention is for the site to continue to be viewed as a series of subservient terraces in relation to the listed building and for the terraces to be viewed as garden structures 'bedded' in the landscape when seen from across the valley. The buildings are primarily to be stone faced to help this integration with recessive fenestration. This is for the most part successful.

The existing 'lower terrace' is 2 storeys and the 2008 approval was for a terrace of the same height. The new scheme however includes a third 'set back' storey in recessive materials which accommodates a master bedroom. English Heritage have concerns about this, considering it makes the building over dominant in relation to the listed building.

Sections have been submitted which show the relationship of the set back master bedroom storey to the perspective of the listed building and it is considered that the relationship is not unduly dominant.

The lower terrace also encroaches closer to the trees on the eastern boundary of the site and the Arboriculturalist, whilst not raising any fatal objection has requested a Method Statement confirming how works, particularly of demolition, will be carried out without harming the tree. This should be supplied before permission is granted.

The rear terrace is three storeys which is similar to the approved scheme, is stone faced facing south and occupies a similar footprint. It sits below the level of the rear boundary wall facing Middle Warberry Road and is set further forwards from the rear boundary than the previous approval.

b) Amendments to Conversion of Villa

This departs from the 2008 approval only inasmuch as the internal layout is revised slightly to provide fewer units (from 8 to 7) the lift is relocated and the rear elevation is amended. The changes are largely beneficial particularly in relation to the layout and a principal ground floor reception room that was divided

up in the 2008 approval is now retained as originally laid out.

The main reception room in the 2008 approval was to be used as a communal snooker/meeting room and this is now to be used as living space.

Demolition of an extension from the existing coach houses which extends to the villa will further free up space around the listed building improving its setting.

c) Redevelopment of Mews Building to Rear of Villa

The application for this part of the site was included later on in the consideration of the overall scheme. As it stands, the mews building to the rear of the villa is poor quality, extends too close to the listed building and thus adversely affects its setting. It was considered necessary for the impact of this to be mitigated. The '2008' scheme involved adaptation of the existing structure, maintaining the same footprint and whilst its appearance was improved, it still suffered from being too close to the listed building itself.

The revised approach involves redevelopment to provide a building with a reduced footprint, which is set back further from the main villa and forms a much happier relationship with the listed building. The elevations of the building and its overall design also follow the theme for the terraced blocks to the east and as such the mews building will read sympathetically as a garden building within the grounds of the Listed villa.

3. Viability

The 2008 approval for 42 units and health/beauty spa was accompanied by an IVA as the applicant did not consider there was sufficient profit to deliver the full AH and the community infrastructure contribution which should have been delivered on the site.

According to the SPD 'Planning Contributions and Affordable Housing' 30% of the units should have been allocated for onsite affordable housing. It was agreed that an offsite contribution would be acceptable in this instance due to the inclusion of the fee paying leisure facilities on site. A full on site AH contribution would have been in the order of £3,000,000 and following negotiations a figure of £336,500 was agreed, which is about 10% of the policy requirement along with an overage clause that would recoup AH contributions to a maximum of £1,240,000 if the market improved and higher sales values were achieved than anticipated. The Community Infrastructure Contributions totalled £63,000 which was compliant with the SPD, but did not include sustainable transport contributions due to the mitigation applied to the previous use.

A profit margin of between 15-20% is normally expected to achieve a viable scheme. An IVA has been supplied in relation to this application as the applicant

considers the scheme to be unviable if it was to fully meet the requirements of the SPD. A fully compliant scheme, it has been estimated, would produce a negative developer's return of 0.23%. A scheme that delivered 0% Affordable Housing but delivered full community infrastructure contributions of £170,470 would achieve a profit margin of 8.56% GDV, which is still below the 15-20% margin that is normally deemed necessary. It is, however, in excess of the 5.4% GDV anticipated in relation to the 2008 approval.

The applicant has recently agreed to introduce an overage or deferred contributions clause similar to the one previously agreed. However, the applicant remains clear that the scheme cannot deliver an AH contribution despite the apparent increase in profitability. There is a slight increase in the community infrastructure contribution from £63,000 to 68,000. This figure reflects the mitigation applied for sustainable transport contributions due to the existing use of the site and represents 75% of the Greenspace contribution. The SDLR contribution, which will be deducted from the overall figure, will amount to £29,000, leaving very little to meet the impacts of the scheme on the local area.

The TDA have evaluated the IVA and a draft response indicates that the figures supplied are largely acceptable and confirm the low profit margin in relation to the site. More detail has been requested into sales values, costs schedule and site value, which may affect the profit margin that can be achieved on the site. The recent agreement to deferred contributions will assist in delivering some of the excess profit for AH if the market for these units is better than expected. A Member Briefing was held on the 22nd October to apprise Members of this issue.

The key issue is the lack of an upfront AH contribution and various options are being considered to see if the profit margin can be increased which would release some funds to increase the AH contribution. This involves the further evaluation of the key costs used in the IVA and feedback on this will have to be provided verbally at the meeting.

The removal of the spa and leisure facilities and diverting the money saved towards AH has been discussed with the applicant. The 'acceptable' profit margin of 8.56% included £170,470 to meet the full community infrastructure contribution and it has been suggested that the difference between this sum and the £68,000 offered, £102,470, should be put towards meeting AH requirements. This would amount to about 5% of the 'normal' policy requirement.

In response to this, the applicant has stated that there is a premium, reflected in the submitted sales values for the availability of spa facilities on site and due to this added value he would not wish to remove them from the scheme.

At the time of writing, a response is awaited on the point of diverting the 'surplus' community infrastructure money to AH provision. Progress will be reported verbally.

4. Impact on trees, landscaping and other functional matters.

Whilst the new lower terrace does extend closer to the trees than the previous approval, there is a concrete retaining wall, which is to be retained. This should ensure that the roots are not compromised by the proposed development. However due to the proximity of the new building protection measures are critical and a condition is needed to ensure that the wall is retained in place. A method statement should be submitted prior to a decision being issued to ensure that the works can take place without harm arising.

It is proposed to reinstate the Yew Tree walk which will form a landscape link between the villa and the listed garden pavilion and form an attractive centrepiece to the development. It would be appropriate to request a Woodland Management Plan to be included in resolution of the landscape proposals for the site. This can be dealt with by condition.

In respect of parking, there is an allocation of 2 spaces per unit for the larger units and 1 space per unit for the 2 one bed units. The terraces have garage parking and an allocated space and the villa and mews buildings have a landscaped parking area at some remove from the buildings.

Highways did suggest that there might be some merit in widening the access onto Lower Warberry Road but this is not desirable as the structures are listed in their own right and are a key feature in the street scene. In view of the previous use of the site, there is no requirement to improve the access or improve visibility.

5. Phasing and deliverability of key elements of the scheme.

It is vital that the listed building is restored in line with the approved plans. The agreed schedule of works and the demolition of the mews building and its replacement with a more discrete block are vital parts of the development. It is the applicant's intention to sell off the eastern portion of the site containing the 2 new terraces and retain the listed building and the mews building in his ownership.

The S106 agreement will need to include provisions for linking the development of the new terrace buildings with key stages in the refurbishment of the buildings retained in the applicant's ownership. This could be done via triggers on occupation, a bond or the use of a joint bank account. Details in relation to this have yet to be resolved.

There may be potential to incentivise the early delivery of the works to the Listed Building and the adjacent mews houses. Discussions are ongoing in this regard.

It is also important to include delivery of the spa facilities but this can be done by condition.

Otherwise the s106 needs to include the mechanism for the deferred contributions and whatever level of contribution is to be agreed.

Conclusions

The scheme is acceptable in terms of design, functional aspects and delivery. It will deliver fewer but larger units than previously agreed. There are improvements in design particularly in relation to the listed building, its setting and there will be assured implementation of the works. It achieves resolution of a site that has become neglected. It will create a quality residential scheme that will add to range of the housing stock available in the area. 34 dwellings will be provided within the built up area on a brownfield site and this will make a significant contribution to the Council's 5 year housing land supply.

The IVA and its scrutiny by the TDA reveal only limited options for increasing the profit margin. Investigations are continuing into site value, sales value and costs to see if there may be the opportunity of deriving more value from the site. The lack of an AH contribution is regretted and has to be weighed in the balance.

Nonetheless, it is important that the adopted policy in relation to AH is met and it is hoped that some additional value can be derived from the site that will allow an acceptable level of contribution to be made. However, at the time of writing this matter is still under discussion and progress on this will need to be reported verbally.

Recommendation:

Site Visit; Conditional Approval; subject to:

- a) Delivery of an acceptable level of AH contribution
- b) Conclusion of a S106 agreement to secure agreed AH contribution and a level of deferred contributions; any agreed community infrastructure contributions; tying of the various applications together to form an agreed phasing programme, and; mechanism to deliver implementation of the schedule of works to restore the listed villa and replace the adjacent mews building.
- c) Conditions as itemised below.

Conditions:

1. Large scale detail in relation to new build and listed building.
2. Samples of materials /sample stone panel
3. Phasing Plan/implementation of works to listed building in line with schedule of works
4. Landscape detail and submission of WMP.
5. Implementation of car parking, cycle parking etc

6. Tree protection measures
7. Delivery of spa facilities to an agreed time table
8. Detail of internal works to listed building in terms of services/thermal/sound insulation etc.
9. Audit of internal features to be protected.
10. Details of all boundaries/fences.
11. Reinstatement/refurbishment of pavilion building/gates piers.

Relevant Policies

- HS - Housing Strategy
- H2 - New housing on unidentified sites
- H6 - Affordable housing on unidentified sites
- H9 - Layout, and design and community aspects
- H10 - Housing densities
- TUS - Tourism strategy
- TU7 - Change of use or redevelopment of new ho
- CF6 - Community infrastructure contributions
- LS - Landscape strategy
- L8 - Protection of hedgerows, woodlands and o
- L9 - Planting and retention of trees
- BES - Built environment strategy
- BE1 - Design of new development
- BE5 - Policy in conservation areas
- BE6 - Development affecting listed buildings
- TS - Land use transportation strategy
- T1 - Development accessibility
- T3 - Cycling
- T25 - Car parking in new development
- T26 - Access from development onto the highway

Agenda Item 13

Application Number

P/2013/1184

Site Address

San Marino
Vanehill Road
Torquay
Devon
TQ1 2BZ

Case Officer

Mr Robert Pierce

Ward

Wellswood

Description

Proposed loft conversion & extension with landscaping alterations

Executive Summary/Key Outcomes

The application is only being referred to the Committee because an objection has been received from a next door neighbour who is a relative of an elected member and occasional Development Management Committee member.

The application seeks permission to raise the ridge and eaves of the property, by 1.5 metres, to create an additional floor level, together with other alterations including a raised area of car parking to the side of the house.

The proposal has no adverse impact on the Conservation Area or on the nearby listed building. The proposal has no material impact on the amenities currently enjoyed by occupiers of neighbouring properties.

Recommendation

Approval

Statutory Determination Period

The statutory period for making the decision is 8 weeks (1st January 2014). This target date could not be met due further negotiations with the applicant and the fact that it now needs to be referred to Development Management Committee.

Site Details

The property is a mid-sixties split level detached dwelling, with living space above bedroom space. It is located in the Torquay Harbour Conservation Area. It occupies an elevated position and is accessed off Vane Hill Road. Due to the difference in site levels it presents two storeys to the front (NW elevation) and

one storey to the rear (SE elevation). The property is accessed along a shared drive, off Vane Hill Road, and it has a single garage together with a pull in area for parking one car.

Detailed Proposals

The main element of the proposal is to raise the ridge and eaves levels, by 1.5 metres, over the footprint of the house to form an additional level of accommodation, providing three storey accommodation when viewed from the west and two storeys to the east. The additional space enables four bedrooms and a bathroom to be provided within the new level.

The plans show a central glazed gabled element, with a Juliet balcony, to the master bedroom with windows either side on the front elevation. Velux windows are shown within the roof slope to the rear. The balcony, at first floor level of the front, is extended by removing an existing sun room.

The side elevation, onto Pine Ridge to the south, includes a double height glazed window serving a staircase / lobby. The top of this window is now below the height of the boundary hedge, as a result of negotiation to protect the amenities of occupiers of Pine Ridge. The other side elevation (NE) will be squared off to create an extension to the kitchen on the ground floor with under-build below and new second floor accommodation above.

The proposal also involves removal of a block wall, which runs to the rear of the property, and steps to the side of the house. A new block wall is to be constructed between the side of the house and the boundary (with Pine Lodge), allowing the ground level within a slightly enlarged (3 m x 4.5 m) parking area to the side of the house to be raised. The new wall would be capped at a height and colour to match the existing garden/retaining wall. The retaining wall was originally shown as being built onto the boundary with the adjoining property. In order to alleviate concerns from the neighbour about loss of the boundary hedge, the plans now indicate the wall being set 300 mm off the boundary.

Summary Of Consultation Responses

Conservation Officer: The proposed increase in height of the property will not have any adverse impact on the character or appearance of the Conservation Area or the setting of Vane Tower (Listed Building)

Summary Of Representations

2 letters of objection received from the next door neighbour on the south side.
Main issues of concern :

- 1) Drainage issues.

- 2) Enlarged area of car parking - unnecessary, could lead to the parking of commercial vehicles, could result in the loss of existing boundary screening.
- 3) Adverse impact on the character and appearance of the Conservation Area and the setting of the Listed Vane Tower.
- 4) Overdevelopment of a site with limited access over a shared driveway and limitations of Vane Hill Road (Hair pin etc)
- 5) Loss of privacy particularly as the result of overlooking from the proposed feature glazing to the side (SW) elevation.
- 6) Overbearing Impact and loss sunshine and light into side windows due to the existing close proximity of the properties.

These Representations have been sent electronically for Members consideration.

Relevant Planning History

No immediate relevant history.

Key Issues/Material Considerations

The main issues with this proposal relate to impact on the character and appearance of the Conservation Area and Listed building and, secondly, to residential amenity.

- 1) Impact on the character and appearance of the Torquay Harbour Conservation Area and nearby Listed Building.

The property lies within the Torquay Harbour Conservation Area. It forms part of a group of 3 split level modern properties built in the mid 1960's. These three properties stand directly behind the three high rise tower blocks known as Shirley Towers. As a result San Marino is effectively screened from view by Shirley Towers. Consequently, the application site is not visually very prominent within the Conservation Area.

The raised roof level would be visible to the rear, from parts of Vane Hill Road, but a 1.5 metre increase in height is acceptable within the street scene and would sit comfortably between the properties either side.

Vane Tower, which is a Listed Building, stands at a higher level, across the road and approximately 30 metres to the south of the application site. The setting of this building would not be adversely affected by the proposal.

The use of matching and modern materials is considered to be sympathetic with the overall design.

2) Impact on the residential amenities of the adjoining occupiers.

An objection has been received from the neighbouring property (Pine Ridge) to the south of the application site. These two properties already stand in relatively close proximity (approximately 5 metres) to each other and both have existing windows to their side elevations resulting in a degree of overlooking. The boundary between the two properties is presently defined by a very tall conifer hedge which has been maintained at a height of between 4 and 5 metres. Whilst ownership of the hedge appears to be subject of dispute (not a planning matter), the submitted drawings show it being retained and protected during construction. This is important in terms of restricting inter-visibility between the two properties.

The original plans, showing a full height feature glazed entrance element to the SW elevation, have now been amended to show a much reduced glazed feature. The window will not exceed the height of trees within the boundary hedge and is considered acceptable. Whilst other windows to the first floor side elevation become principle windows, rather than bedroom windows, retention of the boundary hedge will ensure there is no additional overlooking / loss of privacy. There are no issues with overlooking / loss of privacy to the property to the north, not least because use of the rooms does not change and a kitchen window is reduced in size.

Raising the eaves and ridge height of the building by 1.5 metres will have some impact on neighbouring properties, but this is not considered to be overbearing and will not result in a material loss of light to windows or gardens serving neighbouring properties. The windows to the side elevation of Pine Ridge are not principal windows; they face to north east and there is a distance of approximately 5 metres between side elevations of these properties.

Concern has been expressed from the neighbour that the proposed raised area of parking to the side could lead to the loss of boundary screening and that the parking of a vehicle would be visually intrusive. In this respect the applicant has now moved the parking area 300 mm further away from the boundary and the plans show that the trees / hedge will be protected during construction.

Conclusion

The proposed extension, and other works, would not have any adverse impact on the character or appearance of the Torquay Harbour Conservation Area or the setting of the nearby Listed Building. Secondly it is not considered that the proposal would cause any material loss of amenity to occupiers of adjoining properties by way of loss of privacy, loss of light or overbearing impact.

Condition(s)/Reason(s)

01. (i) Works to trees to be retained. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.(ii) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 2005. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.(iii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.(iv) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.(v) No trenches for service runs, or any other excavations shall take place within the fenced area.(vi) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress and to meet the criteria of Policy H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

02. Notwithstanding the provisions of Article 3, part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) Order 2008 (or and Order revoking or re-enacting that Order with or without modification), no additional windows or other forms of fenestration shall be included within the side elevations of the

development hereby approved without the prior written consent of the Local Planning Authority.

Reason: To safeguard the residential amenity of the adjoining occupiers in accordance with Policy H15 of the saved adopted Torbay Local Plan 1995-2011.

03. No development shall be commenced until a sample of the proposed cladding has been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to meet the criteria of Policies BES, BE1, BE5 and H15 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. The existing conifer hedge along the south west boundary of the site as indicated on the plans hereby approved shall be permanently retained and maintained to the height indicated drawing no.100.02A and if for whatever reason any tree dies or shows irreversible physiological decline it will be removed and replaced.

Reason : In the interests of protecting the residential amenities of the adjoining occupiers and to meet the criteria of Policy H15 of the Torbay Local Plan 1995 to 2011.

Relevant Policies

- H15 House extensions
- T25 Car parking in new development
- T26 Access from development onto the highway
- NPPF National Planning Policy Framework
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings