



Friday, 2 December 2016

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 12 December 2016

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby	Councillor Stringer
Councillor Cunningham	Councillor Winfield
Councillor Morey	Councillor Pentney
Councillor Robson	Councillor Tolchard

A prosperous and healthy Torbay

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

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes** (Pages 4 - 8)
To confirm as a correct record the Minutes of the meeting of this Committee held on 14 November 2016.

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. **Land To The Rear Of Broadway, Dartmouth Road, Brixham - P/2016/0772/MVC** (Pages 9 - 16)
Removal of Condition 3 - Traffic calming measures in respect of application P/2015/0097 (development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.).

6. **Land To The Rear Of 16 To 26 Castor Road, Brixham - P/2016/0947/MPA** (Pages 17 - 31)
Erection of 10 dwellings (revision to originally proposed layout and site area).

7. **Beverley Parks (Goodrington) Ltd, Goodrington Road, Paignton - P/2016/0964/MPA** (Pages 32 - 46)
Change of use of site area designated for touring pitches to provide additional mobile holiday accommodation and associated engineering works. Change of use of existing residential unit to call centre.
8. **Myplace, Parkfield, Colin Road, Paignton - P/2016/1159/PA** (Pages 47 - 61)
Alterations and construction of two single storey extensions with courtyard between. Relocation of school.
9. **Rock House, Rock House Lane, Torquay - V/2016/0003/V** (Pages 62 - 65)
Variation of Section 106 - additional clause.
10. **Shedden Hall Hotel, Shedden Hill Road, Torquay - P/2016/0305/MPA** (Pages 66 - 78)
Refurbishment of former hotel and demolition of modern extensions. Conversion to provide 4 residential apartments. New build residential accommodation within grounds comprising 3 two storey garden cottages, 4 four storey town houses and 1 four storey coach house. Provision of 19 car parking spaces. Reconnection to public footpath and reinstatement of stone boundary wall.
11. **Land Rear Of 107 Teignmouth Road, Torquay - P/2016/0599/MPA** (Pages 79 - 93)
Formation of 12 flats and associated parking (revised plans received 26.10.2016).
12. **Land at Edginswell (land at A3022 and at Junction of Edginswell Lane and Newton Road), Torquay - P/2016/0955/MVC** (Pages 94 - 103)
Variation of condition P1 of P/2007/1743 to allow amendments to the appearance, footprint and internal layout of the car showroom and alterations to the layout of the parking and car display area (the proposed development to which the application relates is situated within 10 metres of relevant railway land).
13. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
14. **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 December 2016. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

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



Minutes of the Development Management Committee

14 November 2016

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Cunningham, Morey, Robson, Stringer, Winfield,
Pentney and Tolchard

(Also in attendance: Councillors Bye and Stubbley)

46. Minutes

The Minutes of the meeting of the Development Management Committee held on 10 October 2016 were confirmed as a correct record and signed by the Chairman.

47. Urgent Items

The Committee considered the items in Minute 57, 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.

48. Land To The Rear Of Broadway, Dartmouth Road, Brixham - P/2016/0772/MVC

The Committee considered an application for removal of condition 3 of outline application P/2015/0097 (development of up to 10 dwellings and associated infrastructure with all matters reserved other than access).

Prior to the meeting, written representations were circulated to members. In accordance with Standing Order B4.1 Councillor Stubbley addressed the Committee.

Resolved:

That the application be deferred until the next Development Management Committee to allow officer to obtain further information in respect of highway safety.

49. Site Of Former Berry Head Garage, Berry Head Road, Brixham - P/2016/1059/VC

The Committee considered an application for the demolition of concrete hardstanding and construction of four dwellings with parking. Variation of

Condition P1 on original application P/2015/0705 and replacement with new plans to include a 400mm increase in the ridge height of Plot 1 and to extend its external end wall by 1500mm.

Prior to the meeting written representations were circulated to members.

Resolved:

Approved with the conditions set out in the submitted report.

50. Former Rossiter And Sons Site, 13-17 Palace Avenue, Paignton - P/2016/0585/MPA

The Committee considered an application for conversion of the upper three floors of Nos. 13, 15 & 17 to 15 apartments. Demolition of shop storage to rear and formation of new 3 storey, 17 unit apartment building to include a biomass boiler at basement level (proposal / description amended and revised plans received 30 August 2016).

Prior to the meeting written representations were circulated to members.

Resolved:

- (i) that the submitted revised plans showing an increase to the window size on the ground floor for units 4 and 5 be approved; and
- (ii) that the original decision be amended to include the provision of 6 affordable housing units on the site instead of a contribution to town centre regeneration.

51. Preston Sands Hotel, 10-12 Marine Parade, Paignton - P/2016/0704/MPA

The Committee considered an application for the demolition existing hotel and formation of 10 apartments.

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

Resolved:

Approved subject to:

- (i) no new representations raising issues not already considered by the Development Management Committee being received before the end of the consultation period which ends on 23 November 2016;
- (ii) submission of details acceptable to the Executive Head of Business Services of drainage attenuation measures and details of levels;

- (iii) the completion of a Unilateral Undertaking or Section 106 Agreement to secure a Greenspace contribution of £7780; and
- (iv) conditions in respect of the following:
 - a) large scale design details;
 - b) samples of Materials and stone panel for inspection;
 - c) landscaping details and triggers for implementation;
 - d) geotechnical report to confirm excavation;
 - e) Construction Method Statement to ensure no pollution to coastal waters;
 - f) implementation of Conservation Action Plan; and
 - g) screening on the side elevations of the balconies.

52. Land Rear Of 107 Teignmouth Road, Torquay, TQ1 4HA - P/2016/0599/MPA

The Committee considered an application for the formation of 12 flats and associated parking.

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 conclusion of a Section 106 Agreement to secure financial contributions in respect of Waste Management, Sustainable Transport, Lifelong Learning, Greenspace and Recreation;
- (ii) no new representations raising issues which have not been previously considered by the Development Management Committee before the end of the consultation period, which is 30th November 2016;
- (iii) the receipt of consultation responses from consultees confirming the acceptability of the scheme;
- (iv) the submission of acceptable drainage details and details relating to land stability; and
- (v) conditions relating to those listed at the end of the submitted report being delegated to Executive Head of Business Services.

(Note 1: Prior to consideration of this item, Councillors Morey and Robson declared non-pecuniary interests as both are members of the Masterplan Board.)

(Note 2: Prior to consideration of this item, Councillor Winfield withdrew from the meeting room.)

53. 42 Whidborne Avenue, Torquay - P/2016/0932/PA

The Committee considered an application for the demolition of dwelling and proposed replacement dwelling shown as number 42.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting the Team Leader for Development Management read two further letters of representation. At the meeting Angela Huxham addressed the Committee against the application and Nicole Stacey addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Bye addressed the Committee.

Resolved:

That the application be refused on the grounds that by reason of the scale, bulk and design of the building, the proposed development would constitute overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area. The application also be refused on the grounds of lack of surface water drainage details.

54. 42 Whidborne Avenue, Torquay - P/2016/0933/OA

The Committee considered an application for the demolition of dwelling and proposed replacement dwelling shown as number 42A.

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Angela Huxham addressed the Committee against the application and Nicole Stacey addressed the Committee in support of the application. In accordance with Standing Order B4.1 Councillor Bye addressed the Committee.

Resolved:

That the application be refused on the grounds that the proposed development would constitute overdevelopment of the site and subdivision of this plot would be out of keeping with the area. The application also be refused on the grounds of lack of surface water drainage details.

55. Appeal Decisions

The Committee noted the outcome of recent appeal decisions.

56. Spatial Planning Performance Report - Quarters 1 and 2

The Team Leader for Development Management presented a report which provided a summary of the performance of the Spatial Planning Team for quarters 1 and 2 and an update on current matters.

Resolved

That the report be noted.

57. Hotel Blue Conifer, Higher Downs Road, Torquay - P/2016/0571/PA

Further to the Development Management Committee held on 10 October 2016 where the above application was considered, the Team Leader for Development Management sought the Committee's views on the reasons for refusal.

Resolved:

That the decision in respect of the above application be amended as follows:

'That the application be refused on the grounds that by reason of the scale, bulk and design of the building, the proposed development would constitute overdevelopment of the site and would result in a form of development that would be out of keeping with the established character of the area ~~and have a negative impact on the adjoining Babbacombe Downs Conservation Area.~~

Chairman

Agenda Item 5

Application Number

P/2016/0772

Site Address

Land To The Rear Of Broadway
Dartmouth Road
Brixham

Case Officer

Mr Alexis Moran

Ward

Churston With Galmpton

Description

Removal of condition re P/2015/0097 (Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access.) Condition 3 - Traffic calming measures.

Update

It was agreed at the DMC on 14.11.2016 that this application should be deferred in order for the Council to obtain additional professional advice from its transport consultants. The Council has now received the relevant report. The conclusion is that there is no doubt that a right turn lane would provide benefits, however the scale of development is such that a severe impact is not anticipated and it is not essential for the right hand turn lane to be provided.

The consultants' report refers to information submitted by the applicant that states the current access has limited vehicular demand with 2 or 3 vehicle movements per hour at morning and evening peak times.

The addition of the 10 residential units would generate in the order of 7 two way movements in the morning and evening peak hour. The expected vehicle movements which would use a right turn lane in any one hour are 3 or 4, which is considered to be low.

Traffic flows on the A3022 (Dartmouth Road) in 2016 are estimated to be in the order of 2,020 vehicles in the morning peak hour with 56% travelling towards Paignton. This equates to 889 vehicles towards Brixham and 1,131 vehicles towards Paignton in the morning peak.

Using PICADY software the junction was assessed assuming a worst case scenario of 10 vehicle per hour turning right into the development from the north. The results of this gave an average delay of 4 seconds, an average queue of 0.12 vehicles and Ratio of Flow to Capacity of 7%. This demonstrates that there would not be a capacity issue from vehicles performing a right hand turn manoeuvre.

Therefore, given the low number of vehicle movements, it is not considered that the development will present a severe impact on congestion in the A3022.

With regards to safety, there is no history of personal injury collision at the access. A collision issue has been raised along this stretch of Dartmouth Road with five collisions over a six year period (2011-2016) as a result of right turn manoeuvres. The addition of a right hand turn lane would remove right turn vehicles from ahead traffic and therefore reduce the likelihood of rear shunts.

A collision data review was undertaken by the Council's transport consultant which identified that there is a significant amount of vegetation on the west side of the carriageway in advance of the access, reducing visibility. The developer has agreed to dedicate the land and remove vegetation to improve the visibility splay to 70m on the western side of Dartmouth Road. However Design Manual for Roads and Bridges (DMRB), which is used in determining visibility splay requirements, states that a splay of 90m is required.

The report states that a more proportionate scheme than that proposed under Condition 3 of P/2015/0097 may be to provide adequate road markings and signage on the Dartmouth Road to indicate the presence of the side road. In addition it states that a financial contribution should be paid for the Council to maintain the visibility splay, or measures to ensure that the developer keeps the visibility splay unobstructed. It is your officers' view that the most effective way to ensure that the visibility splay remains unobstructed is for that area to be dedicated as highway (the applicant has agreed to this) and the Highway Authority assumes responsibility for its future maintenance. In this event, a £5000 contribution towards future maintenance costs will be required.

In order for the access to be acceptable in safety terms the small scale improvements to road markings and signage should be secured, this will require a financial contribution of £2000.

In conclusion the report states that given the limited number of expected traffic movements it is not considered that the development will present a severe impact on safety or capacity. Although there is no doubt that a right turn lane would provide benefits, the scale of the development is such that a severe impact is not anticipated. As such the condition may not be considered proportionate to the development by a Planning Inspector.

The Council's strategic highways officer has responded to the highway consultants' report. He notes that bullet point 2 of paragraph 32 of the NPPF states that "safe and suitable access to the site can be achieved by all people" stands alone and that measures to reduce highway hazards, proportionate to the application are required. It is considered that the measures suggested by the highways consultant (which they have recommended would result in the junction being safe), are suitable and proportionate.

Updated Recommendation

That the removal of condition 3 of outline application P/2015/0097 is approved subject to

- i. the clearance, replanting and subsequent dedication of the visibility splay prior to the first occupation of any of the dwellings
- ii. a s.106 obligation to tie the amended permission to the planning obligation entered into in respect of permission P/2015/0097
- iii. a s.278 agreement to secure financial contribution of £2,000 for improvements to road markings and/or signage and £5,000 towards the future costs to the Highway Authority of maintaining the visibility splay.

Executive Summary/Key Outcomes

The application seeks permission for the removal of condition 3 of outline application P/2015/0097 for the development of up to 10 dwellings and associated infrastructure with all matters reserved other than access. Condition 3 requires the developer to enter into a Section 278 Highways Agreement in order to provide a right hand filter land to the site and other road calming measures.

The condition was considered necessary to provide a safe access to the site and to ensure that the additional vehicle movements associated with the development would not cause additional congestion or road safety issues to the Major Road Network (A3022 Dartmouth Road).

The Council could also have requested a contribution from the applicant via a Section 106 agreement and then carried out the works. However in this instance, given the specificity of the requirements being directly linked to the site, a S278 Highways Agreement was considered to be the most appropriate method available.

Consultation responses from the Highways Officer and from Strategic Transport advise that the removal of Condition 3 would not be acceptable. The removal of Condition 3 would be contrary to the requirements of Policy TA2. This Policy requires developments to provide appropriate accessibility and safety, and to satisfy the transport needs of the development.

The applicant has stated that there have been no accidents in this area in the last 5 years. However the Council's Highways Engineers report that there were two reported collisions in the last 4 years on the junction entering the Weary Ploughman and one collision earlier this year exiting the Weary Ploughman.

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. Without the highway works required by Condition 3 the additional vehicular movements to the site resulting from the residential development, in addition to those from the existing pub, station and sports fields, would cause an increase in congestion to all users of the Major

Road Network and be detrimental to the safety of all road users.

The proposal for the removal of Condition 3 is not therefore considered to be acceptable.

Recommendation

Refusal for the following reason:

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. The consultation comments from Highways and Strategic Transport suggest the removal of Condition 3 will cause an increase in congestion to all users of the Major Road Network as a result of the cumulative effect of the current and future vehicular movements and would therefore be contrary to the requirements of Policy TA2 of the Torbay Local Plan 2012-2030 and Paragraph 32 of the NPPF.

Target Date

The date for determination of this application is 13.10.2016.

Site Details

The site is located to the west of the Dartmouth Road and to the south-east of the Weary Ploughman Public House. Churston Grammar School playing fields lie to the west of the site and there is a petrol filling station and some small industrial units to the south. The site is within an area designated as Countryside Zone, is within the Greater Horseshoe Bats foraging zone and an area known to be used by Cirl Bunting. A Tree Preservation Order covers the east and north boundaries of the site. To the west boundary the land is designated as an Area of Great Landscape Value (AGLV). The site area measures 0.27 hectares.

The site is located within the Churston Village Envelope in the Torbay Local Plan 2012-2030. This identifies it as an area which could provide appropriate levels of housing provided that it would be in keeping with the density and character of the area.

Detailed Proposals

The application seeks the removal of condition 3 of outline application P/2015/0097 (for the development of up to 10 dwellings and associated infrastructure with all matters reserved other than access). Condition 3 is as follows:

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

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

The above Policies in the justification for the addition of Condition 3 are the equivalent of Policies TA1 and TA2 of the Torbay Local Plan 2012-2030.

Summary Of Consultation Responses

Highways Officer - Highways could not support removal of this condition as it would conflict with the highway authority’s programme of implementing right turn facilities along this section of the A3022 to remove congestion. A Section 278 Agreement is the normal procedure for a developer to undertake improvements upon the public highway and it is recommended that this requirement remains.

With regard to collisions there have been three slight injury collisions (01/12, 07/13 and 04/16) listed turning into/out of the Weary Ploughman and three slight injury collisions (06/14, 09/15 and 09/15) turning into or out of the petrol filling station immediately to the south of the site.

I feel that the request for the creation of space to allow a dedicated right turn facility to serve the new development should remain in the Planning Conditions.

Strategic Transport - It appears that concerns were raised about application P/2015/0097 in highway terms. In order to overcome these, condition 3 was added to permission P/2015/0097 to ensure an improved visibility splay and road demarcation to allow vehicles to turn right into the site, and right out of the site towards Brixham.

The proposal would not be acceptable in highways terms without these measures. There would be no objection to the condition being amended to remove the explicit reference to the applicant entering in to a S278 agreement, and merely require the works to be carried out at the commencement of development and completed prior to the occupation of the first dwelling. However, a S278 Agreement is the usual way that such highways works would be secured.

Summary Of Representations

One letter of support from Churston Grammar School has been received.

Relevant Planning History

P/2016/0206 - Submission of Reserved Matters relating to layout, in relation to P/2014/0687 (Development of up to 10 dwellings and associated infrastructure with all matters reserved other than access). Approved 30.06.2016.

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

Management Committee on 13.10.2014.

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

Key Issues/Material Considerations

The key issue to consider is whether the removal of Condition 3 would have an impact on highways safety and/or congestion and whether the application for the additional dwellings would be acceptable without this condition.

The outline application P/2015/0097 considered the impact the development of the access and the additional usage would have on the highway. The previous consultation responses suggest that the access would require improvements in order to be sufficient to allow for new residential development. These improvements include the addition of a right turn lane off Dartmouth Road and suitable road demarcations to allow safe right turns from the development.

In order to ensure the works are undertaken it was deemed necessary that the developer enters into a section 278 agreement with the Council.

Policy TA2 of the Torbay Local Plan 2012-2030 states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development.

Schemes which require new access to/from the highway network will be supported where they:

- Provide vehicular and pedestrian access to a safe standard, including a satisfactory standard of visibility;
- Maintain an acceptable network capacity or provide suitable mitigation for any negative impact on capacity;
- Are essential to access the schemes and can demonstrate significant environmental, safety or economic benefits; and
- Do not impact on the wider network, by causing/adding to congestion for example.

In particular, the Policy states that new access points to the Major Road Network (which includes Dartmouth Road), will not be permitted where there is an impact on road safety, or severe impact (including cumulative effects) on the function and operational efficiency of the Networks. The proposed access for the development is on to a consistently busy part of the Major Road Network.

Condition 3, and the details within it, is considered necessary to ensure that works are undertaken to provide an improved visibility splay, road demarcation to allow vehicles to turn right into the site, and right out of the site, towards Brixham.

Thus improving safety for road users and reducing congestion.

The applicant has submitted further information relating to the potential to provide a suitable visibility splay. However this does not overcome the requirement for the right hand lane in order to reduce congestion to all road users and to provide a safe access to the site.

The applicant suggests that the junction works well in its current format and that the additional vehicular journeys would not cause an increase in congestion or traffic safety. The applicant also states that there have been no accidents in the last 5 years. However there are recordings of two collisions listed turning into the Weary Ploughman (01/12 and 07/13) as well as another collision involving a car being struck by a vehicle exiting the Weary Ploughman (04/2016). Bearing this in mind the addition of the right hand turn lane into the junction is considered necessary and the removal of Condition 3 would be detrimental to the safety of all road users in this location.

The Major Road Network in the vicinity of the site is congested and has been projected to exceed capacity by 2018. The consultation comments from Highways and Strategic Transport suggest the removal of Condition 3 will cause an increase in congestion to all users of the Major Road Network as a result of the cumulative effect of the current and future vehicular movements and would therefore be contrary to the requirements of Policy TA2.

Bearing these points in mind the proposal to remove Condition 3 is considered to be unacceptable. Without the highways works included in the condition, the additional usage of the access for entry and egress would result in an increase in congestion to the Major Road Network and would have a detrimental impact on road safety by increasing the number of vehicle turning movements taking place across the flow of traffic.

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The addition of Condition 3 is deemed to meet the requirements of Paragraph 206 of the NPPF insofar as the works are necessary to provide a suitable access to the development in order to improve road safety and minimise congestion to this part of the Major Road Network.

Conclusions

The proposal to remove condition 3 is not considered to be appropriate, having regard to all national and local planning policies and all other relevant material considerations.

Relevant Policies

Agenda Item 6

Application Number

P/2016/0947

Site Address

Land To The Rear Of 16 To 26 Castor Road
Brixham
TQ5 9PY

Case Officer

Mr Alexis Moran

Ward

St Marys With Summercombe

Description

Erection of 10 dwellings (Revision to originally proposed layout and site area).

Executive Summary/Key Outcomes

The site is a 0.28 hectare parcel of land located to the rear of nos. 16-26 and the Sea Anglers club, Castor Road, Brixham. Weston Close is to the west, Drew Street is to the north-west. The access to the site would be from Castor Road between 26 and 28/30 Castor Road. The site is effectively backland development, and there are limited views of the site from the surrounding area. The site is largely disused at present and principally covered in grass. It is used by the applicant for storage in relation to their landscaping business. There is an Urban Landscape Protection Area to the south which is the St. Mary's Church graveyard.

The application seeks permission for the addition of 10 dwellings to the site including the associated formation of a vehicular access and road to serve the development. There are to be 2x2 bedroom houses and 8x3 bedroom houses, the latter would make use of the room in the roof and which each include a modern designed flat roof dormer. The dwellings would be grouped around a central landscaped courtyard.

The proposed materials for both house types consist of render at ground floor level. The first floor and side elevations of the dwellings are to be clad in timber and it is proposed that the roofs will be covered into use fibre cement slates.

The proposal seeks to provide a development of quality homes with good sized external amenity areas within an intimate setting. There are pinch points where the proposed dwellings are sited in close proximity to existing dwellings on Castor Road and Weston Close. However the orientation of the proposed dwellings and the size and siting of the proposed windows would minimise loss of privacy and overlooking.

The proposal provides 12 parking spaces with 10 allocated spaces and 2 visitor spaces. This ratio is below the 2 per dwelling required by Policy TA3. However the site is located in close proximity to a local convenience shop and is within

easy walking distance of bus stops and a 10 minute walk from the town centre. On balance the level of parking is considered to be acceptable and aids in providing a less car dominated development.

An access lane to the storage area and residential properties to the north is proposed between unit no. 7 and unit no. 8.

There has been a number of objections and a number of letters of support to the application. Brixham Town Council have objected to the application on the basis of a lack of car parking and concerns raised by the Police Architect Liason Officer. Local residents have raised concerns about the scheme on the basis of overlooking, loss of privacy and amenity, lack of car parking and density of development.

The proposed development would provide ten new dwellings in a sustainable location in the town. It would make effective use of this site and would create a good quality development. It is deemed to be appropriate for conditional approval.

Recommendation

Conditional approval subject the receipt of further information relating to drainage and highways, final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

The decision on this application was due on 30.11.2016. Due to the need to resolve details in relation to the layout and drainage, the applicant has agreed to an extension of time until after the Development Management Committee of 12.12.2016.

Site Details

The site is a 0.28 hectare parcel of land located to the rear of nos. 16-26 and the Sea Anglers club, Castor Road, Brixham. Weston Close is to the west, Drew Street is to the north-west. There is an Urban Landscape Protection Area to the south which is the St. Mary's Church graveyard. Part of the site boundary includes a section of the front of 26 Castor Road which the applicant owns and which aids in allowing the retention of a suitable visibility splay.

To the north of the site there is a collection of ancillary barn and storage buildings which have recently received planning approval for conversion to 2 residential units (planning reference: P/2014/1264/PA). The Higher Brixham conservation area lies to the north of the development site.

The site is currently used as a private extended garden and storage yard for the applicant's landscape gardening business.

Detailed Proposals

The application seeks permission for the addition of 10 dwellings to the site including the associated formation of a vehicular access and road to serve the development, off Castor Road. An access to the north-west of the site is also proposed between units 7 & 8 to provide access to a storage building behind to allow the applicant to store tool and equipment associated with their landscaping business.

The proposed dwellings would be grouped in two terraces of three dwellings, with two pairs of semi detached dwellings. They would be laid out in a stepped form around a central landscaped courtyard area, that would incorporate car parking. Each property would have a private rear garden. The design would have a subtle contemporary character.

There are to be 2x2 bedroom houses and 8x3 bedroom houses the latter would make use of the room in the roof and which each include a modern designed flat roof dormer.

The proposed materials for both house types consist of render at ground floor level. The first floor and side elevations of the 3 bedroom units are to be clad in western red cedar shingles. The first floor and side elevations of the 2 bedroom units are to be clad in stained larch boarding.

The roof of the 3 bedroom units is to be tiled with "heather" coloured fibre cement slate with the 2 bedroom units having "blue/black" fibre cement slates. The dormers on the 3 bedroom units are to be zinc coated.

The rear first floor windows of all units are to consist of a pair of high level windows adjacent to thin full length slit windows.

Access would be via a new road between 26 and 28/30 Castor Road, which would have a pavement on the northern side. The road surface is to be bitmac with granite rumble strips, beyond the rumble strip the materials change to permeable concrete pavers to indicate a less car dominated and more intimate residential environment.

A 2.4m wide access lane to a storage building and buildings to the north of the site which have permission for conversion to 2 residential units (planning reference: P/2014/1264/PA) would be provided between units no. 7 and 8.

Summary Of Consultation Responses

Urban Design Officer - pleased to see the improvements to the design in the amended proposals. The strategy for dealing with the site access is now satisfactory in terms of its urban design.

Further detail of the design and specification of the new boundary and hard

landscape threshold detailing to the adjacent property (no 16 Castor Road) ought to be submitted prior to construction commencing on site. The other boundary to an adjacent property that is being affected is that to no 26 Castor Road – again it would be important to confirm what the new boundary specification here will be.

The landscape design to the common open space on the southern side of the connecting street needs to ensure good visibility and that there are no hidden areas created, with only lower species specified adjacent to the footpath and/or mature standard trees with clear main trunks up to the underside of the canopy. The detailed landscape planting scheme/layout could be submitted prior to works commencing on site and usefully confirm all of these matters. A concern still remains with regards to the access from this site onwards to the adjacent commercial property/store to the north. It might be better if this could be gated further to the west part way along the access lane – the flaring of the end of the lane now creates pockets of space which cannot be seen from the gap between houses. If a vehicular gate was introduced at a position just beyond where pedestrian gates might allow resident access to their back gardens then this would provide a clearer signal that the lane led only to private property and would deter potential casual occupation of the eastern end.

The tightening up of the layout around the central court area is welcomed. It is particularly good to see rear gardens increased in size. The adjustments to the elevational treatment address residual concerns regarding inter-visibility and the revised design of unit no 1 now deals with the initial presentation of the scheme on the approach – providing much improved natural surveillance over the entrance of the site.

Parking is better organised and we understand that the reduced standards proposed are considered acceptable given the site location. The spaces serving units 8, 9 and 10 might be better to be all located in the north eastern corner of the court – with one of the visitor spaces displaced to the bank of 5 spaces along the northern edge? If turning heads allow, it might be worth considering introducing a bollard(s) or similar feature(s) to prevent casual and errant parking immediately in front of unit 7.

There is a thin strip of private garden associated with unit 1 proposed to the outside of the curve of the connecting access street. This looks to be difficult to access/maintain and it might be more practical to consider extending the common open space that occurs further south to also include this narrow portion.

The landscape works to reinforce the retained hedgerow along the western edge of the site are welcomed – in the future, the hedge will be only accessible for maintenance from the private space of rear gardens. Some form of legal agreement may need to be drafted and put in place to ensure either that individual owners maintain the hedge and must not cut it down (to allow greater sunlight into their gardens) and/or access is allowed for collective management

of the hedge on their behalf by the management company.

There is no apparent way of directly accessing the rear garden of unit no 9 without going through the dwelling – this does not seem satisfactory, given that refuse and recycling is to be stored at the rear of the property.

Senior Heritage and Design Officer: No objections

Drainage: Further information from the applicant is awaited confirming that discharge at a controlled rate of 1.5l/sec is possible in accordance with the requirements of the Torbay Critical Drainage Area. Further information is also required relating to how an on site well is to be dealt with.

South West Water: No objection

Arboricultural Officer: No objection subject to the following conditions:

- Baseline tree survey in accordance with BS5837 2012 principally dealing with the protection hedge and trees bounding the site, which will allow informed commentary on hedge protection measures.
- Detailed landscaping plan in accordance with comments above, with attached management prescriptions to be prepared in accordance

Greenspace Co-ordinator – No objection subject to the following conditions:

- Clearance of any potential bird nesting habitat should only be undertaken outside of the bird nesting season (undertaken between September and end of February) or following confirmation immediately prior to clearance from a suitably qualified ecologist that no nesting birds are present. If a nest(s) is found, works will have to be delayed until young birds have fledged and the nest(s) is inactive.
- As recommended in the Ecological Appraisal (Sunflower Ecological Consultancy, November 2015), three sparrow nesting terraces should be fitted to the new structures to provide new opportunities for nesting birds. The specification and exact locations should be submitted for approval by Torbay Council prior to commencement.
- A Method Statement detailing the methodology for a destructive search for reptiles should be submitted to Torbay Council for approval prior to commencement.
- A Landscape Plan should be submitted for approval by Torbay Council prior to commencement. This should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The landscaping proposals should be developed in conjunction with an Ecologist and include species of benefit to wildlife.

Natural England: No objection

Highways: Torbay Council's Local Plan policies also focus on the importance of accessibility and improving road (Policy TA1 and TA2 from the new Local Plan

2012-2030). Sustainable transport links need to be provided to the adjacent developments.

The proposed junction should provide a suitable visibility at the junction with Castor Road. The Applicant needs to evidence that a safe and suitable access to the site as a minimum. The visibility should be in accordance with the appropriate design speed. If 25 mph speed has been evidenced for this section of Castor Road, a 2.4m x 33m stopping sight distance (SSD ref MfS) would be required. The LHA also advise that 'Slow' Markings should be provided on the Highway just south of Castor Lodge in order to reduce vehicle speeds. This should be delivered via a s278 Agreement.

If the applicant is able to achieve an appropriate road junction with Castor Road (occupation of the application site would be need to be restricted by condition until these improvements had been implemented) and the minor access road is designed to an adoptable standard, (I understand the forward visibility on the bend and rumble strips can be implemented)...the LHA would not object in principle. However, it is noted that a reduced level of parking is proposed to reduce a car dominated layout nevertheless one parking space per unit and 2 visitor spaces will require sustainable transport measures to mitigate. Negotiations should therefore continue concerning the design details to ensure that the properties have appropriate access and parking provision for vehicles, electrical car charging point and cycles (and bin storage) to comply with Policies TA2,(Appendix F), DE1 and DE3 of the Local Plan. One of the visitor spaces should be appropriately designed for disabled people.

Brixham Town Council - Recommend Refusal. Lack of parking, as identified in Policy TA3 of the Local Plan, appendix F. Support the concerns of the Police report.

Police Liaison Architect - In principle the Police do not object to the proposal and fully support the cul-de-sac layout as being key in designing out crime by providing a secure, self policing and neighbourly community but there is concern with regard to the one parking space per dwelling.

Given the location of the site it may be considered that reliance of a vehicle will be reduced but unfortunately this is proving not to be the case with regard to other new developments in the county.

There appears to be no detail or mention of rear garden gates and in some cases it is not clear how access will be gained to rear gardens. All rear gardens must be gated. Gates must be 1.8m as a minimum height requirement to match the adjoining boundary treatment. The gates must be capable of being securely locked from both sides to enable rear gardens to be secure regardless of access or egress.

Where walls are used as rear or accessible side boundaries these must achieve or be made up to 1.8m in height to prevent and deter unauthorised access.

Summary Of Representations

A total of 18 representations have been received, 8 in support of the proposal and 10 objections. The objections to the proposal are as follows:

- Out of character
- Loss of privacy/overlooking
- Insufficient parking
- Layout and density
- Highways safety.

Relevant Planning History

DE/2016/0126 (pre application enquiry)- Land to the rear of 16 to 26 Castor Road, Brixham; the applicant was advised that the principle of residential development here was acceptable however alterations to parking and housing layout would be required.

P/2004/0319 - Residential development to form 4 No 1 bedroom flats, 4 No 2 bedroom flats, 1 No 2 bedroom house and 4No 3 bedroom houses with vehicular/pedestrian access – application refused 21.04.2004 .

P/2003/2030 - Residential development to form 4 No 1 bedroom flats, 4 No 2 bedroom flats, 1 No 2 bedroom house and 4 No 3 bedroom houses with vehicular/pedestrian access – application refused and subsequent appeal (APP/X/1165/A/04/1143574) dismissed 25.05.2004.

The Inspector advised that the proposal reflected a density that would make efficient use of an urban site near the town centre without appearing unduly cramped or causing undue harm to the character and appearance of the area. The Inspector also considered that the proposal would have an acceptable impact on the privacy of neighbouring residents.

The appeal was dismissed because of the impact on neighbour amenity of the properties on Castor Road through noise and disturbance caused by vehicle headlights due to the elevation of the road.

Key Issues/Material Considerations

The key issues relate to the principle of residential development, the scale and character of development, its impact on the amenity of adjoining occupiers ecology, landscape, highways and flood risk.

1. The principle of residential development and the design quality of the scheme.

The site is currently in use as an extended garden and storage yard for the applicant's landscape gardening business. It is considered to be a predominantly

greenfield site. There is a storage building on the site which is of poor quality and the site is currently poorly maintained. As the site is used as an extended garden its loss would have limited impact on the character of the area. The site is within an urban setting and is bound by residential buildings to the east and west.

Policy SS12 (Housing) states that housing provision will focus upon a sustainable pattern of distribution with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. The site can be considered to be urban and is close to the town centre.

Policy H1 (Applications for new homes) states that proposals for new homes within built-up areas will be supported, subject to consistency with other local plan policies. Given the urban location of the site and its current underutilised use, the principle of residential development on the site is considered to be acceptable.

In terms of design quality, it is necessary to consider the impact of the scheme on its surroundings as well as the internal quality of the development. The layout of the site has been improved significantly since the application was first submitted. The improvements to the scheme include pulling the dwellings forward within the site to create a more intimate development with the benefit of also increasing the size of the rear amenity areas. The original submission also included a parking area on the south side of the entrance to the site, this has now been replaced with a soft landscaped area which provides more of a sense of arrival.

The majority of the site is well screened from public views from the north, east and west given its location in a space surrounded by existing building groups. There is however sensitivity to the south which bounds the Urban Landscape Protection Area (ULPA).

Although a landscaping scheme to reinforce the existing boundary planting would limit the impact of the development on the ULPA and as the rear of dwellings 1 to 5 would be set off of the boundary, there is potential for their roofs to be visible when viewed from the ULPA. Policy C5 in the Torbay Local Plan requires development not to undermine the value of an ULPA as an open space or landscape feature. This proposed relationship to dwellings to the ULPA would not unduly harm the character of the ULPA and is considered consistent with current long distance views, which is not uncommon in urban areas.

Local Plan Policy DE1 (Design) states that developments should be well-designed and should respect and enhance the natural and built environment.

The Policy suggests that development should make the best use of space in terms of ground coverage and height and acknowledge local character. The proposed three bedroom units make excellent use of their ground coverage and

include rooms in the roof with well designed dormers. The design of the dwellings is considered to acknowledge the character of the area.

The surrounding built environment consists mainly of two storey dwellings on Castor Road to the east of the site, to the west of the site lies Weston Close which is made up of mainly bungalows. Due to the topography of the land Weston Close is at a higher level than the application site. The proposed properties are to be two storey with the three bedroom dwellings to have rooms in the roof. The development is therefore considered to relate to the surrounding built environment in terms of scale, height and massing;

The overall design of the proposed dwellings is considered to be acceptable and provides a distinctive and sensitive palette of materials.

The development provides an area of green space at the entrance of the site which is considered to provide a sense of arrival which leads on to a more intimate urban space with a degree of shared space so as to reduce the domination of the road and of vehicular traffic in general.

Unit 1 provides a slightly different house type to the others insofar as it includes fenestration on its south facing elevation and includes a projection to the elevation providing a subtle method to address the corner plot nature of its location and providing further natural surveillance to the entrance of the site. The development is considered to provide a suitable standard of legibility and would provide a sense of place with well sized garden areas for such an urban location which is within walking distance of the town centre.

The limited exposure of the site to public view coupled with the quality of the scheme in terms of both buildings and the intimate residential space results in a scheme that is acceptable from a design perspective. The proposed development would make a positive contribution to the appearance and character of the area.

Revisions to the original scheme have taken on board some of the points raised by the Police liaison architect and the parking layout has been amended to reduce the opportunities for crime and disorder.

The density of the scheme is approximately 35 units per hectare which is not out of keeping with the grain of the surrounding urban area.

Bearing the above points in mind and the consultation response from the urban design consultant, the proposal is deemed to comply with Policy DE1 of the Torbay Local Plan 2012-2030.

2. Impact on Amenity

Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030 states

that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses. The following criteria are amongst those which this Policy is assessed against:

- The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;
- Satisfactory provision for off-road motor vehicle parking, bicycles and storage of containers for waste and recycling;
- Impacts on existing living conditions and standards of accommodation of other uses;
- New residential development will need to have particular regard to outlook;
- Provision for useable amenity space, including gardens and outdoor amenity areas;
- New homes should be developed at a density which makes good use of land, whilst avoiding town cramming and the loss of open space; and
- Adequate floorspace should be provided in residential development to achieve a pleasant and healthy living environment.

The scheme is likely to impact on the privacy and amenity of neighbouring properties as the proposal will be located on a back land site. However the proposed dwellings have been orientated away from the existing surrounding properties which aids in respecting their existing privacy and amenity.

Unit no. 10 is sited in closest proximity to the neighbouring properties, this dwelling would be some 3m from the rear area of the Sea Anglers club and some 8m from the rear single storey extension of no. 16 and 18 Castor Road and 10m from the two storey rear of these properties. Whilst it is noted that no. 16 is in the ownership of the applicant, this may change in the future and consideration should be given to whether this relationship is acceptable for future occupiers. As the Sea Anglers club is not residential and its rear elevation hosts few windows it is not considered that the development would impact on current or future residential amenity. There are however some extract units on the rear of this building which may cause conflict with future occupiers of unit no.10.

Given its proximity, Unit 10 is likely to be the most overdominant of the proposed dwelling on the existing properties. The side elevation of Unit 10 would stretch along the whole of the rear elevation no. 16 Castor Road and would invariably have an overdominant impact on the rear amenity space of this property. It is however set off of the boundary and with suitable landscaping the overdominant effect would be reduced. On balance although this relationship is not ideal and does hint at the addition of Unit 10 being crammed into the development, the overbearing impact is considered to be insufficient to result in the refusal of the application in its own right.

The windows on the side elevations serve the stairways of the dwellings and therefore despite the proximity of the side elevations of no. 10 to the properties in

Castor Road and unit no. 5 to the property to the west in Weston Close (11m), it is not considered that there would be significant overlooking or loss of privacy as a result of the addition of these dwellings.

Unit no.5 appears to have the closest rear elevation relationship to an existing dwelling being some 15m from the rear of 6 Weston Close. However the rear windows of all the proposed dwellings consist of a pair of high level windows sited next to a full length slit window. This window layout provides minimal opportunity for overlooking and minimises angles of sight; this relationship is therefore deemed to be acceptable.

A rendered block wall and mature planting along the rear boundaries of the properties on Castor Road is proposed to overcome the issue previously made by the Planning Inspector in appeal ref: APP/X/1165/A/04/1143574 with regards to disturbance from vehicle headlights on the proposed site.

Objections to the application refer to loss of privacy and the overbearing nature of the development. However the layout of the proposed dwellings has been altered to provide larger rear gardens pulling the properties away from the site boundaries and the rear fenestration has been amended to provide high level windows with narrow full length slit windows. The proposed alterations are considered to have overcome the overlooking issues resulting from the originally submitted scheme and have reduced the overbearing impact of the additional dwellings.

The internal floor areas of the dwellings and the external rear amenity areas comply with the requirements of Policy DE3 and are considered to provide a good quality of residential accommodation. The properties are orientated to provide an intimate, inward looking, residential outlook with private spaces to the rear with soft landscaping around the edges and around the parking areas. The outlook of future residents is therefore considered to be suitable.

The access lane to the storage area and residential properties to the north lies between unit no. 7 and unit no. 8 and has the potential to cause noise and disturbance to these dwellings. However it is not considered that the number of vehicle movements along this access would be frequent enough to significantly impact the amenity of future occupiers of these properties.

The scheme provides one parking space per dwelling with two visitor spaces, 12 in total. The applicant was advised that a one-to-one ratio of parking spaces on this site would be acceptable given its location with a convenience shop in close proximity to the site access and being within easy walking distance to bus stops in Castor Road, Drew Street and Bolton Street. Brixham Town Centre is approximately 10 minutes away by foot.

However, Policy TA3 (Parking requirements) of the Torbay Local Plan 2012-2030

requires appropriate car parking provision in all new development with a ratio of two houses per dwelling (i.e. 20 spaces for the development proposed).

Advice on reducing the number of parking spaces to one per unit was provided at pre-application stage as it was felt that this would provide a less car dominated layout and environment and help to retain the original intimate design ethos of the development.

It could however be argued that the limited parking available for the development points towards it being town cramming and that 10 units are an overdevelopment of the site.

However the proposal is in an urban area and makes good use of an underutilised piece of land and provides an attractive form of development with well sized houses and external amenity areas. As such a site specific approach to Policy TA3 is deemed to be appropriate. In this instance given the aforementioned proximity to public transport links and the town centre and the impact additional parking spaces would have on the character of the proposed development, the one-to-one parking ration is considered to be appropriate.

The proposal is likely to result in the loss of some light into the rear gardens of the properties in Weston Close early in the day and to the rear gardens of the properties on Castor Road in the evening. However it would not cause significant levels of loss of light for long periods and would not cause a loss of light to the rear elevations of the existing dwellings.

Suitable bin storage is shown in the proposed layout plans, the implementation of which will be conditioned. Details and the implementation of appropriate cycle storage will also be sought by condition including confirmation of how unit 9 transports waste from the rear to the front without going through the dwelling.

It is considered , in order to ensure the character of the area is maintained, that parts 1 & 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 are removed. This would prevent the building of extensions to the main dwellings and outbuildings without first obtaining planning permission and would ensure that the character of the scheme is not detrimentally affected by inappropriate additions.

3. Flooding and Surface Water Drainage

The infiltration testing that has been carried out confirms that soakaways will not be a viable drainage option for this development and therefore a controlled discharge to the combined sewer will be acceptable. A controlled discharge rate of 1.5l/sec which is a requirement of the Torbay Critical Drainage Area appears to be achievable. However further information on this matter and on how an on site well are to be dealt with are awaited and will be required prior to the determination of the application.

4. Highways Impact

The applicant has provided a layout plan which states that a visibility splay of 2.4m x33m can be achieved. The Councils Highways department have confirmed that if this is achievable they would not object to the proposed access. Highways have advised that 'Slow' Markings should be provided on the Highway just south of Castor Lodge in order to help reduced vehicle speeds. This should be delivered via a section 278 Agreement, which can be secured by condition.

The parking standards have been discussed previously in this report under the "Impact on Amenity" section.

No provision has been made within the site for electric car charging points or for disabled parking. Highways advice is that one of the visitor spaces should be amended to provide one disabled parking space.

5. Ecology

The site is not considered to offer roosting opportunities for bats and is of limited value for foraging. Although the site lies within the Sustainance Zone for Greater Horseshoe Bats associated with the South Hams SAC at Berry Head due to the nature of vegetation on site, the proposal would not impact on Greater Horseshoe bats. Dormice are considered unlikely due to the urban location and no badger setts were found on site; an unidentified mammal track was present.

Rough grass around the margins of the site has potential for slow worms as does an old limestone wall which forms the western boundary of the site.. A reptile survey is therefore recommended.

The habitat is considered to be unsuitable for amphibians and no notable or protected invertebrates were recorded during the site visits.

The majority of plants recorded were opportunistic species which colonise bare and cultivated ground. Dense bramble was recorded in the south-east corner and there are old apple trees, other fruit trees and a young walnut growing within the site. The hazel hedge to the south is considered to be a feature of significant ecological value and, arguably, the most important habitat associated with the site.

The proposed residential scheme has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

6. Landscape

The location of the site in a dense urban area, the proximity to the Higher Brixham Conservation Area and ULPA affords considerable weight upon the

requirement for a detailed and considered landscaping scheme.

The opportunity exists to create a landscape led scheme commencing at the entrance from Castor Road where soft landscaping will provide a sense of arrival. Further trees to the western elevation among the parking spaces and the beds dividing the site provide soft edges and aid in reducing any overlooking issues between the proposed properties and those in Weston Close. Similarly appropriate landscaping is considered to be of importance on the boundary of the site with the properties on Castor Road. Improvements to the existing hedge and trees on the south elevation will strengthen the boundary with the ULPA. It is considered that landscaping details, implementation and retention should be secured by condition.

S106

Not applicable to this application.

Conclusions

The proposed development would result in 10 new dwellings in a sustainable location, which would be consistent with the principle of Policy H1 (applications for new homes) in the Torbay Local Plan 2012-30. The form, layout and design of the proposed dwellings would be compatible with appearance and character of the surrounding area. Consequently subject to the receipt of additional information relating to drainage and highways is, on balance, considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations, subject to the conditions itemised below ;

- A baseline tree survey in accordance with BS5837 2012 principally dealing with the protection hedge and trees bounding the site, which will allow informed commentary on hedge protection measures.
- Detailed landscaping plan
- Landscaping to be implemented
- Clearance of any potential bird nesting habitat should only be undertaken outside of the bird nesting season (undertaken between September and end of February) or following confirmation immediately prior to clearance from a suitably qualified ecologist that no nesting birds are present. If a nest(s) is found, works will have to be delayed until young birds have fledged and the nest(s) is inactive.
- As recommended in the Ecological Appraisal (Sunflower Ecological Consultancy, November 2015), three sparrow nesting terraces should be fitted to the new structures to provide new opportunities for nesting birds. The specification and exact locations should be submitted for approval by Torbay Council prior to commencement.
- A Method Statement detailing the methodology for a destructive search for reptiles should be submitted to Torbay Council for approval prior to commencement.

- A Landscape Plan should be submitted for approval by Torbay Council prior to commencement. This should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The landscaping proposals should be developed in conjunction with an Ecologist and include species of benefit to wildlife.
- Details of cycle store to be submitted for approval and then implemented
- Implementation of parking areas prior to occupation of dwellings
- Implementation of bin store areas prior to occupation of dwellings
- Details of all boundary treatments
- Section 278 agreement for the completion of the highways sign
- No permitted development rights (part 1 and 2)
- Implementation of drainage plan
- Submission of finished floor levels taken from a fixed ordnance datum point.

Relevant Policies

-

Application Number

P/2016/0964

Site Address

Beverley Parks (Goodrington) Ltd
Goodrington Road
Paignton
TQ4 7JE

Case Officer

Mrs Saffron Loasby

Ward

Churston With Galmpton

Description

Change of use of site area designated for touring pitches to provide additional mobile holiday accommodation and associated engineering works. Change of use of existing residential unit to call centre. (Proposal/description amended 2 November 2016)

Description

Revised plans; Erection of 55 (recently revised figure from 56) new holiday chalet units replacing 69 Touring and camping pitches and associated engineering works (drainage, services, access roads, parking provision). The site currently comprises 196 static caravans and 175 touring pitches. The site is licensed for 280 caravans and 186 touring pitches.

The application also proposes a change of use of the existing staff accommodation building on site to be used as a call centre for the holiday park.

Executive Summary/Key Outcomes

The application is to remove 69 existing touring and caravan pitches to provide additional mobile accommodation and associated works. This offers an opportunity for investment in an existing tourist business which would make a positive contribution to the local economy and the principle of redevelopment of the site would be consistent with Policy T01 in the Torbay Local Plan and "Turning the Tide", which support investment in existing tourist facilities. The application also includes changing an existing building on site from residential to 'Call Centre'

The application site is in an environmentally sensitive location being located within the sustenance zone for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC) and some development in an OSWI site allocation (Other Site of Wildlife Interest). A Habitat Regulation Assessment will need to be carried out to consider the likely significant effect of the proposed development on the integrity of the SAC.

The proposed development would result in new permanent holiday lodges within the site being located in a landscaped setting which would increase the visibility

of holiday accommodation in long distance views across the site from the surrounding residential area. A robust landscape scheme is required in order to assimilate the development into the site.

There are a number of other issues such as impact on residential amenity and design that have to be considered in the determination of the application. These are addressed in the report below.

Since submission a slight revision to the proposal has been made to ensure an Ash tree on the site can be retained. The proposal represents a development that carefully balances the issues of, landscape, economic impact and scale of development. There are outstanding issues relating to ecology and drainage that require the submission of further information.

Recommendation

Conditional approval subject to the receipt of additional information in respect of ecology to include a HRA assessment that concludes there would be no likely significant effect on the integrity of the South Hams SAC, landscape and drainage. Final drafting and determination of appropriate conditions be delegated to the Executive Head of Business Services.

Statutory Determination Period

The thirteen week target date for determination of this application was December 3rd 2016. The determination of the application has been delayed due to additional work that was needed to be carried out in respect of the drainage and arboricultural impact. The applicant has agreed to an extension of time for determination of this application.

Site Details

The application site relates to Beverley Parks Holiday Park which is an elevated 12 ha site, with views to the east over Torbay, surrounded by residential development. This application relates to 3ha of the site. The remainder of the site accommodates 196 static caravans and 175 touring pitches. Caravans are centred around the leisure complex, with pitches for touring caravans and tents located on outlying land to the north and east. Toilet and washroom facilities serve the touring pitches. There are access roads across and around the site with a large car parking area located close to the site entrance. Other parking facilities are located adjacent to caravans and in small parking courts close to the holiday accommodation.

Beverley View, a development of mobile holiday accommodation on the lower slopes of the site to the north east adjoins the application site and was constructed in 2006. From the west to the north east the site is bounded by Goodrington Road. From the east, where the 'Other Site of Wildlife Interest' is located to the south, the site is bounded by Hookhills Road. From the south to the west the site is bound by the rear gardens of the residential properties in

Gibson Road and Davies Road. The facilities building, located close to the access, provides a range of communal amenities including indoor and outdoor pools, gym, sauna, steam room, restaurants, cafes and takeaway, soft play area, amusements and shops.

There are a number of trees and hedges on the site. The majority of the tree cover is situated adjacent to the site boundaries particularly along the boundary with Hookhills Road. The majority of trees are located within the application area and sit to the north of the application site softening views between Beverley Park and Beverley View. The outlook on the site is relatively open as the land drops away down towards the coastline.

Access to the site is from Goodrington Road. There is one access point into the application site from the northwest. Access into Beverley View is from the north east.

The surrounding area is predominantly in residential use. To the south and south east is Hookhills Road and to the north Elba Close and Goodrington Road.

In the Torbay Local Plan 2012 - 2030 the site is shown as being within an OSWI (Other Site of Wildlife Interest) and abuts a Torbay Major Road Network and District Distributor Road Network. The site is a well established tourist park within the Bay. The site falls within a greater horseshoe bat sustenance zone associated with the South Hams SAC.

Detailed Proposals

The application as originally submitted was for the erection of 56 self catering holiday lodges and a change of use of an existing residential building (for staff) to a call centre for the benefit of Beverley Parks. As a result of negotiations in respect of landscape one of the originally proposed lodges has been removed from the application in order to retain an Ash tree (T40 on drawing 04785 TCP).

It is proposed to increase the provision of mobile holiday accommodation and reduce the number of touring pitches. An increase of 55 holiday units is proposed. The site is licensed for a total of 325 caravans in a mix of sales and letting. There are currently 196 caravans on the site and this will be increased to 251 mobile holiday units on completion. There is current provision for 175 touring pitches, and this will be reduced to 106 touring pitches on completion.

The proposals include relocation of a playground to a more central location.

The development proposal has been split into 5 different areas.

Area 1 - part of the existing site area designated for touring pitches (units B, C and D)

Area 2 - the site of the tennis court (Units H and G)

Area 3 - Overgrown sloping land to the east of the touring pitches (Units A)
Area 4 - the area covered by the site licence to the south west of the site (Units E and F)
Area 5 - Residential building change of use to Call Centre.

It is proposed to alter the layout of the existing access roads serving the site and to provide new tarmac access roads, access footpaths and parking areas.

Area 1 provides the best views from Beverley Park over Torbay. The area is currently grassed and set at a gentle gradient towards the north east. The site is served by access roads with gravel hardstandings. The access roads are proposed to be re-aligned and to provide additional mobile home accommodation. 17 holiday units (12m x 6m) and 7 holiday units (12m x 4.2m) are proposed in this area, all located to maximise sea views. Each unit will have a dedicated tarmac parking space accessed from the service road. Spaces between the units will be in excess of 6 metres.

Area 2 is where the existing tennis court is currently located and a camping field. This area is located some distance from the main central facilities and the Design and Access Statement states that these are underused areas of the park. It is proposed to site 3 holiday units (12m x 6m) on the site of the tennis court and 3 holiday units (12m x 4.2m) on the adjacent camping field. There is a mature tree backdrop to the west of the tennis court. A timber fence separates the north boundary of the camping field from the existing lodges at Beverley View.

Area 3 is the land located to the east of the site comprising a steep slope that is currently overgrown and unkempt. It is this area that is considered to have the most ecological benefit and the most visually prominent due to the topography of the land. 5 bespoke units are proposed in this location (12m x 6m). Car parking spaces will be sited on the adjoining site of the existing touring pitches so as to minimise intrusion to the existing landscape.

The 4th area of development looks to remove the existing play ground area and reconfigure the existing site. It is currently used for touring caravans, camping and also has a toilet block. 20 units are proposed for this area (12m x 4.2m).

The change of use (referred to as Area 5 of the overall scheme) covers a retrospective change of use of the existing residential unit on the site to use as a call centre. The change was implemented to cater for the demand for telephone bookings. There will be no material change proposed to the external appearance of the building.

Four alternative options for the mobile holiday accommodation are proposed. Option 2 shows the configuration of mobile holiday accommodation on sloping areas of the site, where the walkway and external balustrade is shown raised to suit the ground level corresponding to the access.

Floor levels are shown on the site plan. A sectional drawing to show levels across the site in relation to Hookhill Road is awaited.

Beverley Holidays currently employ 50 full time staff and during the seven month holiday season this increases to 160 part time staff. Following the completion of the development it is anticipated that there will be a 10% increase in staff numbers to 55 permanent staff and 176 part time staff during the holiday season.

Summary Of Consultation Responses

Arboricultural Officer: Approval on arboricultural merit subject to a revised plan confirming the retention of T40 and submission of a tree protection plan and any associated special retention methodologies where trees to be retained may be affected by surface changes and detailed landscaping plan appropriate for the visual importance of the site in the context of the intensification of use.

Green Infrastructure: Ecology

1. Since the site falls within the sustenance zone associated with Greater Horseshoe Bats from the South Hams SAC, the Council will need to undertake a Habitats Regulations Assessment (HRA) Screening to consider whether the development will result in any Likely Significant n the application. It is noted that the Ecological Impact Assessment concludes that since only two greater horseshoe calls were registered during the 23 nights of recording, the site was not considered to be a significant foraging or commuting area for the species.

a. Although there would be a loss of semi-improved neutral grassland within the OSWI, it is considered that the mitigation and enhancements proposed would result in an overall beneficial effect on the OSWI. The creation and on-going management of new and retained habitats would be secured through a Landscape and Ecological Management Plan (see point 5b below). It is noted that the Ecological Impact Assessment (EAD Ecology, August 2016) states that "The LEMP would cover site establishment and the first five-year post-construction phase. The LEMP would be reviewed after this time for the next five to ten-year period and agreed with Torbay Council." In line with LEMPs secured for other recent developments in Torbay, it is recommended that the LEMP covers a 25 year period.

2. The following would need to be secured by planning condition:

a. Submission of a Construction Environmental Management Plan (CEMP)
Submission of a Landscape and Ecological Management Plan (LEMP) Lighting scheme to be submitted prior to commencement. Full landscaping details to be submitted prior to commencement.

Greenspace and Recreation: requests further information about the use of the tennis court, the new location of the play area

Ecology Consultant: Awaiting comment.

Environment Agency: No objection.

Natural England: Comments received 30th November.

With regard to Statutory nature Conservation Sites - advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England advises following its Standing Advice with reference to Protected Species, Biodiversity Enhancements, Landscape Enhancements and Local Sites.

RSPB: No comment.

Devon Wildlife Trust: No comment.

Natural Environment Services: No comment.

Community Safety: No comment.

Drainage: Awaiting formal comment following submission of additional information.

South West Water: No objection or comment.

Summary Of Representations

Representations against the application received which raise the following issues:

- There has already been a large number of trees felled on site
- The plans are inaccurate as it doesn't accommodate the recent felling of trees
- Loss of habitat
- Loss of privacy
- Drainage
- Noise from disrespectful occupiers
- Over development
- Traffic and access
- Units A1-A5 are unacceptable in the protected wildlife area
- Loss of green space/conservation area
- Impact on specific protected species
- Further tree planting required
- Concern about the sale of land from 5 Elba Close to Beverley Parks is now being built on

- The LVIA does not address impact from Blackbrook Avenue
- No indication of elevations/heights of new holiday units
- Suggested conditions - no further development beyond A1-A5, cap the number of holiday units that can be built, improve boundary treatment to avoid people passing through hedges into Hookhills, Elba Close.

A letter was received from the applicant in response to the objections raised covering the following points:

- The company are very aware of environmental concerns and the impact the site has on the environment. An ecology report has been submitted with the application with regards to wildlife and there is an ongoing tree management program in place in order to safeguard neighbours and customers
- They have been established for nearly 60 years
- They are continually reacting to demand and changing business to meet market needs
- It employs approximately 150 local people
- Investments in the business exceed over £1m
- They are not aware of problematic noise issues and late night activity causing police presence
- They have recently won 2 Silver Awards in the Holiday Park and Customer Service categories and recently through to the South West Tourism Finals
- The development of the holiday units are not increasing the number of pitches on the park and therefore do not believe there will be an adverse impact on traffic and highway safety
- Currently the area from B1-B10 currently accommodates caravans and awnings which come in a variety of colours, shapes, and sizes to a similar height of the holiday units
- The Director would be very pleased to answer any further questions regarding the application content.

Relevant Planning History

The planning history for this site is extensive and therefore only the most recent and relevant applications are listed below.

P/2003/1607 - Replacement of existing roof light structure in swimming pool building - Approved - 13.11.2003

P/2001/1594 - Erection Of Extension To Existing Changing Room And Installation Of Platform Lift On Ground And First Floors (As Revised By Plans Received 20th December 2002) - Approved - 22.01.2002

P/2001/1269 - Alterations And Erection Of Extension To Existing Shop Store - Approved - 14.11.2001

P/2001/0055 - External Works And New Facade To Existing Club House.
(Renewal Of Application 95/1520/Pa) - 14.03.2001

P/2000/0070 - Approved - Alterations to Existing outdoor swimming pool -
Approved - 09.03.2000

P/1996/0933 - Use Of Existing Holiday Park Between 15th February And 15th
January Every Year - Approved - 26.09.1996

P/1990/0237 - Use Of Land Currently Used For 186 Tents To Be Used For
Tents, Motorised Caravans Or Touring Caravans Total 165 - Approved
04.04.1990

P/1987/0158 - Drainage System For New Static Caravans - Approved -
27.03.1987

P/1983/2076 - Tennis Court - Approved - 26.10.1983

P/1980/1051 - Drain Connec To Hookhills Rd - Approved - 29.05.1980

Key Issues/Material Considerations

Principle and Planning Policy

The main issues to be considered in respect of this application are:

1. the principle of the holiday units on the site and the change of use from residential to call centre
2. effect on ecology and biodiversity
3. landscape and visual impact
4. highways
5. design and external appearance
6. economy
8. impact on residential amenity.

1. Principle of development

This application would result in a significant investment in an existing tourism facility.

Policy TO1 in the Torbay Local Plan 2012-30 supports proposals for the improvement of existing tourist facilities providing there would be no harm to sites protected under European legislation. The commentary to Policy TO1 notes that the improvement of tourist facilities is important to recognising Torbay's role as a premier tourism destination.

It supports improvements to the on-site environment, reducing high densities and improvement to on site facilities. It is recognised that many holiday parks are in

environmentally sensitive areas and this type of development can have a significant visual and landscape impact. Adopted policies encourage proposals that seek to secure improvements to the appearance and layout of facilities and improve standards of landscaping and nature conservation.

The NPPF makes little mention of tourism other than supporting sustainable rural tourism at paragraph 28. Economic growth and investment in business is supported by paragraphs 18 to 22 in the NPPF. The proposed development would result in a notable improvement to the standard of accommodation on the site.

The applicant advises that the holiday units, even if sold independently, owners will be permitted to sublet. Clearly a high occupancy rate would result in a greater tourism contribution to the economy of the area. .

In summary, an investment in the improvement of existing holiday facilities is supported by the Torbay Local Plan 2012-30 and the NPPF. Such investment and improvement provides valuable benefits to the local economy and to the tourism sector specifically. However this has to be balanced against the impact of development on the environment and landscape. These issues will be addressed in detail below.

The playground and tennis courts are used by the occupants of the holiday park only and not available to the general public for use and therefore their loss is not considered to have an adverse impact on green infrastructure.

2. Impact on Ecology and Biodiversity

The application is accompanied by an Ecological Impact Assessment ('EclA') comprising a desk study and site surveys including Extended Phase 1 Habitat, botanical, reptile, ornithological assessment (including cirl bunting), badger, hazel dormouse and bat surveys. It is noted that consultation with Natural England and RSPB was undertaken to agree survey effort in respect of cirl buntings and bats respectively.

The application site is located in an environmentally sensitive site. Policies in both the NPPF and the Torbay Local Plan 2012-2030 recognise the importance of these designations, particularly SAC designations. In reaching a decision on the application significant weight should be given to the impact of the proposal on the ecology and biodiversity.

Policy NC1 in the Torbay Local Plan 2012-2030 seeks to preserve and enhance biodiversity and wildlife. Policy NC1 is relevant and makes clear that development that would harm the integrity of the SAC will not be permitted unless adverse effects can be fully mitigated.

Since the site falls within the sustenance zone associated with Greater

Horseshoe Bats from the South Hams SAC, the Council will need to undertake a Habitats Regulations Assessment (HRA) Screening to consider whether the development will result in any likely significant effect on the SAC. It is noted that the EclA concludes that since only two greater horseshoe calls were registered during the 23 nights of recording, the site was not considered to be a significant foraging or commuting area for the species.

The EclA is considered to provide a thorough assessment of the impacts of the proposed development. The report identifies that the proposed development will result in habitat loss, including loss of 250m² of semi-improved neutral grassland within the OSWI. During construction direct effects to amphibians, reptiles, nesting birds and hedgehog would be avoided through mitigation including appropriate timing of vegetation clearance, clearance methodology and ecological supervision. Measures to avoid light spill during the construction phase would avoid significant adverse effects to bats. The report identifies that the design would include the following (as shown on Figure 4: Ecological constraints and opportunities plan):

- b. Retention of all hedgerows and woodland within the site;
- c. Planting of at least 15 native trees and 100m² of mixed native scrub;
- d. Creation of new wildflower-rich grassland (approximately 1928m²) in the northeast of the site along with grassland/scrub mosaic with scalloped edges. This would be undertaken by enhancing a section of the current amenity grassland, dense scrub and continuous bracken;
- e. Provision of bird and bat boxes on mature trees; and
- f. Sensitive lighting scheme to ensure no light spill onto retained and created habitats.

Although there would be a loss of semi-improved neutral grassland within the OSWI, it is considered that the mitigation and enhancements proposed would result in an overall beneficial effect on the OSWI. The creation and on-going management of new and retained habitats would be secured through a Landscape and Ecological Management Plan.

The EclA concludes that the development without mitigation would have a short-term loss of habitat and/or direct effects for notable invertebrates, common amphibians and reptiles, nesting birds, bats, badger and hedgehog.

The following would need to be secured by planning condition:
Submission of a Construction Environmental Management Plan (CEMP)
Submission of a Landscape and Ecological Management Plan (LEMP) Lighting scheme to be submitted prior to commencement. Full landscaping details to be submitted prior to commencement.

Comments from the Councils ecological consultant are awaited.

3. Landscape and Visual Impact

In support of the application a Landscape and Visual Impact Assessment has been submitted by the applicant. This includes an assessment of the proposed development from within and outside of the application site. The report assesses the potential impacts of the development on its surroundings.

In the Torbay Landscape Character Assessment the site is located in the main urban area of main cities and towns (character Type 9). It sits adjacent to Type 1 Rolling Farmland (1S Clennon Hill) and Type 3 Secluded Valley (3J Lower Clennon Valley). Clennon Hill is an undeveloped hilltop within the suburbs of Goodrington which retains a rural characteristic due to the remaining overgrown hedgerows. The area contributes to the green backdrop to views across Torbay and links with the woodland within the secluded Clennon Valley (3J) which provides a relatively large area of green space within the built up area. Neither of the neighbouring character areas have capacity for accommodating change without considerable landscape impact. Both character types consider tree planting, conservation of existing woodland and biodiversity improvements to be important management strategies.

Whilst Beverly Parks is located within the main urban area, its characteristics are similar to those of its neighbours whereby its long distance views show a relatively open rural space where a tree management and biodiversity conservation plan will assist in enhancing and mitigating the proposed development.

The views of the development site are well screened from immediately outside of the application site. Longer distance views of the new lodges will be primarily visible from the point where Goodrington Road meets the A379 to the north. The holiday units at Beverley View can be viewed as the land rises but the use of dark materials mean they are mitigated well into their landscaped back drop.

The line of trees located on the land just below the proposed Area 1 restrict the views of the existing camping and touring vehicles whilst also allowing extensive views over the bay, however the impact of new permanent holiday units are likely to have more prominence. Agreeing suitable materials will help mitigate this impact. Area 3 that is designated as OSWI is quite overgrown at present and views from inside and outside of the site are currently limited. This area has a steep sloping topography with the new units to be located at the top; as a result these may look quite prominent on the horizon if materials are not carefully selected.

The conclusion reached is that the overall significance of landscape effects are not significant and once the proposed development is complete the units will fit well with the wider context of the park.

An arboricultural impact assessment has been submitted in support of the

application. The Arboricultural officer has advised that the scheme is acceptable on arboricultural merit with the exception of the retention of T40, the submission of a landscaping plan and details regarding tree protection.

T40 is a historic remnant of a field boundary first depicted in OS 1904-06 and is shown to be removed, we would raise objection to this removal given its size, age, visual prominence and benefit in softening the proposed intensification of use of the site to the wide ranging visual landscape to the North across Torbay.

Further examples of historic trees arising from historic field boundaries can be found at TG21 and potentially TG9 however these are shown to be retained which is welcomed and their protection can be secured via a condition requiring tree protection fencing.

The tree stock on the site is of 2 distinct age bands with the more recent ornamental internal trees relating to ordinary holiday park type planting. The loss of such trees, where necessary can be readily mitigated from by way of a detailed landscaping plan. However the visual prominence of the trees given the sloping landform infers significant mitigation of professionally designed planting plans is necessary to ensure the intensification of use of this part of the site is softened. Further details on the existing and proposed planting has been requested for further assessment.

Approval on arboricultural merit subject to a revised plan confirming the retention of T40 and submission of a tree protection plan and any associated special retention methodologies where trees to be retained may be affected by surface changes and detailed landscaping plan appropriate for the visual importance of the site in the context of the intensification of use.

4. Highways and access to the site

No Travel Plan or Transport Impact Assessment has been submitted with the application, however, as the use of the site is not changing and the number of visitors is unlikely to be largely different to that already permitted Strategic Transportation have advised that they have no objection in principle to the proposed development.

There are bus stops outside the site and car and cycle parking is provided on site for staff and visitors.

5. Design and external appearance

All of the proposed 55 holiday lodges would have a similar appearance and size. They would be single storey and would be finished with profile cladding on the walls and have a dark roof. The roof would have a shallow pitch. The lodges would be a pre-manufactured which means they would technically be a caravan, and would be subject to site licensing controls. They would sit above slab level in the same way as a caravan does. Each lodge would have an external deck area.

The density of the holiday units across the site equates to approximately 20 units per hectare. The additional units on the 3ha site equates to 18 units per ha which fits well with the wider context of the site. The layout focuses on obtaining the best views across the bay with the majority of the raised entrances and decking area facing towards the sea. The majority of the units are well spaced out and future planting will soften the overall development.

If similar to other units on site the use of a cladding (subject to an agreed colour) and dark coloured roof material would be visually recessive when viewed from a distance. This is of particular importance for those units on the periphery.

6. Economy

The proposal represents an investment in an existing holiday park. This investment in an existing tourist facility is welcomed and would be beneficial to the local economy. In the Torbay Local Plan 2012-30 in the explanation to Policy TO1 it is stated that "the Council wishes to see the quality of accommodation improved with a wider range of new and refurbished facilities and services".

Policy TO1 of the Torbay Local Plan 2015 supports upgrading of facilities in a holiday park subject to criteria relating to impact on landscape, nature conservation, highways and residential amenity.

Discussion with the applicant confirms it is common practice on the site to allow owners to facilitate sub letting of the lodges to encourage maximum occupancy. The numbers of units for sale and rent are not yet known and are based on demand which varies from year to year.

The use of the residential building as a call centre for the Holiday Park also confirms the healthy growth of this local tourist attraction. Confirmation has been sought as to whether the accommodation lost is to be replaced. There is no objection to the principle of changing the use of this property, as it is located within the holiday park and its use to support the business would be appropriate in this location.

8. Impact on residential amenity

Local residents have submitted objections to the application. Concerns have been raised by residents in Hookhills Road about the proposed lodges being higher than the existing chalets on the site. A sections drawing has been requested. The proposed lodges will be sited between 2.5 and 4m away from the boundary hedge that runs along the south east boundary. The closest unit, B11, sits approximately 20m from the closest facing property and will be separated by a road and established hedge which can be further improved as part of a wider landscaping scheme. It is considered that the proposed lodges would not have an overbearing impact on properties in Hookhills Road due to the distance that they are sited from these properties.

Residents have raised concerns about disturbance from noise, light and loss of privacy. It is considered that the proposed development is sufficient distance from residential properties to prevent an overbearing relationship of buildings. The existing boundary fence will prevent overlooking between buildings. As the number of units on the site would be decreased it would be difficult to substantiate an argument that the proposal would result in an increase in noise. External lighting for the development is likely to be minimal but can be appropriately controlled via condition. It is unlikely to detract from the residential amenity of adjoining occupiers.

Conclusions

In conclusion, the proposed development constitutes an investment in an existing holiday park and would result in increasing the number of self catering holiday units in Goodrington. This would be a positive benefit to the economy and support the tourism industry in Torbay. The principle of the development would be consistent with the objective of Policy TO1 in the Torbay Local Plan 2012-30.

The site is in an environmentally sensitive location. The applicant has submitted a detailed ecological impact assessment to address the impact of the development. Although there will be a loss of grassland it is considered that the mitigation and enhancements proposed would result in an overall beneficial effect on the OSWI. The creation and on-going management of new and retained habitats would be secured through a Landscape and Ecological Management Plan.

A HRA is required before consent could be issued to consider the likely significant effect of the development on the integrity of the South Hams SAC. Further information is also required in respect of drainage.

Subject to the receipt of satisfactory further information the proposal is considered to be acceptable for planning approval.

Condition(s)/Reason(s)

The conditions should ensure the development covers the following:

- Holiday only occupancy
- Securing car parking and cycle facilities
- Lighting scheme
- Landscaping
- No removal of plants and trees during bird breeding season
- Requirement for a Landscape and Ecological Management Plan (LEMP)
- To be carried out in accordance with approved Arb report and Tree Protection plan
- Surface materials to be agreed for car bays, access roads and footpaths
- Encouragement of sub-letting
- Levels

- Materials
- Green Travel Packs
- CEMP
- Special protection measures for trees

Relevant Policies

-

Application Number

P/2016/1159

Site Address

Myplace, Parkfield
Colin Road
Paignton
TQ3 2NR

Case Officer

Mr Alexis Moran

Ward

Preston

Description

Alterations and construction of two single storey extensions with courtyard between. Relocation of school.

Executive Summary/Key Outcomes

The site, MyPlace, Parkfield, is a modern lottery funded flagship youth facility constructed in 2010 and operated by Torbay Council Youth Services. The MyPlace building was constructed on the site of the former Council nurseries to the north and west of Parkfield House.

The proposal seeks consent to relocate Torbay School to the MyPlace building. The new school would provide places for 64 students with statements of need classified as emotional, behavioural disabilities and support predominantly young males between the ages of 11-16.

In order to meet the required educational and accommodation standards permission is also sought for the addition of two single storey extensions to the east elevation of the MyPlace building with a courtyard between.

The key issues relate to, the principle of the MyPlace building being used as a school, the impact on the amenity of adjoining occupiers, the highways impact and flood risk.

Part 3 (Change of Use) Class T of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, to use as a state-funded school or a registered nursery can be undertaken without planning permission. This is subject to the developer applying to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to:

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development; and

(iii) contamination risks on the site.

Torbay School is a state funded school and therefore the principal of the change of use of the MyPlace building would be considered acceptable, subject to the Council not objecting to the scheme on the above three points.

In this instance it is necessary to extend the original building in order to facilitate the school and therefore prior approval would not be permitted. This proposal must be considered against the relevant planning policies in the local plan. It is however noted that the broad principle of the change of use of the existing building can be undertaken as a permitted development and this should be given consideration in determining the application.

The proposed extensions are of a scale which would not have an overbearing or overdominant impact on the character of the original property or adjoining properties. Given the single storey nature of the proposed extensions and the existing and proposed boundary treatment, it is not considered that the proposal would result in significant issues arising from overlooking.

There have been a number of objections to the proposal many of which relate to the loss of the MyPlace building and facilities as a result of this application. However there will be no change to the existing BMX track or the skate park or the public right of way across the site which will be maintained as existing. The existing youth facilities will continue to be available for the present users outside of school hours (09:15-15:00), at weekends and during school holidays and in accordance with an agreed timetable.

The proposed change of use and extensions would make effective use of this site and would create a good quality development. It is deemed to be appropriate for conditional approval.

Recommendation

Conditional approval subject the receipt of further information relating to design, drainage and highways, final drafting of conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

The target date for determination of this application is 02.02.2017.

Site Details

The site, MyPlace, Parkfield, is a modern lottery funded flagship youth facility constructed in 2010, and operated by Torbay Council Youth Services. The MyPlace building was constructed on the site of the former Council nurseries to the north and west of Parkfield House.

The site is situated to the north of the Grade II Listed Building of Parkfield, to the

west of Marine Drive and to the south of Colin Road. Colin Road provides access to the northern boundary through the Council car park.

The railway line is approximately 75 metres to the west. A public right of way crosses the site from north to south. The application site covers an area of 0.49 hectares with the wider site in the ownership of Torbay Council covering 3.5-4 hectares.

Along the northern and eastern boundary of the site are residential and commercial properties fronting Marine Drive, Marine Park and Colin Road. The wider area is in mixed use predominantly comprising residential properties and hotel uses.

The youth facility comprises a national standard BMX track, skate park and the MyPlace, Parkfield building which accommodates a multi-purpose sports hall, theatre or music venue, climbing facilities, leisure facilities, meeting rooms, recording studio and IT suite.

In the Torbay Local Plan 2012-2030 the southernmost part of the site is shown as being within the Polsham Conservation Area and includes the listed garden house/poison store (often referred to as a folly). The site is also shown as being within the Core Tourism Investment Area.

Detailed Proposals

It is proposed to relocate Torbay School to the MyPlace building. Torbay school is a special school for students with statements of need classified as emotional, behavioural disabilities and supports predominantly young males between the ages of 11-16. The school would provide 64 spaces. The school would provide 64 spaces with 46 full time-staff and 12 part-time staff.

In order to meet the required educational and accommodation standards permission is sought for the addition of two single storey extensions to the east elevation of the MySpace building with a courtyard between. The courtyard between the north and south extensions will form a playground to the school. A covered walkway will be provided between the two classroom extensions.

A vehicular turning circle is to be constructed at the north end of the site to provide a taxi and mini-bus drop off point in proximity to the entrance. The turning circle will avoid the need for vehicles to reverse. The drop-off point will be managed by Torbay School to ensure that students enter the school safely and to prevent truancy.

The entrance to the school will be to the north of the building in proximity to the vehicle drop-off point. A path leads from the drop-off point around the north east of the building to a student entrance to the playground in the central courtyard.

The north extension will accommodate the main entrance, administration and meeting room facilities. Three classrooms are to be provided on the south side of the north wing accessed from the central courtyard. These classrooms will be set to correspond with the external ground level of the courtyard. The extension is to be a maximum of 27m from the rear of the original building, be 22m wide and have a height of 6m.

The south extension comprises of a single storey building centred on the existing access to the MySpace building. This extension is to be used to provide science and vocational classrooms the latter of which opens out into the external areas. This extension is to protrude by a maximum of 23m from the main building and be 22m in width with a height of 6m from ground level.

The playground will be separated from the external access corridor serving the classrooms in the north extension and provides a covered link to the south extension and MyPlace. The playground is to be treated as a multi use games area for sport, complete with perimeter fencing and a netted roof.

The eastern boundary of the playground is separated from Marine Park by an existing retaining wall and 3.0 metre high timber fence to the existing service yard.

The existing sports hall is to be converted to a multi-use space. This will maintain the function of the existing sports hall and allow part of the space to be used as a dining hall by Torbay School. A temporary removable screen with a high level curtain division is to be provided to allow the sports hall to function within a smaller area while the remainder of the hall is used as a dining hall.

The existing building will be shared between Torbay School and the Youth Trust in accordance with an agreed timetable.

There will be no change to the existing BMX track or the skate park and the external area to the west of the school. The public right of way across the site will be maintained as existing.

The existing pedestrian access to the MyPlace building will be repositioned to form a new entrance to the youth meeting room. The existing sliding entrance door to MyPlace, will be replaced with a double entrance door to provide controlled access to the sports hall for events outside school hours and to provide a fire exit. The existing entrance to the climbing wall is to be utilised to provide an independent access.

Vehicular access to Torbay School will be via Colin Road and through the public car park. The existing barrier gate to the site entrance will remain, and this will be managed by Torbay School to be open at the start and finish of the school day.

The proposal also includes relocating the existing electrical sub-station from the east of the site to the north of the site. This is not considered to be contentious.

Summary Of Consultation Responses

Urban design consultant: The curious form of the existing building arose from a consultation/engagement project with the buildings end-users. It is not wholly successful, but deserves to be respected and the most important aspect of the design is the long western elevation which addresses the primary open spaces of the wider site and forms the most important image of the facility. The proposals only suggest minor modifications and these are not contentious.

Providing the new accommodation at the rear is therefore a sound strategy, but the manner in which the new and old conjoin and form a new composition is less than elegant. Whilst the resultant impacts are evidenced, finally, in how the overall forms are resolved, it is more clearly the internal organisation of the design which is the key generator of the difficulties.

In recognising that the new accommodation for the school will have its own demands set by the school brief and be based on tight cost yard-sticks, then it is to be expected that a different architectural language will naturally emerge and this is apparent from the proposed drawings that have been submitted. There would be merit in establishing between new and old an intermediary linking element. At the southern end of the plan then this is in existence with circulation and external space effectively separating out old from new.

If this strategy could be continued to serve the accommodation north of the playground then this would have the additional benefit of clarifying the internal circulation. Currently the student entrance is tucked away around the corner towards the eastern end of the entrance façade, whilst the visitor entrance is centrally placed. Internal circulation has to endure several 90 degree turns in order to serve the interior parts of the building.

The obstacle to achieving a simpler layout is apparently the new kitchen that must of course be adjacent to and serve the dining hall (which is to be a cordoned off part of the sports hall). A solution could be found which locates the kitchen as part of the landscape space to the north of the sports hall (where a bin enclosure is currently proposed) – with some modification / adaptation of the climbing wall space in order to link to the hall. A kitchen here together with other ancillary spaces would have to be a well-designed and an elegant ‘object’ in this conspicuous location – possibly integrating with the landscape treatment – but this would free up space on the site and provide an opportunity for the movement zone to be continuous between old and new. This, in turn, might allow the formal response to more elegantly articulate the two ... the current entrance façade is otherwise rather weak.

Suggests consideration could be given to re orientating the proposed extensions

and reconsidering the southern block as a two storey building to liberate more external ground level space.

Strategic Transport - Paragraph 72 of the NPPF states that “great weight” should be given to the need to create, expand or alter schools. I note that the school is only moving a short distance and that much of the use’s impact on the transport network is existing. Because the school will operate in school hours (approximately 0915-1500) and term times, the main impact of the use will be at different times to when Parkfield and the adjoining car park are being used most intensely.

The application is supported by a Transport Assessment and draft Travel Plan. This has modelled the impact of the school upon the Colin Road/Marine Drive junction and found that the junction operates within capacity with an estimated 11.33 second delay in joining the main road from Colin Road in the PM peak. This would not constitute a severe residual impact.

The existing school has little off road parking and the Parkfield site is adjacent to Colin Road car park. The use of the Colin Road car park would appear to be appropriate since the school will not be in use during peak demand periods for the car park. The beach huts may need to be stored elsewhere to ensure that there is sufficient capacity on the car park.

In terms of the modal split, the pupil modal share of less than 10% arriving by private car is already good, and the travel plan should seek to maintain (or improve) this. Over 91% of staff arrive by car. The travel plan should seek to reduce this to 70% (i.e. a 20% reduction rather than a 10% reduction proposed in the Travel Plan) in order to meet the requirement in Policy TA2 of the Local Plan.

In addition, safe pedestrian access to the school must be provided. There will be pedestrian movements from Colin Road car park and a pedestrian demarked footway should be provided to the proposed school entrance. This could be painted rather than a raised pavement, but it will result in the loss of, or need to relocate, parking for four vehicles.

Most pupils (nearly 60%) travel by bus and will need to walk to the main bus routes on Torquay Road. There is an advisory sign for a playground on Lower Polsham Road. Given that Lower Polsham Road is narrow, car speeds are likely to be low; but I suggest an additional school warning sign should be erected to alert drivers of the pedestrian access, which is likely to be used more by pupils arriving via bus stops on Torquay Road to the west. Given that the school caters to vulnerable people it may be appropriate to have adult escorted walking trips to the bus stops. It would not be necessary to impose this as a condition of planning permission, but it should be inserted as a possible option into the Travel Plan (under the public transport actions).

With these relatively minor suggestions, it is considered that the proposed school is acceptable in transport terms.

Senior Heritage and Design Officer: No objection, the proposed extensions are not considered to impact on the setting of the listed garden room or Parkfield House, both to the south of the site.

Environment Agency: No objection.

Natural England: No objection.

National Trust: Comments awaited.

Drainage: Within the site specific flood risk assessment the results of infiltration testing on the site have been included. The results of these infiltration tests confirm that infiltration drainage will not be viable on this development.

As infiltration drainage is not suitable for this site the applicant has identified that the surface water drainage will discharge at a controlled rate to the Occombe Valley Watercourse (designated as main river) located within Colin Road car park. The proposed discharge rate has been set at 1.5l/sec which complies with the requirements of the Torbay Critical Drainage Area.

The hydraulic design for the proposed surface water drainage system has been included within the site specific flood risk assessment however there are no drawings identifying the proposed discharge location for the surface water drainage to the watercourse. The levels quoted for the discharge location within the hydraulic model do not agree with the level information we hold for the culverted watercourse in Colin Road. The developer must supply a plan showing the proposed discharge location together with the cover and invert levels of the culverted watercourse and invert level of the proposed discharge pipe.

It should be noted that during major storm events the Occombe Valley watercourse is known to flow at pipe full capacity through the culverted section in Colin Road car park. Therefore, unless the developer is proposing to connect the surface water drainage system from the development to the culverted watercourse above the culvert soffit level the outfall cannot be assumed to have a free discharge as identified within the hydraulic modelling.

The information relating to manhole cover and invert levels on the surface water drainage layout within the site specific flood risk assessment does not correspond to the levels identified within the hydraulic modelling.

Arboricultural Officer: There is potential for development within the application site however a full recommendation cannot be given until the following points are addressed to allow for the full understanding of the impact of the development on

the visual amenities of the site.

- A Tree Protection Plan is to be prepared to ensure the healthy retention of all planting to be retained in situ as well as the offsite trees, including methodology for tree protection and a schedule of pre-commencement tree surgery works.

Greenspace Coordinator: The Preliminary Ecological Appraisal is considered to be a fair assessment of the ecological impacts of the proposed development. It is recommended that the following conditions be secured:

- Development should be undertaken in strict accordance with the Conservation Action Statement (Appendix 4) of the Preliminary Ecological Appraisal, Acorn Ecology, September 2016 in order to avoid, mitigate and compensate for anticipated ecological impacts.
- It is recommended that the avoidance and mitigation measures set out in the Conservation Action Statement are included in any Construction Method Statement required to be submitted to Torbay Council for approval prior to commencement.
- It is recommended that the compensation and enhancement measures set out in the Conservation Action Statement are reflected on a landscape plan to be submitted for approval by Torbay Council prior to commencement. The landscape plan should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The number, type and locations of the proposed bird nesting boxes should also be shown on this plan.

The inclusion of a MUGA is welcomed. The possibility of this being available for community use/use by the Youth Trust during evenings, weekends and holidays should be explored and, if this is possible, secured by condition.

Summary Of Representations

A total of 45 objections have been received in relation to this application, the main points raised in these are:

- Loss of facilities
- Loss of privacy
- Noise.

Relevant Planning History

P/2010/1308 - Revised siting of BMX track and omit proposed on site parking area due to discovered badger setts; approved 14.06.2011

P/2010/0155 - Change of use of existing folly from garden storage to skatepark kiosk and first floor office, adjustment and widening of exit pillars onto Lower Polsham Road from approved site; approved 14.06.2010

P/2009/0983 - Demolish nursery buildings. Replace with new build 'My Place' building containing indoor sports hall, associated changing and toilet facilities,

cafe/internet areas, recording and sensory rooms. Outdoor facilities to include BMX and skate board tracks, on site car parking and landscaping. Renovation and change of use to Parkfield House from Council offices to 30 bed youth hostel for new 'My Place' building. Landscaping to existing grounds; approved 26.11.2009

Key Issues/Material Considerations

The key issues relate to, the principle of the MyPlace building being used as a school, the impact on the amenity of adjoining occupiers, the highways impact and flood risk.

1. The principle of the MyPlace building being used as a school

Planning permission is not required for a change of use of a building in leisure use (Class D2) to a state funded school, subject to the LPA determining whether prior approval is required in respect of transport and highways, noise and contamination.

In this case as it is necessary to extend the original building in order to facilitate the school the prior approval procedure could not be used. Therefore the proposal must be considered against the relevant planning policies in the local plan. However the broad principle that the change of use of the existing building could be undertaken as permitted development is a material consideration in the determination of the application.

The building is located in an area where there is already activity associated with the car park, proximity to the sea front and commercial properties in Colin Road, and Marine Drive. Therefore the additional activity and trips generated by the change of use to a school would have a limited effect on the character of the area. The school use would occur only during daytime hours which means there would be no impact during quieter night time periods. In comparison with the existing use of the building for leisure purposes the level of activity and noise generated by the school is unlikely to be significantly greater.

The site is within a Core Tourism Investment Area therefore Policy TO1 (Tourism, events and culture) must be considered. Within these areas the promotion and enhancement of tourism activities and facilities is encouraged. The Policy seeks improvements of existing and provision of new tourist accommodation and attractions in areas which are seen as the main focus for investment in tourism.

The area is close to the seafront and would benefit from retaining a tourism related use. The application states that the existing facilities will remain available for the present users outside of school hours, at weekends, school holidays and bank holidays.

The sports hall will be retained at the existing size and a removable screen

curtain is to be introduced to subdivide the sports hall making the transition between school activities and activities out of school, simple. It is considered on balance that the building could still provide suitable tourist facilities if properly managed, particularly during the height of the tourist season when the school is closed for the summer holidays.

With regards to the impact the proposal would have on those existing commercial/holiday uses in the immediate area such as hotels and B&Bs; as the change to a school would only affect the area outside of the main tourism season, during term time, it is not considered to have a significant impact on commercial trading. It is deemed that the proposal would

Policy SC1 (Healthy Bay) promotes healthy, safe and active living for all age groups, including healthy living options for older people; and Policy SC2 (Sport, leisure and recreation) states that there will be a presumption against loss of existing recreational and leisure facilities unless:

- i) An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a sustainable location; or
- iii) The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

The facilities in the MyPlace building will be available to existing and future groups and members of the public outside of school hours. The sports facilities will however be unavailable during the construction phase of the development which is proposed to be one year. The current providers are seeking alternative accommodation for existing users.

It is considered that the proposal would comply with Policy SC2. The facilities will remain available to new and existing user groups and members of the public outside of school hours. The facilities would therefore be made available to all users in the peak activity times which would be outside of school hours, at weekends and school holidays. It is proposed that the existing underutilised sporting facilities will be used by Torbay School during the school day.

There will be no change to the existing BMX track, the skate park or the public right of way across the site. Outside of school hours, at week-ends and during school holidays, the existing youth facilities at MyPlace will continue to be available for the existing users.

A mission statement setting out the shared goals of Torbay School and the Youth Trust is included in the appendix to the submitted Design and Access statement. This sets out the shared aspirations for the project and the need to separate the identity and education function of the MyPlace building from the existing youth

provision. The aim is to preserve the sense of ownership of the youth facilities by the Youth Trust, and to create a separation from the education function of Torbay School.

Bearing these points in mind and subject to conditioning the above arrangements, the proposal is deemed to comply with Policies SC1 & SC2 of the Torbay Local Plan 2012-2030 as the existing facilities are proposed to be retained.

Policy SC3 (Education, skills and local labour) of the Torbay Local Plan 2012-2030 states that the Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. This includes both the expansion of schools to meet identified short to medium-term needs, and construction of new schools.

The proposal requires Torbay School to be relocated to the MyPlace building as its current site on Torquay Road, Paignton is to be altered to provide for the addition of a new primary school. The extensions and alterations to the MyPlace building are required in order to provide appropriate facilities for Torbay School to relocate. The proposal is considered to be compliant with Policy SC3 as it aims to provide an expansion to an existing building to provide a new educational facility.

In terms of the visual impact of the proposal the extension have been sited so as to avoid intrusion onto the sensitive area of the site in proximity to the Grade II listed Parkfield House and garden room to the south. The proposed extensions are located to the rear of the main building and thereby aid in retaining the original design concept of the buildings principle elevation. The Council's Urban Design advisor has suggested the design could be improved and the applicant has been requested to consider these points.

The site is open to the north from the Colin Road car park allowing a clear view of the entrance to the school and the single storey wing to the east of MyPlace. The development is proposed to be single storey so as to minimise its visual appearance. The scale of the development is considered to be appropriate to that of the original building and subservient in terms of its size and siting. The Council's Urban Design advisor has suggested that the extension could be separated from the main building, which would provide a stronger distinction between the old and new elements of the building.

The south west boundary of the site adjoins the side elevation of properties at the end of Marine Park cul-de-sac which is approximately 2 metres lower than the site level. At present there is a substantial 3.0 metre high boundary fence and wall at the end of Marine Park which will aid in reducing the visual impact of the proposed extensions and aid in them blending into the backdrop of the larger main building. The reinforced boundary treatment will also aid in screening the

playground and help to reduce noise levels. This will be supplemented with additional landscape planting. Landscaping details will be sought by condition.

Similarly the boundary fence limits the visual impact of the proposed extensions from the rears of the properties on Marine Drive, the main rear two storey elevations of which are in excess of 20m away.

To the north west the site bounds the rear of the residential and commercial properties on Colin Road, improvements to landscaping here are proposed in order to limit the visibility of the proposed extensions.

The proposed extensions to the MyPlace building have been considered in terms of their impact on the setting of the Grade II listed garden area at the south of the development site and the Grade II listed Parkfield House further to the south. Due to the size and scale of the proposed extensions it is not considered that their addition would be of detriment to the setting of the listed buildings. .

2. Impact on amenity

Policy DE3 (Development amenity) of the Torbay Local Plan 2012-2030 states that all development should not unduly impact upon the amenity of neighbouring and surrounding uses. The following criteria are amongst those which this Policy is assessed against:

- The impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution;
- Impacts on existing living conditions and standards of accommodation of other uses:

The single storey school buildings are not of sufficient size to cause overlooking to the adjoining properties nor do they have a residential element which would entail excessive overlooking. As previously mentioned the rear boundary fence and wall, which are proposed to be improved in areas by additional landscaping, prevents any significant direct overlooking issues. This also alleviates any issues with the proposed extension appearing to be overdominant.

The site is 20m from the main rear elevations of the properties in Marine Drive a distance which is considered to result in an acceptable relationship and one which would not result in a loss of light or cause a loss of residential amenity to neighbouring occupiers.

The properties on Marine Park have a side to side relationship with the proposed single storey extensions to the building. In combination with their small scale, the boundary treatment and the urban setting of the location, this side by side relationship would not be overdominant on the residential amenity of residents or the character of the properties in Marine Park.

The main impact on neighbouring properties and the wider area will be as a

result of vehicle and pedestrian movement at the start and end of the school day. The visual and noise issues related to this are considered to have a limited impact on the residential amenity of neighbouring occupiers as it will be infrequent and for short periods and only on weekdays. The existing fence also provides an effective visual and acoustic screen to the proposed development. As the site is accessed via a car park it is considered that there should be no issues with regards to parking or access egress to residential properties.

The playground will be in use at limited times of the day during school terms. The prime period for the occupation of the holiday let properties in the Colin Road/Marine Park will be during the school holidays, thus minimising the risk of noise disturbance to the adjoining properties. The playground for the proposed school is sited in the most favourable residential location, between the properties on Marine Park. This location is well screened by a 3m boundary wall and fence which will aid in reducing the noise impact associated with the playground.

When considering the points above the proposal is deemed to comply with Policy DE3 of the Torbay Local Plan 2012-2030.

The overall design of the proposed extensions is deemed to be acceptable and fit for the purpose intended. There would however be merit in establishing a link between the existing and both proposed extensions in order to provide some distinction, revised drawings showing this have been requested. Improvements to the proposed entrance façade to the north have also been sought, a stronger elevation in this location would aid in the legibility of the development and some internal alteration would improve circulation space.

3.Highways impact

Overall the proposal is considered to have an acceptable impact on highways capacity and safety. The application is supported by a Transport Assessment and draft Travel Plan which state that the Colin Road/Marine Drive junction operates within capacity. The use of the MyPlace building as a school would have an acceptable impact on the highway.

The use of the Colin Road car park to access the site and parking, pupil drop off, would appear to be appropriate since the school will not be in use during peak demand periods for the car park.

At present less than 10% of pupils arrive at Torbay School by private car whereas over 91% of staff arrive by car. The travel plan will need to be amended to seek a reduction of this to 70% (i.e. a 20%) in order to meet the requirement in Policy TA2 of the Local Plan.

A demarked (painted) footpath is considered necessary between the Colin Road car park and the proposed school entrance in order to provide safe pedestrian access. It is suggested that an additional school warning sign is added on Lower

Polsham Road to alert drivers of pedestrian access. The justification for this is that as nearly 60% of pupils travel to the school by bus and the stop on Torquay Road is the most likely to be used, pupils will walk down and access the school via Lower Polsham Road.

As the school caters to vulnerable people consideration should be given to whether adult escorted walking trips to the bus stop is also appropriate. These alterations can be inserted into an updated travel plan.

3. Flood risk

The site is within Flood Zone 1, which is considered to be at a very low risk of flooding.

Infiltration tests on the site confirm that infiltration drainage will not be viable on this development.

As infiltration drainage is not suitable for this site the applicant has identified that the surface water drainage will discharge at a controlled rate to the Occombe Valley Watercourse. The proposed discharge rate has been set at 1.5l/sec which complies with the requirements of the Torbay Critical Drainage Area.

The hydraulic design for the proposed surface water drainage system has been included within the site specific flood risk assessment however. Further information on the specification of the system is required before planning permission can be issued.

4. Ecology

The majority of the site consists of buildings and hardstanding which provides very little ecological value. The features of highest ecological value on site are the small area of dense scrub and long grass to the north of the site. Part of the area of scrub and long grass will be lost to the mini bus parking and the relocated substation.

No evidence of bats roosting in the application area have been recorded and there is considered to be low potential for foraging bats due to the lack of suitable habitat.

There is potential for birds to nest in the building and the dense areas of scrub to the north and as such all works will need to take place outside of the nesting season and a condition requiring this will be imposed.

The proposed scheme has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

Conclusions

The proposed development would result in the use of a building which is underutilised during school times by providing a new educational facility and the extensions to the building would comply with Policy SC3 (Education, skills and local labour) in the Torbay Local Plan 2012-30. The form, layout and design of the proposed extensions are principally of a suitable scale and siting to not dominate the character of the original MyPlace building or be of significant detriment to the privacy and amenity of neighbouring residential properties and holiday accommodation, although the applicant has been asked to consider a number of minor revisions. Consequently subject to the receipt of additional information relating to drainage, design it is, on balance, considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations, subject to the conditions itemised below:

- Opening hours between the school and youth services to be set to ensure the retention of the existing facility
- Staff travel plan
- Removal of permitted development rights to prevent a change of use without first gaining the consent from the Council
- Submission of finished floor levels taken from a fixed ordnance datum point.
- Lighting strategy
- No ground/clearance works in bird nesting season
- Submission of boundary treatment and landscaping plan
- Landscape implementation
- Materials Implementation of drop off area and parking
- Implementation of drainage strategy
- Development should be undertaken in strict accordance with the Conservation Action Statement (Appendix 4) of the Preliminary Ecological Appraisal, Acorn Ecology, September 2016 in order to avoid, mitigate and compensate for anticipated ecological impacts.
- Submission of a Construction Method Statement which includes the avoidance and mitigation measures set out in the Conservation Action Statement
- The compensation and enhancement measures set out in the Conservation Action Statement are reflected on a landscape plan to be submitted for approval by Torbay Council prior to commencement. The landscape plan should include details of proposed species, plant sizes and plant numbers/densities, as well as on-going management. The number, type and locations of the proposed bird nesting boxes should also be shown on this plan.

Relevant Policies

-

Application Number

V/2016/0003

Site Address

Rock House
Rock House Lane
Torquay
TQ1 4SX

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Variation of Section 106. Additional clause.

Executive Summary/Key Outcomes

This application is to vary an existing S106 agreement secured pursuant to P/2012/0566 in relation to 'enabling development' within the grounds of Rock House, Rock Lane, Maidencombe to fund essential repairs to the roof.

A variation is sought to remove the restriction on the sale of parts of the building known as 'Rock House' imposed by a s.106 agreement entered into in November 2014.

An objection from the Maidencombe Residents Association raises concerns that the variation could inhibit the roof repair works being completed.

This is not the case and all that will be permitted is that outstanding payments, which have been verified as necessary and costed by the supervising surveyor, can be met from the sale of this part of the building rather than the as yet unsold walled garden plot.

All that changes as a result of this variation is the timing of payments. The mechanism for ensuring the roof repair works are completed, which is through the deposit of funds into a jointly managed bank account, remains the same.

Recommendation

That the variation sought be agreed.

Statutory Determination Period

The decision is due to be made before the 8th December.

Site Details

Comprises an existing listed building set within extensive grounds within the defined Countryside Zone.

Detailed Proposals

This application is to vary an existing S106 agreement secured pursuant to P/2012/0566 in relation to 'enabling development' within the grounds of Rock House, Rock Lane, Maidencombe.

The variation seeks to permit disposal of up to two flats within the listed building to fund ongoing repairs to the roof.

Summary Of Consultation Responses

None.

Summary Of Representations

An objection has been received from the Maidencombe Residents Association which is concerned that the proceeds of the sale might not be used for necessary repairs to Rock House and that subdivision of the property might jeopardise completion of the roof repairs.

Relevant Planning History

P/2012/0566/PA: Construction of new dwelling in kitchen garden to South of Rock House and conversion and extension of existing stable block into dwelling house to North of Rock House, approved subject to a S106 agreement 21.11.14.

P/2012/0567/LB Construction of new dwelling in kitchen garden to South of Rock House and conversion and extension of existing stable block into dwelling house to North of Rock House including schedule of work for repairs to roof, approved 21.11.14.

P/2015/1110/PA: New dwelling within the grounds of Rock House, the stable and garage approved subject to a S106 agreement 19.02.16.

P/2015/1111/LB New dwelling within the grounds of Rock House, the stable and garage, approved 19.02.16

P/2016/0216 Certificate of lawfulness existing for use of part of Rock House as 3 residential units, certificate granted 09.06.16

Key Issues/Material Considerations

The key issue is whether the variation to the S106 will have any impact on delivery of the necessary repairs.

An LPA has power to vary the terms of a s.106 agreement if it continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications requested by the applicant.

This application is to vary an existing S106 agreement secured pursuant to P/2012/0566 in relation to 'enabling development' within the grounds of Rock

House, Rock Lane, Maidencombe.

The development of two well-designed, discrete dwellings within the grounds of Rock House, a listed building, was approved in order to generate finances to enable urgent repairs to be carried out to the roof.

This comprised refurbishment and extension of an existing garage/stable building to form a separate new dwelling and the inclusion of a small dwelling within the existing and dilapidated walled garden.

A joint bank account was set up for the proceeds of the sale of these plots to ensure that the funds realised were spent on the roof repairs. Once the roof repairs are completed and signed off by the supervising surveyor the s.106 removes the restriction on sale of parts of Rock House and allows any sums remaining in the joint bank account to be repaid to the landowner without restriction on its use.

The works to the roof are largely complete and to date have been funded by the sale of the garage/stable plot. The walled garden plot is being marketed but has not sold.

The specialist consultant supervising the works has confirmed that £75,000 is required to complete the works to the roof.

The owner of the property needs to meet this outstanding payment and is proposing to do this from the sale of two of the flats within the building that have recently been confirmed as lawful via a CLEUD.

the owner is prevented from by the terms of the S106 from selling Rock House or any part of it until the works to the roof are complete.

This application seeks to vary the terms of the S106 to allow the sale of two of the flats, and for £75,000 derived from the sales to be deposited in the joint account to allow final payment for the roof repairs.

It is considered that this variation is acceptable. All that will be permitted is that £75,000 from the proceeds of the sale of a lawful flat within the listed building will be deposited in the joint bank account instead of the proceeds from the sale walled garden to enable final payment of the roof repairs to be made.

Conclusions

The variation to the terms of the S106 is acceptable.

Recommendation

That the Head of Legal Services be instructed to complete a revised S106 to permit the disposal of the identified flats subject to £75,000 of the proceeds from

the sale being deposited in the joint bank account set up to ensure that the agreed schedule of roof repairs to Rock House are completed in full.

Relevant Policies

-

Application Number

P/2016/0305

Site AddressShedden Hall Hotel
Shedden Hill Road
Torquay
TQ2 5TX**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Refurbishment of former hotel and demolition of modern extensions. Conversion to provide 4 residential apartments. New build residential accommodation within grounds comprising 3 two storey garden cottages, 4 four storey town houses and 1 four storey coach house. Provision of 19 car parking spaces. Reconnection to public footpath and reinstatement of stone boundary wall.

This application relates to the change of use and extension of the former Shedden Hall Hotel for residential purposes.

It now includes 11 dwellings following deletion of one of the proposed 'garden cottages' due to its impact on the setting of the Villa.

The main Villa on the site is to be converted to 4 units, within the grounds it is proposed to construct 4 town houses, 2 cottages and a coach house. There are 19 car parking spaces to be provided. The vehicular access to the site is from Shedden Hill.

In 2012, planning permission was granted for a broadly similar package of development to provide 14 units overall. This application become time expired in May 2016.

The loss of the hotel was then considered favourably due to the poor condition of the building and the limited range of facilities. Whilst these tests are still relevant, the scheme now falls to be judged against the 'new' policies in the recently Adopted Local Plan and policy TO2 requires that when such changes of use are acceptable in principle (which this is) then buildings should be returned to their 'original historic form' and later extensions and clutter removed.

In order to fund the restoration of the villa, which is in a very poor condition, it is argued that compliance with TO2 would render the scheme unviable and it is essential not only to retain (albeit in a remodelled form) existing extensions to the Villa but to include wholly new interventions in the garden area.

A viability study (as is allowed for in the justification for this policy) to confirm this has been commissioned and the preliminary feedback confirms that the viability is very marginal.

The scheme does deliver a well restored villa which is stripped of more recent unsympathetic alterations. Extensions that currently detract from its setting and appearance are extensively remodelled with a distinctive and attractive art deco theme to provide 'distance' between the original building on the site and more recent additions.

The new block of 3 cottages in the garden was thought to intrude too closely on the restored Villa and the applicant has agreed to delete one of these units to achieve a more acceptable relationship and to improve the outlook of the adjacent flat.

The future health of a prominent category A Turkey Oak tree, is a key priority. It would have been seriously compromised by the 2012 approval on the site, largely due to inaccuracies in relation to plotting of the tree in relation to the proposed garden cottages. Whilst the relationship is even now not ideal, amendments to the layout and relationship have reduced the risk to the tree.

Landscaping proposals to mitigate for the loss of much of the existing planting on the site need to be upgraded to reinstate softening and screening to this prominent hillside and to compensate for the impact on biodiversity.

The scheme is otherwise acceptable in terms of access, parking, flood risk and relationship to neighbours and subject to delivering greenspace, lifelong learning and sustainable transport contributions (possibly as deferred contributions if the viability is shown to be only marginal) and securing a phasing agreement to ensure restoration of the Villa complies with national and local planning policy requirements.

It is proposed to impose a condition limiting the permission to two years to encourage implementation.

This is justified by the need to deliver new homes and, importantly, to secure a speedy restoration of the Villa in the interests of repairing the street scene in such a prominent and sensitive location in the conservation area and overcoming the blight on the neighbourhood created by the prolonged neglect of the site.

Recommendation

Approve: subject to amended landscape proposals, an Arboricultural Method Statement, conditions as detailed below and to the conclusion of a s106 agreement at the applicants expense to secure the restoration of the main villa in line with an agreed phasing plan and greenspace, lifelong learning and sustainable transport contributions in accordance with the adopted SPD

'Planning Contributions and Affordable Housing'. This to be secured as 'deferred contributions' if marginal viability is confirmed through the IVA.

Statutory Determination Period

This is a major development which should have been determined by the 22nd June 2016.

There has been a significant delay in determination due to the need to obtain an IVA to show that the scale of development proposed is necessary to secure the restoration of the main villa on the site.

As there is a s 106 to negotiate an extension of time has been agreed by the applicant until the 1st March 2017.

Site Details

The Shedden Hall Hotel is an extended Victorian Villa situated on the western side of Shedden Hill most recently in use as a 26 bed hotel.

It is set within a prominent sloping site within the Belgravia Conservation Area with views towards the sea. It is currently boarded up, in a very poor, semi derelict condition and has been for several years.

It has been extensively altered and extended during its use as a hotel. Due to the change in levels across the site, the villa is two storey adjacent to the public highway increasing to four stories within the site. A three storey flat roofed terrace building extends from the front elevation of the Villa to the entrance of the site. Beyond the building envelope are overgrown gardens and a swimming pool.

There is a large mature Turkey Oak tree set within the garden area which is of strategic importance being classified as a Grade A tree.

A footpath skirts the site along its northern and western boundary. This forms an important link between Belgrave Road and the seafront. It is overgrown and appears to be little used.

The surrounding area is mixed in terms of character, to the south and west are predominantly commercial uses with the east being largely residential in nature.

The Shedden Hill public car park lies immediately to the west of the site as does the Torquay Tennis Club.

Detailed Proposals

The application comprises the removal of all the more recent extensions to the main villa on the site and its refurbishment to a high standard. This involves reroofing in natural slate and replacing more recent UPVC windows with double glazed timber sliding sash. It is to be converted to provide 1 two bed, 2 three bed

and 1 four bed apartments.

The scheme also involves the demolition of the flat roofed terrace building that extends from the front elevation of the villa and its replacement with a series of 4 3 bed town houses.

Within the garden area it is now proposed to construct 2 (rather than 3) three bed garden cottages.

An existing extension to the northern end of the Villa is to be remodelled to provide a 3 bed coach house.

19 car parking spaces are provided in garages and car ports.

Design references in respect of the new build elements are drawn from the modernist/art deco architectural styles.

Summary Of Consultation Responses

Historic England: No objection.

Strategic Transport: No objection.

Highways: No objection.

Conservation Officer: Whilst supportive of the form and massing of the town houses he considers that it would be preferable if more space between the retained Villa and the new block of building were available either through deletion of one unit or by being constructed at a slightly lower level. The proximity of the garden cottages to the Villa is of concern.

Drainage Engineer: No objection subject to the scheme being implemented in accordance with the submitted Flood Risk Assessment.

South West Water: Similarly raises no objection subject to being in accordance with the FRA.

Arboriculturalist: Has concerns regarding impact on Turkey oak and on capacity of landscape scheme to mitigate for loss of existing planting and to screen the site.

Green Infrastructure Coordinator: Considers the Ecological Appraisal to be a fair assessment of the site and confirms that bat occupation unlikely. The use of conditions to protect bats if found during construction, bird nesting habitat and to secure bird boxes recommended. Considers that the landscape scheme does not adequately mitigate for the loss of biodiversity and should be amended to reflect more native species. Due to limited on site provision of garden space a

green space contribution towards improvements at Abbey Park should be sought.

Police Architectural Liaison Officer: Recommends that the footpath which borders the site be properly overlooked but with safe lockable gates and that the car ports should be open to view.

E.H.O.: Has some concerns about the potential for disturbance to residents arising from noise from Appleby's bar and from noise from traffic on Shedden Hall Hotel and recommends that the applicant meets the requirements for internal ambient noise levels as required by BS 8233:2014 Guidance on sound insulation and noise reduction.

Summary Of Representations

Two letters of representation have been received. Whilst both broadly welcome the scheme, one raises concerns about the height and intrusiveness of the extension adjacent to 'Westcombe' and possible loss of light and privacy. The architectural style in relation to the new build elements of the scheme is also questioned. The second letter points out that the footpath running along the rear of the property is private land and not public highway. These representations have been sent electronically for Members consideration.

Relevant Planning History

Since the hotel use ceased there has been an approval for residential conversion of the hotel to provide 7 flats along with 7 new build apartments in similar locations to those included in the current application.

This application was P/2011/0227 which became time expired on the 2nd May 2016.

Key Issues/Material Considerations

The key issues are:

1. The conversion of the former hotel to provide residential accommodation and its compliance with Policy TO2 of the Local Plan.
2. The design of the scheme and its relationship to the character and appearance of the Conservation Area.
3. The impact on the Turkey Oak and the adequacy of the landscape scheme.
4. Car parking and access, the improvements to the adjacent footpath.
5. Biodiversity.
6. Drainage.
7. Impact on neighbouring amenity.

Principle and Planning Policy -

The most relevant policies are TO2 in relation to the principle of the change of

use and the scale of new development included in the scheme, SS10 which relates to the impact of the proposal on the character of the Conservation Area, DE1, DE2 and DE3 which relate to the design quality, the residential environment created and the impact on amenity, TA1, TA2 and TA3 which relate to accessibility, access and adequacy of parking levels, C4 which relates to the protection of trees and ER1 which governs flood risk.

Each of the key issues will be addressed in turn.

1. Compliance with Policy TO2 regarding the change of use from hotel to residential use.

Planning permission has previously been granted for a change of use of the hotel to residential accommodation. The building was located in an 'Amber' area under the now superseded SPD 'Revised guidance for PHAAs' where changes of use of hotels that lacked an adequate range of facilities or where the condition of the building meant there was little likelihood of it being restored for hotel use were considered acceptable in principle. This application was not implemented and is no longer extant.

The proposal now falls to be judged against the replacement tourism policies in the newly adopted Local Plan. Whilst the tests in relation to the range of facilities and the condition of the building are still relevant, Policy TO2 represents a material change in position in relation to such applications inasmuch as it now requires that where changes of use are acceptable in principle (and it is considered this change of use is) that:

'There will be a requirement to restore land and buildings to their original historic form by the removal of unsightly features, signage, clutter and extensions'

In this case, whilst the original Villa on the site is to be restored to its original historic form, there is a substantial amount of new development to help fund delivery.

The justification to the policy does allow viability arguments to be taken into account in reaching a conclusion on the degree to which the 'historic form' can reasonably be realised and to inform a judgment about whether more 'in keeping' replacements of existing buildings may be more appropriate than removal.

To this end, a viability study has been commissioned to establish that in broad terms the restoration of the villa does require the scale of development included in the current scheme. The results of this are not available at the time of writing and Members will be updated at the meeting.

Within this context, it is necessary to consider the merit of the scheme, the degree to which the design approach improves upon a scheme that has become

time expired and the condition of the building and its impact on the wider neighbourhood.

There is no doubt that the existing building is in a very fragile condition and will require substantial investment to restore to the standard specified in the submitted plans. It is imperative that a solution is found to prevent continuing decay and to avoid continuing vandalism to the building and risks of arson.

Providing the viability study confirms the need for this scale of development, it is considered that the scheme satisfies the requirements of policy TO2 of the Adopted Local Plan.

2. Design of the scheme and its relationship to the character of the Conservation Area.

The Design and Access Statement describes a clear strategy to fully restore the Victorian Villa in an authentic manner and to achieve clear separation between it and the new development.

As part of this strategy, the new elements will have a distinctive art deco character comprising, in respect of the town houses and coach house, the use of white render, blue brick plinth, grey aluminium windows all in simple clean lines. The theme carries through to the parking and garden areas including the use of dark timber and blue brick detailing.

The Queens Hotel, Seaway Court, the Lescaze houses at Dartington are cited as inspiration for this and it is a common architectural theme in seaside towns as the 1920's was a period of growth and prosperity. The style and palette of materials has been recently used to good effect in the recent Abbey Sands development.

The scheme is broken down into 4 packages of development.

A is the coach house to the north of the Villa. This is remodelled from an existing poorly designed extension to the north end of the Villa to a more contemporary design and forms a much more subservient feature in the street scene than currently exists.

B is the original Villa which is stripped of all more recent extensions and restored to its former condition.

C comprises 2 garden cottages which are to be located in the garden to the north of the Turkey Oak. They have a steeply pitched slate roof with tall, narrow dormer windows, dark timber cladding and stone plinth.

D comprises four town houses which replace an existing lower level poorly designed structure. This, being higher, does impact more on views and on the

street scene than the existing structure. It has a flat 'green' roof, steps down the site, has a curved form and highly glazed 'lightweight' elevations.

There are two issues to consider. The overall design approach comprising the modernist/art deco architectural style for the new build elements of the scheme and the scale of new development on the site and the degree to which this impacts on key features of the site.

In terms of the design approach, it is considered appropriate to seek to introduce a different architectural style to provide a clear distinction between the restored villa and the new build. This is reinforced by increased physical separation which is achieved particularly through remodelling of the coach house. The art deco modernist theme is relevant to Torbay as some of the town's good quality buildings date from this period. It is also well executed in terms of the architectural detail and finish.

Whilst the town houses are more intrusive than the existing structure they are to a significantly better design and are in themselves visually appealing and of architectural merit.

Whilst it might be better if they were positioned slightly lower in the site and reduced from 4 to 3 units to allow greater separation from the Villa and to reduce their impact on views from the seafront and along Shedden Hill, this would seriously affect viability.

Although the town houses are taller than the existing building on the site, they are significantly lower than the recently expired scheme which would have been quite intrusive within strategic views from Shedden Hill out to sea and from the sea front.

Photomontages confirm that views from Shedden Hill would be only minimally affected by the proposed town houses.

The stone wall bordering this part of the site, currently under layers of render is to be exposed or replaced in natural stone depending on its condition.

In respect of the garden cottages, which are entirely new structures, the footprint, in the submitted scheme, did extend to within 3 metres of the main Villa. This proximity coupled with the height of the cottages would have resulted in an adverse impact on the setting of this building and it would have been intrusive in views of the site.

It would also have seriously affected the outlook of the ground and first floor bay windows in the affected elevation which further counted against it.

The applicants have agreed to delete one of these cottages which overcome

these concerns.

Given the viability position and the condition of the buildings it is considered that the scheme is acceptable in terms of design and its impact on the wider conservation area and as such is compliant with policies SS10, DE1, DE2 and DE3 of the Adopted Local Plan.

3. The impact on the Turkey Oak and the adequacy of the landscape scheme.

Set within the garden area and of strategic significance in terms of its amenity value is a grade A Turkey Oak. It is a large healthy tree which screens views of the site from the seafront and adds considerable softness to this hillside. The tree was incorrectly plotted on the previous approval and buildings shown to be outside the canopy would, if constructed, have been within it leading to its destruction.

Even now the cottages are correctly plotted in relation to the tree, there are concerns that the provision of any residential accommodation to the north of this large tree will put it under risk. It will create significant overshadowing, obscure light, views across to the sea and create nuisance through leaf litter.

The reduction to two rather than three dwellings will help as will moving the footprint as close to the northern boundary of the site as possible. This amendment is already reflected in recently revised plans.

Whilst it would be preferable if these units could be relocated, there are limited options within the site. If the viability study identified any slack it would be beneficial if these units could be deleted from the scheme. However this is unlikely based on preliminary feedback and the site was purchased with expectation of achieving development in this location as it was shown in the approved plans which were extant when the site was purchased.

The Arboriculturalist also has concerns about how the dwellings can be constructed without damage to the tree, the provision of service runs and the amount of excavation proposed within the canopy. A Method Statement to cover these aspects of the scheme has been requested.

On the plus side, the roots of the tree are currently exposed through use of the site for car parking which will in the long term cause harm to the tree. The current scheme includes measures to rectify this and to ensure continued health.

Although much of the existing garden character is lost through remodelling, construction and to provide car parking and access the apparent quality of the design and finish helps mitigate the impact of this. It has been stressed however that the detailing, quality of materials and clarity about boundary treatments does need to be confirmed and secured by condition.

The 'concept' landscape scheme submitted to accompany the application also needs 'beefing up' to provide an adequate setting to this building and to help reinstate the soft garden character which is largely eroded as a result of this scheme.

Improved landscaping is also needed to screen the rear of the Heritage Hotel which is particularly unattractive in terms of the outlook of future residents of the site. An amended scheme is awaited.

4. Car parking and access, the improvements to the adjacent footpath.

The site is constrained in terms of access and provision of parking.

The existing narrow access suffers poor visibility particularly from traffic approaching from the seafront and the gradient is steep. Opportunities to improve the quality of the access are limited. Advice from Strategic Transport and highways is that in view of the steepness of Shedden Hill which precludes high speeds and the previous use of the site as a 26 bed hotel then its use by 12 dwellings is acceptable.

19 car parking spaces are provided in garaging tucked beneath the town houses, in car ports which are screened under terraces and with 3 surface spaces. This provides a ratio of over 1:1 and includes 3 visitor spaces. A public car park is immediately close by which would easily provide for any overspill car parking.

A little used footpath borders the northern and western boundary of the site. It forms an important link between Belgrave Road and the seafront. The design of the scheme recognises the value of this and seeks to overlook and integrate with it. Sustainable transport funding could be used to upgrade and improve the value of this route subject to clarification on ownership.

5. Biodiversity.

The scheme is acceptable in terms of impacts on bats and nesting birds subject to conditions designed to protect both from the impacts of construction.

The implementation of this scheme will however lead to a loss of habitat for wildlife and it is recommended that the mitigation measures include in the Preliminary Ecological Appraisal are secured by condition and that the existing landscape scheme is improved and reflects more robust native planting. An amended landscape scheme to reflect the advice of the Arboriculturalist and the Green Infrastructure Coordinator has been requested.

6. Drainage

The Flood Risk Assessment is considered acceptable and no objections are raised by either the Councils Drainage Engineer or South West Water providing

the scheme is constructed in accordance with its provisions.

7. Amenity

The neighbour to the site has expressed concerns relating to loss of light and intrusiveness arising from the remodelling of the coach house (package A). This sits at an oblique angle to the neighbouring property overlooking its side elevation.

The new building is reduced in height from that which exists on the site so it is unlikely that any impacts would be appreciably worsened as a result of this development. The existing structure contains some windows and whilst there is an increase in the size and number of windows, it is not again considered that overlooking would be appreciably worsened.

S106/CIL -

The scheme should provide for sustainable transport, greenspace and lifelong learning contributions as required by the SPD 'Planning Contributions and Affordable Housing'.

This would amount to £39,710 in relation to sustainable transport, £26,070 in relation to Greenspace and £5170 in relation to lifelong learning. This is justified by the need to upgrade the adjacent footpath which will increase the sustainability of the site and the close proximity of Abbey Park, which will experience additional pressures as a consequence of this development and where there is a specific project to upgrade the quality of the landscaping.

In the event that the viability precludes these contributions it may be that some form of deferred contribution could be considered in the event that the scheme is more profitable than anticipated.

It also needs to secure a phasing plan to ensure timely restoration of the Villa and that it is restored in tandem with the new development within the grounds. This can be achieved by restrictions on occupation until key stages in the restoration of the Villa are implemented.

Conclusions

Planning permission, now time expired, has been previously granted for a broadly similar package of development to provide 14 units overall.

The loss of the hotel was then considered favourably due to the poor condition of the building and the limited range of facilities. Whilst these tests are still relevant, the scheme now falls to be judged against the 'new' policies in the recently Adopted Local Plan and policy TO2 requires that when such changes of use are acceptable in principle (which this is) then buildings should be returned to their 'original historic form' and later extensions and clutter removed.

In order to fund the restoration of the villa, which is in a very poor condition, it is argued that compliance with TO2 would render the scheme unviable and it is essential not only to retain (albeit in a remodelled form) existing extensions to the Villa but to include wholly new interventions in the garden area.

A viability study (as is allowed for in the justification for this policy) to confirm this has been commissioned and the preliminary feedback confirms that the viability is marginal.

The scheme does deliver a well restored villa which is stripped of more recent unsympathetic alterations. Extensions that currently detract from its setting and appearance are extensively remodelled, and to a distinctive and attractive art deco theme to provide 'distance' between the original building on the site and more recent additions.

The three cottages in the garden, which were thought to intrude too closely on the restored Villa have been modified by the deletion of one of the units to achieve a more acceptable relationship and to improve the outlook of the adjacent flat.

The future health of a prominent category A Turkey Oak, is a key priority. It would have been seriously compromised by the 2012 approval on the site, largely due to inaccuracies in relation to plotting of the tree in relation to the proposed garden cottages. Whilst the relationship is even now not ideal, amendments to the layout and relationship have reduced the risk to the tree.

Landscaping proposals to mitigate for the loss of much of the existing planting on the site needs to be upgraded to reinstate softening and screening to this prominent hillside and to compensate for the erosion of biodiversity.

The scheme is otherwise acceptable in terms of access, parking, flood risk and relationship to neighbours and subject to delivering green space, lifelong learning and sustainable transport contributions (if shown to be viable to do so) and securing a phasing agreement to ensure restoration of the Villa complies with national and local planning policy requirements.

It is proposed to impose a condition limiting the permission to two years to encourage implementation. This is justified by the need to deliver new homes and, importantly, to secure a speedy restoration of the Villa in the interests of repairing the street scene in such a prominent and sensitive location in the conservation area and overcoming the blight on the neighbourhood created by the prolonged neglect of the site.

Recommendation

Approve: subject to amended landscape proposals, an Arboricultural Method Statement, conditions as detailed below and to the conclusion of a s106

agreement at the applicants expense to secure the restoration of the main villa in line with an agreed phasing plan and greenspace and sustainable transport contributions in accordance with the adopted SPD 'Planning Contributions and Affordable Housing' as 'deferred contributions' if shown to be necessary via the viability study.

1. Implementation of scheme within 2 years.
2. Schedule of works/Phasing/Delivery.
3. Large scale details and specification/samples of materials.
4. Detail of landscape proposals and implementation.
5. Implementation of parking and bike storage.
6. Detail of waste enclosure and time frame for implementation.
7. Implementation of biodiversity measures.
8. Implementation of Arboricultural Method Statement and Tree protection measures.
9. Detail and implementation of all boundary treatments.
10. Sound proofing measures.
11. Implementation of Drainage strategy.

Relevant Policies

-

Application Number

P/2016/0599

Site Address

Land Rear Of 107 Teignmouth Road
Torquay
TQ1 4HA

Case Officer

Carly Perkins

Ward

Tormohun

Description

Formation of 12 flats and associated parking (revised plans received 26.10.2016)

Update Report:

On the 14th November 2016, the Development Management Committee considered an application for the formation of 12 flats and associated parking. The Committee resolved to approve the application subject to:

- i) the conclusion of a Section 106 Agreement to secure financial contributions in respect of Waste Management, Sustainable Transport, Lifelong Learning, Greenspace and Recreation;
- (ii) no new representations raising issues which have not been previously considered by the Development Management Committee before the end of the consultation period, which is 30th November 2016;
- (iii) the receipt of consultation responses from consultees confirming the acceptability of the scheme;
- (iv) the submission of acceptable drainage details and details relating to land stability; and
- (v) conditions relating to those listed at the end of the submitted report being delegated to Executive Head of Business Services.

Since this meeting a petition with 80 signatures has been received which has raised objections regarding the impact of the development on on-street parking in the locality. The petition requests that if the application is approved, parking restrictions be imposed on Teignmouth Road which restrict parking between 9am-6pm Monday to Saturday to 2 hours only, providing visitors to nearby businesses the opportunity for short stay parking.

As noted in the previous committee report (see below), the proposal includes 13 parking spaces, which results in 1 parking space per unit plus 1 additional visitor space. The parking provision proposed is policy compliant in terms of the number of spaces being provided per unit. However the scheme only provides one visitor space. Whilst appendix F in the Torbay Local Plan 2012-30 does not

specify a level of visitor provision per flat, one parking space is noted as being a low level of provision. Whilst there may be opportunities to increase visitor provision within the site, this is likely to be at the expense of cycle storage and/or soft landscaping which would not be acceptable. In line with comments from the Senior Project and Strategy Officer, it would be reasonable to request contributions in order to mitigate the lower level of visitor parking provision. Such contributions would be used to improve sustainable transport links between the site and the coach station or Hele local centre. A travel plan would also be requested by condition.

The petition and other public representations are noted. On balance and subject to the submission of a travel plan and contributions to improve sustainable transport links the level of parking provision on site is considered acceptable and would not warrant the refusal of the application nor the imposition of a condition requiring that parking restrictions are imposed on Teignmouth Road .

In addition and since the November Committee meeting, a consultation response has been received from the Council's Engineer in relation to land stability. The Engineer has advised that the recommendations set out within the letter from the applicant's Geologist are carried out. This can be addressed by condition requiring submission of details of any remedial works that will be required to the cliff in writing to the LPA prior to the commencement of development.

Updated Recommendation

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions and the submission of drainage details. Conditions as below with final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Conditions

01. Materials
02. Landscaping
03. Tree Protection
04. Nesting Birds
05. Removal of trees and requirement for bat surveys
06. Removal of vegetation on bank to south and west and requirement for wildlife surveys
07. External Lighting
08. Travel Plan
09. Parking Provision
10. Cycle Storage Provision
11. Bin Storage Provision
12. Drainage
13. Construction Method Statement
14. Stability

15. Contamination
16. Obscure Glazing

Executive Summary/Key Outcomes:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site. The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood. The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

The proposals consist of the erection of two residential apartment blocks consisting of 12 two bed residential units.

The materials proposed include grey and off white render, cedar wood cladding, grey upvc windows and doors and black upvc rainwater goods.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin storage is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. Further details are expected and the Members will be updated at the Development Management Committee.

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes. As such the principle of the proposal in terms of design, amenity and functional requirements would be largely consistent with Policies DE1 and DE3 in the Torbay Local Plan.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst the level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. Further comment on the design of the proposal is awaited from the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage and land stability the proposal is recommended for approval.

Recommendation:

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions, the expiry of the consultation period (30th November 2016) and no public representations raising new issues which have not previously been dealt with within this report, consultations responses from consultees confirming the acceptability of the scheme, the submission of drainage details and details relating to land stability. Conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period:

13 weeks, the determination date was the 29th October 2016. This has been exceeded to allow the submission of revised plans and a further consultation period, drainage and stability details and for the proposal to be considered by the Development Management Committee. The applicant has agreed to extend the determination period until 18th November 2016. A further extension will be sought from the applicant to take in to account the need for further public consultation and advertisement.

Site Details:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site.

The site has previously been subject to planning permission for three industrial units in 2008 and 2011.

The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood.

The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

Detailed Proposals:

The proposals consist of the erection of two apartment blocks consisting of 12 two bed residential units. Block A is located to the north of the site alongside the existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finishes are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor apartments serving lounge areas.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin store is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. The landscaping scheme includes paved paths to provide pedestrian access to the units from the parking court and incorporate communal seating and amenity areas.

Summary Of Consultation Responses:

Senior Project and Strategy Officer: The proposal has one parking space per unit plus a single space for visitors. This level of provision is at the lower end of the requirement noted within Policy TO3 and associated appendix F of the Torbay Local Plan. Additional spaces would be beneficial but should not be at the expense of cycle parking provision. In order to address the shortfall in parking, it is appropriate to seek planning contributions to encourage improved walking and cycling links between the site and Torquay Coach Station or Hele Local Centre. A travel plan should be requested by planning condition, to maximise the use of walking, cycling and public transport.

Urban Design Consultant: The original proposal is considered to be contrary to Policy DE1, DE2 and DE3. Further comments are awaited on the revised submission.

A revised sketch scheme was submitted in order to try and overcome the concerns raised by the Consultant. The Consultant noted that the provision of car parking and other shared amenities towards the centre of the site where they can be overlooked in a better arrangement. The orientation of the site allowing primary windows to be located facing north or south to avoid direct overlooking is noted. The massing of the blocks is much improved.

Green Infrastructure Co-ordinator: Conditions should be imposed if approved, relating to the clearance of vegetation and bird nesting season, the submission of a bat roost survey should any trees in the adjacent woodland require felling in the future and the submission of a method statement should any clearance of the site to the west of the site be required in the future. A lighting scheme should be requested by condition prior to installation and the landscaping scheme should include native species of benefit to wildlife.

Additional residents will increase pressure on existing local greenspace and recreation facilities and thus a financial contribution should be sought in line with the Planning Contributions and Affordable Housing SPD 2008 and 2011 update. Contributions would be used towards the enhancement and management of facilities at Windmill Hill Public Open Space and Playing Fields which is in close proximity to the site.

Engineer: The proposed development site is located in close proximity to a disused quarry face of potential of uncertain stability. Further information is required to consider the stability of the quarry face and any measures for mitigation for the safety of users of the site and the preservation of structures both during the construction phase and through the life of the development.

Further information on the stability of the quarry face is expected and the Members will be updated at the Development Management Committee meeting.

Environmental Health: The site appears to have been subject to infilling and historical maps indicate a low level contaminative use. A full contaminated land condition is therefore required.

Environmental Safety: No comments to make on the application.

Arboricultural Officer: The only potential arboricultural constraints are the tree group to the rear of the site along the cliff face; this is an important part of the green landscape in the immediate area and is to be retained. The proposed development as shown in the proposed layout lies within an area of existing hard standing with limited rooting potential and therefore of little to no impact on the trees other than a requirement for periodic safety inspections post construction. The scheme is suitable in principle however a detailed landscaping plan including more robust and appropriate tree planting together with a planting methodology and schedule of planting is required before full recommendation on arboricultural merit can be given.

A revised landscaping scheme has been submitted and the Arboricultural Officer has offered the following comments:

The revised layout and landscaping represents a clear improvement in the quality of landscaping with far greater emphasis placed on the provision of amenity spaces for the residents. At present no fixed planting is proposed however feature trees are generally small trees which should be in part substituted for species such as Liquidambar, fastigate Beech/ Oak or possibly Turkish Hazel which have narrow form but of wider amenity value. The revised layout includes the buildings being situated closer to Tree Group 1 however the quality of the vegetation is low and therefore on arboricultural merit there is no concern to the revised layout. Further detail is required in terms of implementation and maintenance. This however can be dealt with via a condition.

Drainage: Further information relating to drainage is required prior to determination. Surface water drainage is proposed to discharge to the combined sewer as the site is not viable for soakaways. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the combined sewer must be limited to Greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 30%

for climate change. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec. 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 for the critical 1 in 100 year storm event plus 30% for climate change.

Further information is expected, however this unlikely to be submitted prior to the Development Management Committee meeting. This will however be sought prior to determination should the proposal be considered suitable for approval.

Designing Out Crime Officer: Comments have been made in relation to security and safety. These have been provided to the agent for consideration. The scheme has been revised taking into account these comments.

Summary Of Representations:

2 representations have been received. Issues raised:

- o Concerns regarding privacy and light
- o Concerns regarding increased pedestrian traffic
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding uses
- o Concerns regarding stability
- o Concerns regarding access over right of way
- o Concerns regarding wildlife
- o Concerns regarding level of parking provision

Relevant Planning History:

P/2008/0281 3 industrial units APPROVED

P/2011/1313 3 industrial units APPROVED

Key Issues/Material Considerations:

The relevant considerations are the principle of residential accommodation in this location, the impact of the proposals on residential amenity, highways, drainage, biodiversity, and landscaping and the design of the proposal.

Principle of residential accommodation:

The application site is within the established urban area of Torquay. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy SDT1 of the Torbay Local Plan which relates to the Torquay Strategic Policy Area states that the urban area will be improved and

renewed, with strong support for family homes. Similarly it notes that around 3,955 new homes will be provided within Torquay over the plan period.

The site has been vacant for some time, whilst planning permission has been granted in the past for industrial units on this site; these have not been delivered despite a period of 6 years being available to deliver the development. The re-use of this brownfield site to provide dwelling units reflects the aims outlined within policies SDT1 and H1 of the Torbay Local Plan. In line with these policies, the principle of residential accommodation on this site is considered acceptable.

Policy H2 of the Torbay Local Plan states that developments of 11-14 dwellings on brownfield sites are not required to include the provision of affordable units.

Representations regarding the appropriateness of this use in this location are noted taking into account the surrounding uses. There are various uses in the locality including commercial, retail and residential uses. Whilst the concerns are noted, the residential use of this site is considered broadly compatible with surrounding uses.

Design:

The proposal has been revised since the original submission to respond to comments from the Council's Urban Design Consultant. The proposal has been amended to separate the development into two separate blocks accommodating 6 residential units in each. Block A is located to the north of the site alongside the existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court to serve the 12 units. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finished are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor flats serving lounge areas.

Within the locality there are various building designs with two storey terraces to the west and large scale flat roof commercial buildings to the north and west. The proposal is a higher scale and density than the immediate area and due to the change in land levels will be visible in views from Teignmouth Road. However due to the topography of the site and the land to the east which slopes steeply upwards to the east, the three storey nature of the proposal is considered to sit comfortably in this location without undue impact on the character of the surrounding area.

In terms of the street scene, the proposal would follow the topography of the site with the height of the buildings stepping up from north to south providing visual interest whilst breaking up the mass of the development. The form of

development in two blocks would continue to allow views of Daison Woods to the east of the site from Teignmouth Road. Due to the separation of the two blocks, which helps to break up the mass of the building together with the topography of the adjacent land to the east, the scale of development is considered to assimilate well with its surroundings. In addition it is noted that much of the development nearby is largely commercial and lacking architectural merit. The design of the building together with the associated landscaping scheme improves upon this predominant building form in this area which is large scale, hard landscaped and stark in appearance.

The contemporary form of the building is considered suitable in this location. The form of the building being flat roofed and large scale is comparable with nearby commercial buildings however the overall design much improves upon the design of these nearby buildings in terms of quality of materials and design details which add interest to the elevations of the proposals. The increase in soft landscaping and communal amenity areas for residents creates a softer appearance to the site and would improve the appearance of the site in views from Teignmouth Road.

Revised comments from the Urban Design Consultant have been sought and the Members will be updated at the Committee meeting.

Impact on highway safety and parking provision:

The proposal includes 13 parking spaces, which results in 1 parking space per unit plus 1 additional visitor space. One parking space with an electrical charging point and cycle storage provision are also proposed. The parking provision and communal facilities are located centrally within the site between the two apartment blocks. The area is visible from units 2, 4, 6, 7, 9 and 11 and therefore is well overlooked in terms of surveillance and security. Being centrally positioned is easily accessible for each of the units and therefore is likely to be well used and deter unneighbourly parking arrangements.

The parking provision proposed is policy compliant in terms of the number of spaces being provided per unit. However the scheme only provides one visitor space. Whilst appendix F does not specify a level of visitor provision per flat, one parking space is noted as being a low level of provision. Whilst there may be opportunities to increase visitor provision within the site, this is likely to be at the expense of cycle storage and/or soft landscaping which would not be acceptable. In line with comments from the Senior Project and Strategy Officer, it would be reasonable to request contributions in order to mitigate the lower level of visitor parking provision. Such contributions would be used to improve sustainable transport links between the site and the coach station or Hele local centre. Should the application be approved, a travel plan will also be requested by condition.

Representations in relation to the level of parking provision are noted. However on balance and subject to the submission of a travel plan and contributions to improve sustainable transport links the level of parking provision on site is considered acceptable and would not warrant the refusal of the application.

In terms of access, the proposal utilises an existing access to the site. The existing access currently serves a single residential dwelling and two existing retail units. Prior to the submission of this application, through the pre-application enquiry service, advice was sought from the Council's Highways Engineer which confirmed that the visibility at the access was suitable for the intensified use of the site. The access is considered compliant with policy TA2 of the Torbay Local Plan.

Impact on residential amenity:

The proposals are separated from neighbouring residential dwellings to the west by a minimum of approximately 15m. The application site is located at a higher level than existing dwellings to the west such that views from the proposed units will largely be above and beyond those to the west. The position of the proposals is such that direct views are offset and where the distance and orientation may allow for inter-visibility between plots there are opportunities to adopt obscure glazing to prevent overlooking. Obscure glazing can be secured by condition and would be imposed upon the secondary west facing lounge windows to units 2, 4, and 6. Other west facing windows are separated from neighbouring dwellings to the west by a minimum of 23m which is considered sufficient to avoid loss of amenity through overlooking between plots.

The proposals are located alongside a quarry which slopes up steeply from west to east. The proposals are separated from neighbouring buildings by a minimum of 14m and a significant change in land levels with the application site being positioned higher than existing properties on Teignmouth Road. Whilst there is likely to be an impact on light levels as a result of the development of this site, due to the existing situation on site specifically the quarry and existing vegetation, the separation distances between the existing units to the west of the proposal and the orientation of the site, the proposal is not considered to result in serious detriment to residential amenity by reason of loss of light for neighbouring occupiers to the west.

Whilst the proposal will change the relationship between the development site and neighbouring dwellings, due to the position and separation distances the proposals are not considered to result in a detrimental impact to neighbouring residential amenity by reason of being overly dominant.

The existing dwelling to the south is separated from the development site by a minimum of 28m and is largely obscured by existing tree planting. As such the proposal is not considered to result in any serious detriment to residential

amenity by reason of loss of light, privacy or by reason of being unduly dominant or overbearing.

The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in light of the scale of the development and its location, a construction method statement would be requested via condition. Representations regarding an increase in pedestrian activity are noted. The site is largely inactive at present due to it being vacant and secured by a gated entrance. Whilst it is accepted that there will be an increase in activity as a result of the development, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers. Representations regarding private rights of access are not planning issues and therefore would not warrant the refusal of the application.

Due to the submission of revised plans, the proposal has been re-advertised with opportunity for further comment. Should any further representations be received prior to the Committee meeting they will be presented verbally during the meeting.

Standard of residential accommodation:

The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards. An area of communal garden space is provided and is consistent with the guidance attached to policy DE3. The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan. Whilst it is noted that the topography of the surrounding site is likely to impact upon the internal light levels, the window positions and numbers help to maximise the light levels within the accommodation.

The proposal is in close proximity to existing retail and office buildings however in line with a consultation response from Environmental Health these adjacent uses are not considered to cause harm to the residential amenities of future occupants of these properties by reason of noise or nuisance. Such neighbouring uses are considered suitable in residential areas and as such the proposal is considered compliant with policy DE3.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. A communal bin storage area

has been provided within the development. This has been located centrally within the site in a convenient location. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

The stability of the quarry face could affect the suitability of the site for residential redevelopment in terms of the safety of the site. Further information is expected in relation to this and will be assessed by the Council's Engineers. Conditions relating to contamination are recommended for inclusion in line with comments from the Council's Environmental Health Officer.

Landscaping:

The revised landscaping scheme is an improvement on the quality of landscaping that currently exists on site. The proposals include communal landscaped areas providing outdoor amenity for occupants and due to the location of such landscaping will provide improved visual amenity in views from outside of the site. The Council's Arboricultural Officer has been consulted on the proposal and subject to amended tree species and further details regarding implementation and maintenance which can be sought via a condition, has confirmed the acceptability of the landscaping scheme.

The site is located alongside an Urban Landscape Protection Area. Comments from the Arboricultural Officer suggest that the development of this site will not result in detriment to the tree group within this area subject to compliance with the tree protection plan. Policy C5 refers to development within the Urban Landscape Protection Area rather than that affecting its setting. Irrespective of this, the development of this site is not considered to undermine the value of the Urban Landscape Protection Area as a landscape feature with the tree group being unaffected by the development due to the existing situation on site. The proposal is not considered to detrimentally affect the character or appearance of the Urban Landscape Protection Area and will continue to allow views of the area from Teignmouth Road.

Impact on biodiversity:

Representations regarding the impact on wildlife are noted. The ecological survey states that the redevelopment of the site is unlikely to cause disturbance to bats, nesting birds, reptiles or amphibians however all works should be carried out using a precautionary approach. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan. Further comments are expected in relation to the revised scheme and will be presented at the Committee meeting.

Impact on drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site. The surface water drainage proposal has not been fully detailed and further information is expected from the applicant to resolve these issues.

S106/CIL -

In the event that the application is approved, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.

The contributions would be requested as follows:

*Waste Management: £600
Sustainable Transport: £20,640
Lifelong Learning: £2,640
Greenspace and Recreation: £13,440*

Conclusions

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. The design of the proposal needs to be reviewed by the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage, landscaping and stability the proposal is recommended for approval.

Condition(s)/Reason(s)

01. Materials
02. Landscaping
03. Tree Protection
04. Nesting Birds

05. Removal of trees and requirement for bat surveys
06. Removal of vegetation on bank to south and west and requirement for wildlife surveys
07. External Lighting
08. Travel Plan
09. Parking Provision
10. Cycle Storage Provision
11. Bin Storage Provision
12. Drainage
13. Construction Method Statement
14. Stability
15. Contamination
16. Obscure Glazing

Informative(s)

01. 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

SDT1 - Torquay
H1LFS - Applications for new homes_
SS1 - Growth Strategy for a prosperous Torbay
SS12 - Housing
SS8 - Natural Environment
C4 - Trees, hedgerows and natural landscape
NC1LFS - Biodiversity and Geodiversity_
ER1 - Flood Risk
ER2 - Water Management
H2LFS - Affordable Housing_
TA1 - Transport and accessibility

TA2 - Development access
TA3 - Parking requirements
C5 - Urban landscape protection areas
DE1 - Design
DE2 - Building for life
DE3 - Development Amenity

Application Number

P/2016/0955

Site Address

Land At Edginswell (land At A3022 And At Junction Of Edginswell Lane And Newton Road),
Torquay.

Case Officer

Mr Scott Jones

Ward

Shiphay With The Willows

Description

Variation of condition P1 of P/2007/1743 to allow amendments to the appearance, footprint and internal layout of the car showroom and alterations to the layout of the parking and car display area (the proposed development to which the application relates is situated within 10 metres of relevant railway land)

Executive Summary/Key Outcomes

The application is for a minor material amendment to a car showroom granted detailed planning permission as part of the wider mixed use (Edginswell Business Park) consent granted in June 2008 (P/2007/1743). The location and size of the building are substantially unchanged. The proposal seeks minor modifications to the elevations and a slightly revised parking layout.

The site of the proposed showroom is an undeveloped plot that sits to the north of Orchard Way and the west of a footpath that links the business park with the adjacent bridge over the rail line to the north. To the southwest of the plot there is a balancing pond built as part of the wider drainage infrastructure for the business park and watercourses run along the western and northern borders of the site. Trees line the northern watercourse which form part of a wider green landscape feature and ecological corridor that principally follows the rail line.

In regard to the minor changes sought the footprint of the building is unchanged at 35m wide (E-W) by 31m deep (N-S). The location is also unchanged with the building being set central within the depth of the plot and abutting the western edge of the site. The building height is principally unchanged with a predominant height of just over 6m with slightly layered elements above and below this height. The palette of materials is maintained as a mix of horizontal claddings panels, render and glass however the arrangement of these materials within the elevations is slightly modified. The impact of the changes to the elevations is limited and the character of the building is maintained as are the key principles of the design. The scheme retains the east elevation as the principal frontage in order to address the entrance to the business park with a well-detailed elevation. In addition, the south east corner of the building remains well detailed as an "active" corner that confidently addresses the entrance point to the site. The less

prominent elevations are treated similarly to the extant scheme and the change in detail is nominal. The north elevation contains greater detail and visual interest than the extant scheme and this will present a more attractive building when viewed from Riviera Way to the north.

The parking layout proposed retains the core principles of the extant scheme with parking to three sides of the building over similar footprints. Revised plans have been received that remove a parking space to the south of the building in order to ensure that the previously approved landscaping bank can be provided adjacent to Orchard Way. In addition, two spaces have been removed to the north of the building in order to address concerns in regard to the rooting protection zone of the adjacent trees. Under the extant permission 40 visitor and employee spaces were provided along with a used car display area 51m long by 12m deep, which provided space for the display of approximately 42 cars. The current proposal retains 40 visitor and employee spaces, provides 5 "demo" parking spaces, and revises the used car display to an L shape forecourt for approximately 45 cars. These amendments present an acceptable parking layout that closely mirrors the extant scheme.

The cosmetic changes to the showroom are considered acceptable as they would not demonstrably alter the character or appearance of the previously approved building. The parking layout also closely accords with the approved scheme and the amendments would not have a demonstrable visual impact, or affect the functionality of the plot in terms of movement and parking.

Further plans have been submitted that seek to clarify that the extent of development to the north is comparable to the approved scheme in order to address the concerns of the Environment Agency and the Council's Arboricultural Officer. The Council's Ecology Consultant is also considering whether the amendments could present any additional harm on protected species.

Following the submission of revised plans the Councils' Arboricultural Officer supports the scheme. Members will be updated on matters of flood risk and ecology at Committee.

Subject to the above issues being adequately resolved the proposed amendments are considered acceptable and aligned with Policies DE1 (Design), SS2 (Future Growth Area), SS5 (Employment Space), SDT3 (Torquay Gateway) of the Torbay Local Plan.

This proposal will provide new investment and employment opportunities on a vacant site which has extant consent for a car showroom and is located within the Future Growth Area. It is consistent with Policy SS4 that supports the regeneration of Torbay, improvement in its economic performance and delivery of employment space.

Recommendation

Conditional approval subject to:

1. The resolution of flood risk and ecological matters to be delegated to the Executive Head of Business Services,
2. Completion of a deed of variation to the original S106 legal agreement linking the amendment to the original agreement, and
3. Conditions to include those listed at the end of this report that reflect the extant permission, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period

Extension of time agreed until the 16.12.2016.

Site Details

Undeveloped plot that sits within Edginswell Business Park that benefits from an extant approval for a car showroom. The plot sits to the north of Orchard Way (the spine road through the business park) and there is a formed stub entrance that demarks an access point.

To the south west corner of the plot there is a balancing pond. To the west there is a watercourse that runs north along the entire edge of the site. To the north there is a tree lined watercourse that runs east towards a culvert close to the north east corner of the site. To the east the site abuts a footpath.

The trees that line the watercourse that runs close to the northern boundary are protected under a group Tree Preservation Order (TPO).

In terms of other notable designations the site sits at the eastern end of an identified Strategic Flyway associated with the South Hams SAC linked to the Greater Horseshoe Bat. In the Torbay Local Plan 2012-30 the site is within a Future Growth Area. Part of the site is also identified as being a Flood Risk Area and a Local Wildlife Site (OSWI - Other Site of Wildlife Interest).

Detailed Proposals

This application is for the variation of the plans condition to allow a number of minor amendments to be made to an approved car showroom and the associated parking layout granted consent under planning reference P/2007/1743 by notice dated 06.06.2008. This consent has been part implemented is therefore extant.

The approved building was set towards the western edge of the plot at the edge of an easement required for a watercourse. Visitor and servicing parking was

provided to the north and south of the building and there was an extensive used car display parking area to the east of the building. The layout presented approximately 82 parking spaces surrounding the building. The building was square, being 35m wide by 31m deep. The majority of the building was just over 6m high with smaller elements slightly higher and lower than this height. The building was principally single storey however there was a partial mezzanine floor within its fabric. The elevations were largely horizontally laid silver cladding panels with contrasting elements of render and elements of glazing. The eastern elevation featured a large expanse of aluminium curtain walling that presented an extensive active frontage for the internal showroom area.

The proposal maintains the footprint and location of the building and presents largely cosmetic changes to the facades and revised parking arrangements. The building height is once again layered but with a predominant height of just over 6m. The materials are again a mix of horizontal panels, render and glazing however the arrangement of the palette has changed. The most active and principal frontage remains the eastern elevation where glazing predominates. The corner of the building closest the entrance is again treated as an active glazed corner to address the arrival point in to the plot.

The parking arrangement is modified but reflects the location and scale of the previously approved layout. To the south of the building the parking layout is similar to that of the extant scheme. 29 spaces were previously approved in this location and the proposal seeks 26. Revised plans have been submitted that removed a parking space close to the entrance in order to increase the space available for landscaping. To the east of the building the used car display area has been reconfigured in order to provide some parking adjacent to the building. The overall area has not been increased. To the north of the building the parking has been reconfigured to provide an area for the displaced used car display area from the east of the building. In total the current proposal provides 40 visitor and employee spaces and space for approximately 50 used and demo cars. This compares to the extant scheme which provided 40 visitor and employee spaces and a display area for approximately 42 cars.

Summary Of Consultation Responses

Environment Agency:

Recommend refusal as the car parking bays to the north of the site appear to encroach within the easement distance previously agreed relating to the watercourse and its channel, as detailed within Condition 16 of the parent permission. Comments on the additional plans submitted are awaited.

Drainage/Engineers:

Provided that the amendments do not encroach any nearer to the watercourse than previously agreed there is no objection.

Arboricultural Officer:

Following the submission of the additional plans the previous concern in regard to the potential for development impact within the Root Protection Areas to the north has been addressed. The proposal is acceptable for approval on arboricultural merit.

Green Infrastructure Co-ordinator:

Comments awaited.

Council's Ecological Consultant:

Comments awaited.

Natural England:

No comment.

Strategic Planning:

Consider that the proposals are broadly similar to the approved scheme and hence there is no objection on transport grounds. Cycle parking and electric charging facilities in-line with new Local Plan aspirations should be achieved.

Environmental Health:

No objection.

Summary Of Representations:

Three letters received.

One letter acting on behalf of the Hawkins Trust who developed the office buildings support the proposal as it is in line with the existing consent and will be part of the wider employment strategy for the area.

One letter supports the proposal but raises concerns on wildlife in the area.

One letter objects to the proposal on traffic grounds as there is already heavy usage of Orchard Way from the various uses in the area.

Relevant Planning History:

P/2007/1743:

Mixed use development comprising business use class B1, car showroom, retail warehouse and residential and public house/restaurant (class A3/A4) with associated highway works and car parking (in outline) - Approved - 06.06.2008.

P/2008/1682:

Mixed use development comprising business uses (B1); cafe/restaurant (A3) and specialist renal clinic (D1) with associated landscaping works, car parking and vehicle/pedestrian access - Approved 23.03.2009.

P/2013/0677:

Formation of an (A1) Tesco store (inc. customer cafe) and approximately 977 sq.m. B1 office development on plots Vesta and Edesia at Edginswell Business Park associated infrastructure, retaining structures, access, parking and landscaping and outline planning application for the development of a B1 office building of 2090 sq.m on the Sarritor plot, A3/A5 unit with associated access and parking - This is a departure from the Local Plan - Refused 24.09.2013 / Appeal Dismissed.

Key Issues/Material Considerations:

The main issues are the principle, visual impact, impact upon the amenities of adjacent occupiers, impact upon the highway network and parking provision, impact upon ecology, impact upon trees, and impact upon drainage and flood risk.

Principle

Construction of a car showroom on the site has been approved under the previous parent permission (P/2007/1743) and as the permission is extant it could be built out. This application is for a minor material amendment to the appearance, footprint of the building and the car park layout.

The site is designated as being in a wider growth and employment area in the Local Plan.

Having considered the policy aspirations of Policy SS2 (Future Growth Areas - SS2.1 - Edginswell) and Policy SS5 (Employment Space - Edginswell Business Park) of the Local Plan, with consideration of the extant permission, the principle of the development is considered acceptable.

Visual impact

The change to the external appearance of the showroom is relatively minor and would not harm or alter the overall character of the development compared to the extant scheme.

The location, size and height of building are principally unaltered and hence the scale and how the massing relates to its surrounds will be no different than the approved scheme. Any impact will come from the slight changes to the detailed design, which is considered below.

The materials proposed are similar to those approved as the proposal maintains a mix of cladding panels, render and glass. The revised treatment retains a principal frontage facing east which is important in order for the building to adequately address the approach in to the business park. The proposal also retains an active and visually interesting south east corner, which is also important in design terms in order that the building confidently addresses the

entrance point off Orchard Way. The remaining elevations are more simply detailed with less glazing and this mirrors the approach of the extant scheme and is considered acceptable. To the north the elevation facing Riviera Way is more finely detailed than the extant scheme and would present an enhanced facade in terms of visual interest in terms of casual views of the site when viewed from the north.

Precise details of the materials have not been specified and as the Local Plan presents an emphasis on high quality design (Policies DE1 and SDT3) it is important to achieve good quality materials. It is proposed that these could be secured by condition requiring the submission and approval of all external materials to be used.

The proposal is considered acceptable and would not present any detriment to the built environment in comparison with the consented scheme subject to a condition to secure acceptable materials. The scheme accords with Policies DE1 and SDT3 of the Local Plan.

Impact upon the amenities of adjacent occupiers

The use, scale and form of development remains closely aligned with the consented car showroom and the amendments that are sought are not considered to present any additional impact upon local residential amenity.

The revised proposal for the showroom is considered compliant with the aims and objectives of Policy DE3 (Development Amenity) of the Local Plan.

Impact upon the highway network and parking provision

The use and the scale of the car showroom remains aligned with the consented scheme and hence the proposal would not present any additional burden upon the highway network or additional pressure upon parking.

The number of non "used car display" parking bays is retained at 40 and hence there is no reduction in parking provision on the site.

The amended scheme details two disabled parking bays which is an improvement on the consented scheme.

Cycle parking is not demarked and the Council's Future Planning Team has advised that at least 6 covered secure spaces should be provided for staff and 4 for visitors.

With the scale and form of development being aligned with the consented car showroom the amendments that are sought are not considered to present any unacceptable impacts upon the highway network. A condition should be attached to secure adequate cycle parking and electronic charging facilities. The revised proposal for the showroom is considered compliant with the aims

and objectives of Policy TA1, TA2 and TA3 of the Local Plan.

Impact upon ecology

The consented scheme considered the ecological context and planning conditions are attached to the parent permission to secure development being completed in accordance with the recommendations of the submitted ecological enhancement strategy and ecological up-date report. There is also a requirement to submit lighting detail under Condition 02 of the extant permission in-part to ensure that development is acceptable in regard to the interests of ecology.

The Council's Green Infrastructure Officer and Ecological Advisor are considering the ecological impact of the proposed scheme over the extant scheme and any material change in the ecological context. This includes due consideration of the development in regard to the Strategic Flyway for the Greater Horseshoe Bat associated with the South Hams SAC and Habitat Regulations Assessment requirements.

The comments of the Green Infrastructure Officer and Ecological Consultant will be reported to Members at the Committee. Natural England do not object to the application.

The proposed amendment to the approved car showroom has been considered in regard to any likely significant effect on the environment in accordance with the requirements of the Town and County Planning (EIA) Regulations 2011 and it has been determined that an Environmental Statement is not required.

Subject to the outstanding comments the amendments sought are not considered to present any additional impact upon ecology and the proposal is considered to accord with the aims and objectives of Policy NC1 of the Local Plan.

Impact upon trees

There is a protected tree belt to the north of the development. The previous approval presented parking to the edge of this tree belt and a condition to secure suitable protection during construction was attached to the permission.

An initial appraisal by officers of the proposed layout over the consented scheme raised concern that elements of the revised parking encroached in to the rooting zone, beyond that of the approved scheme. Revised plans were submitted to seek clarity on the extent of the approved and proposed development and through this process two parking bays have been removed and a defined kerb line has drawn the development area slightly further south.

The Councils' Arboricultural Officer has considered the amended detail and now considers the scheme suitable for approval on arboricultural merit.

The proposal is considered to be aligned with the aims and objectives of Policy C4 (Trees, hedgerows and natural landscape features) of the Local Plan.

Impact upon drainage and flood risk

There are watercourses to the west and north and the extant permission established an acceptable footprint of development and defined the required easements to each watercourse through the approved plans and conditions.

The Environment Agency object to the application on the grounds that the parking to the north of the site will encroach within an easement distance as approved within Condition 16 of the parent consent. It was also noted that the proposed layout would require further encroachment into this area to facilitate construction.

Revised plans have been submitted that seek to respond to the concern of the Environment Agency and provide clarity on the assertion that the proposal sits within the development footprint of the extant scheme.

Further comment from the Environment Agency is awaited and an update will be provided to Members at the Committee

In the event that the EA does not withdraw its objection to the proposed development the Secretary of State has to be notified prior to the decision being issued.

The Council's Drainage Engineer does not object to the proposal as long as it does not encroach any nearer to the watercourse than the previous scheme.

Subject to the Environment Agency's concerns being allayed the proposed amendments are considered suitable for approval on flood risk and drainage grounds, in accordance with Policies ER1 and ER2 of the Local Plan.

S106/CIL

The existing Section 106 agreement will need to be tied to the new application through a deed of variation and this must be completed prior to the applications formal determination.

Conclusions

The changes to the elevations of the building are minor and would have little impact on the appearance of the proposed development.

The amendments to the parking are also relatively minor and would also have little impact upon the character and appearance of the development or the functionality of the site in terms of movement and parking.

The impact of the changes upon flood risk and ecology needs to be duly considered and determined as acceptable prior to a positive determination.

Revised plans that seek to address highlighted concerns are currently being considered and Members will be updated at the Committee.

Conditions to include the following matters:

- Additional condition seeking the submission of details relating to the external material finishes
- Additional condition seeking the submission of details of cycle parking and electronic vehicle charging facilities
- Repeat condition of P/2007/1743 requiring the submission of details, to include hard landscaping, lighting, signage and means of enclosure
- Repeat condition requiring the provision of structural landscaping previously approved
- Repeat condition requiring the provision of wider landscaping within the first planting season
- Repeat condition requiring adherence to the approved ecological enhancement strategy
- Repeat condition requiring the provision of tree protection measures
- Repeat condition regarding Japanese Knotweed and Rhododendron growth strategy
- Repeat condition requiring the provision of car parking and cycling facilities
- Repeat condition regarding the restriction on use classes adhered to
- Repeat condition regarding no additional floor space created or inserted
- Repeat condition regarding no open storage or materials on any areas of approved landscaping, parking or circulatory space
- Repeat condition requiring adherence to the air quality monitoring assessment
- Repeat condition regarding archaeological investigations
- Repeat condition regarding visitor and staff parking retained at all times for those purposes
- Repeat condition regarding submission of all fencing walls and retaining structures
- Repeat condition regarding the retention of approved easements to watercourses
- Repeat condition regarding riparian corridor management details
- Repeat condition regarding finished floor levels details
- Repeat condition regarding surface water strategy.

Relevant Policies

-