



Friday, 10 April 2015

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 20 April 2015

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 Pountney

Councillor Stockman

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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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 - 6)
To confirm as a correct record the Minutes of the meeting of this Committee held on 16 March 2015.

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/2015/0097/MOA Land To The Rear Of Broadway, Dartmouth Road, Brixham** (Pages 7 - 15)
Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.

6. **P/2015/0029/PA Orcades Hotel, 12 - 13 Esplanade Road, Paignton** (Pages 16 - 21)
Change of use from Hotel to student residence/hostel.

7. **P/2015/0052/PA Fernicombe Windmill, Adj To Windmill Cottage, Windmill Lane, Paignton** (Pages 22 - 29)
Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.
8. **P/2015/0053/LB Fernicombe Windmill, Adj To Windmill Cottage, Windmill Lane, Paignton** (Pages 30 - 33)
Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.
9. **P/2015/0092/HA 15 Duchy Drive, Paignton** (Pages 34 - 37)
Single Storey extension to side, single storey rear extension, increased roof height and depth.
10. **P/2015/0148/PA Land Adjacent 51 Longmead Road, Paignton** (Pages 38 - 40)
Change of use from highway to residential (public footway and protected trees to remain) to increase size of garden at 51 Longmead Road.
11. **P/2014/0859/MPA Torbay Hospital, Newton Road, Torquay** (Pages 41 - 59)
Reorganisation of the parking and cycling provision to serve the hospital including improvement to access and landscaping.
12. **P/2015/0067/PA Maycliffe Hotel, St Lukes Road North, Torquay** (Pages 60 - 67)
Change of use from former hotel to 11 flats with some remodelling of roofs and installation of terraced amenity space.
13. **P/2015/0123/PA Highways Land On Lower Warberry Road, Torquay** (Pages 68 - 72)
Removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.
14. **P/2015/0132/MPA Eclipse Lodge, Rawlyn Road, Torquay** (Pages 73 - 80)
Change of use from care home to 10 residential units including demolition of existing flat roofed first floor side extension and conservatory to rear elevation. Erection of pitched roof first floor side extension, replacement windows and minor alterations.
15. **V/2015/0003 The Corbyn Apartments, Torbay Road, Torquay** (Pages 81 - 84)
Deed of Variation of Section 106 Agreement (Planning approval P/1991/0370 - Erection Of 17 Holiday Units And Associated Parking) - Reallocation of 8 unrestricted apartments to floors 2 and 3.
16. **Spatial Planning - Annual Performance Report 2014/15** (Pages 85 - 111)
To note the Spatial Planning Annual Performance Report for 2014/15.
17. **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.

18. 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, 15 April 2015. 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

16 March 2015

-: Present :-

Councillor Kingscote (Chairman)

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

(Also in attendance: Councillors Thomas (D), Thomas (J) and Lewis)

85. Minutes

The Minutes of the meeting of the Development Management Committee held on 9 February 2015 were confirmed as a correct record and signed by the Chairman.

86. P/2013/0785/MPA, Wall Park Holiday Centre, Wall Park Road, Brixham

The Committee were advised by the Senior Planning Officer, that a further request had been made for an extension of time to finalise the Section 106 Legal Agreement. Members were further advised that officers were confident the agreement would be completed within the next three months.

Resolved:

That the deadline for completion of the Section 106 Legal Agreement be extended by three months from the date of this Committee. That the signing of the Section 106 Legal Agreement be delegated to the Director of Place in consultation with the Chairman and Ward Councillors.

(Note: Councillor Tyerman declared a non-pecuniary interest as a Trustee of Torbay Coast and Countryside Trust, and left the room.)

87. P/2014/0938/MOA, Land Off Luscombe Road, Paignton

The Committee considered an outline application with all matters reserved apart from access for the formation of 68 dwellings with associated road 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 Vicky Hague and Annette Williams addressed the Committee against the application and Richard Maddock addressed the Committee in support of the application. In accordance with Standing Order B4, Councillors Thomas (D) and Thomas (J) addressed the Committee.

Resolved:

That the application be deferred for further information in respect of the impact of the proposed development on the junction of Luscombe Road and Kings Ash Road.

88. P/2014/0947/MOA, Land Off Brixham Road -Long Road, Former Nortel Site, Paignton

The Committee considered an outline application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and/or B8 business and/or warehousing uses, up to 8,501sqm Class A1 (bulky goods) retail with up to 515 sqm garden centre, and up to 139 sqm of A3 cafe/restaurant uses, along with related site access, access roads and paths, parking, servicing, open space 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 Jeremy Heath and Jonathan Best addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) the applicant providing satisfactory further evidence to demonstrate that the external and abnormal costs are robust, and the applicant agreeing in writing to a full open-book deferred contributions mechanism or alternative, which is acceptable to the Director of Place to secure additional affordable housing and sustainable development contributions should the viability of the development improve at implementation and throughout the construction phases, or the application be refused prior to the agreed extended time period;
- ii) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place prior to the expiration of any agreed extended time period for the determination of the application, or the application be refused. If the Legal Agreement is not signed within, three months from the date of this committee, the application is to be reconsidered in full by the committee; and
- iii) the drafting and determination of appropriate planning conditions be delegated to the Director of Place, including restrictive 'bulky goods' retail conditions that are satisfactory to the Director of Place in consultation with the Chairman and ward Councillors.

89. P/2014/1238/MPA, Paignton Pier, Eastern Esplanade, Paignton

The Committee considered an application for a new first floor over existing building for outdoor cafe use. Entrance towers over existing building. Bridge connecting new first floor over existing two buildings. New disabled toilets. Re-cladding and re-fenestration of existing buildings. General use of pier open decks. (Revised plans received).

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:

- i) the applicant submitting a site specific flood risk assessment 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; unless otherwise agreed by the Director of Place in consultation with the Chairman; and
- ii) the conditions set out in the submitted report with final drafting and determination of appropriate conditions being delegated to the Director of Place.

90. P/2014/0901/MPA, 250 Babbacombe Road, Torquay

The Committee considered an application for the construction of additional car parking following demolition of garden centre (retrospective), provision of two water tanks and a pump house, and insertion of mezzanine floor and exterior doors in existing building. (Revised description).

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

Resolved:

Approved subject to:

- i) full payment of contributions or the signing of a Section 106 Legal Agreement to secure contributions prior to the expiration of any agreed extended time period for determination of the application, or the application be refused. If the contributions are not received or the Legal Agreement is not signed within three months from the date of this committee, the application is to be reconsidered in full by the committee; and

- ii) the conditions set out in the submitted report, with final drafting and determination of appropriate conditions being delegated to the Director of Place.

91. P/2014/0902/VC, 250 Babbacombe Road, Torquay

The Committee considered an application for variation of condition 5 of previous planning permission (P/1983/0353) to permit additional items to be sold.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mark Wood and Chris Dawson addressed the Committee in support of the application; a late representation from the Torbay Development Agency was read to the Committee and officers asked to be able to take further advice to clarify whether the application satisfies the requirements of paragraph 24 of the NPPF.

Resolved:

That the application be refused for the following reason(s) and officers be instructed to commence enforcement action on the basis that:

The applicant has failed to demonstrate in a suitably robust impact assessment that the development as varied will not have a significant adverse impact on investment in the centres in the catchment area of the proposal, or on town centre vitality and viability. The proposal is therefore contrary to saved policies SS and S6 of the Adopted Torbay Local Plan 1995-2011 and paragraph 26 of the National Planning Policy Framework.

92. P/2014/0965/MPA, Former Royal Garage Site, 4-24 Torwood Street, Torquay

The Committee considered an application for mixed use development of hotel, 1 No A1 unit, 3 No A3 units, 3 No B1 office use units and 1 No B1 office use or D1 gym use unit at former Royal Garage site, involving the demolition of property Nos 4-24 Torwood Street, Torquay.

Prior to the meeting, written representations were circulated to members. At the meeting Ed Heynes addressed the Committee against the application and Richard Maddock and Peter Tisdale addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) the signing of a Section 106 Legal Agreement in terms acceptable to the Director of Place within 6 months of the date of this committee or the application be reconsidered in full by the committee; and

- ii) the conditions listed in the submitted report, with final drafting and determination of appropriate conditions being delegated to the Director of Place.

93. P/2014/1182/PA, La Rosaire, Livermead Hill, Torquay

The Committee considered an application for the demolition of existing building and construction of eight new apartments.

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

Resolved:

Conditional approval subject to:

- i) achieving appropriate planning obligations as considered necessary;
- ii) the submission of an ecological survey that is to the satisfaction of the Director of Place;

The following additional conditions to be added to those set out in the submitted report:

- iii) the siting of three bat boxes and two bird boxes; and
- iv) an ecological consultant being consulted immediately should bats be encountered during construction.

94. P/2015/0042/PA, Princess Gardens, Off Torbay Road, Torquay

The Committee considered an application for the temporary erection and operation of a 50m observation wheel with ticket booking office to the west (front of wheel) adjoining coffee and crepe unit within a timber decked seating area to the south (facing out to the harbour) and secure panelled service, ride control and generator compound area to the east (pavilion side). Open daily to the public from Saturday 28 March 2015 until no later than Sunday 1 November 2015.

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

Resolved:

That temporary consent be granted until 6 November 2015, with the conditions as set out in the submitted report.

95. P/2015/0103/VC, 5-7 Ilsham Road, Torquay

The Committee considered an application for the variation of condition 7 pursuant to P/2014/0827 (2 new dwellings and change of use from A3 (restaurant and

cafes) to A1 (shop) and also from part, C3 (dwelling house) to A1 (shop)) – hours of operation of shop.

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

Resolved:

That the condition be varied to allow operation of the shop between the hours of 07.00 and 23.00 daily.

Chairman/woman

Agenda Item 5

Application Number

P/2015/0097

Site Address

Land To The Rear Of Broadway
Dartmouth Road
Brixham

Case Officer

Mr Alexis Moran

Ward

Churston With Galmpton

Description

Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.

Executive Summary/Key Outcomes

The application seeks outline consent for a development of up to 10 residential dwellings and associated infrastructure, within an area of land to the west of the Dartmouth Road and south of the Weary Ploughman. The site is within the Countryside Zone.

Outline permission was granted for this scheme at the Development Management Committee meeting of 13.10.2014. Although outline consent was given to the previous application (P/2014/0687) the applicant has reapplied as a result to changes in Government policy. These changes mean that the local planning authority can no longer seek 'pooled' contributions in respect of developments of 10 dwellings or fewer with a maximum combined gross floorspace of less than 1000m². Therefore the applicant seeks a fresh approval with a new section 106 Agreement to accord with Government policy. The new Agreement is likely to include transport, greenspace/recreation and waste contributions, but no other contributions. DMC's original approval would have secured around £29,000. The new Agreement is likely to secure around £2,000, to mitigate the impacts of development.

Recommendation

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

Target Date

The 13 week target date for determination of this application is 15.05.2015.

Site Details

The site is located to the west of the Dartmouth Road and to the south-east of the Weary Ploughman Public House. Churston Grammar School playing fields lie to the west of the site and there is a petrol filling station to the south. The site is

within an area designated as Countryside Zone, is within the Greater Horseshoe Bats foraging zone and an area known to be used by Cirl Buntings. The Application Site is classed as being of 'low' value to bats and the proposed development will not result in the loss of any features of value for roosting and/or feeding. A Tree Preservation Order covers the east and north boundaries of the site, to the west boundary the land is designated as an Area of Great Landscape Value (AGLV). The site area measures 0.27 hectares.

The site is located within the Churston Village Envelope in the emerging Local Plan "A landscape for success". This identifies it as an area which could provide appropriate levels of housing provided that it would be in keeping with the density and character of the area.

Detailed Proposals

The application seeks permission in outline for access to a development of up to 10 dwellings and associated infrastructure. All matters other than access are reserved.

As the application is in outline with appearance, layout and scale to be considered at reserved matters stage the form of development does not need to be addressed at this time. It is the principle of the development on the site that should be considered under this application.

Summary Of Consultation Responses

Arboricultural Officer - No objection to the proposed access, however any future development may be restricted due to the protected trees and hedgeways on the site.

Environment Agency - No objection; the recommendations in the submitted contamination assessment should be implemented.

English Nature - No objection

Drainage - No objection

RSPB - Awaiting revised comments

Highways/Strategic Transportation - The southern visibility splay will need to be improved, around the radius on Dartmouth Road towards Brixham. The councils policy would be to adopt the new road. Therefore the developer would need to enter into a Section 38 Agreement with the council and submit detailed technical drawings using dimensions and specifications from The Torbay Council Design Guide. With the additional trips it is recommended that a right turn lane off Dartmouth Road into the existing side road, and suitable road demarcation provided to allow vehicles to turn safely right out of the side road towards Brixham.

Summary Of Representations

None received.

Relevant Planning History

P/2014/0687 - Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access. Approved by Development Management Committee on 13.10.2014

Formal pre-application advice provided in May 2014. This related to a residential development consisting of 14 dwellings and associated infrastructure. The Officer response stated that the density of the development would need to be reduced (DE/2013/0137).

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
 2. Visual Impact
 3. Impact on Residential Amenity
 4. Access and Impact on Highways
-
1. The Principle of the Development

Saved Adopted Torbay Local Plan Policies 1995-2011

- 1.1 As the site is within the Countryside Zone the proposal must accord with the requirements of policy L4 of the saved adopted Torbay Local Plan 1995-2011. This policy aims to safeguard Torbay from urban sprawl and the merging of urban areas in order to preserve the special character of these areas and of the towns and villages within Torbay.
- 1.2 The policy states that Countryside Zones have been identified in areas where it is desirable to retain the existing rural character and development should be designed so as to minimise the impact on the open countryside. An important consideration is therefore whether the proposed development would affect the rural character of the area. The Torbay Landscape Character Assessment describes the land to the west of the site as rolling farmland; however the site itself is defined as having an urban character (Type 9 Main Cities and Towns). Policy L4 does not prevent all residential development within the Countryside Zone. Point 6 of this policy specifically states that "infill development within the existing areas of settlement" could be acceptable, provided the rural character of the area is not adversely affected. The emerging local plan identifies the site as within the Churston Village Envelope which would suggest that the council deems the site to be an area of infill within an existing area of settlement.

- 1.3 The current application also requests permission for the formation of an access. The proposed access is off the existing slip road serving the Weary Ploughman public house. It would be at a lower level than the Dartmouth Road and will be partially screened by trees. As such the proposed access would not have a negative impact on the aesthetics of the surrounding area. The proposed access is acceptable.
- 1.4 Whilst the layout, design and massing drawings are indicative only, they do help illustrate the way in which development could be accommodated on the site. They demonstrate that, on balance there is potential for an appropriate development to comply with policy L4. Policies H2 & H9 require development to be of a high design quality and to be of an appropriate scale, massing and density as well as to incorporate the surrounding residential context. This scheme offers the opportunity to provide high quality design as well as a chance to enhance the environmental and landscape qualities of the area. These matters will be determined at Reserved Matters stage. The proposal therefore has the potential to comply with policies H2 and H9 and H10 of the saved adopted Torbay Local Plan 1995-2011.

Emerging Torbay Local Plan "A landscape for success"

- 1.5 Within the emerging Local Plan the site remains within the Countryside Zone. However it is also included within the Churston Village Envelope, this policy allows for suitable infill which is of an appropriate, modest scale and is consistent with the relevant Local Plan Policies. The emerging plan policies do carry some weight at this stage although the adopted Local Plan policies carry more weight.
- 1.6 Policy DE7 (design) of the emerging Local Plan, which is in line with para. 55 of the NPPF, is also relevant and carries a little weight to the decision making process. It requires development to:
 - Have a clear urban structure and grain that integrates with the surrounding context;
 - Relate to the surrounding built environment in terms of scale, height and massing; and
 - Evolve high quality architectural detail with a distinctive and sensitive palette of materials
- 1.7 The indicative plans submitted with the application would not be acceptable in relation to this policy. But they do show that up to 10 homes could be built on the site subject to meeting the design policy objectives.
- 1.8 In relation to the policy requirements of the existing and emerging Local Plans, as describes above, it is considered that the principle of development is acceptable. Detailed matters, such as design, will be

considered at Reserved Matters stage.

2. Visual Impact

2.1 The visual impact of the proposed access will be minimal given the existing tree coverage, that it is slightly lower than road level and that it is located off of an existing access used as a slip road to the Weary Ploughman.

2.2 It is considered that the visual impact of the residential development would be acceptable with a suitable layout, design and landscaping scheme. This can be considered as part of the Reserved Matters stage.

3. Impact on Residential Amenity

3.1 The site is not located in an area where there are numerous residential properties at present and as such the only impact will be on the adjacent property known as "Broadway". The application at this stage is in outline and solely for access, the number of dwellings and their siting is yet to be determined and therefore the potential impact on this property would need to be judged at Reserved Matters stage.

3.2 The Weary Ploughman public house is in excess of 50 away from the site. Given this distance it is considered that there would be no unreasonable amenity issues to this building as a result of the development of this site, however this will be reconsidered once a Reserved Matters application is submitted.

4. Access and Impact on Highways

4.1 The consultation responses suggest that the access will require improvements in order to be sufficient to allow for residential purposes. These include the addition of a right turn lane off of Dartmouth Road and suitable road demarcations to allow safe right turns from the development. However there is scope to achieve these requirements, within and immediately adjacent to the site and within the carriageway. In order to ensure these works are undertaken the developer will be required to enter into a section 278 agreement with the Council. It is also likely that the Council will enter into a section 38 agreement to adopt the access road. As such technical drawings and specifications compliant with the Torbay Council Design Guide will be required.

4.2 The objection to this application, whilst supporting the principle of development, raised issues in relation to the safety of the proposed junction given the increase in vehicle movements. However it is considered that these issues can be overcome by the submission of

detailed drawings and a section 278 agreement with the council.

S106

In November 2014 the Government made changes to planning obligations (Section 106) for smallscale developments (10 or less homes) and self-build development. That took immediate effect, for those applications on which a decision had not yet been issued and on future applications. It meant that affordable housing and 'tariff style' contributions could not be sought from small developments. 'Tariff-style' contributions are defined as contributions which are sought to contribute to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. In Torbay these include sustainable transport, South Devon Link Road, loss of employment, lifelong learning, greenspace and recreation, education and stronger communities. However, financial contributions can still be required where they will not be pooled and are needed to pay for specific items. Those contributions must still be compliant with the CIL Regulations.

The applicant has confirmed that they wish to enter into a Section 106 agreement and, bearing in mind the information above, this agreement will include contributions towards waste, sustainable transport and greenspace.

Conclusions

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

Condition(s)/Reason(s)

01. Reserved Matters

- a) 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 (including the siting of the proposed dwellings, car parking o& bin and cycle stores);
 - (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 materials for all external hard-surfaced areas);
 - (iv) landscaping (including boundary treatment and all means of enclosure).
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that adequate information is available about the

detailed nature of the proposals and in accordance with the objectives of Policies BES, BE1, L4, H9 and H10 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The recommendations and proposals set out in the 'Preliminary Geotechnical and Contamination Assessment Report' undertaken by 'Ruddlesden Geotechnical Ltd' dated December 2013 (ref: SR/CG/DT/13476/PGCAR) submitted with this application, shall be implemented in full prior to any development taking place.

Reason: To ensure that appropriate measures are taken regarding the potential for contaminated land on the site in accordance with Policy EPS, EP3 and EP7 of the Saved Adopted Torbay Local Plan 1995-2011.

03. Prior to the commencement of development a Section 278 Highways Agreement shall be entered in to, in order to secure the necessary works to the public highway. Unless otherwise agreed in writing with the Council the 278 works shall include work to Dartmouth Road to form a right turn filter lane to the site including road calming measures. This shall include detail of materials and finishes to be used. The works shall then be implemented prior to the occupation of the first dwelling.

Reason: Reason: In order to ensure a suitable form of development in accordance with Policies TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011.

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 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. No dwelling shall be occupied until the approved surface water drainage system has been completed as approved and the approved surface water 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 Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

05. No development, or any other works, including any site clearance, shall be undertaken until a Cirl Bunting survey, undertaken by a suitably qualified ecologist, has been submitted and approved by the Local Planning Authority. Unless previously agreed in writing with the Local Planning Authority, any mitigation required as a result of the survey shall be implemented prior to any development, or any other works, including site clearance taking place on site.

Reason: To preserve and enhance the biodiversity of the site, and in order to comply with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011.

06. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area, and to accord with policies H10, L4, L10, BE1 and BE3 of the Torbay Local plan (1995 - 2011).

07. No development shall take place until drawings of the bin store(s) and details for the removal of waste likely to be generated by the development are submitted to and approved in writing by the Local Planning Authority. The bin store(s) shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings. The details for the

removal of waste likely to be generated by the development shall be implemented as approved prior to the occupation of any of the dwellings and maintained thereafter in accordance with the approved details.

Reason: To ensure appropriate facilities are provided for the storage and removal of waste likely to be generated by the development, including recycling, in accordance with saved Policy W7 of the Adopted Torbay Local Plan 1995-2011.

08. No development shall take place until drawings of the cycle store(s) are submitted to and approved in writing by the Local Planning Authority. Notwithstanding the drawings listed under Condition P1, provision shall be made for the storage of 2 bicycles per property. The cycle store(s) shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings.

Reason: To encourage and facilitate cycling in accordance with saved Policy T2 of the Adopted Torbay Local Plan 1995-2011 and Section 4 of the NPPF.

09. No development shall take place until an Extended Phase 1 Habitat survey has been submitted to the Local Planning Authority for approval. Any recommendations in the approved survey shall be adhered to throughout the construction period.

Reason: In the interests of biodiversity and in order to accord with saved Policies NCS and NC5 of the Adopted Torbay Local Plan 1995-2011, and paragraph 118 of the NPPF.

Relevant Policies

BES - Built environment strategy
BE1 - Design of new development
BE2 - Landscaping and design
HS - Housing Strategy
H9 - Layout, and design and community aspects
H10 - Housing densities
CF6 - Community infrastructure contributions
LS - Landscape strategy
L1 - Areas of Outstanding Natural Beauty
L4 - Countryside Zones
L10 - Major development and landscaping
TS - Land use transportation strategy
T25 - Car parking in new development
T26 - Access from development onto the highway
NCS - Nature conservation strategy
NC5 - Protected species

Agenda Item 6

Application Number

P/2015/0029

Site Address

Orcades Hotel
12 - 13 Esplanade Road
Paignton
Devon
TQ4 6EB

Case Officer

Carly Perkins

Ward

Roundham With Hyde

Description

Change of use from Hotel to student residence/hostel.

Executive Summary/Key Outcomes

The application site is a hotel on the western side of Esplanade Road (South). The site is within Paignton Esplanade (South) Principal Holiday Accommodation Area in the red zone as designated within the Current Local Plan and as being within a Core Tourism Investment Area in the New Local Plan "A Landscape for Success". The proposal is for the change of use of an existing hotel that is currently vacant to a student residence/hostel in association with the LAL Language School.

Language schools are recognised as an important part of the tourism offer in Torbay and represent investment into the area and are considered an appropriate use for a Principal Holiday Accommodation Area in accordance with Policy TU6 of the Torbay Local Plan 1995-2011 and the emerging new Local Plan.

There have been several representations relating to the use of the premises as a house in multiple occupation (HMO). The proposal is not for an HMO and proposed conditions will prevent any use as an HMO. Occupancy of the building is proposed to be limited to three months in any calendar year by any individual occupant, group of individuals or family and a resident manager shall reside at the premises at all times.

Subject to the submission of a site specific flood risk assessment and conditions relating the occupancy of the building, the permanent provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested (a monitoring contribution is proposed to secure this), the proposal is considered acceptable being an appropriate tourism related use and without detriment to the holiday character of the area.

Recommendation

Conditional approval; subject to the payment of a monitoring contribution and the

applicant submitting a site specific flood risk assessment which is acceptable to the Director of Place, within 3 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 of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

8 weeks, the determination date was the 27th March 2015, this has been exceeded to allow the application to be considered by the Development Management Committee.

Site Details

The application site is a hotel on the western side of Esplanade Road (South). The site is within Paignton Esplanade (South) Principal Holiday Accommodation Area in the red zone as designated within the Current Local Plan and as being within a Core Tourism Investment Area in the New Local Plan "A Landscape for Success".

Detailed Proposals

The proposal is for the change of use of an existing hotel that is currently vacant to a student residence/hostel. Occupancy of the building is proposed to be limited to three months in any calendar year by any individual occupant, group of individuals or family and a resident manager shall reside at the premises at all times.

Summary Of Consultation Responses

Drainage Engineer: The vulnerability of the building will not be altered, no sleeping accommodation should be provided on the lower ground floor and flood mitigation works should be included within the alterations to the building. The flood risk assessment for the building should refer to the student residence/hostel. The developer must sign up to the Environment Agency's flood warning system for the area of Paignton. An emergency flood plan must be produced and issued to all residents/students highlighting what actions must be taken in the event of a flood warning being issued or flooding occurring. There would be no objections on drainage grounds providing the development incorporates the points highlighted.

Environment Agency: No objection to the principle of the proposal as the vulnerability classification from the proposed change from hotel to student accommodation is unchanged and both are noted as 'more vulnerable'. A flood risk assessment should be produced that promotes the following; sign up to the EA's flood warning system, flood notices, identifying safe access and egress routes. There should also be no increase in sleeping accommodation on the ground floor between what currently exists to what is proposed.

Summary Of Representations

5 representations have been received. Issues raised:

- Impact on principal holiday accommodation area
- Impact of using the hotel as a house in multiple occupation
- Impact on the character and appearance of the area.

Relevant Planning History

P/2014/0241 Extension to Owners' Annexe at ground and first floor level and alteration to fenestration on rear elevation of main building to form 2No. door-height opening casements with 'Juliet' rail balustrade. APPROVED 30.04.2014

P/2013/1115 Extension and alterations to existing detached owners' annexe to form 2 owner's annexes APPROVED 16.12.2013

P/2013/1320 Alterations and separation of Nos. 12 & 13 (reinstatement of original separate properties) to form 11 bedroom hotel (No.12) and 7 holiday apartments (No.13). Single storey extension at rear to form utility room for No.12 APPROVED 07.02.2014

P/1987/2027 Two storey extension to form additional owner's bedroom and store APPROVED 27.01.1988

P/1986/1838 Extension to bar, diner and kitchen APPROVED 16.09.1986

Key Issues/Material Considerations

The main issues are the impact of the proposal on tourism, local amenity and flood risk.

Tourism:

The explanation to Policy TU6 of the Torbay Local Plan 1995-2011 defines Principal Holiday Accommodation Areas as areas where there is a concentration of hotels, guesthouses and/or holiday apartments which form an important part of the overall stock of bedspaces and are defined in accordance with criteria relating to concentrations of holiday accommodation, holiday character, proximity to tourist facilities and accessibility. Tourism is visibly the predominant land use in these areas and such locations are a focus of tourism activity. Policy TU6 states that the Council will seek to resist any changes which have a detrimental or undermining effect on their function and character, such changes may include the loss of existing tourist facilities or accommodation and/or the introduction of inappropriate non-tourism orientated uses.

The proposal is for the change of use of the existing hotel to student residence in association with LAL language school and self catering hostel accommodation. LAL Torbay is a language school in Paignton and offers English learning holiday courses. Student stays are limited to 3 months and their accommodation during

their stay is not their main or sole place of residence, akin to the dictionary definition of 'holiday'. Language schools are recognised as an important part of the tourism offer in Torbay and represent investment into the area and are considered an appropriate use for a Principal Holiday Accommodation Area in accordance with Policy TU6 of the Torbay Local Plan 1995-2011. Core Tourism Investment Areas as noted in Policy TO1 and TO2 of the New Local Plan "A Landscape for Success" Proposed Submission seek to promote and enhance a range of tourism activities and facilities. It is noted in paragraph 6.1.2.8. that 'a wide range of tourism markets will be promoted, including but not limited to conferences, geopark, maritime, short break and traditional family breaks. Policies TO1 and TO2 have been subject to very minimal objection and so can be afforded significant weight. Language schools form part of the tourism market offering short term learning holidays. The proposal is for a tourism use in an area designated for its tourism qualities and as such is considered to accord with policy TO2 that states that 'the tourism role of premises should be retained and enhanced commensurate with their contribution to the area's tourism offer'.

In addition the proposal includes the use of the building for self catering hostel accommodation for visitors to Torbay. In low season it is proposed to offer the rooms on a self catering basis to visitors to the area which will be subject to the same occupancy restrictions. There is no planning definition for the term 'hostel', the use here will be restricted to short term occupancy (no more than 3 months) and will not be occupants sole or main place of residence for the purpose of holiday accommodation as part of Torbay's tourism offer. A Residence Manager will living on site at all times.

Subject to conditions relating to the occupancy of the building, the provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested, the proposal is considered acceptable being an appropriate tourism related use and without detriment to the holiday character of the area.

Representations relating to the use of the premises as a house in multiple occupation (HMO) are noted. However, the proposal is not for an HMO and proposed conditions will prevent any use as an HMO. The proposal is for holiday accommodation for students and other visitors for no more than 3 months. Whilst the concerns detailed in representations are noted, the proposal is not for a house in multiple of occupation and is for an appropriate tourism related use suitable to the location. The proposal, if approved, is subject to several recommended conditions that will limit the use to prevent its occupancy as a house in multiple occupation.

In line with the Council's Planning Contributions and Affordable Housing: Priorities and Delivery Adopted Supplementary Planning Document, it is noted that some proposals will impose costs upon the local authority to monitor and enforce. Occupancy conditions require significant monitoring to ensure the

development proceeds accordingly and therefore it is considered necessary to seek contributions for the additional monitoring cost to the Council that this imposes. The cost of monitoring for 10 years would amount to £500 and this is requested as a contribution to mitigate the costs of monitoring this type of use.

Flood Risk:

The building sits within Flood Zone 2 and 3 and is at risk from both fluvial and tidal flooding. In flood zone 3 only water-compatible and less vulnerable uses of land are appropriate. As there is no sleeping accommodation at lower ground floor level the flood risk vulnerability is unchanged at 'more vulnerable'. The Environment Agency and the Council's Drainage Engineer have stated that they have no objections subject to the submission of a site specific flood risk assessment.

Residential Amenity:

The impact of the slight change in occupancy to holiday accommodation for students and other visitors will be limited in the absence of any significant extension and/or intensification of the building itself. Any potential increase in the levels of noise and disturbance would not be significant as both uses will result in a degree of activity and noise in and around the site. The proposal is not considered to result in any serious detriment to neighbouring amenity.

S106/CIL

In line with the Council's Planning Contributions and Affordable Housing: Priorities and Delivery Adopted Supplementary Planning Document, it is noted that some proposals will impose costs upon the local authority to monitor and enforce. Occupancy conditions require significant monitoring to ensure the development proceeds accordingly and therefore it is considered necessary to seek contributions for the additional monitoring cost to the Council that this imposes. The cost of monitoring for 10 years would amount to £500 and this is requested as a contribution to mitigate the costs of monitoring this type of use.

Conclusions

In conclusion, subject to the payment of a monitoring contribution and the submission of a site specific flood risk assessment and conditions relating to the occupancy of the building, the provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested the proposal is considered acceptable in relation to Local Plan policies, being an appropriate tourism related use and without detriment to the holiday character of the area or residential amenity.

Condition(s)/Reason(s)

01. A bedroom within either of the buildings on site shall remain available and occupied by a resident manager or person/persons in charge of and responsible for the operation of 12 Esplanade Road, Paignton, Devon,

TQ4 6EB at all times.

Reason: To ensure that the building is managed and to provide a satisfactory form of development, in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

02. The use, hereby approved, shall be occupied for holiday purposes only, for no more than three months in any calendar year by any individual occupant, group of individuals or family and shall not be occupied as a main place of residence. The owner, manager or person/person's in charge and responsible for the operation of 12 Esplanade Road, Paignton, TQ4 6EB shall maintain an up to date register of the details of all occupiers, including names and main home addresses, of the buildings and shall make it available for inspection at all reasonable times by the Local Planning Authority.

Reason: To provide a satisfactory form of development, in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

03. In the event that the use hereby permitted ceases, the premises shall revert to its former use within class C1 (Hotels).

Reason:- To ensure that the building remains attractive to future occupiers and that the future supply of hotels is protected within the Principal Holiday Accommodation Area in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

04. Development to proceed in accordance with the flood risk assessment.

Relevant Policies

TU6 - Principal Holiday Accommodation Areas

TUS - Tourism strategy

TO1 - Tourism, events and culture

TO2 - Change of use of tourism accommodation

EPS - Environmental protection strategy

Agenda Item 7

Application Number

P/2015/0052

Site Address

Fernicombe Windmill
Adj To Windmill Cottage
Windmill Lane
Paignton
TQ3 1AA

Case Officer

Mr Alexis Moran

Ward

Preston

Description

Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.

Executive Summary/Key Outcomes

The site relates to a windmill tower on Windmill Lane which is located between Dolphin Court Road and Longmead Road, Paignton. The structure is Grade II listed and is included in Historic England's Buildings at Risk Register.

The application seeks permission for the conversion and change of use of the windmill tower to a single residential unit with the erection of a new roof structure, based on the traditional form of cap found on West Country tower mills, and a single storey extension.

The key issue in relation to this application is the affect the proposal would have on the character and appearance of the listed building and the wider street scene the impact on the privacy and amenity of neighbouring residents.

The proposed cap to the building provides an authentic, traditional design solution, whilst also providing sufficient accommodation to make the proposal viable. The single storey extension is subservient to the main tower and would not materially affect its character. The use of the windmill for residential purposes provides a more certain future of the heritage asset, that is currently at risk, and the proposal is deemed to comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2001 and paragraphs 131 & 132 of the NPPF.

There are no additional openings proposed in the tower, only the original window openings will be used. The new use will result in some, albeit limited, overlooking into the rear of homes and gardens on Longmead Road and Dolphin Court Road. However given the distances (15 metres or more) between the properties and the angles of sight available from the windows, it is considered on balance that the relationship is acceptable, particularly given that the openings are existing and that the future of the building will be retained as a result of the residential use.

Recommendation

Conditional approval; 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.

Statutory Determination Period

31.03.2015

Site Details

The site relates to a derelict windmill tower on Windmill Lane which is located between Dolphin Court Road and Longmead Road, Paignton. The windmill was originally built in the late 1700s and has been redundant since approximately 1860. The structure is Grade II listed and has been included in Historic England's Building's at Risk Register.

The windmill tower has an elevated position, given its former use, and is surrounded primarily by single storey dwellings, gardens and public amenity space.

Detailed Proposals

The application seeks permission for the conversion and change of use of the windmill tower to a single residential unit with the erection of a new roof structure, based on the traditional form of cap found on West Country tower mills, and a single storey extension which includes solar panels. As the building is at risk this application constitutes a proposal to protect the long term future for the building with the primary intention of enhancing and preserving its heritage features.

Summary Of Consultation Responses

Arboricultural Officer - The scheme is suitable for approval on arboricultural merit subject to the addition of a condition relating to the submission of a plan detailing tree protective fencing is submitted prior to commencement.

RSPB - No objection, the use of integral nest sites designed for swifts and suitable for bats and sparrows rather than the use of house sparrow terraces.

English Heritage - No comment on this application, please see the associated Listed Building application for comments.

Drainage Engineer - Further information relating to infiltration tests and soakaway design should be fitted prior to commencement of the development.

Senior Heritage and Design Officer - No objection.

Natural England - No objection, apply standing advice with regards to protected species.

Highways - No objection.

Summary Of Representations

Twelve objectors to the proposal have been recorded, the objections related to the following issues:

- Inappropriate use of a Grade II Listed Building
- Potential to become a holiday home
- Should be used by the community and restored to its original state
- Overlooking
- Lack of parking
- Loss of light
- Too high in relation to its surroundings.

Relevant Planning History

P/2015/0053 - Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension - associated Listed Building application awaiting determination, recommendation for approval.

P/2013/0530 - Windmill Cottage, Windmill Lane, Paignton - Demolition of Windmill Cottage and formation of Two x Three bedroom dwellings with garages (Revised Plans received); application withdrawn.

ZP/2011/0533 - Alterations/extensions use for accommodation - officer advice was that an application would be likely to be looked upon favourably 18.06.2014

P/1992/1235 - Conversion of former Windmill tower to form a single dwelling unit (as revised by Plans Received 21st October 1992) - approved 28.10.1992

P/1992/1236LB - Conversion of former Windmill tower to form a single dwelling unit (as revised by plans received 21st October 1992) - approved 28.10.1992

Key Issues/Material Considerations

The key issues in relation to this application are; a) its impact on the character and appearance of the listed building and the wider street scene, b) its impact on the privacy and amenity of neighbouring residents.

Impact on the listed building and street scene appearance

When assessing the impact of the proposed development on a the listed building policy BE6 (Development affecting listed buildings)of the saved adopted Torbay Local Plan 1995-2011 states that there are two principal factors to be taken into account -

1. Development should have special regard for the desirability of preserving any listed building and its setting

2. Planning proposals for the for the alteration or extension of any listed building will not be permitted if the character of the building would be adversely affected

Section 66 of the Listed Buildings Act requires LPAs to pay "special regard" to the desirability of preserving Listed Buildings.

The NPPF accords with s.66 in that:

- Paragraph 131 states that "in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness."
- Paragraph 132 advises that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The windmill is on Torbay Council's at Risk Register and its long term future requires resolution. The proposal to convert it to residential accommodation provides a viable solution to ensure that the building is enhanced and preserved. The principle of the development is therefore considered to comply with the requirements of policy BE6 of the saved adopted Torbay Local Plan 1995-2011 and the relevant paragraphs of the NPPF as highlighted above.

The proposed roof cap provides an authentic solution to the windmill tower which is based on the traditional form of cap found on West Country tower mills and would be of a timber construction. The single storey extension would be subservient to the listed building and would not be significantly detrimental to its character. The extension helps ensure the proposed development is viable.

These additions are necessary in order to ensure that the heritage asset is preserved and the cap to the tower provides a design which would be in keeping with the original appearance of the working windmill whilst providing sufficient room for accommodation. The proposed extensions to the listed building are therefore deemed to comply with policy BE6 and paragraphs 131 & 132 of the NPPF.

At present due to the height of the structure it is visible from numerous viewing points in the location and with the addition of the cap to the tower it is likely to be more visible.

However it is considered that the additional timber cap adds to the authentic appearance of the listed building which is inevitably different in scale and nature from the residential properties which surround it.

Impact on neighbour amenity

There will be no new window openings in the existing structure although at least one will require unblocking. This provides four windows to the north elevation and four to the south which would result in the possibility of some overlooking into the rear windows of the properties on Dolphin Court Road and Longmead Road. However, due to the angles at which the two windows in the middle of the windmill tower are set at, they do not allow direct views into the rear of these properties.

The windows on what would have been the fourth storey (one on the north elevation and one on the south elevation) do have direct views into the rears of 59 and 61 Longmead Road and 64 and 66 Dolphin Court Road. However the rear elevations of the properties on Longmead Road are approximately 20 metres from the windmill. This distance is considered to be sufficiently far enough away so as to not have a significant impact on the amenity of the occupiers of these properties.

The rears of the properties on Dolphin Court Road are closer (some 15 metres) however this makes the angle of sight more acute. Bearing in mind that the windows are relatively narrow in comparison to modern openings, it is considered that the impact on the properties on Dolphin Court Road is, on balance acceptable.

Similarly a balance must be struck between the importance of retaining the heritage asset and the impact on the privacy of the occupiers in neighbouring properties. When considering that a residential use would appear to be the most viable way of ensuring the future of the Grade II listed building and the fact that the only openings on the tower are those which already exist, the impact on residential amenity is considered to be acceptable.

The properties to the south on Dolphin Court Road have rear boundary hedges and fencing which will act to minimise any overlooking from the single storey extension.

The glazed bridge between the tower and the single storey extension does allow for some overlooking into the rear gardens and elevations of the properties on Dolphin Court Road. However this is a link between the tower and the extension rather than a habitable space therefore it is deemed that it would have an acceptable impact on the living conditions of future occupiers.

A garage is proposed at ground level and this is situated in a location which is unlikely to harm the residential amenity of neighbouring occupiers.

The plans show that the boundaries of the site will be a mixture of wire fence, brick wall and wooden fence. Further details of a scheme for boundary treatment will be requested via a condition.

Ecology

The report submitted by Kestrel Wildlife Consultants Ltd, titled "Bats, Birds and Reptile Survey Report June 2014" notes that birds nest in the tower and slow worms were found on the site. One bat was seen entering the tower but the report concluded that it would be unlikely to roost there. The report recommends mitigation measures which will be conditioned to ensure compliance.

Access and Parking

The proposed dwelling is to be accessed via Windmill Lane which is a cul-de-sac that ends by the windmill tower. A garage is proposed on the ground floor/base of the tower with a tarmac area outside.

Section 106

The use has off-site impacts, on school places, public transport and greenspaces for example, that would previously have been covered by a S106 Agreement.

However, as a result to changes in government guidance, the local planning authority no longer seeks 'pooled' contributions in respect of sites of 10 dwellings or fewer with a maximum combined gross floorspace of less than 1000m². Contributions can still be taken where there is a specific scheme which would be directly affected the development. In this instance no specific schemes have been identified on which a planning contribution can be spent.

Conclusions

By converting the tower into a residential dwelling it provides a viable use of the heritage asset and safeguards its future. The proposed cap on the tower provides an authentic form of development which would improve the aesthetics of the tower. The single storey ground floor extension is subservient to the tower and is considered to be an acceptable addition to the Grade II Listed Building. Bearing these points in mind it is concluded that the proposal would comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011 and paragraphs 131 & 132 of the NPPF. The impact on the privacy and amenity of neighbouring occupiers is considered to be acceptable given that the proposal will make use of the existing openings and revive what is a redundant heritage asset. The site is to be serviced via an existing access and a parking space is provided in the base of the mill. Having given consideration to these factors the proposed scheme to convert the redundant mill tower is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. Prior to commencement a plan detailing tree protective fencing in accordance with B.S.5837:2012 Trees in relation to design, demolition and construction, shall be submitted to the Local Planning Authority for approval .

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011 and BS5837.

02. 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 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. No dwelling shall be occupied until the approved surface water drainage system has been completed as approved and the approved surface water 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 Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

03. The vehicle turning area shown on the approved plan shall be provided before the use of the development hereby approved commences and retained as such thereafter.

Reason: To ensure the site has suitable access and egress, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

04. The recommendations and proposals set out in the 'Bats, Birds and Reptile Survey Report' undertaken by 'Kestrel Wildlife Consultants Ltd' dated June 2014 submitted with this application, shall be implemented in full prior to any development taking place. Additionally the proposal should incorporate at least four permanent internal nesting cavity or nest bricks designed for swifts in place of the proposed sparrow terrace.

Reason: To protect the wildlife on the site in accordance with Policy NCS of the Saved Adopted Torbay Local Plan 1995-2011.

05. Prior to the commencement of development, details of all boundary treatments shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings.

Reason: In the interests of the amenities of the area, and to accord with policies BES, BE1 & BE6 of the saved adopted Torbay Local plan (1995 - 2011).

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

NCS - Nature conservation strategy

BE6 - Development affecting listed buildings

T25 - Car parking in new development

H9 - Layout, and design and community aspects

Agenda Item 8

Application Number

P/2015/0053

Site Address

Fernicombe Windmill
Adj To Windmill Cottage
Windmill Lane
Paignton
TQ3 1AA

Case Officer

Mr Alexis Moran

Ward

Preston

Description

Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension.

Executive Summary/Key Outcomes

The site relates to a windmill tower on Windmill Lane which is located between Dolphin Court Road and Longmead Road, Paignton. The structure is Grade II listed and is included in Historic England's Buildings at Risk Register.

The application seeks permission for the conversion and change of use of the windmill tower to a single residential unit with the erection of a new roof structure, based on the traditional form of cap found on West Country tower mills, and a single storey extension.

The key issue in relation to this application is the affect the proposal would have on the character and appearance of the listed building.

The proposed cap to the building provides an authentic, traditional design solution, whilst also providing sufficient accommodation to make the proposal viable. The single storey extension is subservient to the main tower and would not materially affect its character. The use of the windmill for residential purposes provides a more certain future of the heritage asset, that is currently at risk, and the proposal is deemed to comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2001 and paragraphs 131 and 132 of the NPPF.

Recommendation

Conditional approval; 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.

Statutory Determination Period

31.03.2015

Site Details

The site relates to a derelict windmill tower on Windmill Lane which is located between Dolphin Court Road and Longmead Road, Paignton. The windmill was originally built in the late 1700s and has been redundant since approximately 1860. The structure is Grade II listed and has been included in Historic England's Building's at Risk Register.

The windmill tower has an elevated position, given its former use, and is surrounded primarily by single storey dwellings, gardens and public amenity space.

Detailed Proposals

The application seeks listed building consent for the erection of a new roof structure, based on the traditional form of cap found on West Country tower mills, and a single storey extension which includes solar panels. As the building is at risk this application constitutes a proposal to protect the long term future for the building with the primary intention of enhancing and preserving its heritage features.

Summary Of Consultation Responses

English Heritage - No objection, consideration to be given to solar slates rather than solar panels.

Senior Heritage and Design Officer - No objection.

Summary Of Representations

Two objectors to the proposal have been recorded, the objections related to the following issues:

- Should be restored to its original state
- Overlooking/loss of privacy.

Relevant Planning History

P/2015/0052 - Conversion and change of use of the Fernicombe Windmill to a single residential unit, erection of new roof structure and single storey extension - associated planning application awaiting determination, recommendation for approval.

P/2013/0530 - Windmill Cottage, Windmill Lane, Paignton - Demolition of Windmill Cottage and formation of Two x Three bedroom dwellings with garages (Revised Plans received); application withdrawn.

ZP/2011/0533 - Alterations/extensions use for accommodation - officer advice was that an application would be likely to be looked upon favourably 18.06.2014

P/1992/1235 - Conversion of former Windmill tower to form a single dwelling unit

(as revised by Plans Received 21st October 1992) - approved 28.10.1992
P/1992/1236LB - Conversion of former Windmill tower to form a single dwelling unit (as revised by plans received 21st October 1992) - approved 28.10.1992

Key Issues/Material Considerations

The key issues in relation to this application is the impact it would have on the character and appearance of the Listed Building.

Impact on the listed building and street scene appearance

When assessing the impact of the proposed development on a the listed building policy BE6 (Development affecting listed buildings) of the saved adopted Torbay Local Plan 1995-2011 states that there are two principal factors to be taken into account -

1. Development should have special regard for the desirability of preserving any listed building and its setting
2. Planning proposals for the for the alteration or extension of any listed building will not be permitted if the character of the building would be adversely affected

Section 66 of the Listed Buildings Act requires LPAs to pay "special regard" to the desirability of preserving Listed Buildings.

The NPPF accords with s.66 in that;

- Paragraph 131 states that "in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness."
- Paragraph 132 advises that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The windmill is on Torbay Council's at Risk Register and its long term future requires resolution. The proposal to convert it to residential accommodation provides a viable solution to ensure that the building is enhanced and preserved. The principle of the development is therefore considered to comply with the requirements of policy BE6 of the saved adopted Torbay Local Plan 1995-2011 and the relevant paragraphs of the NPPF as highlighted above.

The proposed roof cap provides an authentic solution to the windmill tower which is based on the traditional form of cap found on West Country tower mills and would be of a timber construction. The single storey extension would be subservient to the listed building and would not be significantly detrimental to its character. The extension helps ensure the proposed development is viable.

These additions are necessary in order to ensure that the heritage asset is preserved and the cap to the tower provides a design which would be in keeping with the original appearance of the working windmill whilst providing sufficient room for accommodation. The proposed extensions to the listed building are therefore deemed to comply with policy BE6 and paragraphs 131 & 132 of the NPPF.

Conclusions

The proposed development is considered to be appropriate for Listed Building consent approval, having regard to all national and local planning policies and all other relevant material considerations.

Condition(s)/Reason(s)

01. Prior to the insertion of the new doors, windows and roof lights, 1:1 sections and 1:10 elevations of the windows shall be submitted the Local Planning Authority for approval. The works shall then proceed in accordance with the approved details. Reason: To ensure an acceptable form of development in the interests of the character and appearance of the listed building in accordance with policy BE6 of the Torbay Local Plan 1995-2011.
02. Prior to the insertion of the proposed solar panels, details of their size, siting and fixing shall be submitted to the Local Planning Authority for approval. The works shall then proceed in accordance with the approved details. Reason: To ensure an acceptable form of development in the interests of the character and appearance of the listed building in accordance with policy BE6 of the Torbay Local Plan 1995-2011.

Relevant Policies

- BES - Built environment strategy
- BE1 - Design of new development
- BE6 - Development affecting listed buildings

Agenda Item 9

Application Number

P/2015/0092

Site Address

15 Duchy Drive
Paignton
Devon
TQ3 1HB

Case Officer

Carly Perkins

Ward

Preston

Description

Single Storey extension to side, single storey rear extension, increased roof height and depth

Executive Summary/Key Outcomes

The application site is a detached bungalow and is located to the rear of dwelling houses that front on to Duchy Drive and Preston Down Avenue and is partially enclosed by gardens of the surrounding dwelling houses. The application is for an increase in roof height, pitched roof dormer windows to the front elevation, a pitched roof over the existing flat roof projection to the front, a flat roof dormer window to the rear, a rear extension and a side extension.

The proposal is considered acceptable and without serious detriment to residential amenity or the character and appearance of the existing dwelling house or wider street scene in accordance with policies H15, BES and BE1 of the Torbay Local Plan 1995-2011.

Recommendation

Approval; subject to the applicant submitting revised plans which are acceptable to the Director of Place, within 3 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 of the Development Management Committee.

Statutory Determination Period

8 weeks, the determination date was the 2nd April 2015 however this has been extended to allow the proposal to be determined by the Development Management Committee.

Site Details

The application site is a detached bungalow and is located to the rear of dwelling houses that front on to Duchy Drive and Preston Down Avenue and is partially enclosed by gardens of the surrounding dwelling houses.

Detailed Proposals

The application is for an increase in roof height, pitched roof dormer windows to

the front elevation, a pitched roof over the existing flat roof projection to the front, a flat roof dormer window to the rear, a rear extension and a side extension.

Summary Of Consultation Responses

None sought.

Summary Of Representations

4 representations have been received. Issues raised:

- Impact on privacy
- Impact on land stability
- Impact on the appearance of the area
- Overdevelopment of the site
- Impact on noise
- Loss of view.

Relevant Planning History

P/1980/0468 Alterations and Extensions APPROVED 26.04.1980

Key Issues/Material Considerations

The relevant considerations are the impact of the proposals on neighbouring residential amenity and the impact of the development on the character and appearance of the existing dwelling and the wider locality.

Representations regarding the impact on the character of the area have been received and are noted. Policy H15 of the Torbay Local Plan states that proposals for house extensions will not be permitted where the extension would dominate or have any other adverse effects on the character or appearance of the original property or street scene in general. Similarly policies BES and BE1 of the Torbay Local Plan states that proposals should conserve or enhance the built environment and that proposals for new development should be designed to take in to account their wider context in terms of scale, density, massing and height. This part of Duchy Drive features both chalet style bungalows and single storey bungalows. There is limited consistency to the roof forms in the locality, with gabled roofs, hipped roofs and various styles of dormer windows. The area has a varied character such that the inclusion of a chalet style bungalow will not appear out of place. In addition, the application site is not easily visible from either Duchy Drive or Preston Down Avenue being set behind the established building line on both these streets. The application site does not sit within either of these established street scenes and as such the dwelling can be subject to alteration and extension without serious detriment to the overall character or appearance of these street scenes.

The increase in height of 1m is noted and, in light of the variations in roof heights and styles in the locality, the increase in height and changes to form a chalet style bungalow is considered acceptable. The increase in height is considered to

sit comfortably between the two storey dwellings on Preston Down Avenue and the bungalows and chalet style bungalows on Duchy Drive. The dormer windows to the front elevation are positioned comfortably within the roof slope with pitches to reflect those on the existing building. The materials proposed match those on the existing house and therefore will blend satisfactorily with the existing dwelling.

Revised plans have been requested. These are expected to reduce the scale of the rear dormer window in line with officer advice. It is noted that the dormer window to the rear is currently relatively large and, whilst it is set down from the ridge and set back from the eaves by some distance, it is considered that the dormer would benefit from a reduction in width in order to improve its appearance within the roof slope. It is however noted that the site is of limited visibility from public viewpoints and that there are various designs of dormer windows throughout Duchy Drive and Preston Down Avenue such that an additional dormer window to the rear would not appear out of character.

Representations regarding the overdevelopment of the site are noted. The size of the plot (840sqm) is considered sufficient to accommodate the proposed works without detriment to the overall character of the area. The proposals will not result in any undue loss of private amenity space and are therefore acceptable in relation to policy H15 (1).

In line with the above, subject to the revision of the rear dormer window, the proposals are considered acceptable and without detriment to the character or appearance of the existing dwelling or wider street scene in accordance with policies H15, BES and BE1 of the Torbay Local Plan 1995-2011.

Representations regarding the loss of privacy have been noted. Policy H15 of the Torbay Local Plan states that proposals for house extensions will not be permitted where the extension would cause harm to the amenity of nearby properties by reason of overlooking, overbearing impact, loss of light or privacy. The proposal includes dormer windows to the front and rear which serve bedrooms, a bathroom and a stairway. Whilst bedrooms are considered as main habitable living accommodation it is noted that such rooms would not be utilised to the extent of living rooms, kitchens and dining rooms that in this case are located at ground level. The windows provide views directly on the front and rear gardens associated with the dwelling. Neighbouring gardens are separated from the proposals by a minimum of approximately 15m. A minimum of 26m separates the application dwelling from those on Preston Down Avenue and 21m from those on Duchy Drive. This is sufficient distance so as not to result in any serious detriment to residential amenity by reason of loss of privacy. In addition in a built up area such as this it is noted that a level of intervisibility between dwellings is expected especially in situations such as this where plots are positioned to rear of established streets. Similarly the potential for similar works to be carried out under the remit of permitted development has been noted.

The proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light or by reason of being unduly dominant or overbearing. This is due to the position of the dwelling in relation to the surrounding houses.

Representations have been received regarding the impact of the proposal on noise and have been noted. The use of the site will remain unchanged as a result of this application, being used for purposes incidental and ancillary to the use and enjoyment of the existing dwelling house. Consequently the proposal will not result in any greater impact to residential amenity by reason of noise.

Representations regarding the impact of the proposals on views are noted, however the loss of a view is not a planning consideration and therefore would not constitute a reason to refuse the application. Concerns regarding land stability are noted, any damage to neighbouring property as a result of the proposal would constitute a civil issue to be resolved between the relevant parties.

The proposal is not considered to result in any detrimental impact to parking provision.

S106/CIL

N/A

Conclusions

In conclusion the proposal is considered acceptable and without serious detriment to residential amenity or the character and appearance of the existing dwelling house or wider street scene in accordance with policies H15, BES and BE1 of the Torbay Local Plan 1995-2011.

Relevant Policies

H15 - House extensions

BES - Built environment strategy

BE1 - Design of new development

Agenda Item 10

Application Number

P/2015/0148

Site Address

Land Adjacent 51 Longmead Road
Paignton
Devon
TQ3 1AX

Case Officer

Mr Alexis Moran

Ward

Preston

Description

Change of use from highway to residential (public footway and protected trees to remain) to increase size of garden at 51 Longmead Road

Executive Summary/Key Outcomes

The application site relates to a strip of land adjacent to 51 Longmead Road, Paignton which is approximately 7 metres wide and 30 metres long. At present the land is highways land and the application proposes to change the use of this to residential in order to extend the garden of 51 Longmead Road.

The application is required to be seen by the Development Management Committee as the applicant is related to a member of staff employed within Spatial Planning, Torbay Council.

The proposal to change the use of the strip of highways land to a residential use would not have a detrimental impact on the character and appearance of the streetscene. Access to the footpath which links Longmead Road and Windmill Lane would not be affected.

The site is currently public land. As such it allows members of the public to pass the site and the neighbouring property 53 Longmead Road. The change of use of the land to private ownership as part of 51 Longmead Road will not cause any loss of privacy or amenity to the occupiers of neighbouring properties.

The proposal is therefore deemed to comply with policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

Recommendation

Approval.

Statutory Determination Period

The statutory determination date for this application is 15.04.2015

Site Details

The application seeks permission for a change of use of this strip of land from highways land to residential in order for 51 Longmead Road to enlarge its

garden. The new boundary treatment is proposed to be a wall which is to be a maximum of 2 metres in height along the side elevation and a maximum of 1 metre high along the front boundary.

Detailed Proposals

The application seeks permission for a change of use of this strip of land from highways land to residential in order for 51 Longmead Road to enlarge its garden.

This application is required to be determined by Development Management Committee as the applicant is related to a member of staff from the Spatial Planning service.

Summary Of Consultation Responses

Highways - The Highway land would be required to go through a "stopping up" period as the adopted Highway is maintainable at public expense, and as a Highway perspective this council will still need to maintain access over the footpath and maintain the Highway apparatus (gully).

Summary Of Representations

None.

Relevant Planning History

None.

Key Issues/Material Considerations

The key issues to consider in relation to this application are the impact it would have on the character and appearance of the street scene and the amenity and privacy enjoyed by the occupiers of neighbouring properties.

The proposal to change the use of the strip of highways land to a residential use in order to extend the garden of 51 Longmead Road would not have a detrimental impact on the character and appearance of the street scene. The proposal would not affect access to the footpath which links Longmead Road and Windmill Lane.

The site is currently public land as such it allows members of the public to pass the site and the neighbour at 53 Longmead Road. The change of use of the land to residential use, in private ownership, as part of 51 Longmead Road will not cause any loss of privacy or amenity to the occupiers of neighbouring properties.

Conclusions

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

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

Application Number

P/2014/0859

Site Address

Torbay Hospital
Newton Road
Torquay
Devon
TQ2 7AA

Case Officer

Matt Diamond

Ward

Shiphay With The Willows

Description

Creation of new car parks and reorganisation of existing car parks to provide 201 additional car parking spaces (131 on main hospital site and 70 on Annexe site), with associated access, barriers, footpaths, lighting, signage, ticket machines and soft landscaping (Revised).

Update Report

Executive Summary/Key Outcomes

This application was reported to Development Management Committee in November 2014. It was approved subject to various matters being carried out within 3 months of the date of the committee (10.02.2015), or the application be brought back to committee to be reconsidered in full. The application is being brought back to committee for full reconsideration accordingly.

The application has been revised since the previous committee. The number of new parking spaces to be created on the main Hospital site and the annexe site has reduced from 398 to 201, a reduction of almost 50%. The reason for this is that the Hospital has received further professional advice concluding that a number of the proposed car parks would be cost prohibitive to construct for the potential gain in spaces. These include the proposed car park below the Helipad adjacent to residential properties in Oak Park Avenue and one of the proposed car parks below Kitson Hall adjacent to residential properties along Shiphay Park Road. In addition, the proposed row of 9 spaces adjacent to the site entrance via Newton Road/Lowe's Bridge will no longer be provided.

Further ecological surveys are still awaited. Whilst normally these would be expected to be submitted as part of the application and prior to determination, officers consider that given the information submitted to date planning permission can be granted subject to pre-commencement (Grampian) conditions to ensure these surveys are carried out, and any necessary mitigation secured, in advance of the works commencing on the affected areas. This will allow the Hospital to commence works on the other parking areas not affected by these issues. The detailed surveys could not be carried out over the Winter.

Officers have requested section drawings of the car parks to be constructed on sloping ground to show whether these will be built flush with the ground or level with appropriate retaining walls/structures. This will have implications on the drainage strategy to be secured by condition. The latter is preferred for the car park to be constructed in the Local Wildlife Site to the west of the site in order to reduce surface water runoff into the stream running along the western boundary (Flood Zone 3) and reduce its visual impact on the landscape character of this area.

A revised sustainable transport contribution has been calculated and requested to reflect the reduced number of car parking spaces. The applicants have not yet confirmed whether they are willing to pay this contribution or enter into a s106 agreement with the Council to make this payment.

Recommendation

Conditional approval; subject to the applicant submitting section drawings for the car parks to be constructed on sloping land, which are acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; subject to full payment of sustainable transport contribution or the signing of a s106 legal agreement to secure sustainable transport contribution, within 3 months of the date of this committee or the application be reconsidered in full by the committee, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed in the Key Issues section of this Update Report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The application was validated on 23.09.2014. The statutory determination date was 24.12.2014 (13 weeks). An extension of time has been agreed to 24.04.2015.

Site Details

(See original planning officer report below.)

Detailed Proposals

Since the previous committee decision, the applicants have revised the proposals. The revised description above reduces the number of car parking spaces applied for previously from 398 to 201.

Revised parking space figures have been submitted. To clarify, as existing there are a total of 1,575 car parking spaces on the main site and 69 spaces on the annex site. Of the 1,575 spaces on the main site, 1,143 (73%) are for staff parking and 432 (27%) for patients/visitors parking. Of the 69 spaces on the annex site, 63 (91%) are for staff parking and 6 (9%) for patients/visitors parking. Of the 432 patients/visitors spaces on the main site, 51 (12%) are disabled

spaces, and of the 6 patients/visitors spaces on the annex site, 2 (33%) are disabled spaces.

Of the 201 car parking spaces to be created, 131 will be provided on the main site and 70 on the annex site. The total number of spaces on the main site will increase from 1,575 spaces to 1,706 spaces (8% increase). The total number of spaces on the annex site will increase from 69 spaces to 139 spaces (101% increase).

Of the 1,706 spaces on the main site, 1,094 (64%) will be for staff parking and 612 (36%) will be for patients/visitors parking. Of the 139 spaces on the annex site, 100 (72%) will be for staff parking and 39 (28%) will be for patients/visitors parking. Of the 612 patients/visitors spaces on the main site, 95 (16%) will be disabled spaces, and of the 39 patients/visitors spaces on the annex site, 9 (23%) will be disabled spaces.

Overall, across the two sites there will be a gain of 213 patient/visitor spaces and a loss of 12 staff spaces.

Summary Of Consultation Responses

Consultees have been re-consulted. The deadline for responses has been set at 16.04.2015. Consultee responses received are summarised below. Further consultee responses will be provided to Members as late representations or reported verbally at committee.

Strategic Transportation: Responded to the revised proposals prior to their submission following discussions with the applicants. No objection to the revised proposals, subject to a sustainable transport contribution (see S106 below).

Environment Agency: Awaiting response (no previous objection).

Engineering - Drainage: Commented on drainage plans that have been submitted as part of the revised proposals. Further information is still required. (This can be addressed via a pre-commencement (Grampian) condition.)

Natural England: Awaiting response (no previous objection - refer to standing advice).

Arboricultural Officer: Commented on Arboricultural Method Statement (AMS), Tree Protection Plans and Planting Pit plan that have been submitted as part of the revised proposals. The AMS is sound and should be implemented. Further details required with respect to the Planting Pit plan and previous landscape plans. Tree numbers are low in the Old Social Club and Football Field car parks. (These matters can be addressed by condition.)

Natural Environment Services: The Green Infrastructure Coordinator has

responded and confirmed that the loss of part of the Local Wildlife Site (LWS) can be mitigated by enhancements in the remainder of the LWS, which can be secured in a Landscape and Ecological Management Plan (LEMP). Further ecological surveys are still required. Trees to be removed must be assessed for bat roost potential.

Police Architectural Liaison Officer: Awaiting response.

Building Control: Awaiting response.

Summary Of Representations

Objectors to the application have been re-consulted. The deadline for responses has been set at 16.04.2015. No representations have been received to date. Representations received will be provided to Members as late representations or reported verbally at committee.

Relevant Planning History

As per the original planning officer report below, except application P/2014/0879/MPA is now approved (20.11.2014) and a number of minor applications have been approved/submitted in the intervening period.

Key Issues/Material Considerations

The application was approved by Members at the 10 November 2014 Development Management Committee, subject to the resolution of a number of matters (a copy of the previous committee minutes have been circulated to Members). The proposals have since been revised to reduce the number of new parking spaces by almost half. The revisions do not result in any new material considerations that have not been considered previously. The outstanding matters from the previous committee decision are addressed below:

i) Revised layout/landscaping plans and an Extended Phase 1 Habitat Survey for the remaining undeveloped areas of the site, together with protected species surveys if necessary

Due to the revisions the revised layout/landscaping plans are no longer necessary as part of the application, as the aim previously was to show additional landscaping to screen some of the car parks from neighbouring properties etc. The revisions have the beneficial effect of reducing potential impacts on the amenity of neighbouring residential properties in Oak Park Avenue and along Shiphay Park Road accordingly. However, revised detailed landscaping/planting plans must be secured by condition and should take into account the Arboricultural Officer's comments. In addition, section drawings have been requested for the proposed car parks on sloping land in order to show whether these will be built flush to the ground or level with use of appropriate retaining walls/structures. This may have implications on the drainage strategy and the applicants have been informed accordingly. The latter is preferred for the

car park to be constructed in the Local Wildlife Site to the west of the site in order to reduce surface water runoff into the stream running along the western boundary (Flood Zone 3) and reduce its visual impact on the landscape character of this area.

A second Extended Phase 1 Habitat Survey was submitted on 07.11.2014 just before the original committee date. This covered land to the north and south of the main Hospital site (originally only the land to the west of the site within the Local Wildlife Site had been surveyed). However, surveys have still not been received for the eastern part of the annexe site and area proposed for the Brookside Residents car park. Furthermore, the Extended Phase 1 Habitat Surveys received to date recommend further detailed protected species surveys for reptiles and badgers (a badger sett is located adjacent to the Football Field car park). These surveys have also still not been submitted, although Natural England advise that reptile surveys must be carried out between mid-March and June or September, and badger surveys are carried out between February and April or October and November. Whilst it is normally good practice to ensure that ecology surveys are carried out before planning applications are determined, in the circumstances, officers consider that planning permission can be granted subject to pre-commencement (Grampian) conditions to ensure that these surveys are carried out before works commence in the affected areas and any recommended mitigation is carried out as required. This will allow the Hospital to commence works that are not affected by these issues (subject to other pre-commencement conditions, such as drainage). The Hospital has submitted a Construction Phasing schedule indicating works to commence in the affected areas in April-May 2015. Officers have informed the Hospital that it must not commence works in these areas until the surveys have been carried out and any necessary mitigation secured accordingly.

ii) Agreeing an appropriate mitigation strategy for the loss of part of the Local Wildlife Site

Officers have agreed in consultation with the Green Infrastructure Coordinator that this issue can be addressed by securing a Landscape and Ecological Management Plan (LEMP) to secure biodiversity enhancements in the remaining parts of the Local Wildlife Site on Hospital land. This must be secured by condition.

iii) Full payment of sustainable transport contribution or the signing of a s106 legal agreement to secure sustainable transport contribution

(See S106/CIL section below)

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.

The submitted Construction Phasing schedule shows the Hospital's intention to construct this car park about three quarters of the way through the overall construction timetable in August-September 2015. Officers have informed the Hospital that a reptile survey must be carried out for part of this area. Officers have also asked the Hospital whether it has investigated whether these (or at least some of these) staff spaces can be provided elsewhere on the site, possibly at the expense of some of the new patient/visitor spaces? No response has been received and an update will be provided verbally at committee.

v) The conditions set out in the submitted report and any further conditions being delegated to the Director of Place.

The applicants have submitted additional information in order to negate the requirement for some of the pre-commencement conditions indicated previously at committee. However, in the majority of cases, additional information/further detail is still required. A revised list of conditions is provided below and officers will endeavour to provide fully worded draft conditions prior to committee.

- Construction and Environmental Management Plan (CEMP)
- Secure measures in Arboricultural Method Statement/Tree Protection Plans
- Detailed Landscaping/Planting Plans
- Tree Pit Designs
- Landscape and Ecological Management Plan (LEMP)
- Surface Water Drainage Strategy Detailed Design
- Updated Travel Plan - incorporate facilities for charging plug-in and other ultra-low emission vehicles
- Lighting Strategy
- Full compliance with the Safer Parking - Park Mark award scheme
- Location and Details of Cycle Parking
- Extended Phase 1 Habitat Surveys for relevant areas
- Reptile surveys for relevant areas
- Badger survey for relevant area.

S106/CIL -

The sustainable transport contribution has been recalculated based on the reduced number of new parking spaces. The total sum requested is £181,820 (or £160,320 with hospital land agreement), split as follows:

- £6,750 to provide a bus shelter and stop close to the Women's Health Unit.
- £64,000 as contribution towards public transport improvements, including for a new bus service to bring twice hourly Brixham connections.
- £38,500 for a new 3 metre shared use path via the rear of the Lodge

- (subject to hospital land agreement), or via the existing footway fronting that property at an extra cost of £21,500.
- £16,070 for a central refuge island or similar facility to enable walkers and cyclists safer crossing across the Lowes Bridge main entrance, linking the shared use path (SUP) towards Shiphay Lane with the opposite side to the lodge.
 - £35,000 towards the new £1,148,000 Lowes Bridge - Shiphay junction improvements for which the Council has underpinned funding through Prudential Borrowing, including improving junction performance through selected lane widening and reallocating functions of lanes, to relieve delay and queues benefiting access into and out of the hospital.

Justifications:

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

Status:

The applicant has not confirmed whether they are willing to pay the required contribution, or by which method they wish to make payment. A verbal update will be provided at committee.

Conclusions

The revised proposals are considered to be acceptable, subject to pre-commencement (Grampian) conditions to address the outstanding matters from the previous committee decision that are still applicable and payment or a s106 to secure the sustainable transport contribution. The conditions must necessarily include the requirement to submit further ecology surveys for the relevant parts of the site and secure any necessary mitigation as may be required in advance of the works of those parts of the site. This will allow the Hospital to commence works on the car parks that are not affected by these issues. Additional section drawings have also been requested and should be submitted before the application is determined.

Original Report

Executive Summary/Key Outcomes

Torbay Hospital serves the whole of the South Devon area. It not only provides for patient care, but also makes a very valuable contribution to Torbay's economy in terms of the medical / healthcare sector and employment.

There is an existing parking pressure at the Hospital, with drivers parking in unsuitable locations or circling the site looking for spaces. This pressure has led

to hospital appointments being missed, with consequent costs to patients and to healthcare provision.

This proposal seeks to create an additional 398 car parking spaces on the main hospital site (321 spaces) and on the hospital annex site (77 spaces). The total number of spaces on the main site would increase from 1,584 spaces to 1,905 spaces (20% increase). The total number of spaces on the annex site would increase from 69 spaces to 146 spaces (112% increase). The additional spaces are for staff, patients, visitors and residents (for those living on site). The increase in parking spaces will be complemented by revised circulation space and lighting.

Both sites contain a number of large buildings and are extensively landscaped.

The proposal is supported in principle by Policy CF13 Torbay Hospital of the adopted Local Plan and by Policy SDT3 of the emerging Local Plan.

There is a need to carefully balance the Health Care Trust's operational needs, the need to protect residential amenity, ecology interests and maintain the landscape setting of the Hospital's sites. Negotiation has resulted in a slight reduction of parking spaces from that originally proposed, increased planting and landscaping (including retention of TPO'd trees), ecology mitigation and protection of residential amenity for those people living close to the sites.

This report should be read in conjunction with the report, on this agenda, for the proposed new Critical Care Unit (P/2014/0879)

Recommendation

Conditional approval; subject to 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 3 months of the date of this committee or the application be reconsidered in full by the committee; subject to agreeing an appropriate mitigation strategy for the loss of part of the LWS on the site to be secured by condition or s106 legal agreement as appropriate which is acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; and subject to full payment of sustainable transport contribution or the signing of a s106 legal agreement to secure sustainable transport contribution, within 3 months of the date of this committee or the application be reconsidered in full by the committee, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

The application was validated on 23.09.2014. The statutory determination date is 24.12.2014 (13 weeks). An extension of time will be sought with the applicant if the sustainable transport contribution has not been paid or the s106 legal agreement has not been completed before the statutory determination date.

Site Details

The site comprises two parcels of land belonging to Torbay Hospital: the main hospital site and its grounds, hereby referred to as 'the main site', and a smaller site off Newton Road north of the main hospital campus, hereby referred to as 'the annexe site'. The total site area is 21.38ha.

The main site is bounded by residential and commercial properties to the north, the railway line to the east, residential properties to the south, residential properties and Kitson Park to the west, and Cadewell Lane to the northwest. The main access points are via Newton Road to the east and Cadewell Lane to the northwest. There is also an emergency access off Shiphay Park Road to the south.

The annexe site is bounded by the railway line to the north, a supermarket to the east, Newton Road to the south and a shared use cycle/footpath to the west beyond which is residential development.

Both sites comprise numerous large buildings, roads, car parks and ancillary open space, including many trees.

The main site is designated as Torbay Hospital in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan'), where expansion, redevelopment and improved facilities are permitted, subject to four criteria. In addition, the western area of the main site is designated a Local Wildlife Site (LWS). There are no other policy designated areas around the site, except for the railway line which is designated as another LWS. The annex site is undesignated.

The main site is shown as a 'Potential development site for consideration in the Neighbourhood Development Plan - primarily employment investment' in the Torbay Local Plan - A landscape for success (Proposed Submission Plan, February 2014) ('the new Local Plan'). Whilst the new Local Plan is a material consideration, this designation is shown for information only. The western area is still designated as a LWS. The annex remains undesignated, although Newton Road is shown as part of the National Cycle Network.

The vast majority of the site is within Flood Zone 1; however, the western edge of the main site is within Flood Zone 3 due to a watercourse running along the western boundary, which is a tributary of the Aller Brook (main river). The railway embankment to the north of the annex site is also within Flood Zone 3.

The Torbay Hospital Chapel on the main site is a Grade II listed building.

Detailed Proposals

The proposals are to provide additional car parking on the two sites for both staff and patients/visitors. This would entail extending and rearranging existing car parks, and building new car parks on undeveloped ancillary open space. The application also includes associated access roads, footpaths, lighting, signage, ticket machines, barriers and soft landscaping. New cycle parking facilities will also be provided.

As existing, there are a total of 1,584 car parking spaces on the main site and 69 spaces on the annex site. Of the 1,584 spaces on the main site, 1,148 (72.5%) are for staff parking and 436 (27.5%) for patients/visitors parking. Of the 69 spaces on the annex site, 63 (91%) are for staff parking and 6 (9%) for patients/visitors parking. Of the 436 patients/visitors spaces on the main site, 52 (12%) are disabled spaces, and of the 6 patients/visitors spaces on the annex site, 2 (33%) are disabled spaces.

Due to tree constraints, the proposed number of parking spaces on the sites have been revised since the original submission. The New Parking Layout drawing (8/15/52_26 Rev B) shows a number of proposed parking spaces removed, highlighted in red. Therefore, the revised proposals are to develop an additional 398 car parking spaces on the two sites (321 spaces on the main site and 77 spaces on the annex site). The total number of spaces on the main site would increase from 1,584 spaces to 1,905 spaces (20% increase). The total number of spaces on the annex site would increase from 69 spaces to 146 spaces (112% increase).

Of the 1,905 spaces on the main site, 1,151 (60%) would be for staff parking and 754 (40%) would be for patients/visitors parking. Of the 146 spaces on the annex site, 75 (51%) would be for staff parking and 71 (49%) would be for patients/visitors parking. Of the 754 patients/visitors spaces on the main site, 96 (13%) would be disabled spaces, and of the 71 patients/visitors spaces on the annex site, 12 (17%) would be disabled spaces.

Of the proposed 398 additional car parking spaces to be provided on the two sites overall, 15 (4%) would be for new staff parking and 383 (96%) would be for new patients/visitors parking.

As existing, there are a total of 10 cycle spaces on the main site. The proposals are to increase this to 40 cycle spaces (300% increase). No information has been provided in the application regarding cycle spaces on the annex site. This information has been requested.

The car parks, access roads and footpaths would primarily be surfaced in Bitmac, with some spaces surfaced in granular materials.

The application form states that surface water will be drained to soakaway, but no details are provided. The Site Specific Flood Risk Assessment states that surface water from the 0.8ha of increased impermeable area created by the application will discharge to a sustainable drainage system where practicable. It also states that the surface water runoff from the new car parking areas to the west of the main site will discharge at a controlled rate (the existing greenfield runoff rate) to the open watercourse located on the western boundary.

No development is proposed near to the Grade II listed Chapel, therefore a Statement of Heritage Significance is not required.

Summary Of Consultation Responses

(The agent for the application is an employee of the Council - the Engineering Service Manager. Therefore, a different officer has been consulted in Engineering who has not been involved in the application.)

Strategic Transportation/Highways: No objection. Requires a sustainable transport contribution to mitigate the additional trips generated by the development. This totals £293,750 and would contribute to a number of sustainable transport projects in the area.

Environment Agency: No objections. Suggest condition for the management of the site's surface water drainage.

Engineering - Drainage: No details of proposed soakaways provided. Therefore, Grampian style condition required for details of infiltration testing and detailed design of soakaways prior to any development works commencing. The applicant must also demonstrate that the surface water drainage design will not increase the risk of flooding to properties or land adjacent to the site.

Natural England: No objection re statutory nature conservation sites. Natural England's standing advice should be used to assess any potential impacts on protected species. The standing advice is a material consideration in making planning decisions. The local authority should ensure it has sufficient information to understand the impact of the proposal on any local sites.

Arboricultural Officer: Lengthy discussions have taken place with the applicant's agents. This has led to a revised plan with fewer car parking spaces to account for arboricultural concerns. The application is suitable for approval on arboricultural and landscape merit if the following are addressed by conditions:

- Landscape strategy to be amended to indicate exact species per plotted point, with additional detail of management plans, tree pit volumes relating to specific volume required (both engineered and in soft), replacement of losses, watering regimes, type of nursery stock and so on.
- Method statements for tree protection fencing alignments.

- Enhanced planting as described in comments 4 (a and b) 8 & 9.
- All protective fencing to be erected prior to any commencement on site
- Arboricultural ongoing support to be appointed to all fencing supervision and consideration of any required deviation from approved plans.

Police Architectural Liaison Officer: The reorganised car parks should achieve full compliance with the Safer Parking - Park Mark award scheme as detailed on the Secured by Design website. There should be clear and substantial boundaries/buffer zones between the public space of the hospital grounds and adjacent dwellings. Surveillance responsibilities over the parking areas should be in control of the Hospital and not neighbouring residents. New landscaping should not prevent natural surveillance.

Building Control: These will, if forthcoming, be presented verbally to DMC.

Summary Of Representations

10 representations have been received, 9 objecting and 1 neutral. The following material considerations have been raised:

- Noise pollution from vehicles
- Air pollution from vehicles
- Light pollution from new lighting
- Loss of trees
- Impact on privacy
- Impact on wildlife
- Increased risk of flooding from surface runoff
- Water pollution
- Parking charges will mean staff and public will still park on surrounding roads
- Greenspace Strategy
- Overdevelopment - loss of ring of green space
- Security risk to neighbouring properties.

Relevant Planning History

P/2014/0879/MPA: 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: Pending Decision

P/2003/1802/PA: Temporary Car Park To Provide Approximately 150 Additional Car Spaces On Existing Playing Field: Approved 15.01.2004

Numerous other non-major planning applications for building extensions, minor works, etc.

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Impact on Local Highways
3. Design Layout and Landscaping
4. Safety and Security
5. Impact on Amenity of Neighbouring Properties
6. Impact on Trees
7. Impact on Ecology
8. Surface Water Drainage and Flood Risk
9. Water Pollution
10. Air Pollution

1. The Principle of the Development

The principle of the development is acceptable. The application has been submitted due to parking pressures at the hospital, where due to the insufficient number of parking spaces for patients/visitors, appointments have been missed. It has also led to overspill parking on roads both within and outside the main hospital site, effecting the function and safety of these roads, which can cause delay to emergency vehicles. Local Plan Policy CF13 permits proposals for the expansion, redevelopment and improvement of facilities at Torbay Hospital, subject to the following four criteria:

- 1) the campus is used only for development related to the hospital's primary function of providing healthcare;
- 2) landscaping is provided both within and around the perimeter of the site which maintains and enhances the amenity and wildlife features of the hospital grounds and which reduces the impact on surrounding residential areas of any development which may take place;
- 3) an integrated transport and parking policy which seeks to address the transportation needs of the campus and the surrounding area is implemented; and
- 4) new development does not have a detrimental effect on the amenities of the surrounding residential areas.

Taking the above criteria in turn: (1) the proposed development is related to healthcare, in so much as the new parking will be for staff and (primarily) patients/visitors of the hospital; (2) whilst the proposals will lead to the loss of some areas of open space and trees, new landscaping will be provided to mitigate for this loss ensuring no harm to wildlife or impact to neighbouring properties; (3) the application is accompanied by an updated Travel Plan committed to implementing sustainable transport choices alongside the new parking provision; and (4) landscape buffers will be provided between the newly created parking areas and surrounding residential properties to protect their

amenity.

Subject to appropriately worded conditions securing the matters under 2-4 above, the proposed development is considered to accord with Local Plan Policy CF13. Furthermore, provided the development is linked to a fully up-to-date Travel Plan with clear targets and monitoring/review mechanisms, it is considered to accord with the twin requirements of the NPPF of supporting economic growth and promoting sustainable travel to reduce greenhouse gas emissions. However, it is considered there is an opportunity to incorporate facilities for charging plug-in and other ultra-low emission vehicles in accordance with the NPPF, and this should be added to the Travel Plan by condition.

Local Plan Policy T25 states that parking provision for major, non-residential sites will be based on an assessment of parking needs, to be defined as part of a travel plan to be submitted by the developer and agreed by the local planning authority. It goes on to state that car parking provision in excess of the assessed need will not be permitted, except on a temporary basis during the implementation of the travel plan. The applicant has submitted a Travel Plan as part of the application, which sets out the required parking provision based on staff and visitor surveys undertaken in 2005, 2009, 2010 and 2013. It sets a public/staff car parking split target of 40-60% respectively. The proposals would achieve this on the main site and exceed it on the annex site. Therefore, the proposed development accords with Local Pan Policy T25.

2. Impact on Local Highways

The Transport Statement submitted with the application states that the car parking proposals address the problem of demand exceeding supply at the hospital, and as there are no proposals to change the services of the hospital or alter the existing operation, there will be no material increase in demand or impact on local highways. Furthermore, the new parking provision will prevent overspill parking on the local highway network allowing these roads to function better.

Strategic Transportation and Highways officers raise no objection to the application in terms of specific highways impacts. However, officers consider the proposals will result in a greater number of car trips to/from the site than at present and therefore a sustainable transport contribution should be secured from the development in accordance with the Council's Planning Contributions and Affordable Housing SPD and its Update 3. This is addressed under S106/CIL below.

Therefore, provided the sustainable transport contribution is either paid in full as an upfront payment or secured by way of a s106 legal agreement, the proposals are considered to accord with Local Plan Policies TS, T1, T2, T7 and T26.

3. Design Layout and Landscaping

The layouts of the proposed car parks are acceptable and will allow adequate access and manoeuvring for vehicles. A Landscape Strategy Report has been submitted with the application, which includes landscape proposals for the newly created car parks. The Council's Arboricultural Officer has agreed to these, subject to some minor amendments for the benefit of the amenities of neighbouring properties and visual amenity of the car parks themselves. Revised layout/landscape proposals are required incorporating these amendments and accounting for the reduced number of car parking spaces now agreed. These should be submitted prior to planning permission being granted, whilst detailed landscaping/planting plans can be conditioned.

Therefore, subject to the applicant submitting the revised layout/landscape proposals for the new car parks and an appropriately worded condition securing detailed landscaping/planting plans, the proposed development is considered to accord with Local Plan Policies L10 and BE1.

4. Safety and Security

The Police Architectural Liaison Officer has highlighted the requirement for defensible planting within buffers zones between the hospital grounds and neighbouring residential properties. In addition, landscaping within the car parks should not prevent natural surveillance, i.e. plant species should be chosen that grow to low heights and planting should be adequately maintained. These issues can be taken into account in the detailed landscaping/planting plans to be secured by condition.

In addition, the reorganised car parks should achieve full compliance with the Safer Parking - Park Mark award scheme as detailed on the Secured by Design website. A condition requiring this should be added accordingly.

Getting the right balance in lighting is important to ensure safety without impacting on the amenity of neighbouring properties or ecological interests. A condition requiring a lighting strategy for the new car parks with detailed lighting proposals should be added accordingly.

Therefore, subject to appropriately worded conditions securing the matters above, the proposed development is considered to accord with Local Plan Policy CF2.

5. Impact on Amenity of Neighbouring Properties

Local residents have raised concerns with the potential impact of the proposals on their amenity, in terms of privacy, noise and lighting. The New Parking Layout drawing (8/15/52_26 Rev B) shows that buffer strips would be provided between

the new car parking and residential gardens. Provided these buffers are appropriately planted and maintained in accordance with detailed landscaping/planting plans to be secured by condition, it is considered that the proposed development will not have a significant adverse impact on the amenity of neighbouring properties, in terms of privacy and noise. As discussed above, a lighting strategy for the new car parks with detailed lighting proposals is required by condition and this should include details of how lighting will not adversely affect the amenity of neighbouring properties.

Therefore, subject to appropriately worded conditions securing the matters above, the proposed development is considered to accord with Local Plan Policies CF13, EPS, EP4 and EP5.

6. Impact on Trees

The proposals will necessitate the removal of a number trees. However, the Council's Arboricultural Officer has had lengthy discussions with the applicant's agents to ensure high quality trees are retained. This has resulted in the removal of a number of the proposed car parking spaces. The Arboricultural Officer has recommended a number of conditions to protect the trees to be retained during construction, further landscape enhancements, planting methodologies and management regimes. Therefore, subject to appropriately worded conditions securing these matters, including a Landscape and Ecological Management Plan (LEMP), the proposed development is considered to accord with Local Plan Policy L9.

7. Impact on Ecology

The applicant has submitted a Phase 1 Habitat Survey with the application for the western area of the main site. It identifies the Shiphay Hospital LWS as being on the site and recommends consultation should take place with the landowners and managers of the site to devise an appropriate mitigation package, due to the loss of part of the LWS to development. The details of this have yet to be agreed and should be identified before planning permission is granted. This may include biodiversity offsetting. The mitigation will have to be secured by pre-commencement condition or s106 agreement if mitigation funding is proposed.

No direct evidence of protected species was found on the western area of the site, but trees and habitats on the site are suitable for protected species, specifically bats, birds and reptiles. Therefore, the survey recommends any trees with ivy to be removed must be checked by a suitably qualified ecologist beforehand to ensure there are no roosting bats. In addition, trees and vegetation should not be removed during the bird breeding season from March to August inclusive (this should be changed to from March to September inclusive for consistency with other applications). In addition, it recommends a reptile survey is carried out if reptile habitat is planned to be removed. All these matters should

be addressed in a Construction and Environmental Management Plan (CEMP) which must be secured by pre-commencement condition and cover the site as a whole, including the main site and the annex site.

Since the application was submitted, officers have been informed that there is a badger sett on the site to the south of the 'Football Field' car park. Therefore, prior to planning permission being granted, an Extended Phase 1 Habitat Survey should be carried out for this area, together with any other undeveloped areas with natural features on the site (main site and annex site) which will be affected by the proposals. If the Extended Phase 1 Habitat Survey recommends further protected species surveys, then these must also be carried out prior to planning permission being granted and submitted with the Extended Phase 1 Habitat Survey. Any further recommended mitigation must be secured by condition.

8. Surface Water Drainage and Flood Risk

The proposals aim to drain surface water from the new car parks via sustainable drainage systems, including soakaways where ground conditions are suitable. It is understood that some of the existing car parks on the site already drain to soakaways. No details of the proposed locations/designs of new soakaways or other sustainable drainage systems have been provided. Engineering has recommended a Grampian condition, whereby no development works can take place until the details have been submitted and agreed, to secure details of the proposed surface water drainage systems. Therefore, subject to an appropriately worded Grampian condition securing details of the proposed surface water drainage systems for the new car parks, the proposed development is considered to accord with Local Plan Policy EPS and paragraph 103 of the NPPF.

9. Water Pollution

A few local residents have raised concerns with potential water pollution from surface runoff from the proposed car parks. This issue should be taken into account in the detailed designs of the proposed surface water drainage systems for the new car parks, including appropriate filters which must be easily maintained. Therefore, subject to an appropriately worded Grampian condition securing details of the proposed surface water drainage systems for the new car parks that take into account this issue, the proposed development is considered to accord with Local Plan Policy EP9.

10. Air Pollution

The increased car trips to/from the site will result in more air pollution from vehicles. However, air pollutants disperse quickly particularly on exposed sites. The nearest Air Quality Management Area (AQMA) is in Hele Road, approximately 1.6km to the east. Therefore, it is considered that the proposals

will not have an adverse impact on air quality on the site or in the local area. The proposals therefore accord with Local Plan Policy EP3.

S106/CIL -

A sustainable transport/SDLR contribution is required in accordance with Local Plan Policies TS, T1 and T2, the Planning Contributions and Affordable Housing SPD and adopted Council Report 'Third Party Contributions towards the South Devon Link Road'. This is based on an assessment of the number of trips the proposed development will generate. The total sum is £293,750 and is split as follows:

- £6,750 to improve bus services to the site by providing a covered bus stop at near Lowes Bridge main entrance specifically close to the Womans' Health Unit
- £60,000 for a toucan crossing over Lowes Bridge main entrance
- £60,000 for a 3 metre cycle route across the grass rear of the Lodge, to link the new cycle route to Newton Road
- £64,000 as contribution towards public transport improvements including for the new Edginswell Station due to be constructed from 2017/18, and an enhancement of bus services
- £35,000 towards the new £1,148,000 Lowes Bridge - Shiphay junction improvements that the Council has underpinned funding its construction through Prudential Borrowing
- £68,000 towards the new South Devon Link Road, for which the Council has underpinned funding its construction through Prudential Borrowing.

Justifications:

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

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.

Status:

The applicant has not confirmed whether they are willing to pay the required contribution, or by which method they wish to make payment. A verbal update will be provided at committee.

Conclusions

The proposal will meet the operational needs of the Health Care Trust, now and into the future, as well as the needs of patients, visitors and on-site residents.

The proposal, as now presented and subject to the suggested conditions and S106 requirements, meets the requirements of existing and emerging Local Plan policies.

The proposal will provide much needed new parking spaces, with associated circulation space, landscaping and lighting.

However, further information is awaited on ecological impact and mitigation. Planning permission should only be issued once that information has been provided, assessed and the necessary conditions applied.

Relevant Policies

- CFS - Sustainable communities strategy
- CF2 - Crime prevention
- CF6 - Community infrastructure contributions
- CF13 - Torbay Hospital
- LS - Landscape strategy
- L8 - Protection of hedgerows, woodlands and o
- L9 - Planting and retention of trees
- L10 - Major development and landscaping
- NCS - Nature conservation strategy
- NC5 - Protected species
- EPS - Environmental protection strategy
- EP3 - Control of pollution
- EP4 - Noise
- EP5 - Light pollution
- TS - Land use transportation strategy
- T1 - Development accessibility
- T2 - Transport hierarchy
- T7 - Access for people with disabilities
- T25 - Car parking in new development
- T26 - Access from development onto the highway

Agenda Item 12

Application Number

P/2015/0067

Site Address

Maycliffe Hotel
St Lukes Road North
Torquay
Devon
TQ2 5PD

Case Officer

Mrs Ruth Robinson

Ward

Tormohun

Description

Change of use from former hotel to 11 flats with some remodelling of roofs and installation of terraced amenity space

Executive Summary/Key Outcomes

This application is for a change of use of a much altered and extended Villa, which has been in use for many years as a hotel, to provide 11 flats along with 11 car parking spaces. It also includes alterations in the form of new cladding, remodelled roof and new windows.

It is located in a prominent corner position in the Belgravia Conservation Area. This is characterised by stucco Italianate Villas set in spacious garden plots bounded by stone boundary walls.

To meet Local Plan policy requirements, the proposal must prove itself to sit comfortably in relation to the character of buildings and spaces around it, should achieve the removal or mitigation of unsightly changes and alterations carried out to the building whilst in tourism use, should deliver demonstrably well designed homes with access to amenity space and it should relate well to neighbours in terms of layout and amenity.

However, the scheme involves retention of the entire building and its re-cladding with timber and render panels, remodelling of the roof to create a series of flat roofs with terraces and re-fenestration with aluminium windows.

This produces a building that is wholly out of character with its context in terms of form, appearance, design and setting and as such is harmful to the character and appearance of the Conservation Area. It is also contrary to policies designed to 'rescue' these traditional buildings when uplift in value provides an opportunity to do so.

Further, it relies wholly on the provision of elevated terraces to achieve amenity space which are unacceptable from a design perspective and have attracted objection from neighbours concerned about loss of privacy and disturbance.

Neighbour concerns, in addition to design and amenity, relate to the impact on car parking as the scheme does not include provision of visitor spaces. It is not considered that this is a sustainable reason to resist the development based on current policies, the existing use as a hotel and its central location.

Recommendation

It is recommended that the application be refused for the harm it causes to the character of the Conservation Area, its failure to reverse any of the damage done to the building during its time in tourism use, its failure to deliver well designed homes in terms of the provision of amenity space and a lack of agreement in relation to meeting the impact of the scheme on the local infrastructure.

Statutory Determination Period

As a major application this has a 13 week determination period expiring on the 6th June.

Site Details

The Maycliffe Hotel, formerly a 28 bedroom hotel occupies a relatively prominent corner location to the north of the Belgravia Conservation Area. It has frontages to St Lukes Road North and Cary Road with lesser elevations to St Lukes Park and to the rear of the adjacent Brampton Court Hotel.

The Conservation Area generally is characterised by quintessentially Italianate Villas in generous plots laid out along the contours of Waldon Hill. Plots are bounded by rubble stone walls.

The larger, grander villas generally occupied plots with sea views to the south of Waldon Hill; the application site is situated to the north of Waldon Hill where the typical Italianate Villas are more domestic in character.

The area is mixed, including some holiday related uses but is predominantly residential in character.

This building was one of the earliest villas laid out on St Lukes Road North and probably dates from around the 1860's. Originally set in a spacious plot, it has been much altered over its years in holiday use through unsympathetic alteration and extension, to the extent that the whole plot has been subsumed by building and car parking.

The roof has been extended upwards to create a predominantly flat roofed structure.

There is currently a tarmac car park which occupies the whole of the Cary Road frontage and provides spaces for up to 10 vehicles.

It is not located within a defined PHAA.

Detailed Proposals

This application is for the conversion of the hotel to provide 11 1 and 2 bed apartments with re fenestration and re-cladding of all elevations with a mix of timber and render panels. The scheme also includes re-modelling of the roof to create a more consistent roof form and use of flat roofed areas created to provide terraced amenity space.

Summary Of Consultation Responses

The Conservation Officer considers that the resulting building has little relationship to the character of the Belgravia Conservation Area.

Summary Of Representations

Two letters of objection have been received which raise concerns about the lack of architectural consistency, impact on privacy from use of the elevated terraces and the impact on availability of car parking

Relevant Planning History

P/1989/1287: Extensions and Alterations to provide additional bedroom accommodation: 4.10.89.

Key Issues/Material Considerations

The key issues are the impact on the character and appearance of the Conservation Area, the quality of the residential accommodation to be provided, the impact on amenity and the impact on parking. Each will be addressed in turn.

Principle and Planning Policy -

In terms of the relevant policies, the Adopted Local Plan (policy TU7) and the SPD 'Revised Guidance on PHAA's' 2004 indicates that a change of use to residential accommodation is acceptable in principle subject to the development providing an acceptable standard of accommodation (Policies H4, H9 and H10) and delivering development that preserves or enhances the character of the Conservation Area (BES, BE1 and BE5).

Paragraph 4.10 of the Adopted SPD 'Revised Guidance on PHAA's' requires that in approving a change of use, improvements to buildings have been compromised by past extensions and alterations during their time as holiday accommodation.

This requirement is now included in a more robust form in the emerging Local Plan, Policy TO2 confirms that where a change of use away from tourism is permitted, there will be a requirement to restore land or buildings to their original historic form by the removal of unsightly features, signage clutter and extensions. It also states that amenity space lost through overdevelopment as holiday use should be reinstated and that a high priority will be given to restoring the character and appearance of buildings within conservation areas. Weight can be attached to this policy, as it has not attracted objections during formal

consultation on the new Local Plan.

In functional terms, the rationalisation of sites by the removal of later poor quality extensions also leads to the delivery of better laid out homes with amenity space, adequate onsite parking and buildings with proper settings.

Detailed policies in the emerging Local Plan, DE1 DE2 and DE3, build on the more generalised policies in the Adopted Local Plan and provide detailed guidance on the quality of residential environments including space standards for dwellings along with minimum garden sizes.

In terms of parking standards, the Adopted Local Plan defines a maximum number of 1.5 spaces per unit. The emerging Local Plan defines a minimum of 1 space per unit with visitor parking.

Impact on the Character of the Belgravia Conservation Area

As has been established, there is a need for development in Conservation Areas to preserve and enhance their character. In addition, the Adopted SPD and the emerging Local Plan require improvements to be secured to buildings previously used for holiday accommodation which have been compromised by past extensions and alterations.

The increase in land value arising from the change of use provides a funding opportunity to secure these improvements. Failure to achieve improvements now will mean the town is left with a degraded townscape in perpetuity. In Conservation Areas and where buildings have a discernible pedigree this requirement is particularly important.

The Maycliffe Hotel extends virtually across the whole plot and has been significantly and unsympathetically extended in recent years. The roof has been massively remodelled to provide a large series of flat roofed elements with a single retained pitched gabled roof. More traditional pitched roofs survive at ground and first floor level.

Whilst the alterations to the building were considered at the time to be acceptable due to the contribution to the local economy and the promotion of tourism, as these buildings revert back to residential use it is considered vital to achieve improvements to the buildings both in terms of their visual appeal and the creation of more space and setting to meet the needs of future occupiers.

The applicant's response to the need to secure improvements has been to retain the building in its entirety, to remodel the existing range of gable roofs and box dormers to create a more regular shaped roof and to re-clad the wings with contrasting coloured render panels and the central core with timber cladding. Existing pitched roofs are largely remodelled to provide flat roofed terraces. They have also included new consistently styled aluminium windows to replace the

current mix of sash and casement windows. Pitched roofs have been remodelled to provide terrace areas.

Existing incidental areas of landscaping have been upgraded to provide a more attractive external area. In another location, this design response may have been welcomed however; the problem is that it bears no relationship to the original character of the building nor to the clearly discernible character of the Belgravia Conservation Area which is primarily defined by stucco Italianate Villas with generous garden plots defined by stone boundary walls.

The Heritage Appraisal, submitted to justify the proposal, does not attempt to document the historical evolution of this building and whilst it is accepted that little of the original form is discernible today, there is sufficient evidence to broadly understand what the original building would have looked like and what its distinctive characteristics would have been. Whilst it may be unfeasible to return entirely to the footprint and form of the original villa, a more robust analysis of buildings evolution would provide a better understanding of its intrinsic character and therefore a clearer idea about how a more sympathetic and considered design solution might be achieved.

The Heritage Appraisal identifies the whole plot coverage and increased massing as harmful describing the building as a 'mass of blocks that appear to have been literally piled together over time with no sense of architectural composition'. It explains that the current form of the building is retained and 'added to in places' in order to make the conversion viable and to 'tidy it up'. The appraisal argues that this does introduce a greater architectural integrity, although it goes on to criticise the design solution for being out of character with the Conservation Area in terms of the use of materials, (alien timber cladding and dark aluminium windows) and the inclusion of alien features (balconies with glazed screens).

It is not considered that the approach taken, of retaining the extended building in its entirety, provides an acceptable solution in terms of the form and setting of the building. The remodelling of the roof, whilst producing a more consistent overall form nonetheless creates an alien feature within the more traditional pitched and gabled roofscape of the conservation area. The recladding, particularly the use of timber is similarly out of character as is the refenestration with aluminium casement windows. A more contemporary design response is not in itself a problem but it needs to have some reference to its context.

To summarise, the use is acceptable in principle and in accordance with policy TU7. However, it does not acceptably remedy or mitigate the harm to the character of the building accrued through its use for tourism purposes, the design approach taken is at odds with the character of buildings around it in terms of the resultant form, mass and design and as such is harmful to the character of the Belgravia Conservation Area contrary to policies BES, BE1 BE5 in the Adopted Local Plan, paragraph 4.10 of the adopted SPD 'Revised Guidance in the

PHAAs' and DE3 and TO2 in the Emerging Local Plan.

Quality Of Residential Accommodation to be Provided

The emerging Local Plan includes detailed requirements in relation to the quality of residential schemes in terms of amenity, layout and space standards. This scheme provides for 11 new 2 bed dwellings on the site. Of these 4 are below the minimum size for 2 bed flats (66m²) and three do not have access to the minimum of 10m² of amenity space per unit.

Due to the lack of space around the building, the amenity space that is provided is almost exclusively in the form of balconies and terraces. More space around the building would be available if Policy TO2 had been complied with.

It is accepted that minor discrepancies between proposed schemes and policy standards should not necessarily be fatal to a scheme and that a balanced assessment should be made of the scheme in the round. The applicants did respond to pre app advice regarding the numbers and sizes of units and the lack of amenity space by reducing the numbers of flats from 13 to 11 and remodelling roofs to provide terraces.

However, the only amenity space provided is in the form of elevated flat roofed terraces which are an alien feature in the Conservation Area. The inclusion of a more traditional roofscape would render the scheme severely substandard in terms of amenity space.

Impact on Amenity

There have been objections to the inclusion of elevated terraces on the grounds of amenity. This has the potential to cause nuisance through loss of privacy and noise disturbance which is exacerbated by its elevated position looking down on neighbouring properties. The terraces themselves are poorly related to each other and open to views from the street which will encourage the use of random screening to the detriment of the townscape. As such, the inclusion of these features would be contrary to policies H9 in the adopted Local Plan and DE3 in the Emerging Local Plan.

Impact on Car Parking

Objections have been raised about the impact on the availability of street car parking. The scheme delivers a ratio of 1:1 in terms of car parking with no provision for visitor parking. However, given the levels of car parking that could be generated by an operation of the existing use and the Adopted Local Plan standards which define a maximum number of spaces in a central location such as this then it is not considered that this could be sustained as a reason for refusal.

The existing tarmac car park is completely open to the street with all the original stone boundary walls having been demolished. Whilst the proposed scheme

sees the incidental planting beds upgraded, there are no other improvements in terms of reinstatement of the traditional means of enclosure to the site. In design terms this further counts against the scheme.

S106/CIL -

The Adopted SPD 'Planning Contributions and Affordable Housing' would have required a contribution of £ 42,430 to meet the impact of the development on local infrastructure.

From April 6th 2015, revised government policy limits the pooling of contributions and as a consequence, contributions can only be requested when there are specific schemes in close proximity to the site and which would be directly affected by the scheme in question. In the absence of any relevant schemes, only the waste management contribution (£550) could be collected.

However, in this case, as the scheme is not acceptable on planning merit, there is no agreement in relation to the scale of contribution that should be delivered.

Conclusions

It is recommended that the application be refused for the harm it causes to the character of the Conservation Area, its failure to reverse any of the damage done to the building during its time in tourism use, its failure to deliver well designed homes in terms of the provision of amenity space and a lack of agreement in relation to meeting the impact of the scheme on the local infrastructure.

Recommendation

Refuse.

Condition(s)/Reason(s)

1. The Belgravia Conservation Area is largely defined by stucco Italianate Villas set in garden plots with stone boundary walls.

The proposed treatment of this over extended villa is harmful to the character and appearance of the Conservation Area and fails to deliver the enhancements to the building and its setting required by paragraph 4.10 of the Adopted SPD 'Revised Guidance on PHAAs' and Policy TO2 of the Emerging Local Plan. This requires that unsympathetic accretions and alterations to buildings previously in tourism use are mitigated as a consequence of the change of use.

The retention of the entire building and its re-cladding with a mix of render and timber panels, along with re-modelling of the roof to produce a series of flat roofs and elevated terraces and re-fenestration with aluminium casement windows produces a building that is at odds with the prevailing character of the Belgravia Conservation Area in terms of form, design,

appearance and setting.

As such, the scheme is contrary to policies H9, H10, BES, BE1 BE5 of the Adopted Local Plan, to the Adopted SPD 'Revised Guidance on PHAA's', to policy TO2 of the Emerging Local Plan and to the relevant provisions of the NPPF.

2. The scheme relies wholly on elevated terraces for the provision of amenity space to serve the proposed dwellings. Policies H9 and 10 in the Adopted Local Plan require new dwellings (inter alia) to demonstrate a high standard of design, to have access to amenity space and to relate well to neighbours. Policy DE3 in the Emerging Local Plan includes minimum standards in terms of amenity space. These requirements are not met as the elevated terraces are not considered acceptable from a design or amenity perspective and as such the scheme fails when considered against policies H9, H10 and DE3 in the Adopted and Emerging Local Plan.
3. The scheme should deliver community infrastructure contributions in line with the adopted SPD 'Planning Contributions and Affordable Housing' in order to mitigate the impact of the development on the local area. The scheme does not secure this and as such it is contrary to the provisions of the SPD and to policy CFS and CF6 of the saved adopted Torbay Local Plan 1995-2011.

Relevant Policies

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Agenda Item 13

Application Number

P/2015/0123

Site Address

Highways Land On Lower Warberry Road
Torquay
Devon
TQ1 1SH

Case Officer

Verity Clark

Ward

Wellswood

Description

Removal of the existing column and the erection of a new 15m column with additional cabinets and ancillary development.

Executive Summary/Key Outcomes

The proposal is for the erection of a 15m column with four additional cabinets and ancillary development.

The proposal is considered to be acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality within the context of the Warberries Conservation Area.

The application is deemed to be acceptable for planning approval.

Recommendation

Committee Site Visit; Conditional Approval.

Statutory Determination Period

8 weeks, expires 24/04/15.

Site Details

The application site is highways land on Lower Warberry Road located south of the block of flats 'Sorrento' and situated on an area of pavement 3.9 metres to the right of an existing telegraph pole.

The site is located within the Warberries Conservation Area.

Detailed Proposals

The proposal is to remove the existing 12.5 metre high telecommunication pole and install a 15 metre high telecommunications pole 12 metres to the left of the existing pole's location. The proposal also includes the addition of four street cabinets to be situated to the right hand side of the existing street cabinet.

Summary Of Consultation Responses

Urban Design Officer - Verbal Consultation: The proposal is considered to be acceptable. The location of the pole is in close proximity to existing street furniture and due to the location within the Conservation Area it is not considered that alterations to the design or forms of screening are appropriate.

Summary Of Representations

5 objections have been raised. Issues raised:

- Impact upon the Conservation Area
- Visually obtrusive
- Relationship with nearby buildings
- Impact on light levels
- Alternative locations should be considered
- Impact on outlook
- Health impacts
- Impact on property values.

Relevant Planning History

P/2014/0504 Erection of a 15m column with additional cabinets and ancillary development. REFUSED 15/08/14

P/2008/1409 Telecommunications application - installation of 10M slimline monopole supporting shrouded antennas with equipment cabinet. APPROVED 05/12/08

Key Issues/Material Considerations

This application seeks permission for the erection of a 15 metre high telecommunications pole and four additional street cabinets. This will replace the existing 12.5 metre high telecommunications pole.

The existing telecommunications equipment provides coverage for the 2G network in the area. With the release of 4G the site needs to be upgraded to allow for 3G and 4G coverage. The existing column is structurally unable to accommodate the required amount of antennas and a stronger replacement structure is therefore required. The proposal is part of a joint venture by O2 and Vodafone and is intended in the long term to reduce the number of base stations nationally by consolidating single use base stations.

The applicant has noted that the site has been chosen as an existing base station is in situ and the upgrading of the site can be undertaken rather than works taking place in a new location. The overall impacts of the proposed upgrade can be undertaken with negligible additional visual impacts on the area.

It should be noted that guidance from the NPPF on determining planning applications for communications infrastructure states that:

"Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure."

The key issues to consider in relation to this application are the impact the proposal would have on the character and appearance of the street scene within the context of the Warberries Conservation Area and the amenity enjoyed by the occupiers of neighbouring properties.

Verbal consultation from the Council's Urban Design Officer has not raised an objection to the proposal. Although it is noted the proposal is within the Conservation Area the location of the pole is within close proximity to existing street furniture. The increase in overall height is not considered to significantly impact upon the street scene within the Conservation Area further than the existing equipment and in this instance alterations to the design or forms of screening are not considered to be appropriate to the location.

It should be noted that a proposal for a 15 metre high telecommunications pole located 1.8 metres to the left of the existing pole and four associated street cabinets was refused under application P/2014/0504 at the August 2014 Development Management Committee. This was due to the proposed impact on visual amenity of the adjacent block of flats by reason of its increased height and width in comparison to the existing telecommunications pole and it was considered that any proposal should therefore be placed in a less conspicuous position in order to mitigate its impacts. As no attempts were made to mitigate the visual impact of the proposal by way of its positioning and use of existing landscape features the proposal was considered to be contrary to Policies BES, BE1, BE5, INS and IN3 of the Saved Adopted Torbay Local Plan 1995 - 2011.

The current application follows on from this original application and has altered the location of the proposed pole in an attempt to reduce and mitigate the impact of the pole within the street scene. The proposed pole is located 3.9 metres to the right of an existing telegraph pole. This has therefore attempted to group together the street furniture, thus attempting to reduce the impact of the proposal within the street scene.

The proposal is considered to be an appropriate addition to the wider street scene. The proposed telecommunications pole will be 15 metres in height. This will replace the existing 12.5 metre high pole. Whilst it is acknowledged that the telecommunications equipment is located within the Conservation Area the design of the pole with associated antenna is of a streamline design that is considered to be appropriate within the context of the locality. The proposal is not considered to be of a materially detrimental design, appearance and height than the previously approved telecommunications equipment approved under

application P/2008/1409 and the location of the proposed pole has been moved from the previously refused application P/2014/0504 in order to take on comments made at the Development Management Committee and the subsequent reason for refusal. The colour of the mast will be grey which is considered to be acceptable in this location. The proposed elevation plan shows the block of flats 'Sorrento' which is situated north of the proposed equipment. The increase in height of the pole will result in the total height of the pole being of a similar height to that of the block of flats. The impact of the proposed pole is however not considered to significantly impact upon light levels, or to be of a visually obtrusive nature to the nearby buildings that would warrant refusal and is situated to the far side of the building which is orientated at an angle that faces slightly away from the proposed location of the pole. This location is considered to be an improvement to the existing location of the pole which is situated in a prominent location in the centre of a fairly open area of pavement. Under this revised application the location of the pole is situated in closer proximity to the property 3 Bingfield Close. This is considered to be acceptable due to the distance from the property, the situation of the existing telegraph pole and the existing boundary treatment of the property.

The four additional street cabinets are considered to be appropriate in terms of design and location. They are to be sited on a section of pavement next to an existing street cabinet. The location will allow for adequate space for users of the pavement and will fit in with the wall located to the rear.

The proposal is therefore considered to maintain and preserve the character and appearance of the street scene within the Conservation Area.

In order to avoid a proliferation of redundant masts and in the interests of visual amenity a planning condition will be required to ensure any redundant equipment is permanently removed from the site and the land is returned to its former condition.

S106/CIL -
N/A.

Conclusions

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

Condition(s)/Reason(s)

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

Reason: To avoid a proliferation of redundant masts, in the interests of visual amenity, in accordance with policies BES, BE1, IN3 and IN4 of the Torbay Local Plan 1995 - 2011.

Relevant Policies

BES - Built environment strategy

BE1 - Design of new development

BE5 - Policy in conservation areas

INS - Infrastructure strategy

IN3 - Telecommunications

IN4 - Redundant telecommunications equipment

Application Number

P/2015/0132

Site Address

Eclipse Lodge
Rawlyn Road
Torquay
Devon
TQ2 6PQ

Case Officer

Mrs Ruth Robinson

Ward

Cockington With Chelston

Description

Change of use from care home to 10 residential units including demolition of existing flat roofed first floor side extension and conservatory to rear elevation. Erection of pitched roof first floor side extension, replacement windows and minor alterations.

Executive Summary/Key Outcomes

Eclipse Lodge is a former Victorian Villa which has been much extended through its use as a Care Home. It is very prominent within the Chelston Conservation Area and is currently in a dilapidated condition. It is identified in the Chelston Conservation Area Appraisal as a key building, its stone boundaries as 'prominent' and its TPO protected boundary woodland planting as a key landscape feature.

The change of use of this former Care Home to provide new dwellings is acceptable from a policy perspective as it provides demonstrably well designed homes that meet with standards regarding layout, aspect, dwelling size and availability of amenity space in the Adopted and Emerging Local Plan.

It also, importantly, complies with Policy DE3 in that poor quality extensions and unsympathetic alterations are satisfactorily mitigated subject to agreement from the applicant in relation to additional landscaping, boundary treatment and replacement windows in the NW extension.

Concerns from local residents relate to the numbers of units being provided on site, the lack of parking, the quality of the work to the building and possible impact on trees.

There are no indicators of overdevelopment. The scheme complies broadly with policies in the emerging Local Plan regarding dwelling size and amenity space.

The parking ratio is 1:1 and whilst there is no onsite visitor parking provided, given the lawful use of the building and the relatively low levels of on street parking it is not considered that this could be sustained as a reason for refusal.

Improvements are secured to the building, the most damaging aspects of existing

extensions are removed and restoration works secured. However, in order to ensure that the quality of detail and scale of these works is sufficient to properly mitigate long years of neglect a schedule of works is required.

In terms of concerns regarding trees, protection measures are requested by condition and given the importance of the TPO woodland which borders the site, if it is under the control of the applicant, a Woodland Management Plan should be secured by condition to ensure that this strategically important landscape feature is maintained in perpetuity.

Recommendation

Approve: subject to the conclusion of a S106 Agreement or Unilateral Agreement to secure the identified community infrastructure contributions, agreement in relation to the additional improvements to the property comprising (possible) new windows to the NW elevation, additional landscaping along Coach House Lane and improvements to the boundary treatments and the conditions identified below.

1. Large scale details of key features.
2. Materials.
3. Submission of Schedule of works/Phasing agreement for implementation of works.
4. Submission of Woodland Management Plan.
5. Details of Boundary Treatments.
6. Landscaping.
7. Tree Protection Measures.
8. Provision of Bins and Bike storage.

Statutory Determination Period

As a major application the application has a 13 week determination period expiring on the 4th June.

Site Details

Eclipse Lodge is a much extended, dilapidated former Care Home, located close to the junction of Rawlyn Road and Old Mill Road and is prominent within the Chelston Conservation Area. The side elevation of the property is very prominent in views from Old Mill Road/Walnut Road due to its elevated position. The rear of the property fronts Coach House Lane and is more screened from wider views.

The eastern boundary of the site is TPO woodland which offers some screening in the streetscape and provides a key landscape feature particularly in views along Old Mill Road. It is unclear exactly how much of this is under the control of the applicant. This should be resolved by the time of the meeting and a verbal update will be provided.

It is identified as a key building in the Chelston Conservation Area Appraisal and as part of an important group of similar buildings which make a positive contribution to the townscape.

The front and rear stone boundary walls are described as 'prominent' meaning that they make a positive contribution to the character of the conservation area. This study also identifies the wooded boundary as a key feature of the Conservation Area.

The building has been much extended through its life as a Care Home and its boundaries altered. To the original villa has been added a 2 storey flat roofed side extension occupying the garden area to the east of the villa, a 1-2 storey pitched roof side/rear extension and a UPVC Conservatory on the flat roof of the single storey rear extension. The original windows have been largely replaced or are in very poor repair and much of the period detail has been removed or remodelled.

There are 2 vehicular accesses to the site, one from Rawlyn Road to the front of the property and one from Coach House Lane. Each provides access to existing car parking which largely comprises tarmac. To the side and rear of the property are garden areas which are now neglected and overgrown.

Detailed Proposals

The application involves conversion of the building to provide 10 residential flats (comprising 5x1 bed, 5x 2 bed and 1 x3 bed). This results in the provision of 11 units in total as there is an existing 1 bed owners flat included within the scheme.

It involves the removal of the top storey of the eastern bedroom wing along with replacement of the picture windows with UPVC sliding sash and the introduction of a low parapet wall to define the terrace area created by removal of this level of accommodation.

New sliding sash windows are introduced to the lower ground floor of the southern garden elevation, the elevated UPVC conservatory to the rear elevation is removed and a new single storey pitched roof extension is proposed to the eastern elevation to tie in alterations to the eastern elevation.

11 car parking spaces are proposed, comprising 7 to the front of the property and 4 to the rear.

Summary Of Consultation Responses

Conservation Officer: Considers the scheme acceptable as the most damaging additions and alterations to the building are mitigated.

Highways: Raise no objections to the scheme.

Summary Of Representations

3 letters of objection have been received which raise the following matters:

1. Excessive number of units in relation to car parking levels with consequent impact on Rawlyn Road which is already heavily parked.
2. Work already carried out to a poor standard not fitting to its position in a Conservation Area.
3. Possible loss of trees.
4. Concern about siting of waste bins.

Relevant Planning History

P/1988/1986: 2 storey rear bedroom extension: Approved 9.01.89.

P/2007/2066: Alterations at Lower ground, ground and first floor extension: Refused 13.12.07.

P/2009/0028: Lower ground floor extension: Approved 3.03.09.

Pre App advice concluded that the scheme was acceptable providing that there was sufficient mitigation in terms of improvements to the appearance of the building and its setting.

Key Issues/Material Considerations

The key issues are the adequacy of the proposed improvements to the building and its setting, the scale of the development on site and its compliance with emerging policies in relation the size of the units and the levels of amenity space, the adequacy of car parking levels, the impact on trees and bin storage. Each will be addressed in turn.

Principle and Planning Policy -

The relevant policies are H4, H9 and H10 in the Adopted Local Plan in terms of the principle of the use and its scale and impact on the neighbourhood. Policies BES, BE1 and BE5 are relevant in terms of the quality of design and its impact on the character of the area.

In the emerging Local Plan, and particularly relevant to this application is policy DE3 which specifies a minimum standard in terms of dwelling sizes and amenity space and also makes more explicit the requirement for aesthetic improvements to the conversion of previously overextended properties.

Adequacy of Proposed Improvements to the Building and its Setting

The building has, over the years of use as a Care Home, been subject to a number of unsympathetic alterations to its form, its period detailing and its setting. These arose from increasingly prescriptive regulations regarding room sizes and facilities. The uplift in value arising from the change of use provides the one and only opportunity to redress the negative aspects of this buildings appearance. Failure to achieve proper mitigation now will result in this building of merit remaining in a degraded state in perpetuity with consequent effects on the

quality of the Conservation Area.

The original Villa has had 2 substantial extensions added to its core; these are a 2 storey flat roofed side bedroom wing which extends across the eastern garden and a 2 storey pitched roof extension to the North West.

The former is the most damaging to the character of the Villa. It is, in terms of form and location, wholly unsympathetic and the detail, including picture windows and a fire escape is out of character with the main villa.

The applicants have agreed to remove the top floor of this structure in its entirety which allows a better appreciation of the original villa and will also improve the building in longer distance views across the valley. All inappropriate windows in what remains of this extension are to be replaced with UPVC sliding sash along with those in the lower ground floor of the southern garden facing elevation.

The flat roof of this remodelled extension is to form a terrace for the adjacent flat and be defined by a low parapet wall. Fire escapes are to be removed and the use of render bands introduced to restore a better sense of proportion. A small single storey extension in the position of a former original conservatory is to be reintroduced to the eastern elevation. This will help tie in the changes to the eastern elevation.

The latter of the 2 substantial extensions forms a single storey wing extending from the western side of the Villa which, due to the change in levels across the site becomes 2 storeys to the rear. It is reasonably well screened in terms of public views through facing onto a rear lane.

It is described in the applicants Heritage Significance Statement as 'to some degree detrimental to the understanding of the Villa and its setting' but in mitigation, it is pointed out that the detailing is 'reasonably sympathetic'.

Whilst this is true in terms of form and roofscape, the fenestration is poor comprising UPVC top hung casements and the setting could be improved. The applicant has been asked to consider replacing the windows and to consider introducing landscaping to soften the relationship along Coach House Lane. The cost of these additional works was originally thought to be unviable.

Other improvements involve the removal of a large elevated UPVC conservatory which is prominent in views of the rear of the property and to replace the current railings to the terrace with a frameless safety glass.

In terms of period detailing, an ornate ironwork veranda to the front elevation appears to have been removed and there is a lack of clarity about the future of some key windows. A schedule of works is required to ensure that the building is sympathetically restored and period detailing either restored or reinstated.

The prominent stone boundary walls highlighted in the CAA require some improvement and would benefit from a reduction in the size of the openings/and/or reintroduction of piers.

Depending on agreement with the applicants in relation to the works to replace windows in the NW extension, to landscape the boundary of the site with Coach House Lane, to upgrade the boundary walls and reduce the size of the openings, and provide a schedule of works to ensure that the key characteristics of the building are retained and restored then it is considered that the scheme will satisfy the requirements of Policy DE3 of the emerging Local Plan and the relevant policies in the Adopted Local Plan BES, BE1 and BE5.

The Scale of Development on Site and the Quality of the Residential Environment

The Adopted Local Plan contains policies to ensure that appropriate residential standards are achieved in all conversions. This is developed further in the emerging Local Plan which seeks to achieve a minimum size for dwellings and gardens and better designed homes. Concerns have been expressed about 'overdevelopment' from neighbours to the site although this largely stems from perceived shortfalls in car parking. The unit size is broadly consistent with the suggested standards and the amount of garden space is above the minimum standard. Apart from the 'existing flat', which is not included in this application, the units are all acceptable in terms of outlook, amenity and design. There are no obvious impacts arising from the inclusion of this number of dwellings on the site particularly if considered in light of the lawful use of the premises as a substantial Care Home. Thus it is considered that the scheme is in line with the requirements of DE3 in the emerging Local Plan and policies H9 and H10 in the Adopted Local Plan.

Adequacy of Parking

The scheme provides for 1:1 car parking with 7 spaces to the front of the building and 4 to the rear. Highways have no objections to the scheme and it is compliant with the maximum standard in the Adopted Local Plan (Policy T25). The NPPF and emerging Local Plan have shifted the emphasis from seeking to reduce car parking levels within the urban area (by defining a maximum allocation) to a policy position that seeks to ensure compliance with parking standards. This now specifies that one space per unit is acceptable but that parking for visitors should be provided. However, it is not considered that the impact of visitor parking would be significant enough on what is a relatively uncongested road to warrant refusal of planning permission. Again, the former use as substantial Care Home and the on street parking that would have generated needs to be weighed in the balance.

Impact on Trees

There are TPO trees which form the eastern boundary to the site and are

significant townscape features particularly in views along Old Mill Road. These are not affected by the proposal. By condition a Woodland Management Plan will be required in relation to those areas under the control of the applicant to ensure these trees are properly managed in the long term. Also Tree Protection Measures will be required by condition to ensure that the trees are fully protected whilst works take place on site.

Bin Storage

Adequate and reasonably located bins stores are provided to the front and rear of the property. Details of their appearance will be required by condition.

S106/CIL -

The Adopted SPD 'Planning Contributions and Affordable Housing' would have required a contribution of £30,892 to meet the impact of the development on local infrastructure.

From April 6th 2015, revised government guidance limits the pooling of contributions and as a consequence, contributions can only be requested when there are specific schemes in close proximity to the site and which would be directly affected by the scheme in question. It is being investigated whether there are local sustainable transport/greenspace schemes that could be eligible for funding by this means.

In the absence of any relevant schemes, only the waste management contribution (£550) could be collected. However, this would improve the viability of the scheme which would make some of the additional improvements to the building requested in terms of replacement windows, boundary treatments and improved landscaping more financially viable. A verbal update on this matter will be given at the meeting.

Conclusions

The change of use of this former Care Home to provide new dwellings is acceptable from a policy perspective as it provides demonstrably well designed homes that meet with standards in the Adopted and Emerging Local Plan. It also complies with Policy DE3 in that poor quality extensions are unsympathetic alterations are satisfactorily mitigated subject to agreement from the applicant in relation to landscaping, boundary treatment and replacement windows in the NW extension.

Whilst there is no onsite visitor parking provided, given the lawful use of the building and the relatively low levels of on street parking it is not considered that this could be sustained as a reason for refusal.

Recommendation

Approve: subject to the conclusion of a S106 Agreement or Unilateral Agreement to secure the identified community infrastructure contributions, agreement in

relation to the additional improvements to the property comprising (possible) new windows to the NW elevation, additional landscaping along Coach House Lane and improvements to the boundary treatments and the conditions identified below.

1. Large scale details of key features.
2. Materials.
3. Submission of Schedule of works/Phasing agreement for implementation of works.
4. Submission of Woodland Management Plan.
5. Details of Boundary Treatments.
6. Landscaping.
7. Tree Protection Measures.
8. Provision of Bins and Bike storage.

Relevant Policies

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Application Number

V/2015/0003

Site Address

The Corbyn Apartments
Torbay Road
Torquay
Devon
TQ2 6RH

Case Officer

Mrs Helen Addison

Ward

Cockington With Chelston

Description

Further variation of Section 106 Agreement (Planning approval P/1991/0370 - Erection Of 17 Holiday Units And Associated Parking) - Reallocation of 8 unrestricted apartments to floors 2 and 3

Executive Summary/Key Outcomes

Consent has previously been granted to allow eight of the seventeen apartments in the building to be used for residential purposes with the remaining nine apartments being retained for holiday use.

The premises have changed ownership and the applicant has requested that the distribution of the holiday and residential apartments within the building be revised. The proposal is for the holiday accommodation to be on the ground and first floors and the permanent residential apartments to be on the second and third floors. The applicant has advised that this arrangement would result in a clean and clear horizontal split of the building that would provide an optimum solution for operation of the premises.

As the number of residential and holiday apartments within the building would not be changed, the proposal is considered to be acceptable in planning terms as there would be no change to character of the area and the site would continue to deliver the same level of tourism offer as previously approved.

Recommendation

That the terms of the S106 agreement be revised in respect of the division of the apartments between residential and holiday use. The time period for signing and completion of the revised S106 agreement to be within 3 months from the date of this committee.

Statutory Determination Period

The eight week target date for determination of the application is 21st May 2015.

Site Details

The application site relates to a modern four storey block of apartments that have consent for mixed holiday and residential 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 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

The application is for a further variation of the S106 agreement in respect of planning application P/1991/0370 which was for the construction of 17 holiday flats and associated parking. Under application reference V/2013/0004 consent was granted for eight of the apartments to be used for residential purposes with the remaining nine being retained in holiday use. The proposal is for the nine holiday apartments to be located on the ground and first floors of the building with the residential apartments on the second and third floors. The reason for this revision is that the property has been sold and the new owner considers a horizontal split of the apartments would be beneficial to the operation of the business.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received.

Relevant Planning History

V/2013/0004 Proposed modifications to Section 106 (P/1991/0370) approved 11.9.14

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 main issue is whether the proposed revision to the distribution of holiday and

residential flats in the building would have an effect on the holiday character of the area.

The proposal would not result in a change in the number of residential and holiday apartments within the building. The applicant's justification for this revision due to operational reasons is noted. It is agreed that there may well be an advantage to having all the holiday apartments on two floors in terms of servicing and also to separate the holiday use apartments from the residential apartments as tourists could in some instances have different activity patterns than permanent residential occupiers.

Under the previous approval (V/2013/0004) the mix of apartments was:

Holiday	Residential
3 x 1 bedroom	2 x 1 bedroom
5 x 2 bedroom	3 x 2 bedroom
1 x 3 bedroom	3 x 3 bedroom

In the current proposal the mix of apartments would be:

Holiday	Residential
5 x 1 bedroom	4 x 2 bedroom
4 x 2 bedroom	4 x 3 bedroom

Clearly the proposal would result in an increase in all the smaller 1 bedroom apartments being used for holiday purposes and in contrast all the larger 3 bedroom apartments would be used for permanent residential purposes. This revision would have a small impact on the tourism offer from the site as the mix of apartments available for holiday use would be of reduced value due to their smaller size, and therefore there it is possible that the income generation would be proportionately reduced. However it is not considered that the effect of this change would be so significant that it would have a notable impact on the contribution of the site to the tourism industry. Consequently the proposed revision is considered to be acceptable and would not result in an adverse affect on the PHAA.

S106/CIL -

The proposal would not change the use of the premises in comparison with the previous consent under application reference V/2013/0004. As a result of the changes to the Planning Practice Guidance introduced by the Government in November 2014 the contributions that are needed to off set the impact of the development on local infrastructure are revised as below;

Waste Management	£400
Sustainable Transport	£9,760
Greenspace and Recreation	£6,980
Total	£17,140

The following clauses were agreed under application reference V/2013/004 and will be included in any revision to the S106 agreement:

- that if an apartment was sold then a proportion 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;
- A monitoring contribution is to be paid in order that the clauses proposed (such as maintaining a register of holiday makers) can be monitored.

Conclusions

In conclusion, this proposal is for a relatively minor variation of a S106 agreement to revise the distribution of residential and holiday apartments within the building. The previously approved split of 8 residential holiday apartments and 9 holiday flats would be maintained. The proposed revision would maintain the contribution of the site to the tourism industry and is therefore considered to 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

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Spatial Planning

Annual Performance Report 2014/15

Summary of success April 2013 – March 2015

- Almost 85% of major planning applications have been determined in time, showing a marked improvement on previous years, and 85% of all major applications are approved ;
- Only one appeal against the Council's decisions on major applications (39 no.) was not dismissed at appeal, representing 2.6% of decisions on major applications and confirming the Council makes robust, high quality decisions;
- Major developments approved by the Council include the award winning Abbey Sands; Devonshire Park; Wall Park; Torwood St (former Garage site); The Arboretum; Riviera Bay; and Torbay Hospital's new critical care unit. These all provide good outcomes for Torbay;
- The Council won three major appeals – Morrisons, Babbacombe; Churston Golf Clubhouse and Tesco, Edginswell;
- Over 65% of smaller planning applications are determined in time, with almost 90% approved;
- Almost 90% of Development Management Committee decisions follow officer advice;
- There has been good progress on the new Local Plan and masterplans;
- This excellent performance was achieved in the context of major changes within the Council and to national policy and guidance;
- The Spatial Planning team is not complacent and continues to find ways to improve its operation as a business unit.

1.0 Executive Summary and headlines of success

- 1.1 This report provides a summary of the performance of the Strategic Planning & Implementation Team (Spatial Planning). The team's performance is assessed against Government targets, against other Local Planning Authorities and in relation to outcomes on the ground. It is also assessed over a two year period (1 April 2013 – 31 March 2015), but particularly the last 12 months (from 1 April 2014 to 31 March 2015).
- 1.2 It has been a year of significant changes. The Local Plan has moved quickly towards adoption and has received a very positive interim response from the Country's most eminent Planning Inspector. In addition, four masterplans have been produced, with a significant amount of community engagement, and the three Neighbourhood Plans continue to be developed. There have been significant changes in national legislation and guidance, really focused on reducing red tape and increasing speed of delivery of new development. There have been significant changes within Spatial Planning, resulting in the merger of Strategic Planning, Development Management, Strategic Transport and Environment, which will be implemented from 1st April 2015, and are part of changes across the Council.
- 1.3 Within this context, the Council's good performance in relation to producing new strategy and determining planning applications remains vital to securing investment in the Bay and complement other activities, such as business support provided by the TDA. Investors look ,

for example, at the strategic planning framework (Local Plan, master plans, neighbourhood plans) to provide clarity and certainty; they look at the Council's speed of decision making and the extent to which officer advice on planning applications is agreed by Members. This allows them to judge the level of risk of investment at an early stage in the development process.

1.4 The Council's planning performance is assessed, by Government, against two key criteria:

- The % of major planning applications determined within 13 weeks, with Councils expected to determine at least 40% of applications within 13 weeks. This is an assessment of speed.
- The % of major planning decisions overturned at appeal, with the Council expected to ensure that no more than 20% of decisions on major developments are overturned on appeal. This is an assessment of quality of decision making.

1.5 The Council is performing well against these criteria.

- Almost 85% of major planning applications are determined in time, up from 71% in 2013/14 and 63% over the previous two year (2012-2014) rolling reporting period;
- Only one appeal against the Council's decisions on major applications (39 no.) was not dismissed at appeal, representing 2.6% of decisions on major applications.

1.6 The Spatial Planning team is outcome driven. It wants to ensure the right development happens in the right place, at the right time and secures benefits (social, environmental, economic) for the Bay as a whole. The examples cited in this report show that the Council continues to deliver high quality outcomes. Abbey Sands has become a symbol of top quality development in the Bay, winning the 'Best Mixed-Use Development UK' category of the UK Property Awards 2014-15 and now occupied by Le Bistrot Pierre, Costa Coffee and the Visto Lounge. The former Garage site on Torwood Street has secured planning approval and development will start this summer. The Council has supported comprehensive redevelopment of difficult brownfield sites such as Devonshire Park (formerly Bookhams), the former Jewsons site in Torquay and the Lansdowne Hotel. It has also supported improvements in the quality of Torbay's tourism offer, in the form of proposals at the Aboretum, Riviera Bay, Torwood Street and Corbyn Apartments. It has supported development in environmentally sensitive locations, such as Wall Park and Riviera Bay, and secured significant investment in the Bay's environment as a consequence.

1.7 In order to achieve that, Spatial Planning has a 'one team' approach, including a total of ten Development Management officers leading on handling planning applications. This one team approach ensures there is a consistent approach in handling applications and policy; it provides greater flexibility, for example in dealing with variations in workload, and includes valuable dialogue with Members. This will continue from 1 April 2015 with the creation of a new Spatial Planning team, bringing together spatial planning (policy and development management) with transport and environment. In addition, the Council's Planning Investigations Officer (Tim Wills) will be joining the Development Management Team from 1 April 2015, allowing more support to be provided to planning enforcement activities.

2.0 Major developments

- 2.1 Major developments are those for 10 houses or more, for 1000 sq metres or more of floorspace or for 1 hectare (0.5 ha's for residential development) or more of land. Major applications requiring an Environmental Impact Assessment (EIA) are excluded from this performance monitoring. Similarly, major applications for which there has been a formally agreed extension of time (e.g. via a Planning Performance Agreement) are also excluded.
- 2.2 Councils are expected to determine at least 40% of major planning applications within 13 weeks. Councils that fail to achieve this target could be placed in special measures. For the previous two year (2012 – 2014) rolling reporting period the Council's performance was at 63% and for the 2013/14 financial year was 71%. The target is likely to be raised by Government to 50% in the near future (see page 23 of this report).
- 2.3 Table 1 below shows the Council's performance, on a quarter by quarter basis between April 2013 and March 2015, on major development proposals. The Council has received around 20 major planning applications per annum over the last 2 years, although there has been a slight fall in numbers in the last 12 months. This is a lower number than has been the case in previous years, but the number is expected to increase as the national economy recovers and there is greater confidence in investing in Torbay. Table 1 and Diagram A below show that the Council determines almost 85% of major planning applications within agreed timescales and has not, over the last 2 years, fallen below 60% of decisions made within agreed timescales. This is an extremely good performance, especially given the context set out in paragraph 1.2 above, and shows continued improvement from 2012, when the Council was at risk of being placed in special measures.

Table 1: Major Applications performance 2013 – 2015 (Q1 – Q12)

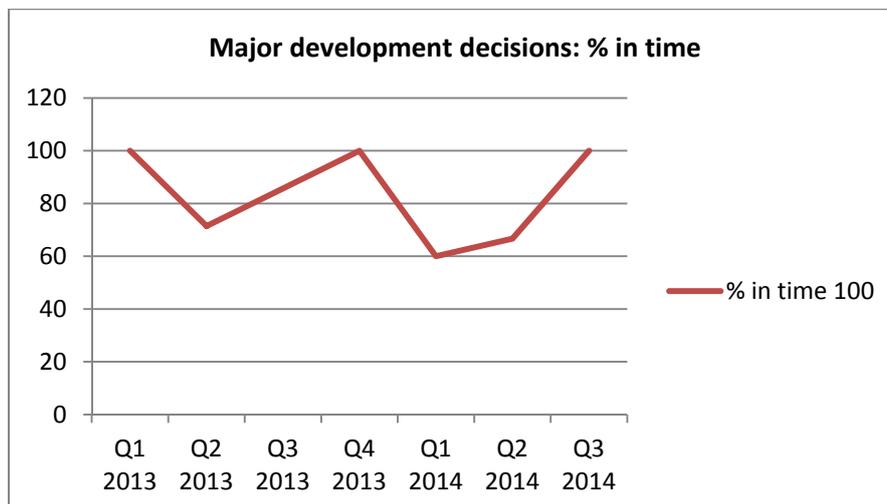
Year / quarter	Nos	Grant	Refuse	In time
Q1 2013/14	2	2	0	2
Q2 2013/14	5	3	2	5
Q3 2013/14	7	5	2	5
Q4 2013/14	7	7	0	6
Q1 2014/15	6	6	0	6
Q2 2014/15	5	4	1	3
Q3 2014/15	3	3	0	2
Q4 2014/15	4	3	1	4
Total	39	33	6	33
%		84.6	15.4	84.6

- 2.4 It is also highly commendable that the Council approves almost 85% of all major planning applications. This not only underlines the Council's positive approach to new development, especially if that development provides benefits for the Bay, but also supports the time and

effort spent on working with applicants to negotiate high quality outcomes for new development.

- 2.5 Torbay has also performed well in relation to other Councils. A review of DCLG statistics, based on quarterly returns from every Council, shows that in December 2014 Torbay determined 75% of major applications in time and was ranked 140th out of 337 Councils. Using the same statistics South Hams were 56th (on 85%); Plymouth 60th (on 84.8%); Dartmoor National Park 80th (with 80%); Teignbridge 105th (with 78.7%); Exeter 318th (on 52.6%); and East Devon 324th (with 50.8%). On the assumption that other Councils remain at the December '14 levels of performance, Torbay's 84.6% determination rate could place it in the top 60 in the Country.
- 2.6 The Council's good performance in determining major applications is as a result of a team effort, between applicants, Councillors (particular Development Management Committee Members) and officers – from a range of different services, but particularly the Development Management and Technical Support teams. However, there is no room for complacency, especially as the numbers of major applications Torbay determines is relatively small and if a few more applications are determined 'out of time' this would have a dramatic effect on our performance against Government targets. Consequently, even more effort will be placed on productive pre-application work, including Member briefings; Planning Performance Agreements will be used more frequently; evidently poor planning applications will be refused quickly, rather than time spent on trying to negotiate acceptable outcomes; DMC Members will be encouraged not to defer too many decisions; and quicker means to complete S106 Agreements will be explored.

Diagram A



3.0 'Other' developments

- 3.1 Other developments are defined as relatively small scale commercial development (under 1000 sq mts floorspace or 1 ha of land) and for residential schemes of less than 10 homes (or under 0.5 ha's of land). There are no penalties for failure to achieve the Government's target of achieving 65% of decisions within 8 weeks for 'other' applications, although this too is likely to change in the near future. Performance in relation to smaller developments is

important, not least because planning application fees, business expansion and new homes bonus all provide valuable income for the Council.

- 3.2 The 65% target has, historically, been difficult to meet due to competing priorities, reductions in staff and restructuring, and because of the time needed to complete Section 106 Agreements within the 8 week period. In the previous two year (2012-2014) rolling review period the Council’s performance was often below 60%, although there were signs of improvement in the last quarter of 2013/14.
- 3.3 Table 2 below illustrates the number of planning applications received by the Council for smaller development proposals between 1 April 2013 and 31 March 2015. It shows that the Council determines more than 65% of these applications within 8 weeks, which is a commendable performance. It also shows that almost 90% of these applications are approved which, again, is extremely positive. Most decisions are made under delegated powers (to officers).

Table 2: Other (non-major) planning application performance 2013 – 2015 (Q13 – Q25)

Year / Quarter	Nos	Grant	Refuse	In time
Q1 2013/14	223	190	33	113
Q2 2013/14	249	219	30	150
Q3 2013/14	259	229	30	186
Q4 2013/14	211	198	13	163
Q1 2014/15	248	229	19	180
Q2 2014/15	203	178	25	141
Q3 2014/15	201	177	24	135
Q4 2014/15	203	185	18	108
Total	1797	1605	192	1176
%		89.3	10.7	65.4

- 3.4 Consequently determining more than 65% of these applications within 8 weeks, over the last two years, is an excellent outcome. This is partly as a result of securing upfront payments for S106 Agreements, securing S106 information before validation, and seeking withdrawal and resubmission of applications where significant revisions are needed.
- 3.5 ‘Other’ applications contribute a significant percentage of the overall income (around £675,000) from planning application fees. As such, there is some concern that the numbers of these applications has dropped in the last three quarters. Spatial Planning will be investigating and implementing ways of incentivising the submission of more small planning applications. In addition, it’s important to continue to improve the service and other ways of doing so (in addition to those covered in para 3.4) will be investigated and implemented.
- 3.6 In relation to ‘other’ applications Torbay doesn’t perform well against other Councils. According to DCLG statistics at Dec 2014, with a determination rate of 66%, Torbay is ranked

303rd. Plymouth is ranked 18th (93.7%); Dartmoor National Park 163rd (with 79.7%); Teignbridge 233rd (with 75.2%).

3.7 Applications for minor residential development (less than 10 homes) are a subset of ‘other’ planning applications. Torbay has, historically, relied on small scale developments such as these to deliver new homes and to make a significant contribution to Torbay’s 5 year housing supply. It is also extremely important to support local and regional developers, who generally promote smaller, less viable sites than volume home builders for example.

3.8 Table 3 below shows that we continue to receive a reasonable number of these types of application and continue to approve more than 76% of proposed developments. However, less than 30% of decisions are made within agreed timescales (usually 8 weeks). Spatial Planning will investigate and implement ways to incentivise the submission of more planning applications and ways in which the development management process can be improved to support quicker, high quality decisions. This is likely to mean ‘front loading’ the process, for example providing design advice at a pre-application stage, and spending less time negotiating during the post-application process. This is likely to mean changes to the Site Review Meeting process.

Table 3: Minor residential development (< 10 units) performance 2013-2015 (Q13)

Year / Quarter	Nos	Grant	Refuse	In time
Q1 2013/14	30	18	12	6
Q2 2013/14	20	18	2	4
Q3 2013/14	27	19	8	7
Q4 2013/14	30	26	3	13
Q1 2014/15	40	31	9	11
Q2 2014/15	18	16	2	7
Q3 2014/15	20	13	7	10
Q4 2014/15	27	21	6	2
Total	212	162	49	60
%		76.4	23.1	28.3

3.9 Householder applications (for extensions to existing homes, new garages etc) also provide a significant amount of work for the Development Management team. Table 4 below shows that almost 90% of these applications are approved and almost 74% of decisions are made within 8 weeks. These are very commendable results and show that the Council provides a good service to the Bay’s residents. The quantity of applications generates around £75,000 per annum in planning application fees and significant amounts of work for local businesses. Consequently Spatial Planning will be investigating and implementing ways to increase the numbers of planning applications and continue to improve its service. Once again, this may mean changes to the Site Review Meeting process.

Table 4: Household applications performance 2013 - 2015 (Q21)

Year / Quarter	Nos	Grant	Refuse	In time
Q1 2013/14	98	82	16	58
Q2 2013/14	124	108	16	78
Q3 2013/14	131	116	15	113
Q4 2013/14	106	97	9	93
Q1 2014/15	116	111	5	95
Q2 2014/15	108	91	17	78
Q3 2014/15	103	90	13	76
Q4 2014/15	105	97	8	67
Total	891	792	99	658
%		88.9	11.1	73.8

4.0 Appeals

- 4.1 Councils are expected to be able to successfully defend, at appeal, at least 80% of decisions made on all major planning applications. Councils that fail to achieve this target could be placed in special measures.
- 4.2 Only one appeal against the Council’s decisions on major applications (39 no.) was not dismissed at appeal, representing 2.6% of decisions on major applications. The Council also defended another appeal, at Public Inquiry, relating to Redstones, Cockington Lane – where enforcement action is being taken. A repeat application has also been appealed.
- 4.3 In relation to major applications, the Council successfully defended 75% (3 no.) of appeals (4 no.). These cases related to Tesco, Edginswell; Churston Golf Course and Morrisons, Babbacombe Rd. Another appeal, from Taylor Wimpey (Car Boot Sale site, Collaton St Mary), was withdrawn by the appellants after Statements of Common Ground were exchanged – which could be considered as a success for the Council. In 2014/15 – the second half of the rolling review period - the Council successfully defended 100% of major development appeals, indicating that our performance continues to improve. These statistics show the Council continues to make robust, high quality decisions on major planning applications.
- 4.4 The successes in relation to Morrisons, Churston Golf Club and Tesco deserve particular mention. In all three instances the Council faced very tough, skilled and well resourced appellants. In the Tesco and Churston cases, in particular, community representatives provided valuable input, adding weight to the Council’s case. All three appeals took significant staff resource, particularly the Churston Golf Course appeal, with each appeal taking staff ‘off line’ for 6 – 8 weeks. The financial cost of Public Inquiries, during which the



Council utilises barristers and consultants, is also substantial. The Tesco and Churston cases, at just over and just under £150,000 respectively, cost the Council £300,000 to defend.

- 4.5 Table 5 below shows that over the two year review period (April 2013 – March 2015) there were 64 appeals in total that were taken through to decision, with three appeals being withdrawn. The Council won just under 70% of those appeals. Summaries of the appeals determined in the last two quarters (Sept 2014 – end March 2015) of the rolling review period are attached as Appendix A to this report, as Members have not seen them previously.
- 4.6 The outcomes of appeals provide a steer on the robustness of Local Plan policies and provide Development Management Committee with a good indication of issues to consider in determining planning applications. For example, the Tesco and Morrison’s appeals showed the national and local policy of ‘town centre first’ for retail is working well, but it will be important – over the next 2 – 3 years – to develop key sites in the town centre, such as the Town Hall Car Park site. One of the reasons for the Churston appeal being dismissed was down to the rural nature of roads leading to and from the site, rather than just volume of traffic. The Churston appeal also underlined the importance of being clear and certain about the significance of ecological impacts / in combination effects, and the amount of information required to secure clarity and certainty. The Tesco decision showed the need for good design in prominent locations and, similarly, a number of the decisions on smaller developments have underlined the importance of maintaining and improving the street scene.

Table 5: Appeals performance 2013 - 2015

Year / Quarter	Major	Dismissed	Minor	Dismissed	Total Appeals	Total dismissed
Q1 2013/14	0	0	5	4	5	4
Q2 2013/14	0	0	7	6	7	6
Q3 2013/14	0	0	14	8	14	8
Q4 2013/14	1	0	6	5	7	5
Q1 2014/15	1	1	10	8	11	9
Q2 2014/15	0	0	5	5	5	5
Q3 2014/15	0	0	4	4	4	4
Q4 2014/15	2	2	9	5	11	7
Total	4	3	60	41	64	44
% Dismissed		75		68.3		68.8

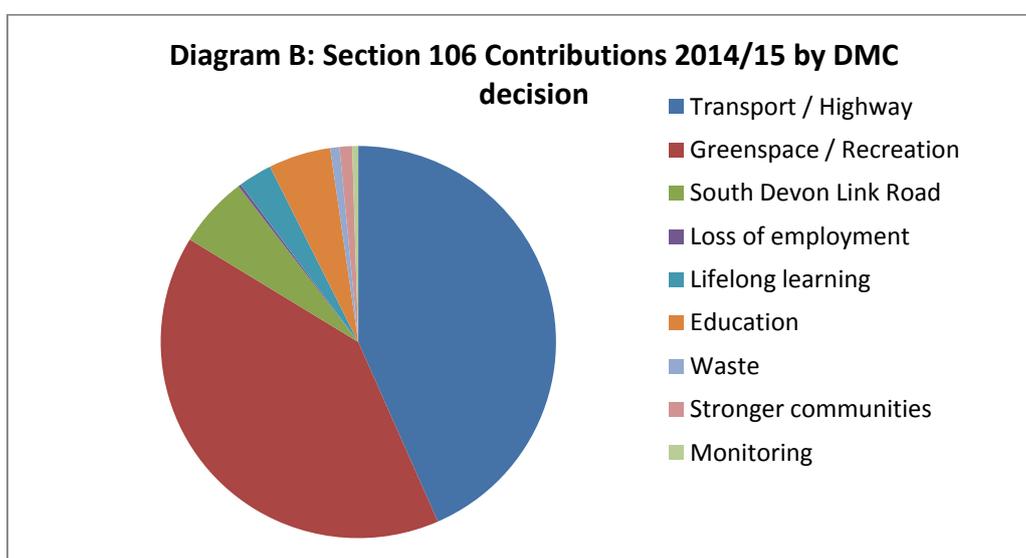
* Withdrawn appeals not counted (incl. Taylor Wimpey @ Collaton St Mary)

5.0 Section 106 Contributions

- 5.1 Section 106 Agreements continue to be a key mechanism for the Council to secure necessary on and off site mitigation, to deal with the impacts of development and to provide social, economic and environmental enhancement. The Council has in place Supplementary

Planning Guidance which sets out the Council’s policy position on Section 106 and affordable housing. That guidance includes flexibility to allow, for example, for assessment of development viability in line with NPPF requirements.

- 5.2 A review of decisions made by the Development Management Committee, between 1 April 2014 and 31 March 2015 shows that S106 Agreements associated with those agreements as delivering just over £3.5M to mitigate development impacts. Clearly not all approved developments are implemented and, in some instances, S106 Agreements will be amended – so the figure of £3.5M should not be read as the amount the Council will receive. Of that amount, just under £1.5M (43%) is targeted at transport and highway improvements; around £1.4M (40%) is for greenspace and recreation improvements; just over £200,000 (6%) is targeted at the South Devon Link Road; and £175,000 (5%) at education provision. Diagram B, see below, shows additional targets for Section 106 payments.



- 5.2 In November 2014 the Government made changes to planning obligations (Section 106) for small scale developments (10 or less homes) and self-build development. Those changes took immediate effect, for those applications on which a decision had not yet been issued and on future applications. It meant that affordable housing and ‘tariff style’ contributions could not be sought from small developments. ‘Tariff-style’ contributions are defined as contributions which are sought to contribute to pooled funding ‘pots’ intended to fund the provision of general infrastructure in the wider area. In Torbay these include sustainable transport, South Devon Link Road, loss of employment, lifelong learning, greenspace and recreation, education and stronger communities. However, financial contributions can still be required where they will not be pooled and are needed to pay for specific items. Those contributions must still be compliant with the CIL Regulations.
- 5.3 This change in Government policy has significantly reduced the contributions provided by small scale development. This has been assessed by reviewing those planning applications (11 no.) for which a decision was pending at the time the new policy was introduced, including those cases considered by Development Management Committee on 8 December 2014. Had the policy not been introduced the S106 Agreements would have provided just over £176,000 in contributions. The new policy reduced that amount to £55,000, a

difference of just over £120,000. Consequently, for these 11 cases, the Government's policy resulted in a 68% reduction in the contributions the Council was able to secure. Government policy has been applied to small scale development proposals undecided before and received since November 2014. It will be reflected in the Council's emerging CIL Charging Schedule.

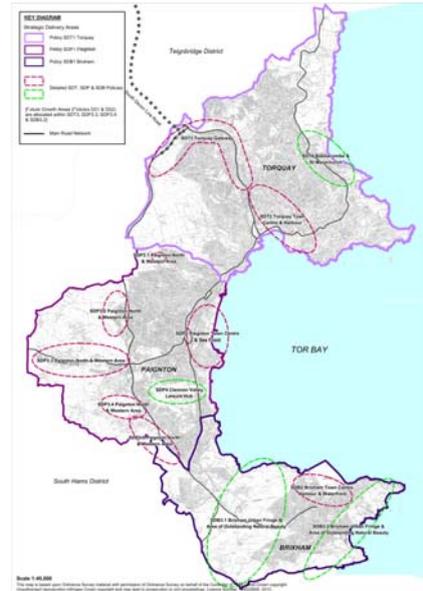
- 5.4 In addition, there are two reasons why the Council has had to stop collecting S106 contributions towards the South Devon Link Road (SDLR). Firstly legislation (the CIL regulations) and secondly the Inspector's decision regarding Tesco, Edginswell.
- 5.5 Under the terms of the CIL Regulations, from 6 April 2015, the Council cannot pool more than five financial contributions (via S106 or CIL) towards any one project e.g. the SDLR. The Council has already collected more than five contributions towards the SDLR, so cannot collect any more after 6 April.
- 5.6 The Inspector, in his decision letter on Tesco, Edginswell, made it very clear that the Council must make changes to its policy framework before it can collect S106 monies for the SDLR. The Council has relied on Local Plan Policy CF6 to collect these contributions, but must now comply with regulation 122 of the CIL Regulations. The Inspector said that the Council hadn't demonstrated that the requirement to pay over £1m towards the SDLR complied with Regulation 122 and that the 'interim policy' to collect SDLR contributions wasn't part of the adopted SPD.
- 5.7 The Council is addressing both these issues. Firstly, it is developing a CIL Charging Schedule, for small / medium sized developments. The Charging Schedule was published for formal consultation earlier this year. The final version will need to be examined by PINs. A Hearing is likely. The SDLR is included in the draft charging schedule. The final charging schedule will need to be adopted by Council, probably in late summer. Secondly, in mid April we will start work to refresh the S106 SPD, for larger developments. This will be presented to Council, for adoption, in July. The refreshed SPD will cover smaller developments until CIL is adopted.

6.0 Spatial Planning – a successful business unit

- 6.1 The Council has made substantial savings over the last few years and will need to make more over the next 2 -3 years. Spatial Planning has and will continue to play its part in that. In the last year significant financial savings have been made. In the last few months four existing members of staff have been promoted to fill vacancies, showing that the Council is 'growing its own'. However, in the last month two members of Spatial Planning staff have been made redundant. In 2015/16 further savings must be made.
- 6.2 Within that context, the newly formed Spatial Planning team (comprising three teams: Strategy & Project Delivery, Development Management and Technical Support) must increasingly be an efficient, effective business unit. The new team costs around £1.1M and has income, from planning applications for example, covering around 75% of those costs. Over the next 2 – 3 years costs will need to be reduced still further and income increased. Income is, however, heavily reliant on 3rd parties, on market confidence and on economic performance.

- 6.3 In 2014/15 the Development Management Team had an income target of £678,700 from planning and pre-application fees, with approximately £330,000 of that coming from 'one off' applications (those with an application fee in excess of £4000). At the end of the financial year there was a shortfall of around £130,000 against the £678K target, of which 'one off' fees were around £90,000 short and smaller application fees were around £40,000 short. Nonetheless, in the expectation of continued economic recovery and more investor confidence, Development Management has an income target of just under £800,000 for 2015/16. There are a number of ways in which this income target can be achieved, namely:
- 6.4 The team continues to work hard on 'pipe line' projects. These are development schemes that help deliver the Local Plan and Economic Strategy, but which need support to bring forward as planning applications. These projects include Hatchcombe, Torquay; Sladnor Park, Torquay; Hi Tech Centre, South Devon College; Claylands, West Paignton; Devonshire Park Reserved Matters; Innovation Centre, White Rock; Torbay Motel, Collaton St Mary; Town centre regeneration projects, such as Market Street, Torquay. At present, it is anticipated that 'one off' planning fees from these projects will generate around £375,000 income in 2015/16.
- 6.5 There is continued emphasis on pre-application work – to ensure planning applications are as good as possible when submitted. This pre-application work is expected to generate income of at least £35,000 in 2015/16.
- 6.6 For smaller applications, of less than 10 new homes for example, it is important to improve performance (from 28% determined in time) and increase income. As indicated above, this will require more 'front loading' of the process, for example providing design advice at a pre-application stage, and spending less time negotiating during the post-application process. Evidently poor quality applications will be refused quickly, rather than time spent on extensive negotiation.
- 6.7 The team will also investigate ways of incentivising household applications, to improve performance above 73%, provide an even better service to customers and increase income.
- 6.8 In addition, there is increased emphasis on efficient and effective working. This will include increased use of IT, operating within the fee for each planning application and reducing costs in areas such as printing, stationary, mileage and premises hire.
- 7.0 **Local and Neighbourhood Planning**
- 7.1 Progress continues to be made in moving the new Local Plan towards formal adoption. The submission version of the Local Plan was subject to a Hearing in November 2014, which lasted just 2.5 days, as part of the formal examination by the Planning Inspectorate. The Hearing provided an opportunity for the Inspector to hear views from a range of organisations and individuals, as well as for him to be able to ask questions of participants.

7.2 The Inspector has, since the Hearing, provided two interim reports – the first covering interim findings and the second providing further findings. These reports have confirmed that the Council has met its legal duty to cooperate; that the Plan’s strategy for growth is supported; the need for 5,000 – 6,000 jobs is also supported; and that the range for new homes, of 8 – 10,000 homes, is correct, but the Inspector wants to the Plan to achieve the top end of that range. Importantly, the Inspector has recognised the environmental quality and capacity within the Bay. He has acknowledged that the Local Plan cannot provide sufficient housing land within the Bay to meet an agreed housing need for around 12,600 homes. Consequently there is a need to continue to work with neighbouring Council’s to identify land for new homes, particularly after 2021.



7.3 The Inspector’s reports also provided a clear steer on a number of policy issues. The Council has, as a consequence, proposed a number of main and minor modifications to the submission version of the Local Plan. In response to the Inspector’s requirement for more housing land to be identified, the Council has modified the emerging Local Plan to show additional land at White Rock and a number of additional sites to be further assessed by Neighbourhood Forums and allocated in Neighbourhood Plans if necessary. The main modifications were subject to public consultation in February and March. The Inspector has been provided with copies of all responses to consultation and a summary of representations. The Council will, by April 15th, provide the Inspector with its comments and suggestions on those representations.

7.4 The Council’s advice to the Inspector, prior to and at the Hearing, was that identification of additional sites for development would breach the Bay’s environmental capacity to accommodate development. Nonetheless, the Council consider it important to look to meet the Inspector’s requirements. Responses to the Council’s proposed modifications show that the additional sites are sensitive – not only to the community but also in environmental terms.

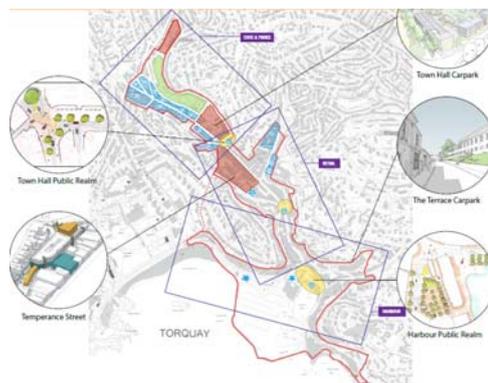
7.5 The Inspector will consider all representations received in relation to the proposed modifications to the Local Plan. He will then decide whether another Hearing is required, for example to deal with any new issues, or whether he can write a final report with binding recommendations. It is hoped to be able to present the Local Plan to Council in July or September 2015 for a decision on formal adoption of the Plan.

7.6 One of the Inspector’s requirements is for greater clarity in the Local Plan about the role and timing of Neighbourhood Plans. In essence, the Inspector is concerned that delays to, or lack of production of, Neighbourhood Plans will result in a lack of allocated land for housing development in the Bay particularly for the 6 – 10 year period of the Local Plan.

Consequently, a proposed modification to the Local Plan requires Draft Neighbourhood Plans to have been submitted to the Council (under Regulation 15 of the Neighbourhood Planning Regulations 2012) by October 2015, to allow the Council to assess general conformity with the Local Plan. If a Neighbourhood Plan has not been submitted by that deadline, the Council will commence production of site allocation development plan documents. As such, it is important for Neighbourhood Forums to make real progress on their Plans over the next 6 months.

8.0 Masterplans

8.1 The Council has, over the last 18 months, made considerable progress on production of masterplans for Torquay and Paignton Town Centres, Collaton St Mary and Torquay Gateway. The Council has worked closely with the TDA. The masterplans have involved a significant amount of community engagement; have supported production of the Local Plan and provide support for policy positions; have informed Neighbourhood Plan production and can be included within Neighbourhood Plans; and have been used to support appeals, for example Tesco, Edginswell. The masterplans are at the penultimate stage of production.



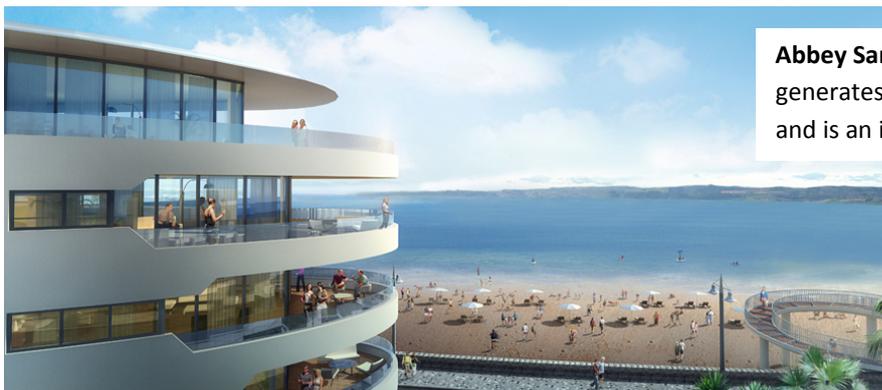
8.2 The Torquay and Paignton Town Centre Masterplans will be presented to Council in June 2015 for adoption as Supplementary Planning Documents. The masterplans can be 'appended' to the existing Local Plan and can, as such, be adopted ahead of adoption of the new Local Plan. That is not the case for the Collaton St Mary and Torquay Gateway masterplans, which have to wait for adoption of the new Local Plan. Consequently, those two masterplans will be presented to Council in July or September 2015, again for adoption as Supplementary Planning Documents.

9.0 Outcomes

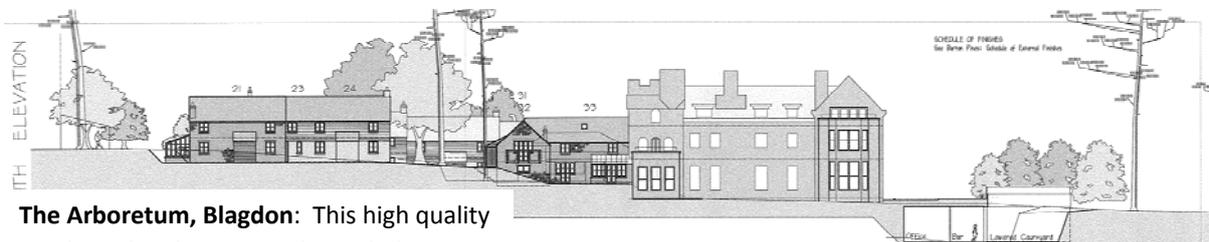
9.1 This section of the report highlights some of the outcomes that have resulted from a positive strategic planning framework, plus a proactive and positive approach to securing development in Torbay (of the right sort, in the right place, at the right time and benefitting communities), in addition to a productive, professional relationship between officers, Members and applicants. On the latter point, of the 64 decisions made by DMC during 2014/15, a very commendable 57 decisions (89%) were in line with officer recommendations. This level of consistency shows a very good understanding between Members and officers, a good knowledge and use of planning policy by Members and shows the benefit of briefings on major development schemes.

9.2 Torbay's independent Design Review Panel has been influential in securing high quality outcomes in the Bay, with many of the schemes sited below having been Design Reviewed. The Panel remains close to cost neutral.

- 9.2 It remains the case that a huge amount of work is needed between approval of a development proposal, by Development Management Committee, and completion of development. It is the role of Development Management to help deliver development, so work on development proposals does not stop on issue of a decision notice. That work includes completion of S106 Agreements, submission and consideration of details of pre-commencement conditions and consideration of amended drawings. The Council continues to work with developers and agents to reduce the number of pre-commencement conditions and the time taken to comply with planning conditions.
- 9.3 Examples of projects that have been approved or delivered within the rolling review period are as follows:



Abbey Sands: This award winning scheme generates around 70 jobs, £10M investment and is an iconic development in the Bay.



The Arboretum, Blagdon: This high quality residential and tourism scheme helps deliver the 'Turning the Tide' ambition for a higher quality tourism offer in Torbay.



The Lansdowne Hotel: This villa style redevelopment of a former hotel site provides 14 high quality apartments.



Churston Court Barns: This development, completed in 2014/15, shows how sensitive redevelopment can bring new life to old buildings.



Jewsons' former site, Torquay: This mixed use scheme includes 24 flats and office / storage space for a local construction company, helping secure 18 FTE jobs.



Wall Park, Brixham: This residential led (165 homes), mixed use scheme will help support tourism and recreation facilities as well as significant investment in the South Devon AONB.



Torbay Hospital: The development at Torbay Hospital provides additional critical care facilities and a new main reception area, helping safeguard 3500 jobs on the site.

Devonshire Park: This residential and commercial scheme will result in development of a long-term brownfield site, including 5,500 sq mts business space, 8,500 sq mts bulky goods retail space, 255 homes and 140 - 170 FTE jobs.



Torwood Street: This hotel led, mixed use scheme provides between 300-410 jobs, £14M construction investment, £40M of total economic activity and a minimum of £2.8M hotel visitor spend.

10. Changes to policy and legislation

- 10.1 There have, over the past 12 months or so, been a substantial number of changes to national policy, guidance and legislation – and there are more to come. This ranges from guidance on housing for an ageing population to policy on vacant buildings credit. It has been, and remains, difficult to keep pace with the range of changes and their implications.
- 10.2 Appendix B of this report provides a summary of key changes that have already taken place, some that are about to take place and others that may take place. Hyperlinks to key pieces of advice, guidance and policy are included.

Pat Steward

Head of Planning & Transport, Spatial Planning, April 2015

Appendix A: Summary of Appeal Decisions Sept 14 to March 15

Appeals dismissed – 12 cases

1. Site -Rear of 250 Teignmouth Road

Case Officer-Robert Pierce

LPA ref- P/2013/1370PA

Date of decision- 29.9.14

Proposals- change of use from two existing garages with pitched roof and storage to the side into one dwelling

Issues- whether financial contributions are necessary, parking, provision of adequate living and amenity space and effect on the living conditions of occupiers of adjoining properties

2. Site – 108 Goodrington Road, Paignton

Case Officer- Alexis Moran

LPA ref- P/2014/0606

Date of decision- 6.10.14

Proposals- two storey extension to accommodate bedroom and additional lounge/utility room

Issues- effect on the character and appearance of the host property and its surroundings

3. Site – Land adjacent to 79 Glebeland Road, Torquay

Case Officer-Alexis Moran

LPA ref- P/2014/0304PA

Date of decision- 10.10.14

Proposals- construction of detached dwelling with parking

Issues- the effect on the character and appearance of the area and whether financial contributions are necessary.

4. Site – 1 Cedar Road, Paignton

Case Officer- Robert Pierce

LPA ref- P/2013/1338PA

Date of decision- 22.10.14

Proposals- change of use from commercial to residential. Demolition of existing hire shop unit and offices to replace with two residential units.

Issues- effect on character and appearance of the area, on the living conditions of neighbouring residents and whether it makes satisfactory provision to mitigate the impact of the development on local infrastructure.

5. Site – Pine Lodge, Sladnor Park Road, Maidencombe, Torquay

Case Officer- Ruth Robinson

LPA ref- P/2014/0095PA

Date of decision- 3.12.14

Proposals- Provision of a dwelling

Issues- effect of the proposed dwelling on the character and appearance of the surrounding countryside and whether appropriate contributions are required to mitigate the effects of the scheme upon local infrastructure.

6. Site – Land at Churston Golf Club, Churston

Case Officer- Helen Addison

LPA ref- P/2013/0019MPA

Date of decision- 3.2.15

Proposals- Site 1- Development of golf club house, coach facility, buggy store, car park, vehicular access, works to Bridge Road and Bascombe Road

Site 2 - Change of Use and regrading of 7.7 hectares of agricultural land for use as golf course; change of use of 1.3 hectares of land from equine use to use for cattle grazing and all associated infrastructure, engineering works and landscaping.

Issues - impact on traffic flow and highway safety, effect on the character and appearance of the area, and whether the development, either alone or in combination with other development, is likely to have significant environmental effects, including on protected species and habitats.

7. Site – Land at Edginswell Business Park, Torquay

Case Officer- Alistair Wagstaff

LPA ref- P/2013/0677MPA

Date of decision- 3.2.15

Proposals- Formation of an (A1) Tesco store (inc. customer cafe) and approximately 977 sq.m. B1 office development on plots Vesta and Edesia at Edginswell Business Park associated infrastructure, retaining structures, access, parking and landscaping and outline planning application for the development of a B1 office building of 2090 sq.m on the Sarritor plot , A3/A5 unit with associated access and parking

- Issues- whether there would be an unacceptable loss of employment land,
- whether or not the sequentially preferable town hall car park site is suitable for the retail store,
- whether the retail store would have a significant adverse impact on investment in Torquay Town Centre and on the vitality and viability of the town centre and nearby local centres at Cadewell Lane, Barton Hill Road and Hele

- The effect on the character and appearance of the area having regard to the gateway location of the site, the business park setting and the need to secure high quality design
- Impact on the safe the effective operation of the highway network

8. Site – Parkholm Hotel, 5 Garfield Road, Paignton

Case Officer- Alexis Moran

LPA ref- P/2014/0149PA

Date of decision- 9.2.15

Proposals-extension to first and second floor at rear of building

Issues- effect on the living conditions of neighbouring residents and on the character and appearance of the area.

9. Site – 45 Manscombe Road, Torquay

Case Officer- Robert Pierce

LPA ref- P/2014/0734HA

Date of decision- 5.3.15

Proposals- first floor extension with dormer roof

Issues- effect on the living conditions of the neighbouring property with particular regard to privacy and outlook and effect on the character and appearance of the area.

10. Site – 21 Lower Rea Road, Brixham

Case Officer- Alexis Moran

LPA ref- P/2014/0724HA

Date of decision- 9.3.15

Proposals-extension and alterations replacing hipped roof with gables- raising ridge level by 300mm

Issues- effect on the character and appearance of the original property and the wider street scene.

11. Site – Sawyers, 189 Union Street Torquay

Case Officer- Robert Pierce

LPA ref- P/2014/0439PA

Date of decision- 11.3.15

Proposals-refurbishing shop front using PVC products

Issues- whether the development would preserve or enhance the character or appearance of the Tormohun Conservation Area, including the property at 189 Union Street.

12. Site – 112 Barton Avenue, Paignton

Case Officer- Carly Perkins

LPA ref- P/2014/0502PA

Date of decision- 19.3.15

Proposals- erection of dwelling

Issues- effect on character and appearance of the area, whether the proposal would afford adequate living conditions for future occupiers, with particular regard to privacy and outdoor amenity space and the effect of the proposed parking arrangements on highway safety.

Appeals allowed – 4 cases

1. Site – Coach House, Villa Rosa, St Lukes Road South, Torquay

Case Officer- Verity Clark

LPA ref- P/2014/0653HA

Date of decision- 15.1.15

Proposals-extension to provide larger porch

Issues- whether the proposed development would preserve or enhance the character or appearance of the Belgravia Conservation Area

2. Site – 2 Cavern Road, Torquay

Case Officer-

LPA ref- P/2013/0091PA

Date of decision- 26.1.15

Proposals-conversion of a HMO arranged as 7 bedsits and basement flat into 5 self contained flats as per previously (expired) permission.

Issues- whether contributions are required to mitigate the effects of the proposed development on local infrastructure.

3. Site – Land adjacent to 130 Teignmouth Road, Torquay

Case Officer- Alexis Moran

LPA ref- P/2014/0227PA

Date of decision- 26.1.15

Proposals- replacement of the existing planning approval (detached cottage P2012/0595) with a detached cottage accommodating an integral garage

Issues- effect on the character and appearance of the area, whether contributions are required to mitigate the effects of the proposed development on local infrastructure.

4. Site – 87 Wheatlands Road, Paignton

Case Officer- Alexis Moran

LPA ref- P/2014/0932HA

Date of decision- 26.2.15

Proposals- rear dormer loft extension

Issues- effect on the character and appearance of the existing building and the area.

Appendix B: Summary of Government Reform of the Planning System

IMPLEMENTED

Affordable Housing

Small Sites

The NPPG states that on-site provision of affordable housing or off-site contribution cannot be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. For further information, see:

<http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/> (para. 013)

Note: tariff-style obligations, such as commuted sums for recreation provision, cannot be secured on these sites either.

Vacant Building Credit

The NPPG states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer can claim a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution. Basically, affordable housing contributions can only be secured for any increase in floorspace. For further information, see:

<http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/> (paras 021 – 023)

Starter Homes Exceptions Site Policy

This new policy (contained in the NPPG guidance) enables applications for development of Starter Homes on “*under-used or unviable industrial and commercial land that has not been currently identified for housing*”. LPAs cannot seek affordable housing and tariff-style contributions that would otherwise apply. It states that LPAs should require by S106 that the developer offers Starter Homes to a first time buyer under the age of 40 for a discount of at least 20% below the open market value of the property, and for there to be appropriate restrictions to ensure that Starter Homes are not resold or let at their open market value for 5 years following the initial sale. It further states that LPAs can use their discretion to include a “small” proportion of market homes on starter homes exception sites where it is necessary for the financial viability of the site. The market homes would attract section 106 contributions in the usual way. For further information, see:

<http://planningguidance.planningportal.gov.uk/blog/guidance/starter-homes/starter-homes-guidance/>

Housing for an Ageing Population

The NPPG has been updated to stress the importance of planning in helping to provide or accommodation that suits older people. Further information is available at:

<http://planningguidance.planningportal.gov.uk/revisions/2a/021/>

The ‘Strategic Housing for Older People’, published by the Housing and Learning Improvement Network, is a useful resource and available at: <http://www.housinglin.org.uk/library/Resources/Housing/SHOP/SHOPResourcePack.pdf>

Housing Standards

The Government has published new nationally described space standard for residential properties. The relationship of internal space to the number of bedspaces is a means of classification for

assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). Standards are available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416451/150324 -
Nationally Described Space Standard Final Web version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416451/150324_-_Nationally_Described_Space_Standard_Final_Web_version.pdf)

Role of Planning in Preventing Major-Accident Hazards Involving Hazardous Substances

The Government has published its response to this consultation and NPPG will be updated to reflect new legislation coming into effect on 1st June 2015. This will apply to proposals for new or existing establishments where there are dangerous (explosive/flammable) substances present. Health & Safety Executive and Environment Agency remain the key advisors to LPAs. The response can be viewed online at:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412700/150310
Hazardous Substances Gov Response to Cons doc.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412700/150310_Hazardous_Substances_Gov_Response_to_Cons_doc.pdf)

Planning Policy Statement: Eco-Towns - A Supplement to Planning Policy Statement 1

This has been cancelled!

Application Performance

The Government has announced that the threshold for poorly performance authorities on major applications will be raised to 50% (currently 40%). They are also publishing LPA performance on minor and other applications. 'Live' data is available on CLG's website, tables P151 & P152 relate to the speed and quality of major decisions and tables P153 & P154 relate to the speed and quality of minor and other decisions.

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

IMMINENT (FROM 6TH APRIL)

Environmental Impact Assessment Regulations – Screening

Only industrial development projects of more than 5 hectares, or residential development of 150 homes or sites more than 5 hectares, will need to be screened. For further information, see:

http://www.legislation.gov.uk/uksi/2015/660/pdfs/uksi_20150660_en.pdf

Changes to Permitted Development Rights

Public Houses

Under the New Part 3 of the GPDO 2015, there are no PD rights for the change of use of public houses in Class A5 which have either been nominated or designated as an asset of community value (ACV). Furthermore, any proposed permitted change from a public house in Class A5 to a use within a different Class is subject to the developer submitting a written request to the LPA to establish whether the building has been nominated or registered as an AVC. Part 3 of the GPDO 2015 is available at: <http://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/made>

Note: There are further changes to permitted development rights but they do not come into force until 15th April (see below)

S106 / CIL – Pooling of Contributions

In accordance with Regulation 123 of the Town & Country Planning (Community Infrastructure Levy) Regulations 2010 (as amended by 2014 Regulations), the LPA cannot secure a planning obligation that provides for the funding or provision of infrastructure (e.g. open space or education) where five

or more separate planning obligations for funding or provision of that type of infrastructure have been entered into since 6th April 2010. The relevant part of the 2014 CIL Regs is available at: <http://www.legislation.gov.uk/ukdsi/2014/9780111106761/regulation/12>

IMMINENT (FROM 15TH APRIL)

Fee Refund for Failing to Discharge Conditions

An LPA will be obliged to refund the application fee if it fails to determine an application for approval of details reserved by condition within 8 weeks, or an extended period agreed (currently 12 weeks or extended period).

Justification for Pre-Commencement Conditions

Where the LPA grants planning permission subject to conditions, there must be a clear and precise reason to explain why each pre-commencement condition is a pre-commencement condition. To clarify, this is where any condition requires submission and approval of any details before any building or other operation has begun, or before a material change of use of land or buildings has begun.

Deemed Discharge of Conditions / Notice

A developer can give the LPA a Deemed Discharge Notice after 6 weeks which will state that a condition/s subject of an application for approval of details will be treated as having been approved/discharged if the LPA does not make a decision within a specified date. This must be no earlier than the 8-week determination period or 14 days after the LPA has received the Deemed Discharge Notice.

A Deemed Discharge Notice cannot be given to the LPA where the subject condition/s relates to:

- A planning permission for EIA development
- Managing the risk of flooding
- Development which forms part of a SSSI and is likely to have a significant effect if it were not for the condition.
- Assessment of whether land is contaminated or remediation of contaminated land
- Investigation of archaeological potential.
- Access between the development and the public highway.
- An outline planning permission which relates to reserved matters.

Requirement for Sustainable Urban Drainage Systems (SUDS)

Sustainable urban drainage systems to manage surface water run-off will need to be incorporated into major development unless it can be demonstrated that it would be inappropriate.

For further information, see:

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/reducing-the-causes-and-impacts-of-flooding/why-are-sustainable-drainage-systems-important/>

Changes to Statutory Consultees

The following changes to statutory consultees are set out in Schedule 4 of the new consolidated Town & Country Planning (Development Management Procedures) Order 2015 which comes into force on 15th April and is available to view at:

http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi_20150595_en.pdf

Amendment - Environment Agency

EA will no longer be consulted on major development in Flood Zone 1 as that will now be the responsibility of the Local Lead Flood Authority (see below), but they will continue their role as flood risk management advisors.

Amendment – Natural England

No longer a statutory consultee for proposals outside a SSSI which could affect an SSSI

Amendment - English Heritage

English Heritage has now separated into two organisations. The organisation responsible for planning matters is now called Historic England. Other changes to consultation arrangements only affect London.

Amendment – Highways Agency

The LPA must consult Highways Agency (soon to be Highways England) on development, other than minor development, which is likely to result in an adverse impact on the safety of, or queuing on a trunk road, and for development which consists of or includes the construction, formation or laying out of access to or from a trunk road (only A36 in Mendip).

New Statutory Consultee – Railway Infrastructure Manager

The LPA must now consult the railway infrastructure manager for any development within 10 metres of railway land.

Permitted Development Rights, GPDO 2015

The following amendments have been included in the new consolidated Town & Country Planning (General Permitted Development) (England) Order 2015 which comes into force on 15th April and is available to view at:

http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf

Larger Rear House Extensions

This temporary permitted development right has been extended from May 2016 to May 2019.

Betting Offices and Pay Day Loan Shops

These uses have now been excluded from the Class A2 of the Town & Country Planning (Use Classes) Order 1987 (as amended) and are now 'sui generis'. Planning permission will therefore be required to create such establishments.

Extensions to non-residential premises (Part 7)

The previous time-limited rights have been made permanent.

Conversion of Shops to Restaurants/Cafes (Part 3, Class C)

The change of use from A1 to A3 is now permitted development, subject to limitations and conditions.

Conversion of Shops or Betting Offices to Financial/Professional Services (Part 3, Classes D & F)

The change of use from A1 to A2 is now permitted development, subject to limitations and conditions.

Conversion of Shops to Assembly and Leisure (Part 3, Class J)

The change of use from A1 to D2 is now permitted development, subject to limitations and conditions.

Conversion of Casinos or Amusement Arcades to Dwellinghouses (Part 3m Class N)

The change of use from these sui generis uses to C3 is now permitted development, subject to limitations and conditions.

Conversion of Storage/Distribution to Dwellinghouses (Part 3, Class P)

The change of use from these B8 to C3 is now permitted development, subject to limitations and conditions.

Use of buildings/land for commercial film making (Part 4)

This is now permitted development for a temporary period, subject to limitations and conditions.

Click-and-Collect Facilities, Loading Bays and Waste Facilities (Part 7, Classes C, D,L)

The provision of click-and-collect facilities within the cartilage of a shop, increasing the size of loading bays for shops and extensions/alterations of buildings used of waste facilities is now permitted development, subject to limitations and conditions.

Non-Domestic Solar PV Panels (Part 14, Class J(c))

Installation of solar PV panels with a generating capacity of up to 1 MW on the roofs of non-domestic buildings is now permitted development, subject to limitations and conditions

PENDING

S106 Agreement Process

The Government consulted on measures to speed up S106 process in February 2015, available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/405819/Section_106_Planning_Obligations_speeding_up_negotiations.pdf

The Government issued a response to this consultation in March 2015 and, at the same time, have issued a further consultation which is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417258/150325_Final_FINAL_Govt_response_speeding_up_section_106.pdf

There is talk of penalties for taking too long and to have an independent arbiter (not an appeal) where there is disagreement between parties.

Self-Build and Custom Build

Government Consultation

The Government published its response to a consultation on 27th March. The outcome is that the responses will be used by the Government to develop and implement the 'Right to Build' further in the next Parliament. This response is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418699/150317_Consultation_Response.pdf

Self-Build and Custom Build Housebuilding Act 2015

This legislation received Royal Assent on 26th March and provides the legislative framework for the first part of the Right to Build by making the following provisions:

- Relevant authorities to maintain a register of individuals and associations of individuals who are seeking to acquire plots of land in order to build houses for those individuals to occupy as homes; and
- Specified authorities to have regard to the demand for self build and custom housebuilding as evidenced by the register.

The Government intends to prepare regulations and guidance setting out the detailed operation of the local registers early in the next Parliament. This Act is available at: <http://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>

Building More Homes on Brownfield Land

A recent Government consultation has just concluded, proposing that local authorities should have Local Development Orders in place on more than 90% of brownfield land suitable for new homes by 2020. They have raised the possibility of interim targets being introduced and mooted a possible penalty for non-compliance (no demonstration of five year supply, LP out-of-date by default). The consultation is available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398745/Brownfield_Consultation_Paper.pdf