



Friday, 2 October 2015

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 12 October 2015**

commencing at **2.00 pm**

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

### **Members of the Committee**

Councillor Kingscote (Chairman)

Councillor Barnby  
Councillor Cunningham  
Councillor Darling (S)  
Councillor Manning

Councillor Morey  
Councillor Robson  
Councillor Stringer  
Councillor Winfield

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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 4 - 8)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 August 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. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
6. **The Cottage, Windmill Lane, Paignton (P/2015/0755/PA)** (Pages 9 - 15)  
Provision of 2 x new 3 bedroom dwellings with garages and associated works.

7. **Jewson Ltd, St James Road, Torquay (P/2014/1231/MPA)** (Pages 16 - 28)  
Redevelopment of former builders' store to form 24 flats with 20 car parking spaces, and construction of office building: Amended scheme including increasing height of flat building by 1m, deletion of roof garden, adjustment of landscape proposals, reduction in size of, and position of office building with increased car parking levels to serve the office building.
8. **22-24 Roundhill Road, Torquay (P/2015/0467/PA)** (Pages 29 - 34)  
Change of use of Unit 22 from Use Class D1 (non-residential institution) to Use Class A5 (hot food take-away) and the change of use of Unit 24 from Use Class A1 (retail) to Use Class A5, together with the amalgamation of Units 22 and 24 into one Use Class A5 unit.
9. **Lansdowne Hotel, Old Torwood Road, Torquay (P/2015/0524/VC)** (Pages 35 - 39)  
(Removal of Condition no. 01 of planning permission P/2015/0203.)  
Demolition of existing building, construction of 14 No apartments with underground parking, revision to vehicular and pedestrian access.
10. **Maycliffe Hotel, St Lukes Road North, Torquay (P/2015/0715/MPA)** (Pages 40 - 49)  
Change of use of hotel to form 10 flats including communal space and 9 car parking spaces. Demolition of more recent additions to villa and remodelling of some existing extensions, new windows and balconies. Modification of roof to include slated pitched elements. (Re-Submission P/2015/0067).
11. **Site visits**  
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 7 October 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](http://www.torbay.gov.uk) within 48 hours.



## Minutes of the Development Management Committee

10 August 2015

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Darling (S), Doggett, Manning, Morey, Robson and Tolchard

(Also in attendance: Councillor Amil)

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### 22. Apologies for absence

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

### 23. Minutes

The Minutes of the meeting of the Development Management Committee held on 13 July 2015 were confirmed as a correct record and signed by the Chairman.

### 24. Urgent Items

The Committee considered the item in Minute 31, and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

### 25. Land At Brixham Road, Yannons Farm (Areas C And D), Paignton (P/2015/0124)

The Committee considered a hybrid application. Full planning application for 70 dwellings, related infrastructure, landscaping, play areas and a hill top park. Outline planning permission for up to 70 dwellings with all matters reserved except for access.

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

At the meeting Mr Newman addressed the Committee in support of the application.

Resolved:

Approved subject to:

- i) satisfactory details of surface water drainage;
- ii) the completion of a Section 106 agreement or Unilateral Undertaking within three months of the date of this Committee. The Section 106 Heads of Terms to include:
  1. A minimum level of 15% affordable housing pending independent advice from the Torbay Development Agency. If this advice is that the site should deliver a higher level of affordable housing this level to be agreed by the Executive Director of Operations and Finance in consultation with the Chairman and Vice Chairman of the Development Management Committee and the applicant. In the event that agreement cannot be reached on this matter by 9 September, the application to be reconsidered by the Development Management Committee;
  2. Waste management contribution;
  3. £150,000 education contribution (currently secured under existing 2011 Section 106 Agreement);
  4. Cirl bunting compensation;
  5. Deferred contributions mechanism clause to apply after five years and applies to any unit that has not reached practical completion at the five year point;
  6. No obstruction to access to land subject to planning application P/2014/0983; and
  7. Administration/monitoring charge; and
- iii) a condition requiring the submission of a detailed landscape and ecological plan which are to the satisfaction of the Executive Director of Operations and Finance.

(Note 1: Councillor Doggett declared a non-pecuniary interest as he is a member of the RSPB.)

**26. Torbay Hospital, Newton Road, Torquay (P/2014/0859)**

The Committee considered an update report on an application for the 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).

The Committee were advised by the Head of Spatial Planning, that at the Development Management Committee on 20 April 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request had been made for an extension of time to sign the Section 106 Legal Agreement. The Section 106 Agreement had been signed, but Development Management Committee's agreement to an extension of time was required to allow a decision notice to be issued.

Resolved:

Approved, subject to:

- i) the signing of a Section 106 Legal Agreement to secure the 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; and
- ii) the conditions listed in the submitted report, with any further conditions being delegated to the Executive Director of Operations and Finance.

(Note 2: Councillor Darling (S) declared a non-pecuniary interest as he has a relative that is a member of staff at the hospital.)

**27. La Rosaire, Livermead Hill, Torquay (P/2014/1182)**

The Committee considered a report on the demolition of existing building and construction of 8 new apartments. The Head of Spatial Planning advised Members that the purpose of the report and the return to the scheme for consideration was the review the Section 106 contributions in relation to greenspace and recreation and sustainable transport, in light of the change in guidance from central government and a request to review the requirements by the applicant.

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

Resolved:

Approved, as previously determined by the Committee, with revised Section 106 contributions of £350 towards waste and £1500 for a traffic regulation order, and additional conditions relating to use of bird and bat boxes and use of an ecology consultant if bats are discovered.

**28. 101 Braddons Hill Road East, Torquay (P/2015/0320)**

The Committee considered a report on the demolition of existing warehouse, and construction of 9 two storey dwellings with 9 car parking spaces. Partial demolition of stone boundary wall fronting Museum Road to create vehicular and pedestrian access. The Head of Spatial Planning advised Members that the purpose of the supplementary report was to update Members on the changes to

the palette of materials which were an improvement on the previous proposal but had increased construction costs and generated a request from the applicant for some flexibility regarding payment of Section 106 contributions. Members were asked to review the Section 106 contributions as requested in relation to greenspace and sustainable transport in light of the change in guidance from central government.

Resolved:

Approved subject to:

- i) the conclusion of a Section 106 Legal Agreement or Unilateral Undertaking to secure waste management contributions, and a contribution towards site specific highway works; and
- ii) the conditions as set out in the submitted supplementary report.

**29. Land Rear Of 200 - 208 Teignmouth Road, Torquay (P/2015/0459)**

The Committee considered an application for the formation of two flats. 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 receipt of an extended phase one habitat survey that concludes that protected species would not be unduly affected;
- ii) planning obligations as considered necessary in-line with local and national guidance;
- iii) conditions as set out in the submitted report; and
- iv) additional conditions regarding surface water drainage and obscured glazing in bathroom windows.

**30. Adjacent Inner Harbour, The Strand, Torquay (P/2015/0589)**

The Committee considered an application for a coffee sales kiosk. Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to Members.

At the meeting Mr De'Vey addressed the Committee in support of the application and Mr Lowles addressed the Committee against the application. In accordance with Standing Order B4 Councillor Ellery addressed the Committee.

Resolved:

That the application be refused for the following reason:

The proposed kiosk, due to a combination of location, size and height, is unduly dominant and does not relate well to the character of the harbour in terms of its overall design. It adversely impacts on the quality of the public space of which it forms a part and on public views of the harbour and as such is harmful to the character and appearance of the Conservation Area and adjacent listed structures. Its location would also frustrate implementation of adopted proposals for improvement of the public realm along The Strand. It is thus contrary to policies TU1, BES, E1, BE5 and BE6 of the saved Adopted Local Plan 1995-2011, to the Adopted Torquay Harbour Master Plan and to the relevant provisions of the NPP.

That any action to secure the removal of the existing portacabin be held in abeyance for a 3 month period to allow the applicant to come forward with a more suitable alternative scheme in terms of location and design that relates better to the character of the Conservation Area.

**31. Land to the Rear of Broadway, Dartmouth Road, Brixham (P/2015/0097/MOA)**

The Committee were advised by the Head of Spatial Planning, that at the Development Management Committee on 20 April 2015 approval was granted subject to a Section 106 Legal Agreement being completed within three months of the date of the Committee. A further request has been made for an extension of time to sign the Section 106 Legal Agreement.

Resolved:

That an extension of 4 days from the date of this Committee for the signing of a Section 106 Legal Agreement be approved.

Chairman/woman

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**Application Number**

P/2015/0755

**Site Address**

The Cottage  
Windmill Lane  
Paignton  
Devon  
TQ3 1AA

**Case Officer**

Mr Alexis Moran

**Ward**

Preston

**Description**

Provision of 2 x new 3 bedroom dwellings with garages and associated works

**Executive Summary/Key Outcomes**

The application seeks permission for the demolition of the existing property on the site, The Cottage (formally known as Windmill Cottage) and its replacement with two dwellings of one and a half stories each.

The concept of the proposed dwellings takes note of the Grade II Listed windmill adjacent (which has recently gained planning permission for a residential use). Their design, size and siting, particularly the separation distance, compliment the setting of the Listed Building and would not be in conflict with policy BE5 of the saved adopted Torbay Local Plan 1995-2011.

The Cottage has been unsympathetically extended in the past and has no design merit that makes it worthy of retention. The principle of demolition and redevelopment on the site is acceptable. Subject to achieving a good quality design the proposed redevelopment would not have a significant impact on the setting of the adjoining Listed windmill.

There is a mix of dwelling sizes and types in the area, albeit that the immediate vicinity comprises mainly single storey properties. However, due to the location of the site, between properties on Longmead Road and Dolphin Court Road, the proposed dwellings will not appear incongruous or highly visible in the streetscene.

A number of objections to the proposal have been received from nearby residents. The relationship in terms of privacy and neighbour amenity is considered to be acceptable, subject to revisions to the rear first floor windows on plot 1., Providing these windows are amended the proposal would not result in any direct overlooking into the rear of the closest properties on Longmead Road. The proposed dwellings are in excess of 20m from the properties on Dolphin Court Road. This proposal had previously been considered by and was deferred

at DMC (12.08.2013) in order to revise the height and design of the proposed dwellings.

### **Recommendation**

Conditional Approval; Subject to revised fenestration at first floor level of plot 1, submission of drainage details and the completion of a section 106 agreement or payment by unilateral undertaking within three months of the date of this committee. The proposed conditions are listed at the end of this report.

### **Statutory Determination Period**

This application has an 8 weeks determination period which expires on 07.10.2015.

### **Site Details**

The site, The Cottage (formerly known as Windmill Cottage), Windmill Road, Paignton, is a single storey residential property set within a parcel of land between Dolphin Court Road and Longmead Road. Although not Listed the cottage would have once been associated with the adjacent Listed windmill which itself has recently been granted permission to convert to a residential dwelling (P/2015/0052 & P/2015/0053).

Vehicular access to the site is from Windmill Lane. There are no designations in the Torbay Local Plan 1195-2011 relating to the site.

### **Detailed Proposals**

The application seeks permission for the demolition of the cottage and its replacement with two residential properties of one storey and a half with dormers in the roof and attached garages. Each dwelling would have three bedrooms. There would be a garage and parking space to serve both properties. Access would be from Windmill Lane. Materials would comprise rendered walls with timber windows and natural slate roofs.

### **Summary Of Consultation Responses**

*Highways:* Comments awaited

*Strategic Transport:* Comments awaited

*Green Infrastructure Coordinator:* Comments awaited

*Senior Heritage and Design Officer:* The siting of the proposed dwellings does not have a significant impact on the Windmill

*Arboricultural Officer:* Comments awaited

*Historic England::* No comment

*Drainage Engineer:* The applicant has indicated that surface water from the development will be drained via soakaways however there are no details of where these soakaways are to be located.

In addition there are no details of any infiltration testing to confirm whether or not the ground is suitable for soakaways. Before planning permission is approved for this development, the applicant must submit detailed designs for these soakaways in accordance with the details identified below.

The developer must carry out trial holes and infiltration tests in accordance with BRE 365 at the locations and invert levels of the proposed soakaways. The design for these soakaways must be submitted showing that the proposed soakaways have been designed to cater for the critical 1 in 100 year storm event plus an allowance for climate change.

The applicant must demonstrate that his surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to his development.

Based on the above comments, before this planning permission can be granted the applicant must supply details to address all the points identified above.

### **Summary Of Representations**

At the time of writing this report six letters of representation have been received in relation to this application, the key issues raised are:

- The demolition of Windmill Cottage and resultant loss of a Heritage Asset
- Out of character
- Overdevelopment
- Loss of privacy
- Impact on ecology and trees
- Increase in noise and disturbance
- Unacceptable in principle
- Increase in traffic
- Loss of light

These representations have been sent electronically to Members for consideration.

### **Relevant Planning History**

P/2013/0530 Demolition of Windmill Cottage and formation of Two x Three bedroom dwellings with garages; the application was deferred for further negotiations in relation to the size and design of the proposed dwellings by Development Management Committee 12.08.2013. It was subsequently

withdrawn.

ZP/2012/0061      Demolition of Windmill Cottage and addition of 2 dwellings in grounds - Officer support was given to the principle of the development 09.04.2013

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

The key issues to consider in relation to this application are;

1. the impact it would have on the character and appearance of the streetscene
2. the amenity and privacy enjoyed by the occupiers of neighbouring properties.
3. the impact the proposal would have on the setting of the adjacent Grade II Listed windmill.
4. Drainage

#### **1. Character and appearance**

The proposed dwellings will not appear incongruous in the streetscene due to their location on a parcel of land between the properties on Longmead Road and Dolphin Court Road. The proposed residential development of this site would be consistent with the established form and scale of development in the surrounding area. As a result of their siting the proposed dwellings would not be highly visible from the wider area.

There are a number of different house styles in the area and as such the addition and the layout of two 1.5 storey properties would not be contrary to the urban grain. The subdivision of the plot to form two dwellings would be consistent with the existing density of development in the area. It is considered that the properties, due to their size, siting and design would be acceptable additions to the area and would accord with policies BES, BE1, HS & H9 of the saved adopted Torbay Local Plan 1995-2011.

The proposed buildings are of a modern design which is consistent with the character and appearance of the streetscene in the area. The dwellings are deemed to be acceptable in design terms and comply with the objectives of policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011.

The two new properties have sufficient amenity space and parking without resulting in an overdevelopment of the plot.

#### **2. Impact on adjacent Listed Windmill**

The Listed windmill has recently gained consent to be converted into a single dwelling which involved use of current openings as windows, the addition of a new roof structure and a single storey extension.

The existing cottage is not a Listed Building and therefore does not benefit from the same protection when it comes to demolition. But Section 66 of the Listed Buildings Act requires LPAs to pay "special regard" to the desirability of preserving, inter alia, the setting of a listed building.

When assessing the impact (if any) of the proposed development on the setting of the Listed Building there are two principal factors to be taken into account -

1. the architectural quality or interest of the Listed Building itself (i.e. the setting of a Grade I building is likely to be more sensitive than that of a Grade II building)
2. the nature and appearance of the existing surroundings of the listed building immediately prior to the proposed development being carried out (impact is likely to be diminished if the surroundings already contain many unsympathetic features)

The NPPF accords with S.66 in that

- Paragraph 129 makes it clear that, in determining applications, it is relevant to consider the significance of any heritage assets affected, including any contribution made by their setting. It is necessary to consider whether the relevant heritage asset is of any great significance in itself, and whether its setting makes any great contribution to the character and appearance of the listed building.

- 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 Listed Building itself, i.e. the windmill, is surrounded by housing developments and as Windmill Cottage is not listed, it has been added to in an unsympathetic way in the past and has not been maintained to the same standard expected if it was protected.

To this end it is not considered that the proposal to demolish the existing cottage would have a significant impact on the setting of the Listed Building as it has not been deemed important enough to be Listed itself and now has a distinct separate boundary and curtilage away from the windmill.

The scheme to replace the demolished cottage with 2 dwellings is considered to preserve the setting of the windmill and would comply with policy BE6 of the saved adopted Torbay Local Plan 1995-2011 which relates to how a development relates to a Listed building. This is because of the clear separation between the windmill and the proposed dwellings, and the height of the proposed dwellings would be demonstrably lower than the windmill. The visual prominence of the windmill would be retained in the street scene, and would not be harmed by the proposed dwellings.

### **3. Impact on neighbouring living conditions**

Although the proposed dwellings are likely to result in some over-looking of garden areas, which does not exist at present, particularly of the adjacent properties on Longmead Road, it is considered that this relationship is not uncommon in the area, particularly given the recent approval for a residential use of the adjacent windmill structure and is deemed to be an acceptable one. Given the proximity of the proposed dwellings to 73 Longmead Road, there is concern about overlooking from first floor windows of plot 1. This could be overcome by the dormer windows on the rear of property being fitted with obscure glazing to ensure no significant overlooking into the rear garden of this property. It is therefore considered that a revised plan showing the bedroom windows as obscure glazed should be submitted prior to the determination of the application.

Due to the orientation of the proposed dwellings and their relationship with neighbouring properties, it is not considered that there will be any significant loss of light. Similarly the size and siting of the proposed dwellings would not be of an overbearing nature.

Subject to the above revision the scheme, on balance, is considered to comply with policies HS & H9 of the saved adopted Torbay Local Plan 1995-2011.

Access to the site is via Windmill Lane, which provides access to the cottage at present. Each dwelling includes a garage with a parking space in front which is considered to provide sufficient parking of the form of development. The driveway and garages are located so as to minimise noise and disturbance to neighbouring occupiers. The proposal is therefore considered to comply with policies T25 & T26 of the saved adopted Torbay Local Plan 1995-2011.

### **4. Drainage**

The majority of Torbay has been designated as a critical drainage area by the Environment Agency. In order not to increase the risk of flooding in Torbay all new development has to play its part in reducing rainfall runoff rates. Surface water discharges from new development should 'mimic' Greenfield performance. In order to meet this standard the Council's Drainage Engineer has advised that details of the location of the proposed soakaways should be submitted and infiltration testing should be carried out before planning permission is granted to ensure that soakaways proposed by the applicant could be used in this location. This information is required before planning permission is granted to ensure the development would not contribute to a risk of flooding downstream.

### **S106/CIL**

Since April 2015 S106 contributions towards infrastructure can no longer be pooled. Consultation responses are awaited from highways and the green infrastructure coordinator to confirm whether contributions towards sustainable

transport and greenspace are required to offset the impact of one additional dwelling on the site. A contribution towards waste management will be required.

### **Conclusions**

The proposed development is considered to be appropriate for planning approval subject to the amendment of the glazing to the first floor rear dormers to plot 1, submission of drainage details and payment of the S106 contribution, having regard to all national and local planning policies and all other relevant material considerations.

The demolition of the existing cottage is acceptable, given the damage caused to it by additions and changes over time and given that it is not a protected heritage asset. Its replacement with the revised scheme for 2 dwellings will not harm the setting of the adjacent Windmill.

This is subject to the following conditions:

- Sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) sub cills;
- (v) slating/tiling;
- (vi) soffits;

- Details of boundary treatment and implementation of approved boundary treatment
- Submission of detailed plan including the datum level in relation to an agreed fixed point or O.S. datum off site.
- Removal of permitted development Part 1 Classes A-E.
- Retention of parking provision on site
- Landscaping scheme to include details of new hedge planting
- Landscaping implementation

### **Relevant Policies**

- BES Built environment strategy
- BE1 Design of new development
- BE6 Development affecting listed buildings
- HS Housing Strategy
- H9 Layout, and design and community aspects
- T25 Car parking in new development
- T26 Access from development onto the highway
- CF6 Community infrastructure contributions

# Agenda Item 7

**Application Number**

P/2014/1231

**Site Address**

Jewson Ltd  
St James Road  
Torquay  
Devon  
TQ1 4AZ

**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Executive Summary/Key Outcomes**

This application relates to the former Jewsons Builders Merchants on St James Road. A scheme to construct 24 flats and a new office base for a local building company was approved in principle by DMC at its meeting of the 9<sup>th</sup> February. The Officer Report is appended as Appendix 1.

*It was agreed subject to the submission of revised plans providing adequate detail in relation to hard and soft landscape treatment and boundary treatments and completion of a signed S106 legal agreement/unilateral undertaking within 3 months of the date of the Committee to secure the agreed level of AH/S106 contributions, a deferred contributions clause in relation to Affordable Housing and costs of the TRO relating to pavement reinstatement.*

The site is now cleared and preliminary works have taken place within the residential part of the site. Further assessment of ground conditions has concluded that the original foundation design is no longer practical.

The design of the scheme has consequently been amended. This involves a maximum increase in height of the proposed flats of a metre, a range of changes to the design of the flats and a reduction in size of the proposed office base.

The roof garden has been deleted from the scheme and landscaping details supplied to demonstrate that, notwithstanding the adverse ground conditions, a good quality scheme of hard and soft landscaping is achievable on the site.

It is considered that the changes to the scheme are acceptable. As the decision had not been issued when the difficulties came to light the amended scheme has been subject to a new round of consultation. No comments have been received other than to point out that works are ongoing.

Revisions are also proposed to the S106 agreement. It was agreed at DMC on the 9<sup>th</sup> February that £30,000 was an appropriate level of community infrastructure contribution based on the IVA submitted to confirm the viability issues on the site but that a deferred contributions clause should be included to secure a proportion of higher than anticipated profits towards meeting affordable housing needs.

Recent appeal decisions have however confirmed that LPA's should not pursue deferred contributions in relation to Affordable Housing contributions on schemes that are to be implemented in a single phase. These should only be sought, where appropriate, on sites that are to be constructed in multiple phases. However it would be appropriate to include a requirement in the S106 for a re-assessment of viability and possible deferred contributions in the event that the scheme is not completed within a three year period.

In view of this, a change to the S106 is proposed to delete this clause as well as a further 3 month extension of time for completion of the agreement.

### **Recommendation**

Conditional approval; subject to a signed S106 legal agreement/unilateral undertaking in terms acceptable to the Executive Director of Operations and Finance within 3 months of the date of this Committee to secure £30,000 towards community infrastructure contributions, a re-assessment of viability and possible deferred contributions in relation to Affordable Housing if the scheme is not complete within 3 years and the costs of TRO/pavement reinstatement if appropriate.

Suggested conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

### **Statutory Determination Period**

This application had a 13 week determination period. This expired on the 14th March 2015.

### **Site Details**

The application site, a former quarry, comprises a cleared site previously occupied by a Building Merchants with retail sales. It is located in a densely developed residential area comprising mainly two storey terraced dwellings.

The quarry faces have been recently stabilised through netting. To the east of the site is a small chapel in use as a Nursery and beyond this, St James School. A dropped kerb extends across the entire frontage to the site to facilitate servicing and access for the Builders Merchants. There are yellow lines in operation on the street frontages adjacent to the site. It is well located in relation to public transport and local services. In the Torbay Local Plan 1995-2011 there are no allocations relating to the site.

### **Detailed Proposals**

This detailed application is for the construction of 24 flats (12 x 1 Bed and 12 x 2 beds) in a 3 storey building with 20 car parking spaces occupying the major part of the site.

A three storey office/storage building with a separate vehicular access, parking and turning space is proposed for the rear of the site occupying a hollowed out area of quarry.

The street elevation of the block of flats is of a traditional appearance with rendered walls, sash windows and a pitched slated roof.

To the rear extends a 3 storey wing which is more hidden from view. The design is more contemporary with a flat roof and balconies.

Residential parking (20 spaces) extends down both sides of the rear wing with access to the highway available from each side of the building.

### **Summary Of Consultation Responses**

*Highways:* Have no objection to the reduced parking levels.

*Community Safety:* Advised that hours of construction should be limited to 8.00-18.00 hours Monday to Friday and 8.00 to 13.00 hours Saturday. In respect of the Office/store it is suggested that hours of operation and deliveries are restricted to 7.00 to 18.00 Monday to Friday and 8.00 to 13.00. They have also considered the Contaminated Land Survey and will comment about the need for a Remediation Strategy.

*Green Infrastructure Coordinator:* Regrets the loss of the roof garden from the scheme. Otherwise comments are as before.

*Arboriculturalist:* Agrees with the position and density of tree planting and the regimes for ensuring the success of the planting proposals. He has requested submission of a landscape management plan. Some alternative tree species are suggested which will be agreed with the applicant.

*Architectural Liaison Officer:* Raises minor design points.

*Drainage:* Is satisfied with the scheme in terms of surface water run off.

### **Summary Of Representations**

There have been no letters of objection arising from consultation on the revised scheme.

### **Relevant Planning History**

P/2014/0185/MPA: Development of 30 residential units and office store; Withdrawn following advice that application would be refused for poor design and overdevelopment.

There has followed extensive pre app discussions to reduce the scale of development on site and improve the design quality culminating in P/2015/1231 being approved in principle on the 9<sup>th</sup> February 2015.

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

The key issues in respect of this revision to the scheme are the increase in height, the changes to design, the loss of the roof garden, the quality of landscaping and the amendments to the S106.

## **Increase in Height/Changes to Design**

The increase in height is necessary due to the high lying rock head which prevents the previous finished floor levels being achieved. The height of the street elevation is lifted by up to a metre in parts and the ridge enclosing the lift tower by a similar amount. However due to reductions in floor to ceiling heights and adjustments to the pitch of the main part of the roof fronting St James Road, the increase in height of the main roof is reduced to 0.5 of a metre. This eases the transition in scale to adjacent buildings.

In relation to the rear section of the building the floor levels are raised by about 1m. This produces a less satisfactory relationship between the front part of the building and the rear wing as the lift overrun is quite a bulky feature.

However the transition in the building is relatively well screened and appears to be unavoidable due to the ground conditions. Other changes are the relocation of the primary entrance from the front of the building to the side which again is regretted but appears to be unavoidable. The changes to the height and design of the building do not generate any amenity concerns. The office base is reduced in size and set back further into the quarry face which is beneficial.

## **Landscaping/Loss of Roof Garden**

More detailed landscape proposals have been supplied in this revised submission reflecting the comments made in the original Officer report asking that the quality and deliverability of screening and softening to the site be demonstrated.

These are considered acceptable subject to the revisions to tree types suggested by the Arboriculturalist. Increased landscape buffers are provided along the boundary with the commercial entrance which is welcomed.

The loss of the roof garden is regretted and has been deleted by the applicant due to concerns about viability, management and possible disturbance arising from its use. It remains as an open terrace which will be restricted in access to 6 of the proposed flats who will be allocated an area for their own personal use. Whilst this is a retrograde step in terms of the overall quality of the residential environment it will offer valuable amenity space to residents who otherwise would not have access to personal space. Details of how this is to be organised and managed should be secured by condition.

## **S106 Contributions and Affordable Housing Provision**

The scheme provides for 24 residential flats and in accordance with policy H6 of the saved Adopted Local Plan should provide 30% on site Affordable Housing. It should also, in line with policy CF6, deliver £72,156 towards Community Infrastructure Contributions as defined in the Adopted SPD 'Planning Contributions and Affordable Housing'

The applicant contends that due to abnormal construction costs (primarily investigation and netting of the quarry face) the scheme is unable to meet the whole of these costs. An IVA has been carried out and this concludes that the viability of the scheme is marginal due to the high costs of dealing with the quarry face and the relatively low sales value.

At the DMC meeting on the 9<sup>th</sup> February it was agreed that the site could afford to deliver £30,000 towards community infrastructure contributions but that a deferred contribution

clause should be included in the S106 to secure Affordable Housing contributions in the event that the scheme is more profitable than anticipated.

However recent appeal decisions have confirmed that LPA's should not seek to impose deferred contribution clauses on schemes to be built out in a single phase being only appropriate on sites to be developed in multiple phases over a longer time period. However it would be appropriate to include a requirement in the S106 for a re-assessment of viability and possible deferred contributions in the event that the scheme is not completed within a three year period.

## **Conclusions**

The changes to the scheme are largely a result of adverse ground conditions. Whilst the quality of the design is reduced, it does not warrant refusal of planning permission as the impacts are fairly minor and well screened. Further, the changes appear to be unavoidable due to the rock conditions.

The loss of the roof garden as a landscape feature for residents is regretted but it will provide personal space for residents of 6 of the flats which will help overcome management concerns.

The deletion of the deferred contributions clause is a result of appeal decisions which have clarified that LPA's should not seek to impose these on single phase schemes such as this.

## **Recommendation**

Conditional approval; subject to a signed S106 legal agreement/unilateral undertaking in terms acceptable to the Director of Place, within 3 months of the date of this Committee to secure £30,000 towards community infrastructure contributions, a re-assessment of viability and possible deferred contributions in relation to Affordable Housing if the scheme is not complete within 3 years and the costs of TRO/pavement reinstatement if appropriate.

Suggested conditions are listed below, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

## **Conditions**

Large scale details

Materials

Implementation of landscape scheme

Sample panel of natural stone to be used in front boundary treatment

Details of management and operation of Roof Terrace

Hours of operation and deliveries in relation to Office/ Store

Construction Management Plan

Lighting scheme to mitigate impact on bats

No demolition during bird nesting season

Remediation strategy for contaminated land

Surface Water Disposal

Implementation of car parking/cycle storage

Travel Plans for both residential and commercial elements of the scheme

No occupation until pavement fully reinstated

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## Appendix 1

### **Description**

Redevelopment of former builders' store to form 24 flats with 20 car parking spaces, and construction of office building: Amended scheme including increasing height of flat building by 1m, deletion of roof garden, adjustment of landscape proposals, reduction in size of, and position of office building with increased car parking levels to serve the office building

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

Jewsons Builders Merchants previously operated from a former quarry site on St James Road. It is now vacant and this application involves demolition of the existing storage sheds and their replacement with 24 flats in a three storey block fronting the street with a rear wing extending back into the site and, as a second element, the construction of a new HQ comprising office space and storage for a local building company located towards the rear of the site.

The loss of this employment use is considered acceptable when judged against the relevant tests in policy E6 of the saved Adopted Local Plan due to the poor quality of the existing premises and its impact on the neighbourhood in terms of noise, vehicular activity and disturbance. Indeed, Jewsons has new premises in close proximity to this site.

The proposed residential scheme is of a slightly higher density than is prevalent in the area. However, due to the configuration of the site, which extends well back into the quarry area, the relative separation of the site from its neighbours and the height of the existing storage buildings (which form a reasonable benchmark for an acceptable scale of building) it is considered that this site has the capacity to accommodate a scheme of this density without undue impact on the character of the streetscape or on the amenity of the neighbourhood.

The design of both elements of the scheme is considered acceptable. The frontage building replaces the redundant double height sheds with a traditionally designed 3 storey block of flats. The rear wing, which is more screened from view is of a more contemporary but complimentary design as is the discretely sited Office/Store.

Subject to additional detail firming up the submitted 'conceptual' hard and soft landscape scheme and the boundary treatments, the scheme is considered to be acceptable in terms of the loss of the existing employment use, the overall design, the quality of the proposed residential environment and impact on neighbours including adequacy of onsite parking. As such it complies with the relevant policies in the saved Adopted Local Plan.

The applicants claim that due to abnormal costs (stabilising the quarry face) the scheme is unable to meet the full Affordable Housing and s106 contributions. This has been tested through submission of an IVA. The IVA confirms reduced viability and the exact level has yet to be determined.

It is recommended however that a deferred contributions clause be included in the S106 agreement to secure additional deferred contributions in the event that the scheme is more profitable than anticipated.

## **Recommendation**

Conditional approval; subject to the submission of revised plans providing adequate detail in relation to hard and soft landscape treatment and boundary treatments, a signed s106 legal agreement/unilateral undertaking in terms acceptable to the Director of Place, within 3 months of the date of this committee to secure agreed level of AH/S106 contribution and costs of TRO/pavement reinstatement if appropriate. Suggested 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**

This application has a 13 week determination period. This expires on the 14th March.

## **Site Details**

The application site comprises a vacant Building Merchants with retail sales located in a densely developed residential area comprising mainly two storey terraced dwellings.

The site is a former quarry, is predominantly level, extends some way back from the street and is occupied by 2 double height timber slatted storage buildings backing onto the quarry face and wooded hillside. This is a prominent local landscape feature.

Former quarrying activity is evident in the excavation to the rear of the site. The quarry faces have been recently stabilised through netting.

To the east of the site is a small chapel in use as a Nursery and beyond this, St James School.

A dropped kerb extends across the entire frontage to the site to facilitate servicing and access for the Builders Merchants.

There are yellow lines in operation on the street frontages adjacent to the site.

It is well located in relation to public transport and local services.

In the Torbay Local Plan 1995-2011 there are no allocations relating to the site.

## **Detailed Proposals**

This detailed application is for the construction of 24 flats (12 x 1 Bed and 12x 2 beds) in a 3 storey building with 20 car parking spaces occupying the major part of the site.

A three storey office/storage building with a separate vehicular access, parking and turning space is proposed for the rear of the site occupying a hollowed out area of quarry.

The street elevation of the block of flats is of a traditional appearance with rendered walls, sash windows and a pitched slated roof. To the rear extends a 3 storey wing which is more hidden from view. The design is more contemporary with a flat roof, balconies and an extensive roof garden.

Residential parking (20 spaces) extends down both sides of the rear wing with access to the highway available from each side of the building.

## **Summary Of Consultation Responses**

*Highways:* Have no objection to the reduced parking levels.

*Community Safety:* Advised that hours of construction should be limited to 8.00-18.00 hours Monday to Friday and 8.00 to 13.00 hours Saturday. In respect of the Office/store it is suggested that hours of operation and deliveries are restricted to 7.00 to 18.00 Monday to Friday and 8.00 to 13.00. They have also considered the Contaminated Land Survey and will comment about the need for a Remediation Strategy.

*Green Infrastructure Coordinator:* Welcomes the use of native species and introduction of roof garden. It is recommended that detail and management regimes are secured by condition. Greenspace contributions should be secured towards the agreed improvements for Upton Park. In terms of ecology, it is recommended that the conclusion of the Bat Activity Survey to secure a sympathetic lighting system be secured by condition along with restricting demolition to outside the bird nesting season.

*Arboriculturalist:* Comments that the scheme is vague in terms of proposed landscape treatment/tree species. This should be rectified along with engineering details of the proposed tree pits.

*Drainage:* Is satisfied with the scheme in terms of surface water runoff.

## **Summary Of Representations**

There have been 2 letters of objection raising concerns about car parking and the impact of this development on a busy heavily parked road and a potential adverse impact on the privacy of No. 13 St James Road unless screening is introduced.

## **Relevant Planning History**

P/2014/0185/MPA: Development of 30 residential units and office store; Withdrawn following advice that application would be refused for poor design and overdevelopment.

There has followed extensive pre app discussions to reduce the scale of development on site and improve the design quality.

## **Key Issues/Material Considerations**

The key issues are the principle of redeveloping the site for residential purposes, the character of the scheme, its design, whether it sits comfortably in its surroundings and whether the car parking levels are adequate given the location of the site.

It is also a key consideration that the applicants claim they cannot deliver Affordable Housing and full Community Infrastructure Contributions due to abnormal development costs and consequent poor viability.

Each of these issues will be addressed in turn.

There are a number of site specific issues in relation to flood risk, land stability, land contamination, ecology and landscape which are largely resolved and addressed at the end

of the report. Additional information and/or conditions are required to finally satisfy these matters.

### **Principle of Development.**

The site was formerly a Builders Merchants. This included the storage of a whole range of building materials on site for sale and distribution. It is therefore an employment site and as such its loss needs to be judged against criteria 1-4 of policy E6 of the Local Plan which seeks to retain such uses.

In summary, this only allows loss of employment land if there would be no significant effect on wider employment opportunities, it would not limit the range and quality of sites or premises available or a more sustainable balance of uses would be achieved and the existing use is a cause of significant harm or nuisance to the amenity of the area.

In this case, the employment activity on the site is partly mitigated by the provision of a new office/store on the site. This is to provide a base for Macarthys a local building company and it will form their new HQ and store replacing their current Coombe Road site.

The existing storage use is accommodated in dated semi open sheds which require substantial investment. Thus there is no substantive loss in terms of the range and quality of employment premises available.

Further, a significant amount of vehicular activity is generated by the retail and distributive side of the operation and given the close proximity of dwellings a more mixed use would be more compatible with the neighbouring area. As such, it complies with the tests in policy E6 and its loss should not be resisted.

### **Character of the Scheme.**

The existing neighbourhood is quite densely developed with predominantly terraced 2 storey family dwellings. This scheme delivers a three storey flatted scheme at a slightly higher scale and density than the immediate area. Due to the configuration of the site, which extends well back into the quarry area, the relative separation of the site from its neighbours and the height of the existing storage buildings (which form a reasonable benchmark for an acceptable scale of building) it is considered that this site has the capacity to accommodate a higher density scheme than prevalent in the area without undue impact on the character of the streetscape or on the amenity of the neighbourhood.

In doing so, it complies with Policy H10 of the saved Adopted Local Plan which seeks an efficient use of brownfield land in well placed urban sites with good access to services such as this.

In terms of the street scene, the residential building is similar in height to the existing storage sheds but it is of a traditional design that sits more comfortably with the character of buildings in the area.

The rear part of the building is more contemporary, is largely enclosed by the quarry landform and so is not much exposed to view. It has a parapet flat roof which contains a communal roof garden and each flat has access to a spacious balcony.

The office/store is also of a more contemporary design. It is located to the rear of the site tucked into the 'hole' remaining from quarry activity on the site. Given its use as an office and storage facility for local builders, a more remote location is a bonus and reduces the

opportunity for noise nuisance.

Other key aspects of the design include how the site is laid out in terms of amenity space, car parking and means of access. In this case, there are limited opportunities for ground level amenity space due to the need to include parking spaces and vehicular access for both the residential and commercial elements of the scheme. This is a 'space hungry' approach to developing the site which the applicant is keen to achieve in order to provide the business premises with a clear separation from the residential development.

The applicants have agreed to introduce a roof garden to provide residents with amenity space. This is achievable on a site such as this as it only has limited overlooking to adjacent properties due to its position within the quarry. This occupies the whole of the rear wing of the block of flats and subject to detail, this will mitigate for the lack of space within the body of the site.

In terms of the arrangement of car parking and vehicular movement, this is ranged along each side of the residential block and a separate vehicular access is provided to serve the office/store.

In design terms, the determination to retain a separation between the two uses creates most of the pressure on space and has the most adverse impact on overall quality of the design. It results in the car parking for the flats being self contained bays to each side of the block and it means doubling up on access points and turning facilities.

The scheme was tested by officers using the BFL criteria and through considerably upgrading the quality of finish, for example using stone boundary features to define the front boundary to the site, using a good quality hedging detail with tree planting to separate the access to the office/store from the proposed flats and creating a high quality hard and soft landscaped space around the building (thus lending itself to a dual use approach) then it obtained a score that suggests it would be inappropriate to refuse planning permission on design grounds.

The reinstatement of the pavement fronting the site, to replace the dropped kerbs, which a site related requirement of this scheme, will enhance the quality of the streetscape. This should be secured via a S 278 and Grampian condition.

It is necessary however to ensure that the conceptual approach shown in the submitted plans is 'fleshed out' before the permission is issued to be confident that a quality outcome is achieved. The size and species of trees/plants is required, along with specifications of hard surfacing materials and details of the front and internal boundary treatments.

In terms of coexistence, the separation does limit potential nuisance however, it is appropriate to limit the hours of operation and deliveries to reduce noise and disturbance to the future occupiers of the site.

A further test in terms of density and scale is how comfortably the scheme sits in the site and whether there are undue impacts on the quality of the residential environment created and/or on that of the neighbourhood.

The criteria a scheme is expected to satisfy are included in policy H9 and H 10 of the saved Adopted Local Plan. The extent of the site and its relatively unconstrained relationship with adjacent properties does allow a more intensive development than might otherwise be acceptable.

An objection in relation to impact on privacy was raised by the occupant of No 13 St James Road. This arises due to the inclusion of side windows in the proposed block. The distance from here to the boundary is 24 metres which is beyond the usual 21m rule of thumb.

Further, it is not between habitable room windows, only between windows and a relatively public side garden and substantial hedging and tree planting is proposed which will in time mitigate any perceived overlooking.

It is thus considered that the scheme fits acceptably with its surroundings, meets the needs of future occupiers in terms of amenity space, outlook, waste facilities, parking and cycle provision and there are no undue impacts on the amenity enjoyed by people living adjacent to the site. As such it complies with Policies H9 and H10 of the saved Adopted Local Plan.

### **Adequacy of Parking Levels.**

A concern of residents is the congested nature of the street in terms of traffic movement and car parking and fears that this development will exacerbate these problems.

The scheme provides 24 flats with 20 on site car parking places. Policy T25 of the Local Plan suggests a maximum provision for flats of 1 space per unit plus 1 space per 2 units for visitor use. This would suggest the need for 36 spaces. It must be noted however that this is a maximum provision and there is some flexibility allowed if the site is well located in relation to services and public transport.

Policy H10 suggests that on such sites parking provision can be reduced. The site is located in an area that is generally heavily reliant on 'on street' car parking which accounts for the concerns from people living near to the site. The site is close to St James School which will generate much car parking demand at the start and end of the school day.

It is also the case that the previous use would have generated a significant amount of vehicular activity in the area and associated car parking which would have put pressure on local parking capacity.

The whole of the frontage to this site comprises dropped kerbs with yellow lines in force over much of this part of St James Road presumably to ensure that Jewsons could be serviced when operational.

Clearly there is now scope to return more of the street frontage to public car parking due to the reinstatement of the pavement and this will help mitigate the shortfall in on site provision on this site. The costs of the Road Traffic Orders to achieve this should be included in the S106.

Due to the circumstances of the site, its location and history it is considered that the scheme is in compliance with the provisions of policies T25 and H10 of the saved Adopted Local Plan and delivers sufficient car parking spaces.

### **Flood Risk/Surface Water Disposal/ Contaminated Land/Ecology Landscape.**

Issues around flood risk and surface water disposal are resolved and conditions are required to secure implementation.

### **Land stability concerns have been investigated and resolved.**

In terms of contaminated land conditions are required to ensure that any further detail is provided and to ensure implementation of required Remediation Strategy.

Landscape and ecology issues can be resolved by the submission of further detail (prior to permission being issued) and appropriate conditions.

### **S106 Contributions and Affordable Housing Provision**

The scheme provides for 24 residential flats and in accordance with policy H6 of the saved Adopted Local Plan should provide 30% on site Affordable Housing. It should also, in line with policy CF6, provide the following in terms of Community Infrastructure Contributions as defined in the Adopted SPD 'Planning Contributions and Affordable Housing'

#### **Planning Contributions Summary**

	<i>Contribution</i>	<i>Early Payment</i>
Waste Management (Site Acceptability)	£ 1,200.00	£ 1,140.00
Sustainable Transport (Sustainable Development)	£34,026.67	£32,325.33
Stronger Communities (Sustainable Development)	£ 0.00	£ 0.00
Lifelong Learning (Sustainable Development)	£ 1,226.67	£ 1,165.33
Greenspace & Recreation (Sustainable Development)	£18,746.67	£17,809.33
South Devon Link Road	£13,520.00	£12,844.00
<b>Total</b>	<b>£68,720.00</b>	<b>£65,284.00</b>
Administration charge (5%)	£ 3,436.00	£ 3,264.20
<b>Total with Admin Charge</b>	<b>£72,156.00</b>	<b>£68,548.20</b>

The applicant contends that due to abnormal construction costs (primarily investigation and netting of the quarry face) then the scheme is unable to meet the whole of these costs. An IVA has been carried out and this concludes that the viability of the scheme is marginal due to the high costs of dealing with the quarry face and the relatively low sales value.

The exact level of this has yet to be determined as more information is required in relation to construction costs. It is recommended however that a deferred contribution clause is included in the S106 to secure some additional contributions in the event that the scheme is more profitable than anticipated.

## **Conclusions**

The scheme to re develop the Builders Merchants to provide 24 flatted units along with a new HQ for a local building company is considered to be acceptable in terms of the loss of the existing employment use, the overall design, the quality of the proposed residential environment and impact on neighbours including adequacy of onsite parking. As such it complies with the relevant policies in the saved Adopted Local Plan.

The applicants claim that due to abnormal costs the scheme is unable to meet the full Affordable Housing and S106 contributions. This has been tested through submission of full costings and an IVA. The exact sum has yet to be determined as more information is required in relation to constructions costs. It is recommended that a deferred contributions clause be included in the S106 agreement to secure additional contributions in the event that the scheme is more profitable than anticipated.

## **Recommendation**

Conditional approval; subject to the submission of revised plans providing adequate detail in relation to hard and soft landscape treatment and boundary treatments, a signed S106 legal agreement/unilateral undertaking within 3 months of the date of this committee to secure the agreed level of AH/S106 contribution and costs of TRO/pavement reinstatement if appropriate; suggested 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.

## **Conditions**

Large scale details

Materials

Implementation of landscape scheme

Sample panel of natural stone to be used in front boundary treatment

Details of Roof garden and maintenance regime

Hours of operation and deliveries in relation to Office/ Store

Construction Management Plan

Lighting scheme to mitigate impact on bats

No demolition during bird nesting season

Remediation strategy for contaminated land

Surface Water Disposal

Implementation of car parking/cycle storage

Travel Plans for both residential and commercial elements of the scheme

No occupation until pavement fully reinstated

# Agenda Item 8

**Application Number**

P/2015/0467

**Site Address**

22-24 Roundhill Road  
Torquay  
Devon  
TQ2 6TH

**Case Officer**

Mr Scott Jones

**Ward**

Cockington With Chelston

**Description**

Change of use of Unit 22 from Use Class D1 (non-residential institution) to Use Class A5 (hot food take-away) and the change of use of Unit 24 from Use Class A1 (retail) to Use Class A5, together with the amalgamation of Units 22 and 24 into one Use Class A5 unit.

**Executive summary**

The proposal relates to two commercial units set within a small shopping parade at Roundhill Road, Torquay, which holds 8 units at ground floor with residential flats above.

The proposal seeks to conjoin two units and change their use from one "A1" retail unit and one "D1" art gallery to a single A5 hot food takeaway.

The proposed use is not considered to adversely affect the overall shopping character of the parade as the nature of the use would complement the role of the Local Centre as a focal shopping point serving the local neighbourhood.

With conditions that control the hours of operation, and subject to the submission and approval of extract ventilation details prior to the first commencement of the use, the proposal will not be detrimental to local neighbour amenity through noise, smell or general disturbance.

The proposal is considered compliant with the policy aims set out within the Saved Local Plan in regard to Local Centres and Hot Food Takeaways (Policies S8 and S10).

**Recommendation**

Approval; Subject to conditions on the hours of operation (between the hours of 08:00 and 22:00) and details of the extract ventilation system to be submitted and approved by the Local Planning Authority.

### **Site Details**

The site comprises two units that sit in a small parade made up of 8 units at ground floor with residential flats above, at Roundhill Road, Torquay.

The application relates to two adjoining units within the parade.

The parade is designated as a Local Centre within the Saved Torbay Local Plan.

### **Detailed Proposals**

The proposal seeks to conjoin two units and change their use from one "A1" retail unit and one "D1" art gallery to a single A5 hot food takeaway.

No external alterations to the frontage or other external changes are proposed.

### **Summary Of Consultation Responses**

*Environmental Health & Consumer Protection:* Concern raised about both the potential for noise nuisance and odour nuisance. Noise from the arrival and departure of customers could have a detrimental effect on the residents in the area as takeaway premises typically encourage significantly increased footfall particularly later in the evening together with increased vehicle movements. Resultant odour and noise from kitchen extraction systems, depending on the type of operation, may harm amenity.

Recommend conditions be placed on the consent requiring compliance with the DEFRA guide on control of odour and noise from kitchens, and that the hours of operation are restricted.

*Police Liaison Officer:* No Objection. Recommend detail on hours of opening.

### **Summary Of Representations**

Four representations, one with an attached petition with 9 signatures from 5 further addresses, were received.

The representations raise concern in regard to the impact on amenity, by reason of smell nuisance, traffic flow and litter.

A Site Review Meeting was held and the application has been referred to The Development Management Committee as Ward Councillors held reservations over the impact upon local amenity, in-line with the public representations submitted.

These representations have been submitted electronically for members consideration.

### **Relevant Planning History**

The following application relates to adjoining units in the local centre;

P/2015/0458            Change of use of Unit 20 from class B1 (business) to A1 (shops), amalgamation of Units 18 and 20 (use class A1), erection of single storey extension, alterations to shop front, installation of ATM machine and associated parking and landscaping, 18-20 Roundhill Road- current application

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

The key issues are;

1. Impact upon the Local Centre
2. Impact upon residential amenity
3. Impact upon traffic and movement

#### **1. Impact upon the Local Centre:**

The site sits in a small Local Centre near to the junction of Roundhill Road with Old Paignton Road, within the area of the residential suburbs of Livermead and Preston. The Local Centre consists of 8 relatively small units of varied commercial use.

Policy S10 of the Saved Local Plan provides guidance for the aims and objectives of such Local Centres, central of which is that uses in these centres should complement the role and character of the centre.

The change of use to A5 (Hot food takeaway) is not considered overly sensitive in regard to its impact upon the mix of services and maintains a use that serves the local community and one that would provide footfall and vitality that will support use of other facilities within the parade.

The proposal is considered compliant with the aims and objectives of Policy S10 (Local Centres) that seek to secure the long term vibrancy and vitality of such shopping areas.

The proposed use is considered acceptable in the context.

#### **2. Impact upon local amenity:**

The proposal seeks a change of use and proposed hours of opening have not been identified as part of the application.

Policies S8 (Hot Food Takeaways) and S10 (Local Centres) of the Saved Local Plan provides guidance that such uses may be acceptable provided that the amenity of the area is not adversely affected through noise, general disturbance etc.

The location within a local centre provides a context where a degree of activity generating noise and disturbance from deliveries and clients using the facilities would be expected.

In regard to the likely impact of a hot food takeaway upon local amenity consideration should be given to the effect of odours, noise and general disturbance.

The agent has suggested that there is no end user identified and hence the form of foodstuffs and the associated cooking processes, together with any necessary extraction system, are not provided. In order to ensure that there is no undue impact from noise and odour resulting from cooking of food on the premises a restrictive condition is recommended requiring submission of the specification of the extract ventilation system prior to the first commencement of the use.

The hours of opening have not been specified, which is again likely to be due to the absence of an end-user. The character of certain types of A5 takeaway use may result in trading hours later hours than other uses commonly found within this centre. Having considered the context it is considered that a restrictive condition for the hours of opening not to extend beyond 22:00 daily would ensure a suitable form of development that protects against undue impact from general noise and disturbance into the evening/night.

The agent has suggested consideration of hours of opening between noon and 22:30 daily, which is 30 minutes beyond the recommendation of Officers.

In addition an informative should be attached reminding the applicant that external alterations to provide a flue or similar would require planning permission and would be considered on its own merit.

With conditions on the hours of opening and the detail of any internal extraction requirements the use would not be detrimental to local amenity in this location. The proposal would be compliant with Saved Policies S8 and S10 in regard to amenity.

### 3. Impact upon traffic and movement

The site sits in a Local Centre with street parking. The proposed use, as with the current use, will in part contribute to the wider traffic generated by the various services offered in the area. Individually the proposed use is unlikely to present determinable highway and movement impacts. The proposal is considered compliant with Policies SS, S8 and S10 in this regard.

**S106/CIL -**  
N/A.

## **Conclusions**

The proposal is considered acceptable on planning merit subject to a restriction on the hours of opening and submission of details of the extract ventilation system. The application is recommended for conditional approval.

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

01. The use hereby approved shall only operate between the hours of 08:00 and 22:00 daily. Reason: In the interests of the amenities of the area and to meet the criteria of Policies SS, S8, S10, EPS, EP3 and EP4 of the Saved Local Plan.

02. Prior to the first commencement of the use hereby approved details of any proposed equipment extraction equipment, including noise levels and odour abatement, shall be submitted to and approved by the Local Planning Authority in writing. In preparing the detailed technical submission, regard shall be had to guidance contained in the document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (Defra: January 2005)'. The approved details shall be implemented in full prior to the first use of the premises as a takeaway and following installation the equipment shall be operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Reason: To protect the living conditions of nearby residents and the amenities of the area in general and to ensure compliance with policies S8, EPS, EP3 and EP4 of the Saved Local Plan.

## **Informative(s)**

01. The applicant is reminded that external physical alterations to provide a flue extraction or similar are likely to be considered development and require planning permission. The proposal hereby approved has been considered on its own merit and in the absence of any external flue or similar alteration. Should the use require external extraction the applicant is advised to submit a formal planning application supported with design detail that accords with Condition 02.

02. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

## **Relevant Policies**

S8 Hot take-away food  
SS Shopping strategy

S10 Local Centres  
EPS Environmental protection strategy  
EP4 Noise  
EP3 Control of pollution

**Application Number**

P/2015/0524

**Site Address**

Lansdowne Hotel  
Old Torwood Road  
Torquay  
Devon  
TQ1 1PW

**Case Officer**

Mrs Helen Addison

**Ward**

Wellswood

**Description**

(Removal of Condition no. 01 of planning permission P/2015/0203.) Demolition of existing building, construction of 14 No apartments with underground parking, revision to vehicular and pedestrian access

**Executive Summary/Key Outcomes**

This application seeks the removal of condition 1 that required a contract for redevelopment of the site to be in place prior to the commencement of development of the site. The applicant was unable to enter into such a contract as he is both the applicant and the developer in this case. Evidence of the applicant's commitment to progress the development has been submitted in support of this application and it is noted that the build programme has now reached roof level. On this basis removal of the condition would be appropriate.

This application has been submitted in order to regularise the grant of planning permission.

**Recommendation**

Conditional approval subject to completion of a Unilateral Undertaking to link S106 Contributions paid in respect of the original grant of planning permission (P/2014/0501) to this application. The Unilateral Undertaking to be completed within 3 months of the date of this Committee. Conditions as listed at the end of the report.

**Statutory Determination Period**

The target date for determination of the application was 24th July 2015. This has been exceeded due to the need for a legal agreement to be prepared.

### **Site Details**

The application site relates to the site of a former vacant hotel situated on the north side of Babbacombe Road. The site is in a prominent location clearly visible from Babbacombe Road. Following grants of planning permission for redevelopment of the site with fourteen apartment under application references P2014/0501 and P/2015/0203 the building on the site has been demolished. Redevelopment works have progressed significantly. Babbacombe Road abuts the southern side of the site and Old Torwood Road the western boundary. The access to the site is from Old Torwood Road.

The surrounding area is in a variety of uses. There is a restaurant on the opposite side of Old Torwood Road. Glenthorne Close is a modern cul de sac and is located on the north side of the site. There are residential properties along Babbacombe Road and a hotel close to the application site. In the Torbay Local Plan 1995-2011 the site is shown as being within the Warberries Conservation Area.

### **Detailed Proposals**

The application is for removal of condition 1 which required a contract for the redevelopment of the site. In this case the applicant is also the developer of the site and unable to enter into a contract with himself. Evidence of contracts for the design and build of the underground car park, transfer deck and timber frame have been submitted to provide confirmation of the applicants intention to progress the development.

This application is submitted in order to regularise the grant of permission.

### **Summary Of Consultation Responses**

None

### **Summary Of Representations**

None received

### **Relevant Planning History**

- |             |  |
|-------------|--|
| P/2015/0203 | Variation of Condition P/2014/0501 Condition P1 - Plans; to revised parking layout, design of roof and alterations to external elevations, approved subject to a legal agreement 29.4.15 |
| P/2014/0501 | Demolition of existing building, construction of 14 no. Apartments with underground parking, revision to vehicular and pedestrian access approved subject to Unilateral                  |

## Undertaking 21.8.14

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

The key issue in this case is whether condition 1 that required a contract for redevelopment of the site should be removed, and the development proceed without this condition.

It is good practice when determining planning applications within a conservation area to impose a condition preventing demolition of the existing buildings on a site until a contract for redevelopment is in place. The reason for this is to ensure that a site is not left vacant which would detract from the visual amenity of the area.

The applicant has advised that he is both the client and the developer it is not possible for him to enter into a contract with himself. As evidence of his intention to develop the site he has submitted copies of the contracts for design and construction of the underground car park and transfer deck over and the timber frame. The building work is now advanced on site with construction up to roof level. This constitutes sufficient evidence to demonstrate that the condition can be released.

### **S106/CIL -**

Contributions totalling £24,878.65 were paid by Unilateral Undertaking in respect of application reference P/2014/0501. A deed of variation is required to link these contributions to the current proposal.

### **Conclusions**

In conclusion, the applicant has demonstrated his commitment to develop this site and construction is at an advanced stage. The condition requiring a contract for redevelopment is no longer required. It would be appropriate to grant a revised planning permission without condition 1 from application reference P/2015/0203.

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

01. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall accord with the approved samples and schedule unless otherwise agreed in writing by the Local Planning Authority. Reason; In the interests of visual amenity in accordance with Policies BE1 and BE5 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall then be constructed in accordance with the level details shown on plan reference 0821 BR005 rev H received on 3rd March 2015 and 0821 BR009 rev A received on 5th November 2014. Reason: In the interests of the amenities of the area and in order to comply with policy H9 of the saved adopted Torbay Local Plan 1995-2011.

03. The parking and cycle parking facilities shown on the approved plan shall be provided before the use of the development hereby approved commences and thereafter used for no other purpose unless otherwise agreed in writing by the Local Planning Authority. Reason; To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

04. The bin store indicated on plan reference 0821 BR011 A received on 13th January 2015 shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority. Reason: In order to provide on site waste storage facilities and in the interests of visual amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

05. All landscape works shall be carried out in accordance with the details shown on plan reference 1407/02 (P2) received on 13th January 2015. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

06. If within a period of 5 year from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted as the same place, unless the Local Planning Authority gives its written consent to any variation. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

07. The boundary treatment shown on plan reference 1407/01 P2 Landscape Concept received on 5th November 2014 shall be implemented before the use hereby permitted is commenced or before the building occupied, and thereafter retained. Reason; In the interests of the amenity of the area in accordance with Policy H9 of the Torbay Local Plan 1995-2011.

08. Two bat tubes and three swift nest boxes shall be installed on the building before the development is first brought into use in accordance with Protected Species Assessment dated May 2014 and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority. Reason; To ensure that bird species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Natural Environment and Rural Communities Act 2006 and Policy NC5 in the Torbay Local Plan 1995-

2011.

09. The existing trees and hedgerows shall be retained and protected for the duration of the construction of the development in accordance with the approved details shown on plan reference 04239 TPP AMS 09.09.2014 Tree Constraints Plan received on 5th November 2014. The protection measures shall be implemented as all times during the course of the construction works. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

### **Relevant Policies**

- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development onto the highway
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- TS Land use transportation strategy
- CF6 Community infrastructure contributions
- L8 Protection of hedgerows, woodlands
- L10 Major development and landscaping
- NCS Nature conservation strategy
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas

# Agenda Item 10

**Application Number**

P/2015/0715

**Site Address**

Maycliffe Hotel  
St Lukes Road North  
Torquay  
Devon  
TQ2 5PD

**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Description**

Change of use of hotel to form 10 flats including communal space and 9 car parking spaces. Demolition of more recent additions to villa and remodelling of some existing extensions, new windows and balconies. Modification of roof to include slated pitched elements. (Re-Submission P/2015/0067)

**Executive Summary/Key Outcomes**

This application relates to a former Victorian Villa which occupies a prominent corner location within the Belgravia Conservation Area.

It has been used as a hotel for many years and been unsympathetically extended to create a large 3 storey flat roofed structure that extends across the entire plot and is wholly out of character with surrounding buildings.

It is located outside a Principal Holiday Accommodation Area (PHAA) and the proposed use for residential purposes is in accordance with Policy TU7 in the adopted Local Plan.

A priority in policy terms (TO2 in the Emerging Local Plan) is to secure the removal of later additions to these buildings and to

'Restore buildings or land to their original historic form by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use'.

An application to convert the building to 10 flats was submitted earlier this year but involved re-cladding the whole building in a mix of render and timber panels with no attempt to return to the original villa form. It was withdrawn following advice that the application would be recommended for refusal.

In response, the applicant undertook a thorough assessment of the buildings

evolution and has produced a scheme that exposes the original villa form and delivers a sympathetic conversion that will enhance the character and appearance of the Conservation Area.

The scheme is very slightly deficient in terms of internal space standards however this is largely due to the constraints set by the retained core of the Villa. It does not adversely affect the quality of the residential environment and the proposed flats are well laid out with satisfactory levels of amenity.

Car parking levels (9 spaces for 10 flats) are slightly less than the maximum provision identified in the Adopted Local Plan of 1 space per unit with 1 space per unit for visitor parking. However it includes a cycle space per flat and 2 motor cycle spaces. Given the traffic levels that would have been generated by the existing use of the building as a hotel and its central location it is not considered that a refusal of planning permission on these grounds alone would be defensible.

Four letters have been received in response to consultation. Two offering support and two raising concerns about amenity, parking levels, quality of the scheme and noise. These matters are addressed in the body of the report.

It is recommended that planning permission is granted subject to payment of waste contributions only and to the conditions highlighted in the body of the report.

### **Recommendation**

Approve: subject to a Unilateral Undertaking/S106 agreement to secure community infrastructure contributions in relation to waste only and to the conditions detailed below.

### **Statutory Determination Period**

13 weeks expiring on the 28th October.

### **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 10 x 1 and 2 bed apartments with removal and remodelling of the more unsympathetic extensions to the hotel building. It also includes improved landscaping of the site and 9 car parking spaces, 9 cycle spaces and 2 motorcycle spaces.

### **Summary Of Consultation Responses**

*Conservation Officer:* Considers that the scheme delivers sufficient enhancements to the existing building to satisfy Policy TO2 of the Emerging Local Plan.

*Highways:* Have no objection to the scheme.

*Strategic Transport:* Object to the lack of 1:1 parking, failure to provide 2 visitor spaces and in relation to the emerging Local Plan lack of a space for a commercial vehicle and electric charging point.

*Drainage Engineer:* Has no objection.

*Police Architectural Liaison Officer:* Raises minor points of detail that can be dealt with via a condition.

### **Summary Of Representations**

Two letters of objection have been received raising concerns about the impact on amenity, particularly on light to a dwelling and overlooking from balconies, noise and disturbance from traffic, lack of parking, loss of hotel and unsympathetic appearance of the scheme.

Two letters of support have been received based on the quality of the scheme, the improvements to the appearance of the building that will be delivered and inclusion of a community room that will be available for local residents to use.

These representations have been sent electronically to Members for consideration.

### **Relevant Planning History**

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

P/2015/0067: Conversion and extension of building to provide 11 flats: Withdrawn following advice that it would be refused planning permission on the grounds of adverse impact on the Conservation Area and failure to deliver improvements to the building in line with the requirements in policy TO2 of the emerging Local Plan.

### **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.

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, development in Conservation Areas must 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. 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 to virtually double the available floor space.

The roof has been massively remodelled to provide a large series of flat roofed elements with a single retained pitched gabled roof. Poor quality extensions envelop the shell of the original villa leaving little of its original form visible and extending the bulk of the building close to the boundaries of the site.

The applicant's initial response to the need to deliver improvements to the appearance of this building, as embodied in P/2015/0067, involved the retention of the building in its entirety, remodelling of the existing range of gable roofs and box dormers to create a more regular shaped but flat roof and to re-clad the wings with contrasting coloured render panels and the central core with timber cladding. Existing pitched roofs were largely remodelled to provide flat roofed terraces.

However, this produced a building that was wholly out of character with the Belgravia Conservation Area which is primarily defined by stucco Italianate Villas with generous garden plots defined by stone boundary walls.

The applicants were advised that the application would be recommended for refusal of planning permission and they were advised to undertake a more robust analysis of the building's evolution to 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 current application is the result of this analysis and produces a much more sympathetic conversion of the building.

The basis of the approach is to remove or substantially alter the more modern extensions to reveal the original villa form with its subservient servants' wing to the rear. The whole of the top floor is removed and replaced with a pitched roof attic storey (of no greater height than the existing building) with paired new gabled bay features which extend into the roof and pick up the detail on the adjacent building, Brampton Court.

This strategy reduces the apparent bulk of the building as it lowers the eaves level by 2 metres, achieves a more symmetrical elevation to Cary Road and facilitates the use of the roof space for accommodation in a sympathetic and well detailed manner. The original servants wing which had been extended upwards to form a three storey flat roofed extension is returned to a 2 storey pitched roof form. The elevation facing St Lukes Park is also significantly improved through the removal of fire escapes and poor quality structures.

More modern extensions particularly at ground floor level are removed to expose the form of the original villa, to open up space around the building and to allow the original entrance to the Villa to be re-established.

The more modern extensions that remain are successfully incorporated into the

scheme. New single storey wings are created on the north and eastern sides of the retained villa to enable a viable conversion to be carried out. However these are carefully designed to sit comfortably with the overall character of the building and incorporate quality materials such as natural stone and introduce sedum roofs to integrate visually with the site.

Careful assessment of the likely original window pattern has resulted in the introduction of new aluminium casement and sash windows throughout the scheme.

New external space around the building is sensitively landscaped and existing areas of landscaping upgraded. The existing tarmac car park is poorly surfaced and completely open to the street with all the original stone boundary walls having been demolished. The proposed scheme sees the incidental planting beds upgraded, repairs to the wall and resurfacing to include granite sets to define the individual car parking spaces. The applicants have been asked to consider what further improvements could be introduced to upgrade this important part of the streetscape.

Over 55% of the more modern additions to the building are removed as a result of this scheme and key features restored. This represents a significant improvement to the character and appearance of this building and fully validates the aim and ambition of policy TO2 in the emerging Local Plan

To sum up, the use is acceptable in principle and in accordance with policy TU7 and the poor visual quality of the building accrued through its use for tourism purposes is successfully mitigated thus complying with the requirements in TO2.

### **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 6 x 1 bed and 4 x 2 bed flats on the site. They are well laid out with acceptable levels of amenity in terms of light, privacy and outlook. In respect of space standards, 3 are slightly below the minimum size for 1 bed flats (50m<sup>2</sup>) and 1 is slightly below the minimum size for 2 bed 3 person flats (61m<sup>2</sup>).

The demolition of poorly designed more recent ground floor additions allows the provision of a communal garden of around 60m<sup>2</sup> and all of the ground floor flats have access to balconies/terraces and courtyard space and the two roof level flats have small balconies which cumulatively delivers across the site compliance with the minimum provision of 10m<sup>2</sup> of amenity space per unit.

Whilst there is a minor shortfall in terms of the sizes of a proportion of the flats, minor discrepancies between proposed schemes and policy standards should not necessarily be fatal to a scheme and a balanced assessment should be made of the scheme in the round.

In this case, the slight shortfall in internal space standards, which is largely due to the constraints set by the retained core of the Villa, does not create any demonstrable shortfall in the quality of the individual flats and is more than compensated for by the quality and character of the conversion which transforms this degraded villa.

### **Impact on Amenity -**

Objections have been raised about impact on amenity, in terms of loss of light, privacy and noise generation. These are from dwellings on the opposite side of Lukes Road North. These are sufficiently removed from the application site to ensure that any changes to the level of amenity enjoyed would be very minor in nature.

### **Impact on Car Parking -**

Objections have been raised about the impact of the development on the availability of street car parking. The Adopted Local Plan requires a maximum provision of 1 space per unit with 1 space per 2 units for visitor parking. This would indicate a maximum number of 15 spaces to be provided on site whereas only 9 are included. 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.

### **Ecology -**

A bat survey has been submitted in support of the application which concludes that no evidence of bats was found during a survey of the building. An inspection was carried out of the flat roof that showed the roof was in good condition. No hanging tiles, lifted tiles or significant gaps within the building were identified as suitable roosting for bats.

The scheme makes provision for a 'community room' in the basement which the applicant wishes to make available to residents of the building and the wider area. Whilst laudable this is not a planning requirement but a private arrangement between the applicant, the residents group and the future

occupiers. Its delivery should not be subject to a condition. Its use should however, be subject to a management plan to ensure that its operation does not impact on local amenity which should be supplied via a condition.

### **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 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. No sustainable transport or greenspace schemes that would meet the relevant tests have been identified so in this case only the waste management contribution (£550) can be collected. It is proposed to do this via a Unilateral Undertaking.

### **Conclusions**

This building is located outside a PHAA and the proposed use for residential purposes is in accordance with Policy TU7 in the adopted Local Plan.

The scheme now proposes a range of improvements to the building which complies with the requirements of TO2 in the Emerging Local Plan which is to secure the removal of later additions to these buildings and to restore buildings or land to their original historic form.

The scheme is very slightly deficient in terms of internal space standards however this is largely due to the constraints set by the retained core of the Villa. It does not adversely affect the quality of the residential environment and the proposed flats are well laid out with satisfactory levels of amenity.

Car parking levels are below the maximum standards identified in the Adopted Local Plan. However it includes a cycle space per flat and 2 motor cycle spaces. Given the traffic levels that would have been generated by the existing use of the building as a hotel and its central location it is not considered that a refusal of planning permission on these grounds alone would be defensible.

Two neighbours to the site raised concerns about the impact of the proposal on their amenity (light, privacy and noise). However due to their location in relation to the application site and the nature of the changes to the building any impacts would be negligible.

It is recommended therefore that planning permission be granted.

## **Recommendation.**

Approval: subject to the applicants entering into a Unilateral Undertaking to pay the waste contribution prior to the 28th October and to the conditions indicated below.

1. Large scale details of key features.
2. Samples or specification of materials.
3. Sample panel of natural stone and trigger for implementation.
4. Specification for sedum roof and management regime.
5. Details of landscape proposals and requirement for implementation.
6. Details of resurfacing of car park, introduction of granite sets and specification for repair of boundary wall and timetable for implementation.
7. Details and implementation of bin storage/parking/cycle and motor cycle parking.
8. Phasing agreement tying works of improvement to occupation.
9. Submission of a management plan for Community Room prior to use.