



Friday, 28 November 2014

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 8 December 2014

commencing at **2.00 pm**

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

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Brooksbank

Councillor McPhail

Councillor Pentney

Councillor Stockman

Councillor Stringer

Councillor Tyerman

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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01803 207087**

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 November 2014.
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/2014/0772/PA Landscope Holiday Village, Gillard Road, Brixham** (Pages 5 - 10)
Continued use of land at Landscope Holiday Park, Gillard Road Brixham in connection with caravan sales (temporary 14 month period).
6. **P/2014/0878/VC Land To The North East Of A3022, Brixham Road And West Of Elberry Lane, Churston** (Pages 11 - 15)
Variation of Condition 1 of previous planning permission (P/2012/0500) to allow use as a park and ride with temporary buildings until 31st October 2019.

7. **P/2014/0704/OA Land Adj No. 7 (playground) Glebeland Way, Torquay** (Pages 16 - 24)
Construction of one split level 4-bedroom detached house with associated parking.
8. **P/2014/1121/VC First Church Of Christian Science Torbay, 228 Union Street, Torquay** (Pages 25 - 28)
Removal of condition 3 (use only as Church) of planning approval P/1991/1711 to permit open use within Use Class D1 (Non-Residential Institutions).
9. **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.
10. **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, 3 December 20104. 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

10 November 2014

-: Present :-

Councillor Kingscote (Chairman)

Councillors Morey (Vice-Chair), Addis, Brooksbank, McPhail, Pentney, Stringer, Stockman and Tyerman

(Also in attendance: Councillor Hernandez)

53. Apologies for absence

It was reported that, in accordance with the wishes of the Liberal Democrat Group, the membership of the Committee had been amended for this meeting by including Councillor Stringer instead of Councillor Pountney.

54. Minutes

The Minutes of the meeting of the Development Management Committee held on 30 September 2014 and 13 October 2014 were confirmed as a correct record and signed by the Chairman.

55. Urgent Items

The Committee considered the items in Minute 56, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

56. P/2014/0181/PA 13 Greenway Road, Brixham

Further to the meeting of the Development Management Committee held on 14 July 2014, the Committee was advised that the Section 106 Legal Agreement for the above had not been completed within the required timescales. Members were advised that the Section 106 Legal Agreement had been completed a few days after the deadline specified by the Committee so approval was sought for the decision to be issued.

Resolved:

Approved.

57. P/2014/0311/PA St Margaret Clitherow RC Primary School, Polhearne Way, Brixham

The Committee considered an application for the construction of a new teaching block.

Members of the Development Management Committee had previously undertaken a site visit. Written representations and a copy of the Travel Plan were circulated to Members prior to the meeting.

Resolved:

Approved, subject to the determination of conditions being delegated to the Director of Place.

58. P/2014/0899/PA 5 Broadsands Road, Paignton

The Committee considered an application for the erection of two apartment blocks each comprising two, two bed apartments and two, three bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-submission of P/2013/1093).

Prior to the meeting Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Brian Payne addressed the Committee against the application and Mark Bradshaw addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- i) the full payment of contributions as set out in the submitted report or the signing of a Section 106 Legal Agreement to secure such contributions, within three months of the date of this Committee or the application be reconsidered in full by the Committee, unless otherwise agreed with the Director of Place in consultation with the Chairman; and
- ii) the conditions set out in the submitted report, an additional condition regarding screening of the side elevations of the second floor roof terraces and any further conditions being delegated to the Director of Place.

59. P/2014/0859/MPA Torbay Hospital, Newton Road, Torquay

The Committee considered an application for the reorganisation of the parking and cycling provision to serve the hospital including improvement to access and landscaping.

Prior to the meeting Members of the Development Management Committee undertook a site visit and written representations were circulated to Members. At the meeting Tamsin Davies addressed the Committee against the application and Lesley Darke addressed the Committee in support of the application. In accordance with Standing Order B4, Councillor Hernandez addressed the Committee.

Resolved:

Approved subject to:

- i) the applicant submitting revised layout/landscaping plans and an Extended Phase 1 Habitat Survey for the remaining undeveloped areas of the site with natural features (main site and annex site), together with protected species surveys if necessary, which are acceptable to the Director of Place, within three months of the date of this Committee or the application be reconsidered in full by the Committee;
- ii) agreeing an appropriate mitigation strategy for the loss of part of the Local Wildlife Site to be secured by condition or Section 106 Legal Agreement as appropriate which is acceptable to the Director of Place, within three months of the date of this Committee or the application be reconsidered in full by the Committee;
- iii) full payment of sustainable transport contribution or the signing of a Section 106 Legal Agreement to secure sustainable transport contribution as set out in the submitted report, within three months of the date of this Committee or the application be reconsidered in full by the Committee, unless otherwise agreed by the Director of Place in consultation with the Chairman;
- iv) a condition preventing construction of parking places on the Local Wildlife Site until the rest of the parking hereby permitted has been provided and the applicant has demonstrated through appropriate monitoring, the need for the Local Wildlife Site to also be used for parking; and
- v) the conditions set out in the submitted report and any further conditions being delegated to the Director of Place.

(Note1: Councillor Stringer declared a pecuniary interest and left the room.)

60. P/2014/0879/MPA South Devon Healthcare, Torbay Hospital, Newton Road, Torquay

The Committee considered an application for the demolition of existing main entrance and shop. Construction of new main entrance facilities, new critical care unit, new support facilities and plant room. New hard landscaping and planting around new building.

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

Resolved:

Approved, subject to the conditions set out in the submitted report and any further conditions being delegated to the Director of Place.

(Note 2: Councillor Stringer declared a pecuniary interest and left the room.)

61. P/2014/0891/PA Mount Stuart Hospital, St Vincents Road, Torquay

The Committee considered an application for the erection of a single storey rear recovery extension (additional to approved planning application P/2014/0511).

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

Resolved:

Approved subject to the noise conditions imposed on application P/2014/0511 being imposed on this application.

62. P/2014/0909/MPA County Hotel, 52/54 Belgrave Road, Torquay

The Committee considered an application for the change of use from former hotel to eight holiday letting apartments, with two full residential use apartments on the top floor.

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

Approved subject to:

- i) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place, within three months of the date of this Committee or the application be reconsidered in full by the Committee, unless otherwise agreed by the Director of Place in consultation with the Chairman; and
- ii) a condition regarding details of boundary treatment, the conditions set out in the submitted report and any further conditions being delegated to the Director of Place.

Chairman/woman

Agenda Item 5

Application Number

P/2014/0772

Site Address

Landscope Holiday Village
Gillard Road
Brixham
Devon
TQ5 9EP

Case Officer

Mr Alexis Moran

Ward

Berry Head With Furzeham

Description

Continued use of land at Landscope Holiday Park, Gillard Road Brixham in connection with caravan sales (temporary 14 month period).

Executive Summary

The application seeks retrospective permission to use part of the land at Landscope Holiday Park, Gillard Road Brixham for caravan sales for a temporary period until 31st October 2015. The site forms part of a larger area that has an extant permission (P/2009/0452) for the addition of 101 static holiday caravans for occupation between 16th February and 14th January in any year.

The application states that a maximum of five caravans will be on site for sales purposes at any one time. The caravans sited here will be cream in colour and accessed via a gravel path. Planning permission granted under application reference P/2009/0452 required the caravans situated on the outside northern and eastern edges of the site to be clad in a dark brown colour to reduce their visual impact on the AONB. This area includes the application site.

It is considered that subject to the addition of appropriate conditions limiting periods of use, caravan numbers and landscape implementation, the application would not cause significant harm to the AONB or Countryside Zone and is therefore recommended for approval.

Recommendation

Conditional approval for a temporary period until 31st October 2015; suggested conditions are listed at the end of this report.

Final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Site Details

The proposal site is an existing Holiday Park on Gillard Road, Nr Berry Head, Brixham. This is close to the existing administrative building, sales office and car park. The site lies within an Area of Outstanding Natural Beauty, Countryside

Zone and a Coastal Preservation Area. The site is adjacent to a National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI) and Coastal Protection Zone on the coastal fringe and is in the vicinity of the Berry Head Country Park, which is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The site was granted Planning Permission for an additional 101 holiday caravans in July 2012 under planning permission P/2009/0452/PA.

Detailed Proposals

The application seeks permission to use part of the land at Landscope Holiday Park, Gillard Road Brixham in connection with caravan sales for a temporary period to 31st October 2015. The site was used for the display and sale of caravans earlier this year without the benefit of consent. The applicant has advised that caravans for sale would only be stationed at the site between March and October. As such, the site would be vacant between November and February 2014/2015.

The land comprises a simple gravel area for caravan sales. The number of caravans stationed in this location will not exceed 5-units at any one time. These caravans will be 3.7m x 12.2m or 3.7m x 11m in size and would be cream in colour.

It was evident when visiting the site that the boundary hedge, shown as being retained as part of the landscaping scheme for P/2009/0452 (Dwg No. 11053.L06 Rev B) had been removed.

Summary Of Consultation Responses

Natural England No objection

Arboricultural Officer No objection

Landscape Officer This proposal is situated within the South Devon Area of Outstanding Beauty (AONB). The 2 caravans and gravel paths are currently prominent in views from Gillard Road. However with the implementation of the soft landscaping (native hedgerow and specimen trees) detailed on the approved landscape scheme (P/2009/0452 Dwg No. 11053.L06 Rev B), it is considered that the proposals would not have a detrimental visual impact on the AONB.

It is important that this planting is implemented during the current planting season (Nov 2014 - March 2015) and it is recommended that a condition be attached to any approval to secure this.

Highways No objection

Brixham Town Council Refusal. The colour of the caravans is out of keeping with landscape. Green would be more appropriate.

Summary Of Representations

One letter of objection has been received which referred to the original permission P/2009/0452 which required the caravans in this area to be painted brown.

After following the Councils Site Review Meetings procedure it was considered appropriate that the application is considered by the Development Management Committee.

This letter has been electronically sent to Members for their consideration.

Relevant Planning History

P/2009/0452 Use of land for the stationing of additional 101 static holiday caravans for occupation between 16th February and 14th January in any year, installation of public footpath and ancillary operations. Conditional approval 26.07.2012

P/2005/1242 Use Whole Site For 11 Months Letting Period. Approved 30.07.2005

Key Issues/Material Considerations

The key issue to consider in relation to this application is the visual impact that the siting of up to 5 cream coloured caravans until October 2015 would have on the character and appearance of the AONB.

Local Plan policy TUS (Tourism Strategy) states that 'Torbay's tourism industry will be developed in a sustainable and competitive manner having regard to environmental resources, through the retention of existing attractions; the investment in new facilities; and by the sensitive development of Torbay's heritage as a tourism asset.' This is considered to be relevant in this instance insofar as the units sold will be moved to elsewhere in the park as part of the larger redevelopment approved by application P/2009/0452.

Although this development is in an area with extant permission for 101 static caravans it is situated within the South Devon Area of Outstanding Beauty (AONB) and the Countryside Zone and would be visible from Gillard Road especially given the removal of the boundary hedge. The caravans that are proposed to be sited in this location until October 2015 are a cream colour and will therefore be more visually apparent.

Policy L1 in the Torbay Local Plan 1995-2011 requires the conservation and enhancement of natural beauty in AONBs to be given priority over other considerations. This objective is consistent with the NPPF which states that

great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

Policy L4 in the Torbay Local Plan 1995-2011 permits development of tourist facilities appropriate to the rural setting within the Countryside Zone providing that the rural character would not be adversely affected and development is carried out to minimise any harm to the environment.

In support of the application a Landscape and Visual Impact statement has been submitted. This concludes that the visual impact of the temporary development of a caravan sales area is greatly limited by the surrounding landform, the extent of existing vegetation and the existing adjacent caravan park uses. The majority of visual receptors within the study area would experience no material change in their views. A very small number of receptors close to the northern boundary of the site would potentially experience a slight adverse residual impact.

The Council's landscape officer has advised that the two caravans and gravel path that were on the site at the time of his site visit and are visible from Gillard Road. With the implementation of the native hedgerow and specimen trees shown on the approved landscape scheme it is considered that the proposed development would not have a detrimental impact on the appearance and character of the AONB.

As part of application P/2009/0452 a detailed landscape strategy was approved which requires its implementation in accordance with a range of conditions relating to boundary treatment, phasing plans and the occupation of units. As part of this strategy it was agreed that the caravans on the northern and eastern boundaries of the larger site were to be clad in dark brown.

For a temporary period, it is considered that providing the approved landscaping around the site of this application is implemented, ie planting of the hedge to the northern boundary of the application site, to mitigate visual impact, paler colours could be used in the location of the current application. With the screening that would be provided by new hedge planting along the boundary of the site the visual impact on the natural beauty of the AONB would be limited, and on the basis that it would be for a temporary period it could be concluded that the proposal would not harm the landscape and scenic beauty of this part of the AONB. There would be no permanent impact on the high quality landscape character of the area as the caravans would be replaced with those approved under application reference P/2009/0452 after 31st October 2015.

It is therefore important that a condition should be imposed to ensure the implementation of the soft landscaping (native hedgerow and specimen trees) detailed on the approved layout plan 2083-02 shall be carried out at the earliest possible time. As the applicant has advised that the caravans are not currently

on site this needs to be implemented before they return in March 2015. It would be good practice to carry out the planting by 31st January 2015 so that it is provided within the current planting season.

Given the concern of a local resident about adherence to the approved planning consent, monitoring will be required by the Council to ensure that the cream coloured caravans are removed from the site by 31st October 2015. In the event that this is not carried out the Council would need to consider an enforcement investigation.

Conclusions

In conclusion, the proposed caravans would be on the site for a temporary period until 31st October 2015. Providing the approved planting of the boundary hedge is implemented the proposal would not notably harm the visual amenity of the area. The proposed development is considered to be appropriate for conditional temporary planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. The site shall be used for the sale of caravans only between the months of March 2015 and October 2015. The caravans for sale shall be removed from the site between November 2014 and February 2015 .

Reason: In the interests of the amenities of the area and in accordance with the objectives of policies TU9, L1, L3 and L4 of the saved adopted Torbay Local Plan (1995-2011).

02. A maximum number of five caravans used for sales purposes shall be located on the site at any one time until 31st October 2015 at which time the use of the land for the sale and display of caravans use shall cease and the site shall thereafter be used in accordance with planning permission P/2009/0452 (together with any consents granted pursuant to that permission)

Reason: In the interests of the amenities of the area and in accordance with the objectives of policies TU9, L1, L3 and L4 of the saved adopted Torbay Local Plan (1995-2011).

03. The new hedgerow adjacent to the coastal footpath shown on plan reference 208/302 received on 26.7.14 shall be planted prior to 31.1.15 in accordance with the specification approved under application reference P/2009/0452. The gap in the hedge for the gravel path shall be closed with planting as approved under application reference P/2009/0452 in the first planting season after 31.10.15. Any trees or plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve the rural character of the site in the interests of visual amenity and to accord with policies L2, L4, TU3 and TU9 of the saved adopted Torbay Local Plan (1995-2011).

Relevant Policies

- TUS Tourism strategy
- TU9 Refurbishment and redevelopment of holiday
- LS Landscape strategy
- L1 Areas of Outstanding Natural Beauty
- L3 Coastal Protection Areas
- L4 Countryside Zones
- L8 Protection of hedgerows, woodlands
- L9 Planting and retention of trees
- NCS Nature conservation strategy
- NC1 Protected sites - internationally important
- NC2 Protected sites - nationally important sites
- NC5 Protected species
- EP12 Coastal Protection Zone

Agenda Item 6

Application Number

P/2014/0878

Site Address

Land To The North East Of A3022
Brixham Road And West Of Elberry Lane
Churston
Devon

Case Officer

Mrs Helen Addison

Ward

Churston With Galmpton

Description

Variation of Condition 1 of previous planning permission (P/2012/0500) to continue use as a park and ride with temporary buildings

Recommendation

Following expiry of the re-advertisement period on 18th December providing no objections are received, planning permission be granted subject to the conditions that are listed at the end of this report. Final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The eight week target date was 28th October. This has been exceeded due to administration requirements.

Site Details

The application relates to the existing park and ride site situated on the east side of Brixham Road. The site area is 0.59 ha. The site is accessed directly from Brixham Road at a traffic light controlled junction. There is a tarmac entrance to the site off Brixham Road. This leads to a gravelled/hard surfaced turning area which has a bus shelter. Parking for cars is on a field. There are posts and tape in the field to guide the parking layout. The vehicular access to the site also serves the Caymen Golf facility which is located to the north of the site.

Brixham Road is a classified Road, the A3022. In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. The boundary of the Churston conservation area runs to the south east of the site along Elberry Lane.

The site is identified within the Heart of the South West Local Enterprise Partnership's (LEP) bid for funding under Growth Deal 2. In that bid the site is

described as a transport interchange which unlocks key sites in Brixham, particularly Oxen Cove (as one of the City Deal Strategic sites), where transport issues need to be resolved before comprehensive development can take place.

Detailed Proposals

The application is to vary condition 1 of application reference P/2012/0500R3 to allow the use of the park and ride facility to continue after 21.10.14. The application was originally submitted for a further temporary period to be granted until 31st October 2019. Advice in Planning Practice Guidance is that it is rarely justifiable to grant further temporary consents after one temporary consent has been granted. In the light of this advice as it would be good practice for the application to be considered on the basis of a full consent for the park and ride facility the applicant has agreed to revise the application to this effect. This required the application to be re-advertised. The revised consultation period will expire on 18th December 2014.

The application site comprises an area of land 0.590 ha in size. It provides parking for up to 230 vehicles. There is a small building at the southern end of the site that is used as an information kiosk.

Summary Of Consultation Responses

Brixham Town Council Recommends approval

Senior Transport Planner No objection

Natural England No comment

Summary Of Representations

None received

Relevant Planning History

- | | |
|----------------|--|
| P/2012/0500 | Change of use to temporary park & ride facility for 230 vehicles, with temporary buildings to run until 31st October 2014, temporary consent granted 21.6.12 to run until 31st October 2014. |
| P/2010/0444/R3 | Change of use to temporary park and ride facility for 300 vehicles with temporary buildings to run until 30 June 2012, approved 18 May 2010. |
| P/2006/0129/R3 | Change of use to temporary park and ride facility for 300 vehicles for 4 years from 1st April 2006, with temporary buildings. Application approved on 3rd April 2006 to run until |

31st March 2010.

P/2005/0240/R3 Change of use to temporary park and ride facility with parking for 400 – 450 cars for a period of 12 months commencing April/May 2005, with temporary buildings. Application approved for a limited period until 31st March 2006.

Key Issues/Material Considerations

The main issues are the principle of the continued use of the park and ride facility, highways, impact on visual amenity, ecology and the way in which the site could help unlock redevelopment (for marine related employment) Oxen Cove.

In the Torbay Local Plan 1995-2011 the site is designated as Countryside Zone. Dartmouth Road is shown as being part of the major road network. Policy L4 is applicable to development within the Countryside Zone. This Policy states that development will not be permitted where it would lead to the loss of open countryside and creation of urban sprawl. A number of forms of development that would be appropriate in the countryside zone are identified. There isn't a specific category that would be applicable to the use of the site for park and ride although it could be argued that it would fall within category (7) 'facilities for the well being of the community at large'.

The proposal would be largely consistent with the objectives of Policy L4 in that it does have a minimal impact on the open countryside. The majority of the site has remained as a grass field which minimises its visual impact and retains the semi rural character of the area. There is a small building on the site and a hard surfaced access. This scale of development is considered to be appropriate in this location and does not adversely affect the mainly undeveloped character of the area. Furthermore in the event that the park and ride facility was to cease operating the small building and hard surfaced turning area could be removed and the land returned to its original form.

Policy T11 in the Torbay Local Plan 1995-2011 relates to the provision of park and ride facilities. This identifies four objectives that park and ride schemes have to meet to be acceptable. They are as follows;

- (a) Contribute to the objectives of developing a sustainable transportation strategy, improving accessibility and reducing town centre congestion and pollution
- (b) Located on the edge of or close to the built up area, in order to maximise accessibility from the surrounding catchment area

(c) Do not have an adverse impact on landscape, nature conservation, and countryside policies

(d) Have a satisfactory vehicular access and do not create conditions of danger to road users.

The site is identified as a Transport Hub within the emerging Local Plan (Policy SS6.8), as it is in a sustainable location with good links to existing and planned residential areas, town centres and other retail centres, healthcare facilities and radial or orbital routes. The policy supports improvements to the strategic transport network, which includes transport hubs and states that the Council will seek to facilitate delivery of strategic transport schemes through the safeguarding of land and/or contributions from development. As the new Local Plan has only recently been subject to examination by the Planning Inspectorate this policy carries very little weight in the determination of this application.

The park and ride facility is consistent with the objectives of Policy T11 above. It was originally provided to meet the shortfall of parking spaces in the centre of Brixham when the multi storey car park was demolished. As the Brixham town centre multi storey car park has not been replaced it clearly meets objective (a) above. The site is located close to the edge of Brixham and does meet the objectives of improving accessibility and reducing town centre congestion. As referred to above it is consistent with the form of development that is identified as being acceptable within the countryside zone. Finally there is a traffic light controlled access that provides a safe form of access for users of the facility. The Senior Transport Planner has not raised any issues in respect of highway safety.

The site is within the sustenance zone as identified in the South Hams Special Area of Conservation (SAC). Natural England has been consulted on the proposal and has no comments to make. As the site has been in use as a park and ride facility for nine years it is considered that a continuation of the use would not have any greater effect on Greater Horseshoe Bats than currently exists.

The application site area exceeds the threshold of 0.5 hectares for Environmental Impact Assessment screening. The proposal has been screened in accordance with the 2011 Town and Country Planning EIA regulations and it has been determined that it does not constitute EIA development.

Advice on granting temporary planning consent is contained in the Planning Practice Guidance. This states that "it will rarely be justifiable to grant a second temporary permission- further permissions should normally be granted permanently or refused if there is a clear justification for doing so". In this case as temporary consent for the park and ride facility has been granted under several applications for several years. To grant a further temporary consent would be contrary to the advice in the Planning Practice Guidance and therefore

it would be good practice to determine this application on the basis of a full application. As stated above the application has been revised to an application for full planning permission.

In October 2014, the LEP submitted its Growth Deal bid to Government. The submission promotes use of Oxen Cove for marine related employment to support innovative and growing marine industries, which is a core component of the Plymouth and SW Peninsula City Deal. The bid asks for funding of £5M to help deliver a number of sites and projects, under the project title of MIPC Marine Sites package. There is strong interest in Oxen Cove from marine related industries and ongoing discussion about development of the site. It is evident that a key component of successful development is the relocation of existing parking spaces on the site. As such, the LEP Growth Deal submission also supports delivery of the Park and Ride facility at Churston (the 'Brixham Transport Hub'), as one of a number of connectivity projects across the LEP area, and asks for funding of £650,000 to facilitate delivery of the transport hub. This application is, as such, in line with the Council's and LEP's support for a transport hub to serve Brixham and in line with the ambition to unlock Oxen Cove for marine related employment development.

S106/CIL -

Not applicable in this case as the proposal would contribute to the delivery of sustainable a transport route into Brixham Town Centre, and would reduce congestion in the town centre.

Conclusions

In conclusion, the proposed development constitutes an acceptable form of development in this location that is consistent with the objectives of Policies contained in the Torbay Local Plan 1995-2011. The park and ride facility contributes to the delivery of sustainable transport in the area and has a public benefit as it reduces congestion in Brixham Town Centre. It is therefore appropriate to grant planning permission for this use of the site.

Condition(s)/Reason(s)

01. In the event that the use of the site for park and ride ceases the building on the site shall be removed and the land made good.

Relevant Policies

- L4 Countryside Zones
- NCS Nature conservation strategy
- NCS Nature conservation strategy
- TS Land use transportation strategy
- T11 Park and Ride
- T26 Access from development onto the highway

Agenda Item 7

Application Number

P/2014/0704

Site Address

Land Adj No. 7 (playground) Glebeland Way
Torquay
Devon
TQ2 7RP

Case Officer

Mr Robert Pierce

Ward

Shiphay With The Willows

Description

Construction of one split level 4-bedroom detached house with associated parking

Updated Officer report December 2014

Executive Summary/Key Outcomes

The Development Management Committee received a report on this proposal in September 2014. The application was deferred for further negotiations in respect of the proceeds of the sale of the land being used to upgrade play facilities in the immediate vicinity.

Subsequent to the recommendation of a meeting of the Council on 1st May 2014, the Mayor decided that certain land owned by the Council, including the land that is the subject of this application, was no longer required for service delivery and was suitable for disposal.

The application has been submitted on behalf of the Council for outline consent for the construction of a detached dwelling. Access is to be considered as part of this application but the remaining matters of appearance, landscaping, layout and scale are to be addressed at reserved matters stage.

The application site is within the Veille Park Estate and is one of two play areas in relatively close proximity (the other being Exe Hill Play Area). The application site is still used as a play area by a low number of residents, and it is serviceable even though it is steeply sloping. It is not well overlooked and is in a poor location.

The principle of a detached dwelling in this location is considered to be acceptable with the building height and design to be determined at reserved

matters stage. It is considered that a suitably designed and scaled property, along with sufficient additional landscaping, would result in a dwelling which would sit quite comfortably within a relatively large plot and would be in keeping with the character of the surrounding residential area which comprises a mix of detached, semi-detached and terraced properties.

A section 106 agreement is required to secure necessary contributions in accordance with the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) and its Update 3, and the adopted Council Report 'Third Party Contributions towards the South Devon Link Road'.

Recommendation

Subject to the completion of the S106 legal agreement outline planning permission be granted with conditions as set out at the end of the report.

Statutory Determination Period

The eight week target date for the application is 16th September 2014. The application has exceeded the target date because it has been deferred by the Development Management Committee for further information.

Site Details

The application site is a steeply sloping irregularly shaped area of land (0.383 hectares) and is currently in use as a children's play area. There are two pieces of children's play equipment on the site. The site fronts onto Glebeland Way and slopes down to a central level plateau with a further slope down to a footpath which runs along the rear of properties on Fowey Avenue. There are two public sewers which run through one side of the site which restrict development to the North West half of it. A tree, which is located off site, has a root spread into the site and limits the developable area of the site.

Detailed Proposals

The application is submitted in outline with all matters reserved apart from access for construction of a detached dwelling with parking. The submitted plans indicate that there would be an access from the Glebeland Way frontage and a feasibility scheme indicates that one dwelling can be accommodated, to the northern part of the site, without impediment to the servicing of the sewers. The drawings also indicate that the gradient of the access is 1in10.

Summary Of Consultation Responses

Highways No objection subject to achieving an access drive no steeper than 1 in 8

Strategic Transport SPD contribution of £2710 to support provision and enhancement of public transport infrastructure.

Drainage Engineer Details of infiltration tests to ascertain whether the site is suitable for soakaways otherwise confirmation will be required that SWW will accept surface water from the development onto their system.

Arboricultural Officer Scheme acceptable subject to landscaping and tree protection conditions.

Natural Environment Officer Glebeland Way playground is a site which is not overlooked by local housing and is therefore generally considered a poor location for a playground. The play area is not surplus to requirements; it is still used by a very low number of residents and it serviceable. The proceeds of sale from the disposal of this site would be beneficial to the capital improvement of another playground facility - Exe Hill Playground - which is situated within 480m of Glebeland Way. This would allow for the replacement of existing equipment and further expansion of the equipment available, increasing the provision of and play value of play facilities for younger children in Shiphay.

South West Water Observations awaited

Summary Of Representations

Nine letters of representation have been received that raise the following points :

- Loss of the children's playground.
- Increase in parking problems
- Loss of a thoroughfare
- Overlooking into adjoining properties
- Loss of Light

A copy of these have been sent electronically for Members consideration.

Relevant Planning History

Pre Application Discussion - Principle of residential considered acceptable

Key Issues/Material Considerations

The main issues are the principle of residential development in this location, accessibility, the impact of the proposal on the amenity of adjoining occupiers and the loss of the playground.

As the application is in outline with appearance, layout, landscaping and scale to be considered at reserved matters stage, the form of development does not need to be addressed at this time.

Principle and Planning Policy

The principle of constructing a dwelling on the site would be consistent with Policies H2 and H9 in the Torbay Local Plan 1995-2011. The predominant existing use of the immediate area is residential. There is a mix of housing types within Veille Park and a detached dwelling, set back from the road frontage, would not be out of character.

The site is constrained by the existence of public sewers which run through it and therefore only one half of it can be developed in the form of a detached dwelling. This has provided the opportunity to make provision for a larger than average area for parking and garden/amenity space.

Accessibility

The feasibility plan demonstrates that three off street parking spaces can be provided and that the access will have an acceptable gradient of 1:10.

Amenity -

In relation to amenity, the closest neighbour is No 7 Glebeland Way which is set approximately 2 metres off the boundary. In order to allow for a Service Zone for the public sewers, the proposed dwelling has to be set at approximately 600mm off the north western boundary. The distance between the properties is considered to be acceptable and the stairwell windows to the proposed side elevation on the indicative drawings could be obscure glazed to prevent overlooking into a first floor window on the side of No 7 Glebeland Way. The inclusion of an indicative terraced area over the lower ground floor projection could result in overlooking and its inclusion would have to be carefully considered at the detailed design stage. Concern has been raised by residents on Fowey Avenue that the proposed dwelling would overlook the rear of their properties and would result in a loss of light. The distance between the proposed dwelling and the rear of the properties on Fowey Avenue is in excess of 20 metres which is considered to be an acceptable distance in terms of protecting amenity. There is also a public footpath between the curtilages. Notwithstanding the distance between properties, screen planting along the rear boundary of the site is recommended and should be required by condition.

Loss of the Playground

Most of the representations received are concerned about the loss to the community of the playground. As a condition of the Government's 'Play Builder' scheme the Council has analysed its play spaces and as a result the Glebeland Way Playground received one of the lowest scores. In summary this was because the playground is not well overlooked, its access is poor and the size and topography is not commensurate for play.

Policies R 5 and R6 of the adopted Local Plan are relevant.

Policy R5 permits changes of use or development involving the loss of public open space if it can be demonstrated that the existing provision is redundant and no longer required for school or community use and has no visual amenity, landscape importance or informal amenity value.

Policy R6 requires that development involving loss of urban play parks will only be permitted where, firstly, they are inappropriately located in relation to residential areas, where they impact on residential amenity, safety or demand for the facility; or, secondly, development would on balance achieve a more effective provision of recreation or leisure facilities elsewhere within the locality.

The Mayor, on the recommendation of a meeting of the full Council has determined that the play area is no longer required for service delivery. The site is, according to the Natural Environment officer, in a poor location and is poorly overlooked. Use of the play area does not have an impact on residential amenity, but the poor level of overlooking has safety implications for those using the play area. There demand for the facility at Glebeland Way appears to be low. Hence the proposed development is acceptable in principle.

Members have asked officers to investigate the possibility of using funding from the sale of the site to improve Exe Hill playground. Such additional funding could be secured either by use of the proceeds of sale or through a S106 agreement (which would be paid by the eventual owner of the land, but would reduce the Council's capital receipt commensurately).

Advice from Legal and Finance officers is that the recommendation of the Council to the Mayor on 1st May 2014 was that this and other areas of land were no longer required for service delivery (redundant). The recommendation did not specify that this area of land should be disposed of in order to achieve a more effective provision of play facilities at Exe Hill. It is the Council's Corporate Policy to 'pool' capital receipts and ensure that pool is used to fund priority projects. Improvements to Exe Hill Playground are not identified as a priority project. For this reason proceeds of sale cannot be used for Exe Hill Playground.

Additional funding, above that set out below, for improvements to Exe Hill Playground cannot be secured through a S106 agreement because the Community Infrastructure Levy Regulations 2010 only allow planning authorities to require a S106 obligation if the obligation is, amongst other things, necessary to make the development acceptable in planning terms.

In this case, the proposals are acceptable in planning terms. Any requirement for extra money towards park improvements would fail the Community Infrastructure Levy test and not be lawful.

However, S106 'Greenspace and Recreation' contributions relating to the development will be lawful because they mitigate the impact that this development, of an additional family home, will have on the demand for play parks in the area. This contribution will be specifically used for Exe Hill Play Area only.

S106/CIL -

Section 106 contributions in accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery would be required for the following;

Sustainable Transport	£2,385.00
Waste Management	£ 50.00
Lifelong Learning	£ 85.00
Greenspace and Recreation at Exe Hill Play Area)	£2,045.00 (specifically targeted
South Devon Link Road	£ 975.00
Admin Charge	£ 277.00

Total Payment £5,817 or early payment of £5,526

These contributions are based on the indicative size of the dwelling being less than 120 sq metres.

Conclusions

In conclusion, the principle of the proposed development is acceptable and, subject to the proposed S106 agreement and conditions, is in line with national and local planning policy and relevant material considerations.

The Council had declared that the existing playground is no longer required for service delivery. Its siting is not commensurate for good quality, safe children's play and its re-use is therefore appropriate.

The proposed residential use would be consistent with the predominant residential character of the area and would provide a detached family home within a large plot.

Condition(s)/Reason(s)

01. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:(i) layout;(ii) scale (including the datum level at which the dwelling are to be constructed in relation to an agreed fixed point or O.S. datum);(iii) appearance (including schedule of materials for all external hard-surfaced areas); and(iv) landscaping (including boundary treatment and all means of enclosure).The reserved matters shall be carried out as approved.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

02. The development shall not be occupied until the vehicle parking areas shown on the details to be submitted and approved under Condition 1 above have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

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

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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. The approved Statement shall be adhered to throughout the construction period.

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.

04. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence is to be provided demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above

demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land: (2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land: (4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. The dwelling shall not be occupied until the approved surface water drainage system has been completed as approved and the said approved drainage system shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policies EPS and EP11 of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the development, whichever is the sooner, in earlier planting seasons where practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the area, and to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011.

06. Prior to commencement of development, tree protective fencing in accordance with B.S.5837:2012 Trees in relation to design, demolition and construction shall be installed around the offsite Ash Tree identified in the South West corner of the site on drawing no.1403.101. There should be no change to the soil levels within the defined area to protect root zones.

Reason: In the interests of the amenities of the area and to accord with saved Policy BE2 of the Adopted Torbay Local Plan 1995-2011.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that order, no development of the types described in Schedule 2, Parts 1 and 2 shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area in accordance with saved Policies BES, BE1, H9 and H15 of the Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. The applicant is advised that the landscaping scheme to be submitted as a reserved matter should include the provision of 1 tree to be planted to the front of the site.

02. The applicant is advised that written confirmation that SWW will accept surface water from the development onto their system is required if the site is not suitable for soakaways.

Relevant Policies

R5 Protection of public open spaces
BES Built environment strategy
HS Housing Strategy
H2 New housing on unidentified sites
BE1 Design of new development
BE2 Landscaping and design
EP11 Flood control
NPPF National Planning Policy Framework
H9 Layout, and design and community aspects

Agenda Item 8

Application Number

P/2014/1121

Site Address

First Church Of Christian Science Torbay
228 Union Street
Torquay
Devon
TQ2 5QS

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Removal of condition 3 (use only as Church) of planning approval P/1991/1711 to permit open use within Use Class D1 (Non-Residential Institutions)

Executive Summary/Key Outcomes

The proposal relates to the use of a relatively modest building located in the Torre shopping area, which changed use from a wholesale warehouse in the early 1990s to a church. It remained in use as a church until fairly recently.

The proposal seeks to remove a restrictive condition attached to the previous planning permission that limited the use solely to that of a church and for no other use, including other uses within the same use class (D1 - Non Residential Institutions). The application does not seek a change of use of the building in relation to the use classes order, it seeks to permit other uses usually allowed in-line with the use classes order and D1 class. Following the closure of the church the removal of the condition is sought to permit the building to be used as a community centre.

The removal of the condition will provide flexibility for the building to be used for other similar uses. This would for example permit a variety of uses such as a health centre, crèche, museum, community hall, art gallery, training centre, or forms of religious instruction.

Lifting the restrictive condition is considered acceptable on planning merit.

The building and location is considered appropriate for open D1 use, being centrally located in a mixed use area with good access available for the community. Other D1 uses are unlikely to result in determinable change to noise, traffic or other matters resulting from use.

Recommendation

Approval; conditions delegated to the Head of Place, to include hours of operation.

Site Details

228 Union Street Torquay, formally the First Church of Christian Science, a relatively modest scaled building on the south side of Union Street in the Torre Shopping Area and Tormohun Conservation Area.

The area has a largely shopping character, although there are pockets of residential use adjacent, on the upper floors above shops, and in neighbouring streets. Other significant uses in the immediate area include a snooker/pool hall opposite the site and the Conservative Club adjacent. Within a wider radius sit other D1 uses such as churches, medical facilities and community centres.

In the Saved Torbay Local Plan the site is shown as being within the Higher Union Street Local Centre (Policy S10.14).

Detailed Proposals

Remove Condition 03 attached to a planning approval granted in January 1992 (proposal for a change of use from a warehouse to a church) that restricted the use to a church and no other use, including any use within the same class as defined by the Town and Country Planning Use Classes Order 1987 (as amended).

Summary Of Consultation Responses

None.

Summary Of Representations

There have been no representations submitted in direct response to the formal application following its advertisement.

Prior to submission a petition of 166 signatures was received citing concern over future use of Number 228 in regard to the concentration of centres and HMOs in the area and their affect on anti-social behaviour and the general character of the area.

These have been electronically sent to Members for their consideration.

Relevant Planning History

P/1991/1711 Change of use from wholesale warehouse to a church -
Approved with conditions 24.1.92

Key Issues/Material Considerations

Saved Local Plan Policy CF1 (Provision of new and improved community facilities) is the key relevant local plan policy against which this proposal should be assessed. It states that new and improved community facilities will be permitted where they;

- (1) Would be readily accessible to the local community

- (2) Would not impact adversely on adjacent properties and surrounding neighbourhood, and
- (3) Would not cause serious congestion or a road safety hazard.

The key material consideration is whether providing flexibility for the building to be used for other uses within the same use class would provide an acceptable form of development considering the policy aims above.

The site is in a sustainable central location and is readily accessible to the local community.

The existing church use provides an established context for D1 use and it would be unlikely that wider amenity impacts from other uses within the same use class would arise. The concept of uses within the same class, by definition, will provide uses that are so similar in planning terms that the change from one to another does not normally require planning permission. It is noted that there are a number of uses that generate activity in the local area and the proposed use should be considered within the context of the site being located within a local shopping centre where there is already a level of activity. In order to consider the amenity of nearby residents it is suggested that a condition controlling the hours of use of the building is imposed.

In regard to road safety any proposed use within the D1 class is unlikely to result in any change to congestion or road safety over the current church use. The site is centrally located with good access for the community on foot and with public transport links and public parking nearby.

Removing the restrictive condition and providing the opportunity for broader use within the same use class is considered acceptable in the context. Retaining the use solely as a church is considered overly restrictive and would not provide the ability for the building to respond over time to market and commercial trends and keep the building in use.

S106/CIL -
N/A.

Conclusions

The building is considered suitable for open use within the class D1 "non-residential institutions" and hence the proposal to remove the condition is considered acceptable when assessed against planning policy and other material considerations and is recommended for approval.

Condition(s)/Reason(s)

- 01. hours of operation

Relevant Policies

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