



Friday, 4 August 2017

## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

**Monday, 14 August 2017**

commencing at **2.00 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Torquay

### **Members of the Committee**

Councillor Kingscote (Chairman)

Councillor Barnby  
Councillor Lewis (B)  
Councillor Hill  
Councillor Morey

Councillor Stringer  
Councillor Pentney  
Councillor Winfield  
Councillor Tolchard

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

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01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

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# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 4 - 8)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 10 July 2017.
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 Rear Of 57 Fore Street, Brixham (P/2017/0473/OA)** (Pages 9 - 16)  
Formation of dwelling (access, appearance, layout and scale only).
6. **Half Moon Inn, 188 Torquay Road, Paignton (P/2016/1266/MPA)** (Pages 17 - 40)  
Demolition of the existing public house and the erection of three residential apartment buildings to provide 30 two bed residential units with associated parking and landscaping (revised plans received 1 June 2017).
7. **Epwin Group Plc, Alders Way, Paignton (P/2017/0425/PA)** (Pages 41 - 50)  
Change of Use from Class B2 (General Industrial) to Class D2 (Assembly and Leisure).

8. **128 Laura Grove, Paignton (P/2017/0608/HA)** (Pages 51 - 55)  
Extensions and alterations to existing dwelling house to include loft conversion, raising of roof height and extensions to the roof, extension to the front and raised deck to rear (resubmission of P/2017/0346).
9. **Cary Castle, 32 Cary Castle Drive, Torquay (P/2016/1265/PA)** (Pages 56 - 63)  
Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle, formation of new car parking for flats, and replacement of windows and doors (revised plans received 5/7/17 reducing size of parking area to 4 spaces).
10. **Cary Castle, 32 Cary Castle Drive, Torquay (P/2016/1304/LB)** (Pages 64 - 68)  
Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle and replacement of windows and doors..
11. **Public speaking**  
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) before 11 am on the day of the meeting.
12. **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, 9 August 2017. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



## Minutes of the Development Management Committee

10 July 2017

**-: Present :-**

Councillor Kingscote (Chairman)

Councillors Barnby, Doggett, Hill, Morey, Pentney, Winfield and Tolchard

(Also in attendance: Councillor Thomas (D), Councillor King (minute 14 only) and Councillor Amil (minute 14 only))

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### **9. Apologies for absence**

An apology for absence was received from Councillor Lewis (B).

### **10. Minutes**

The Minutes of the meeting of the Development Management Committee held on 12 June 2017 were confirmed as a correct record and signed by the Chairman.

### **11. Land West of Brixham Road, Paignton (P/2016/0411)**

The Committee considered an application for the approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval reference P/2011/0197 in relation to the erection of a retail store (ground floor level) with student accommodation above (first and second floor level), associated parking and landscaping (plans and proposal/description revised 16 February 2017).

Written representations were available for Members to view on the Council's website.

Resolved:

Approved subject to:

- i) No new issues being raised before the end of the consultation period, which expires on 21 July 2017;
- ii) Comments from the Aboricultural Officer; and
- iii) The final drafting of conditions being delegated to the Executive Head of Business Services.

**12. Devonshire Park (Former Nortel Site), Brixham Road, Paignton (P/2017/0493 and P/2017/0494)**

The Committee considered the following applications:

P/2017/0493, demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 1).

P/2017/0494, demolition of the remaining structures, grubbing out of the trees, foundations and floor slabs/basements, remediating contamination and earth works to re-profile the site (Option 2).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website.

Resolved:

That both applications (P/2017/0493 and P/2017/0494) be approved subject to:

- i) The receipt of amended plans showing the deletion of all retaining walls as agreed by the applicant in their letter dated 7 July 2017;
- ii) The submission of revised plans and further information that satisfactorily resolves the following, the resolution of which to be delegated to the Executive Head of Business Services:
  - 1) The submission of additional information in respect to contamination and remediation that demonstrates that the extent of tree removal currently proposed is essential to make the site safe for future uses, or the submission of revised plans that presents an acceptable impact upon trees and important landscape features;
  - 2) The submission of a revised Construction and Ecological Management Plan (CEMP) that is in full accordance with Clause 10 and Annex DA.1 of BS42020:2013 in order to ensure due regard and provide certainty in regard to the protection measures and mitigation afforded protected species;
  - 3) The submission of revised groundworks scheme that will retain the ability for a future Reserved Matters application relating to the extant permission reference P/2014/0947 to present a high-quality residential and retail development which accords with the guiding principles established within the Design and Access Statement that accompanied the outline application, affording due consideration to design, movement and landscape principles.

Should the matters above be positively resolved, the imposition of appropriate conditions are to be delegated to the Executive Head of Business Services and should include those suggested in the consultation response from the Community Safety Team.

In the absence of satisfactory information that positively resolves the outstanding issues cited above by the 4 September 2017 the application to be refused on the grounds that the proposals are contrary to Policies C4, NC1, DE1, TA1 and TA2 of the Torbay Local Plan 2012-2030. The precise wording of the refusal to be delegated to the Executive Head of Business Services in order to take into account any subsequent information submitted as part of the application.

**13. 79 Wall Park Road, Brixham (P/2017/0544)**

The Committee considered an application for the demolition of existing garage, erection of two storey side extension, two storey rear extension, first floor front extension, front and rear dormers, and improved access to dwelling.

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

Resolved:

Approved as applied for subject to

- i) In accordance with the submitted FRA received 01.06.2016, surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development;
- ii) A landscaping scheme including details of two replacement trees shall be submitted for approval prior to development above DPC level. The approved landscaping shall be implemented prior to the first use of the extensions hereby approved and retained as such at all times thereafter;
- iii) Once the works to improve the access have been completed the new front boundary wall shall be rebuilt to match the character of the existing;
- iv) Details of materials; and
- v) final drafting of conditions being delegated to the Executive Head of Business Services.

(Prior to consideration of the application Helen Addison, Team Leader Development Management) declared a personal interest in the application and left the room)

**14. 24 Barnfield Road, Torquay (P/2017/0146)**

The Committee considered an application for front, side and rear extensions (Revised plans received 9 May 2017 retention of existing garage).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website. At the meeting Mr Collett addressed the Committee against the application and Mrs Owen addressed the Committee in support of the application.

Resolved:

Approved subject to the completion of a Section 106 Agreement to ensure that the annex which forms part of the development will not be used as non-ancillary living accommodation and conditions relating to materials, obscure glazing and drainage with final drafting of conditions being delegated to the Executive Head of Business Services.

**15. Oddicliff, Higher Downs Road, Torquay (P/2017/0471)**

The Committee considered an application for one new house and demolition/remodelling of the existing house (within 15m of Babbacombe Downs Conservation Area).

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website.

Resolved:

Approved subject to the final drafting of conditions to be delegated to the Executive Head of Business Services.

**16. 42 Whidborne Avenue, Torquay (P/2017/0490)**

The Committee considered an application for the demolition of dwelling and proposed replacement dwelling (Revised Site Plan)

Prior to the meeting, Members of the Development Management Committee undertook a site visit and written representations were available for Members to view on the Council's website. At the meeting Angela Huxham addressed the Committee against the application and James Stacey addressed the Committee in support of the application.

Resolved:

Approved subject to appearance, layout, landscaping and scale to be reserved matters and the conditions as set out in the submitted report.

Chairman/woman

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**Application Number**

P/2017/0473

**Site Address**

Land Rear Of 57 Fore Street  
Brixham  
TQ5 8AG

**Case Officer**

Gary Crawford

**Ward**

Berry Head With Furzeham

**Description**

Formation of dwelling (access, appearance, layout and scale only).

**Executive Summary/Key Outcomes**

The application is for outline planning permission which seeks approval for the formation of a dwelling to the rear of No.57 Fore Street, Brixham. The applicant has applied for the details of access, appearance, layout and scale to be agreed. Landscaping would be agreed at reserved matters stage.

The proposed dwelling would be two stories in height. It would be of a contemporary design and would be recessed into the hillside. The roof would be flat with zinc clad walls at upper floor level and rendered walls at lower floor level. The property would feature a balcony on the upper floor and terraces on the lower floor level. There would be no parking provided. Pedestrian access would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shinnars Steps. Amended plans have been received during the course of the application to set the upper floor of the building back from the lower floor so that the building follows the natural slope of the hill. Due to the ground levels on the site, the proposed dwelling would not be visible from the south (Mount Pleasant Road) but would be visible in views across the hillside from the centre of Brixham and the opposite hillside.

The proposal is considered to be acceptable in this location and without any overriding detriment to the character or appearance of the Brixham Town Conservation Area or residential amenity of neighbouring occupiers. Consequently the proposal meets Local Plan Policies DE1 (Design), DE3 (Development Amenity), SS10 (Conservation and the historic environment), HE1 (Listed buildings), H1 (Applications for new homes), TA2 (Development Access), TA3 (Parking Requirements), ER1 (Flood Risk) and C4 (Trees, Hedgerows and Natural Landscape Features).

**Recommendation**

Conditional approval, conditions at end of report.

**Statutory Determination Period**

8 weeks, the determination date was 12th July 2017. However, this has been extended until 16th August 2017 to allow the proposal to be determined by the Development Management Committee.

### **Site Details**

The application site is the rear section of the garden of Nos. 57-59 Fore Street, Brixham. The levels of the site slope steeply downwards from south east to north west. There is an existing pedestrian gate access to the site via a footpath that connects Mount Pleasant Road and Shidders Steps. Planning permission for two dwellings to the rear of Nos. 61-65 Fore Street was approved under application P/2010/0706 in February 2011 and these dwellings are currently under construction. The site is located within the Brixham Town Conservation Area and the site is clearly visible when viewed from across the valley to the north. There is a Grade II Listed Building adjacent to the site at No.61 Fore Street, although this building is situated at a lower level to the application site.

### **Detailed Proposals**

The proposal is for the erection of a two storey, detached dwelling. The dwelling would be of a contemporary design and would be recessed into the hillside. The dwelling would have a flat roof with zinc clad walls at upper floor level and rendered walls at lower floor level. The property would feature a balcony on the upper floor and terraces on the lower floor level. The property would feature pedestrian access only which would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shidders Steps. Amended plans have been received during the course of the application to set the upper floor of the building back from the lower floor so that the building follows the natural slope of the hill.

### **Summary Of Consultation Responses**

Brixham Town Council: Recommend refusal for the following reasons:-

1. Materials not in keeping with the Conservation Area
2. Adversely affect the street scene in a prominent position
3. Loss of green space
4. No clear provision of parking.

Senior Historic Environment Officer: No objections. Advised during pre-application enquiry DE/2016/0171 that a contemporary designed new dwelling should be encouraged and it would utilise the extant terraces of the site to the best effect.

Drainage Engineer: The developer has identified that the use of infiltration drainage is not feasible on this site due to the site gradient and constraints. The developer is proposing to discharge surface water drainage at a controlled rate of 1.5l/sec to the combined sewer system and has submitted hydraulic calculations for the surface water drainage system. However, there are no drawings identifying the surface water system and therefore the Drainage Engineer is unable to check the hydraulic calculations. Planning officer comment: This information will be dealt with via a condition.

Highways Officer: No objections.

Arboricultural Officer: No objections. There is an existing tree on the site but the Arboricultural Officer has commented that this tree is of limited life expectancy and of no

present or potential future visual benefit to the site.

Structural Engineer: Verbally advised that structural stability of proposed new dwelling would be dealt with at Building Regulations stage.

Waste Client Manager: No comments received.

### **Summary Of Representations**

Eight letters of objection have been received. Issues raised:

- Loss of privacy/overlooking
- The submitted plans are misleading; the dwelling would be accessed off a footpath, not an existing lane
- The proposed zinc cladding is out of keeping with the surrounding area
- Inconvenience and disturbance caused by construction vehicles
- Overdevelopment of the site
- Loss of light
- Noise
- Loss of views. Officer comment: Representations regarding the loss of views have been noted but this does not constitute a material planning consideration.

### **Relevant Planning History**

DE/2016/0171: New dwelling. Advised on 3/6/2017 that principle of a new dwelling was likely to be considered acceptable.

The following relates to the adjoining site and is relevant to this proposal;  
P/2010/0706: Formation of 2 no. 3 bed residential dwellings with pedestrian access at land adjacent to Shinnars Steps off Mount Pleasant Road. Approved 18/2/2011 and currently under construction.

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

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

1. Principle of residential development
2. Impact on the character and appearance of the Conservation Area and Listed Building
3. Impact on the amenity of neighbouring properties
4. Impact on the amenity of future occupiers
5. Highways
6. Drainage
7. Affordable housing.

#### **1. Principle of residential development**

The principle of constructing a new dwelling on the site would be consistent with Policy H1 of the Torbay Local Plan 2012-2030. The predominant existing use of the immediate area is residential and given the two dwellings that are currently under construction to the

rear of Nos. 61-65 Fore Street and the existing dwelling to the rear of No.51 Fore Street, it is considered that a detached dwelling to the rear of No.59 Fore Street would not be out of character with the urban grain and pattern of development of the surrounding area.

## **2. Impact on the character and appearance of the Conservation Area and Listed Building**

The proposed dwelling would be of a contemporary design with a flat roof, zinc clad walls at upper floor level and rendered walls at lower floor level. Due to the existing stone boundary wall along the south east boundary of the site, the new dwelling would not be visible from the footpath that connects Mount Pleasant Road and Shinnars Steps. However, due to the steeply sloping levels of the site, the new dwelling would be clearly visible when viewed from across the valley to the north.

Policy SS10 (Conservation and the historic environment) of the Torbay Local Plan 2012-2030 states that development will be required to sustain and enhance those monuments, buildings, areas, walls and other features which make an important contribution to Torbay's built and natural setting and heritage. Policy SS10 notes further that proposals that may affect heritage assets will be assessed against eight criteria, including the impact on vistas and views of Torbay's historic features and areas which form part of the visual and tourist appeal of Torbay. Policy DE1 (Design) of the Torbay Local Plan details that development proposals will be assessed against their ability to meet 28 design considerations which include having a clear urban structure and grain that integrates with the surrounding context, relates to the surrounding built environment in terms of scale, height and massing, and evolve high quality architectural detail with a distinctive and sensitive palette of materials. Paragraph 60 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 notes that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is deemed that the proposed new dwelling is of an acceptable scale and it would sit comfortably within its plot. Furthermore, the proposal would integrate with the urban grain and pattern of development of the surrounding area. It is acknowledged that design and materials of the new dwelling would have an impact on the character and appearance of the Brixham Town Conservation Area. However, the existing properties that run across the hillside above Fore Street are of a varied character and form. The two dwellings

currently under construction to the rear of Nos. 61-65 Fore Street which were approved in 2011 under planning application P/2010/0706 are of a contemporary appearance. In addition, the buildings which form Somerset Court, further to the west along the hillside, are mid-twentieth century developments which feature shallow mono-pitch roofs. The Council's Senior Historic Environment Officer has not raised any objections to the proposal and in addition, the upper floor of the new dwelling has been recessed in line with the natural slope of the hill. Whilst the zinc cladding would differ from the prevailing materials of the surrounding area of render and stone, it is deemed that the existing stone walls within the site would alleviate the impact of the zinc to an extent when viewed from across the valley. As such, given the mixed character of the neighbouring properties which run across the hillside above Fore Street, it is considered that, on balance, the impact of the proposed new dwelling on the character and appearance of the Conservation Area is acceptable.

Due to the difference in levels between the proposed new dwelling and the Grade II Listed Building at No.61 Fore Street, it is deemed that the proposal would not result in a significantly adverse impact on the setting of the Listed Building.

### **3. Impact on the amenity of neighbouring properties**

Although the proposed new dwelling to the rear of No.57 Fore Street would be located adjacent to the side boundary with No.61 Fore Street, the upper floor of the new dwelling to the rear of No.57 would be set approximately 2.4m off the side boundary with No.61. Furthermore, the house currently under construction to the rear of No.61 is set 1m off the side boundary with No.57 and the proposed upper floor window in the south western flank elevation of the new house to the rear of No.61 is a secondary window which serves a living room. Whilst the proposed new dwelling to the rear of No.59 would be situated due south east and at a higher level to Nos. 57 and 59 Fore Street, the new dwelling would be positioned approximately 12m from the rear elevation of Nos. 57 and 59. Due to the distance between the proposed new dwelling and neighbouring properties, it is considered that the proposal would not result in any significantly harmful overbearing or overshadowing impacts upon neighbouring dwellings.

Given the steep slope of the site and its position above Nos. 57 and 59 Fore Street, it is deemed that the proposal would not result in any significant direct overlooking or loss of privacy impacts upon Nos. 57 and 59. Although the proposal would be located approximately 8m from an upper floor window in the rear elevation of No.55A Fore Street, the new dwelling would be located at an offset angle to this window. Furthermore, there are existing views towards this windows from the rear garden of No.57 Fore Street. As such, it is deemed that the proposal would not result in any significantly worse loss of privacy impacts upon No.55A than the existing situation. The proposed upper floor balcony and upper floor windows in the north east flank elevation of the new dwelling may result in a loss of privacy impact upon the amenity area and three side facing windows of the house currently under construction to the rear of No.61. It is therefore considered necessary to include a condition with any permission which states that a 1.7m high privacy screen shall be installed along the north east flank elevation of the decking area adjacent to No.61 and that the upper floor windows in the north east flank elevation of the new

dwelling shall be high level windows only. It is also considered that the proposal would not reduce the rear amenity area of No.57 Fore Street to an unacceptable level.

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties, and to be consistent with Policy DE3 (Development Amenity) of the Torbay Local Plan.

#### **4. Impact on the amenity of future occupiers**

The internal floor area and private amenity space for the new dwelling, as shown on the submitted plans, would meet the dwelling space standards for a three bedroom dwelling over two storeys, as set out in Policy DE3 of the Torbay Local Plan.

#### **5. Highways**

The proposed new dwelling would feature pedestrian access only which would be via a new gate in the stone boundary wall from the footpath that connects Mount Pleasant Road and Shidders Steps. The Appendix to Policy TA3 (Parking Requirements) of the Torbay Local Plan sets out that the parking requirement for new dwellings is 2 car parking spaces per dwelling unit. However, given the town centre location of the site, and, the proximity of the site to Brixham central car park and public transport routes, the lack of parking provision is deemed acceptable. Furthermore, the footpath that connects Mount Pleasant Road and Shidders Steps is not considered suitable for vehicular access. Bin and cycle storage would be provided for the new dwelling.

#### **6. Drainage**

The developer has identified that the use of infiltration drainage is not feasible on this site due to the site gradient and constraints. As the use of soakaways is not possible at this site, surface water will be allowed to be discharged to the combined sewer system at a controlled rate and a condition with regards to the surface water drainage system for the site will be included with any permission.

#### **7. Affordable housing**

The proposal falls below the threshold for affordable housing contributions as outlined in Policy H2 (Affordable housing) of the Torbay Local Plan which seeks affordable housing contributions on greenfield sites of three dwellings or more.

#### **CIL**

The site is within charging zone 1 and does not constitute CIL liable development.

#### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Equalities Act - No issue.

### **Conclusions**

In conclusion, the proposed development would result in an acceptable development in relation to the character and appearance of the Conservation Area and it would not result in an adverse effect on the amenity of nearby occupiers. Therefore the proposed development is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

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

01. Details of the reserved landscaping matters shall be submitted to the Local Planning Authority for approval within three years from the date of this permission.
02. The access, scale, appearance and layout of the development to which the permission relates shall not be carried out other than in accordance with the approved drawings only.
03. No development shall take place until evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land has been submitted to and approved in writing by the Local Planning Authority.
04. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.
05. No vegetation removal shall be undertaken during bird nesting season unless a pre-works check is carried out by a suitably qualified ecologist to ensure that nesting birds are absent.
06. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.
07. Prior to the occupation of the dwelling hereby permitted, a 1.7 metre high obscure glazed privacy screen to the equivalent of Pilkington level 4 shall be fitted along full length of the north eastern flank elevation of the upper floor balcony. The privacy screen shall be permanently retained in that condition thereafter.
08. The cill height of the upper floor windows in the north east flank elevation of the dwelling hereby permitted shall be no lower than 1.7m above finished floor level. The windows shall thereafter be permanently retained in that condition.
09. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans, shall be constructed in the north eastern flank elevation of the dwelling hereby approved.

10. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Schedule 2, Part 1 Classes A, B, C, D, E and G shall be constructed without the prior written consent of the Local Planning Authority.

**Relevant Policies**

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings

H1LFS - Applications for new homes

H2LFS - Affordable Housing

TA2 - Development access

TA3 - Parking requirements

ER1 - Flood Risk

C4 - Trees, hedgerows and natural landscape

**Application Number**

P/2016/1266

**Site Address**

Half Moon Inn  
188 Torquay Road  
Paignton  
TQ3 2AL

**Case Officer**

Carly Perkins

**Ward**

Roundham With Hyde

**Description**

Demolition of the existing public house and the erection of three residential apartment buildings to provide 30 residential units with associated parking and landscaping (revised plans received 1 June 2017)

**Executive Summary**

The application site is approximately 0.26ha in size and is located to the south east of Torquay Road which is part of the Torbay Major Road Network. The site is occupied by a vacant two storey public house and associated car park to the rear. The public house hasn't been in use since May 2015, but the use of the car park has been continued informally by nearby businesses and visitors to the area since the use ceased. Vehicular access to the application site is from Torquay Road. To the north east of the site is Preston District Centre and to the north-west is the historic park and garden of Oldway Mansion which sits beyond apartment blocks on Torquay Road. To the south west of the site is Torbay School and a row of terrace houses, to the south east is a vacant area of open space and to the north east are apartment blocks served off Brookfield Close. A multi-use games area (MUGA) has been granted planning permission to the rear of the site in associated with Torbay School.

The site is located within Flood Zone 1, Critical Drainage Area. To the north east of the site adjacent to the site access, are two trees subject of a Tree Preservation Order. Within the site there are a number of unprotected trees.

The proposal is for the demolition of the public house and the erection of 30 residential apartments within three separate two/three storey buildings. Of the 30 residential apartments, 24 are two bedroom apartments and 6 are one bedroom apartments. Access to the site utilises the existing access from Torquay Road, and 30 parking spaces are proposed to serve the development. Of the 30 parking spaces, 4 are designed for use by disabled persons and 4 are served by electrical charging points. Cycle and bin storage is provided within the site. A traffic island is proposed on Torquay Road.

The materials for the residential apartment blocks are largely red brick and white render. The roof material is noted as grey tiles. The tree report submitted in

support of the application states that the proposals will result in the loss of 25 of unprotected trees. Off-site trees along the north eastern boundary of the site are to be retained. Additional trees are proposed as part on an on-site landscaping scheme.

No affordable housing provision is provided within the proposal. A viability assessment carried out on behalf of the applicant has been submitted with the application.

Whilst the principle of the loss of the public house and redevelopment for residential purposes is considered acceptable, a lack of information to demonstrate that the development would be well designed and would create a good quality environment for people to live in and concerns regarding the overdevelopment of the site, lack of affordable housing and loss of employment contributions has led to a recommendation of refusal.

The proposals are not considered to accord with the provisions of the Torbay Local Plan 2012-2030. The proposals are considered contrary to Policies H1, H2, SS5, SS11, DE1, DE2, DE3, TA2, TA3, C4, ER1, ER2 and appendix F of the Torbay Local Plan 2012-2030 for the following reasons:

- 1) The proposal would constitute an overdevelopment of the site and fail to deliver a high quality design or good standard of amenity for future occupants as a result of poor quality landscaping, poor design and layout of buildings, poor parking arrangements and lack of visitor parking provision
- 2) Insufficient information in relation to trees and the impact on neighbouring TPOs, without which it cannot be demonstrated that the development would not result in the loss of landscape features.
- 3) A lack of detailed drainage design which makes it unclear whether the proposed development or the surrounding area could be kept safe from the effects of surface water.
- 4) The impact on on-street parking and the insufficient visibility at the access without a loss of on-street parking
- 5) Impact of proposed traffic island on free flow of traffic and on-street parking provision
- 6) The scheme fails to mitigate the loss of employment, in the absence of secured contributions or an independent viability assessment to justify a lower level of contributions, the proposal is contrary to Policy SS5 of Torbay Local Plan 2012-2030,
- 7) The proposal fails to make appropriate provision for affordable housing and in the absence of the an independent viability assessment to justify a lower level of affordable housing provision the proposal is contrary to Policy H2 of the Torbay Local Plan 2012-2030.

### **Recommendation**

Refusal for the seven reasons identified above.

### **Reason for Referral to Development Management Committee**

The application is a major application and is therefore required by the constitution to be determined by DM committee.

### **Statutory Determination Period**

13 weeks, an extension of time has been agreed with the applicant to the 18th August 2017.

### **Site Details**

The application site is approximately 0.26ha in size and is located to the south east of Torquay Road which is part of the Torbay Major Road Network. The site is occupied by a vacant two storey public house and associated car park to the rear. The public house hasn't been in use since May 2015, but the use of the car park has been continued informally by nearby businesses and visitors to the area since the use ceased. Vehicular access to the application site is from Torquay Road. To the north east of the site is Preston District Centre and to the north west is the historic park and garden of Oldway Mansion which sits beyond apartment blocks on Torquay Road. To the south west of the site is Torbay School and a row of terrace houses, to the south east is a vacant area of open space and to the north east are apartment blocks served off Brookfield Close. A multi-use games area (MUGA) is proposed to the rear of the site in associated with Torbay School.

The site is located within Flood Zone 1, Critical Drainage Area. To the north east of the site adjacent to the site access, are two trees subject of a Tree Preservation Order. With the site are a number of unprotected trees.

### **Detailed Proposals**

The proposal is for the demolition of the public house and the erection of 30 residential apartments within three separate predominantly three storey buildings. Of the 30 residential apartments, 24 are two bedroom apartments and 6 are one bedroom apartments. Access to the site utilises the existing access from Torquay Road, and 30 parking spaces are proposed to serve the development. Of the 30 parking spaces, 4 are designed for use by disabled persons and 4 are served by electrical charging points. Cycle and bin storage is provided within the site. A traffic island is proposed to Torquay Road.

The materials for the residential apartment blocks are largely red brick and white render. The roof material is noted as grey tiles. The tree report submitted in support of the application states that the proposals will result in the loss of 25 of unprotected trees. Off-site trees along the north eastern boundary of the site are to be retained. Additional trees are proposed as part on an on-site landscaping scheme.

No affordable housing provision is provided within the proposal. A viability assessment has been submitted with the application.

## **Summary Of Consultation Responses**

Senior Strategy and Project Officer: [Comments on Original Scheme] The site is situated on a Strategic Route (A3022) with multiple junctions in a congested area. The LHA would recommend a revision in the proposed access point to Brookfield Close. As a minimum, improved visibility splays, clarity relating to delivery and waste collection vehicles and provision of suitably numbered, spaced and located visitor/disabled and electrical charging point parking spaces should be provided. The development currently proposed does not provide a safe and suitable access and is not in accordance with Policies TA2 and TA3 of the Local Plan; there is an objection to the proposal. The LHA recommends the applicants investigate the provision of an access from Brookfield Close and other matters set out in more detail below.

[Comments on Revised Scheme] Torbay Council's Local Plan (2012-2030) Policies focus on the importance of accessibility Policy TA1 and TA2 and development access, and sustainable transport measures Policy TA3 sets out parking requirement guidelines.

The access currently shown doesn't provide sufficient visibility splay due to on street parking. A Road Traffic Order to remove on-street parking ('no waiting') would need to be introduced on the A3022 frontage. However a better arrangement might be achieved if Brookfield Close formed the main access point. The proposed traffic island should be removed from the scheme.

In order to satisfy Policy TA3, the applicant needs to demonstrate that there is adequate parking including visitor parking within the curtilage of the sites. Policy TA3, Appendix F requires 1 space per flat, secured covered cycle storage (1 per flat) and parking for visitors. I note 10% of the spaces should provide for people with disabilities, 20% of the spaces with electrical charging points. Note that specifications for parking spaces are included in LP Appendix F page 297 and in the Torbay Highway Design Guide. The revised application does not include sufficient visitor parking.

Accommodation for visitors should therefore be made. The old Local Plan indicated provision for visitors in flats could be provided at a ratio of 0.5 per flat. It might be appropriate to reduce this in consideration of the adjacent District Centre and bus services if the applicants can demonstrate car parking would not impact upon the wider highway network. However, this would need to be weighed against the street parking that needs to be removed (approx. 9-10 spaces) to provide the access visibility splays needed and reduce congestion on Torquay Road.

Policy TA2 also seeks provision of a proportionate Travel Plan setting out a 30% modal shift can be achieved. The proportionate TP should include SMART targets and an annual review. The Travel Plan shall be continually monitored by a Travel Plan Coordinator (TPC) appointed to ensure that it meets its objectives and

targets. In the event that the objectives and targets of the Travel Plan are not met, the Travel Plan shall be updated by the TPC setting out further measures in order to rectify this. A copy of the Travel Plan or updated Travel Plan, as the case may be, shall be made available to the Local Planning Authority upon request during normal business hours and the contact details of the TPC shall be provided in all iterations of the Travel Plan

A revised scheme that provides appropriate highway works and sufficient parking for occupants may be deliverable on this site, however, the Highway Authority is likely to object to the current proposal unless the necessary highway, parking and sustainable transport measures can be designed into the scheme and secured by condition or s106/s278.

Senior Historic Environment Officer: There is a case for the retention of the legible form of the pub. The significant elements of the existing building are clearly defined within the submitted AC Archaeology's assessment. It is a good frontage, both in scale and harmony with the adjacent terrace. The boundary wall of the former mid-Victorian Brookfield House is also a significant part of the site. Agreement is found with the comments by the Urban Design Consultant.

Urban Design Consultant: The response concluded that the various deficiencies in the design that have been identified are nearly all the symptoms of an attempt to overdevelop the site and lead to a poor residential environment for future occupants. The desire to include this quantum of units has forced a layout which is not ideally suited to the site and its setting. The project in the form is not supported and it is recommended that the basic propositions/appraisals underpinning the development are re-examined.

Following the submission of a revised scheme: The fundamental development strategy has not changed, some of the most pressing failings have been mitigated, but the overall quality does not meet that required and expected by local plan design policies.

Senior Environmental Health Officer: No objection to the construction of the proposed development, however the predicated traffic noise is quite high. Data indicates that the road traffic noise at the façade of the current building is between 70-74dB Lden. This level of noise is significant and as such the proposed residential accommodation will require protection from traffic noise to preserve residential amenity. A condition is recommended with regard to sound insulation and noise reduction for buildings.

Waste Client Manager: [Comments on Original Scheme] Only one bin store is provided which is inadequate, space for 10 x 1100L bins must be provided as a minimum. The bin store is further away from block A making it more difficult for residents to recycle. A second bin store should be provided ensuring a higher rate of recycling. Waste collection vehicles will not be able to enter the development

and it will be the responsibility of the residents/management company to ensure that all waste is brought to a collection area by 6am on the day of collection.

[Comments on Revised Scheme] Satisfied that there is adequate space for bins/containers that will be required for recycling, food waste and residual waste generated by the number of properties at the development. The locations of the bin stores are considered acceptable in relation to the apartments.

Refuse and recycling collection vehicles will not be expected to come on to the site to collect from the bin stores. Instead bins will be taken to a collection point, less than 20m from the entrance to the development by a private management company. For this reason the swept path analysis has been completed with a 4.6 tonne van rather than a refuse collection vehicle. For this reason, waste and recycling vehicles will not be able to enter the development to collect waste and it will be the responsibility of the residents/management company to ensure that all waste and recycling is brought to the collection area, by 6am on collection day.

South West Water: No development shall be permitted within three metres of the sewer and ground cover should not be substantially altered. If development encroaches on the 3m easement, the sewer will need to be diverted at the expense of the applicant.

SWW is able to provide clean potable water services from the existing public water main for the proposal.

The applicant must demonstrate how the proposal will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and the environment. The applicant should demonstrate that its proposed surface water run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

Wales and Waste Utilities: Wales and West Utilities have pipes in the area and their apparatus may be affected and at risk during construction works.

Arboricultural Officer: The scheme is unsuitable for approval on arboricultural merit in relation to insufficient room for sustainable mitigating planting, lack of understanding of the impact upon neighbouring trees and absence of tree data to allow assessment of layout against tree constraints.

Drainage Engineer: Detailed drainage design is required prior to determination. Further comments awaited.

Environment Agency: The Environment Agency's Standing Advice and Lead Local Flood Authority should be consulted.

Natural England: No comments, the proposal is unlikely to affect and statutorily

protected sites or landscapes. Natural England have not assessed the application for its effects on protected species and have referred the Council to their Standing Advice. The proposed development is in an area which would benefit from enhanced green infrastructure provision. Reference is made to SSSI Impact Risk Zones.

Police Designing Out Crime Officer: [Comments on Original Scheme] It is considered that the design and layout in general provides a safe, secure and neighbourly environment where unauthorised or unwanted trespassers will be noticed. When considering parking provision, 1 space per dwelling is a concern where dwellings are largely two bed.

[Comments on Revised Scheme] When considering vehicle access, movement and parking, care must be taken to ensure the space is adequate and appropriately designed to avoid damage and inconsiderate and obstructive parking. If the parking space is awkward or access is limited, residents are likely to park badly or elsewhere, which will lead to concerns over adding parking pressure and movement to the local highway.

The close proximity of vehicles to the main pedestrian entrances to the blocks may prove problematic in terms of conflict and/or damage to vehicles from deliveries, ball games or passing bikes, prams etc.

Care should be taken with regard to undercroft parking as these can create problems by attracting the antisocial to gather or provide cover for antisocial activity thus introducing the potential for an increase in the fear of crime. The recessed areas that the undercroft parking will create must be well overlooked by active rooms from the opposing block and the space is provided lighting to an appropriate level to assist residents during the dark hours. Undercroft parking can also attract leaves.

Affordable Housing Delivery Officer: In advance of any assessment of viability as per Torbay Council's affordable housing policy, housing services would expect to see 20% affordable housing to be provided on a scheme of this size which should be proportionate to the mix of the development as a whole. On a scheme of 30 units, 6 affordable units should be provided. Until financial justification can be determined, the scheme would not be supported.

Paignton Neighbourhood Forum: The Neighbourhood Plan seeks to make more of the tourism offer in Paignton, retain local identity and ensure a balanced and sustainable development. The scale of development conflicts within these objectives. The proposal is considered to be an unjustified departure from several Local Plan Policies. A more realistic solution would be a conversion of the main building with redeveloped extensions that provide approximately 10 residential units with all existing landscape features retained.

## **Summary Of Representations**

8 representations have been received [4 objections, 4 neutral]

Issues raised:

- o Impact on parking provision as a result of the loss of parking provision currently available within the application site
- o Impact on parking provision as a result of 1:1 parking provision
- o Impact on the flow of traffic as a result of the proposed island
- o Too many units for the size of the site
- o Impact on privacy
- o Impact on traffic congestion on Torquay Road
- o Impact on air quality
- o Queries regarding parking provision during construction
- o Need for traffic calming and resident only parking on Brookfield Close
- o Impact on stability of neighbouring property as a result of demolition of the public house
- o Need for Party Wall Act
- o Impact on safeguarding of students at Torbay School as a result of proximity of development and open space areas with adjacent School
- o Impact on amenity by reason of loss of light and overshadowing
- o Loss of privacy for school as a result of crown reduction of trees
- o Loss of amenity during demolition and redevelopment by reason of safety, noise and dust levels.

## **Relevant Planning History**

P/2006/1789 Conservatory REFUSED 14.12.2006

P/2006/0304 Installation of window in rear elevation APPROVED 04.04.2006

P/1989/1029 Extension to form functions suite APPROVED 08.01.1990

P/1987/1942 Extension to provide raised seating area for 58 people APPROVED 15.01.1988

## **Key Issues/Material Considerations**

The key issues to consider are the principle of the proposed development, affordable housing, the impact on the character and appearance of the area, the impact on neighbouring residential amenity, the quality of the residential environment for future occupiers, trees and landscaping, biodiversity and drainage.

### **Principle of the Proposed Development:**

Policy SS12 of the Torbay Local Plan states that housing provision will focus upon a sustainable pattern of distribution throughout the Bay with an emphasis upon the regeneration of brownfield sites and town centre sites, and development of urban sites. Similarly Policy H1 states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built-up area will be supported subject to

consistency with other policies in 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 SDP1 states that Paignton will provide around 4,290 new homes over the plan period.

The application site is a brownfield site and is within the urban area of Paignton such that the principle of residential development in this location is supported by policy SS12, H1 and SDP1 of the Torbay Local Plan 2012-2030.

The proposed development would result in the loss of a public house (use class A4). Paragraph 70 of the National Planning Policy Framework states that planning decisions should 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day to day needs' in order to deliver social, recreational and cultural facilities and services that the community needs.

In this instance the site is located in an established residential area that would not be considered to be isolated from community facilities. The submitted design and access statement indicates that there are three other public houses within 200-400m of the site such that the loss of this currently vacant building is not considered to result in significant detriment to the community in terms of the availability of easily accessible social and recreational community facilities. In addition to this, the submitted design and access statement also details the efforts to market the building for continued use as a public house without success. During the 12 months prior to the closure of the public house, only a single declaration of interest was received but this was on the basis of a significant amount of refurbishment being carried out. The applicant has indicated that the necessary level of investment required to refurbish the building cannot be justified and therefore the potential redevelopment of the site has been pursued. Therefore, in line with the above, the principle of redevelopment of this site is considered acceptable.

**Affordable Housing:**

Policy SS12 states that provision will be made for affordable housing within proposed developments and following on from this Policy H2 states that for proposals of 20 or more dwellings on brownfield sites, 20% of dwellings on site will be affordable housing. The information submitted with the application suggests that the development will not be providing affordable housing due to issues around viability. In line with policy H2 of the Torbay Local Plan, where developers wish to reduce significantly the level of affordable housing provision, an independent assessment of viability will be required, with the developer underwriting the cost of the viability assessment. In this instance whilst the applicants have submitted a viability assessment, the applicant has not agreed to underwrite the cost of the independent assessment of this information. In light of this, a lower than policy complaint level of affordable housing provision is not justified and this would represent a reason to refuse the application.

**Character and Appearance of the Proposed Development:**

Paragraph 17 of the National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criteria 1 refers to development that meets the needs of residents and enhances their quality of life and criteria 3 refers to development helping to develop a sense of place and local identity and criteria 10 refers to delivering development of an appropriate type, scale, quality, mix and density in relation to its location. Explanatory paragraph 4.5.27 states that sustainable communities are places where people want to live, work and relax. It continues by stating that sustainable communities are those that meet the diverse needs of existing and future residents, are sensitive to their environment and contribute to a high quality of life, they are safe and well planned, built and run. Following on from this, Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment. During the course of the application the proposed scheme has been revised in an attempt to overcome concerns relating to design, layout, amenity, highway safety and parking provision.

Comments from both the Council's Senior Historic Environment Officer and Urban Design Consultant indicate that it would be preferable to retain the existing building on site with some form of commercial or community use at ground floor. In itself this would not necessarily represent a reason to refuse the application. The existing building, whilst of architectural merit (with the exception of some poor quality extensions and modifications), is not listed nor within a designated conservation area and therefore the Council has limited control over its retention. An architectural assessment has been submitted in support of the application and this supports the proposed demolition concluding that the building holds little architectural or historical value.

In relation to the form of the proposed development, three two-three storey blocks of residential apartments are proposed. Within the immediate vicinity of the site there are examples of other large scale apartment buildings however these are largely located to the north western side of Torquay Road with the south eastern side largely occupied by two storey buildings. Whilst Brookfield Road, represents a similar scale of development to that proposed, this would not be considered a successful development. Nevertheless it is sited at a lower level than the street

lessening the bulk and scale of the development within views from Torquay Road.

The consultation response from the Council's Urban Design Consultant indicates a number of failings which result in a poor design and character overall. The proposed design is considered to lack elegance and articulation and would not represent good quality development as is expected by both Local and National Policies. It is considered that the various deficiencies in the design, are signs that the proposal represents an overdevelopment of the site which will lead to a poor residential development for future occupants. This is particularly demonstrated by the lack of visitor parking provision, car dominated layout, poor design detailing and poor layout of spaces. Whilst the principle of three storey development in this location is not unacceptable, the massing and the layout of the buildings and spaces are a key consideration. The proposals do not appear to have been designed to respond to, nor have they been influenced by the orientation or existing features of the site. The current proposals do not demonstrate a successful scheme and is considered to represent an overdevelopment of the site which does not relate well to its surrounding both in form or design. The proposals are considered to represent poor design contrary to paragraphs 17 and 64 of the National Planning Policy Framework and Policy DE1 of the Torbay Local Plan 2012.

The Building for Life standard has been used to assess the design quality of the development proposal. Policy DE2 of the Torbay Local Plan states that major development proposals with a residential component will be assessed against 'Building for Life' criteria. This policy states that development proposals will be supported by the Council when it secures as many 'green lights' as possible. When a development proposal does not reduce the number of 'amber' and 'red lights' scored in the assessment, where a reduction is considered possible and such reduction would improve the quality of the development, the Council will not grant planning permission.

The assessment concluded that the development achieves only 2 green scores against 5 amber and 5 red scores. It is considered that the number of red and amber scores can be reduced and that this reduction would improve the quality of the development in terms of residential and local amenity enjoyed by occupiers of and visitors to the site.

The site is located within 65m Oldway Mansion and the historic park and gardens. The application site is not overtly visible from the gardens due to the landscaping within the Oldway Mansion site and the Pegasus Court development. The proposal is considered to have a neutral impact on the historic park and garden and be in compliance with Policy SS10 of the Torbay Local Plan.

**Quality of the Residential Environment for Future Occupants:**

There are 30 new residential units being provided as part of the proposed scheme, these comprise of 24 two bedroom apartments and 6 one bedroom apartments.

Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Criteria 1 refers to development that meets the needs of residents and enhances their quality of life. Explanatory paragraph 4.5.27 states that sustainable communities are places where people want to live, work and relax. It continues by stating that sustainable communities are those that meet the diverse needs of existing and future residents, are sensitive to their environment and contribute to a high quality of life, they are safe and well planned, built and run. Policy DE3 states that all development should be designed to provide a good level of amenity for future residents and will be assessed in terms of the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution, provision of useable amenity space and an adequate level of floorspace to achieve a pleasant and healthy living environment along with other criteria. Within table 23 of the Local Plan dwelling space standards are set out, which are the same as set out within the government document Technical Housing Standards- National Described Space Standard as published in March 2015. These standards do not provide absolute requirements but they should be considered in assessing whether a good standard of accommodation is being proposed. The supporting paragraph to policy DE3 states that all new homes should provide a good standard of accommodation having regard to safety, space, amenity, parking and design.

Each of the two bedroom dwellings appear to show two double bedrooms suggesting that they are to accommodate 4 people (based on the floor area of the bedrooms being above 11.5sqm), similarly each of the one bedroom dwellings appear to show double bedrooms suggesting that they are to accommodate two people. The minimum size of a two bedroom flat is 70sqm where they are to accommodate 4. Single bedroom dwellings for two people are to meet a minimum standard of 50sqm. The majority of the units fall slightly below the size standards, falling short of the standards by 0.1-7.3sqm. It is noted that such standards will be applied flexibly to developments with regard to viability and other considerations and therefore given the limited shortfall on balance the size of proposed units is considered acceptable.

In terms of outdoor amenity space, each of the proposed apartments benefits from either a terraced area or balcony. Whilst relatively small in scale this type of outdoor amenity provision is not uncommon in built up areas such as these. There are also areas of landscaped space which appear to be available to serve the apartments but in most cases it is unclear whether these areas are to serve to individual apartment or as communal spaces which are open to all occupiers. In addition to internal floorspace, policy DE3 also makes reference to the scale and quality of outdoor private amenity space stating that developments will be assessed against the 'provision of useable amenity space, including gardens and outdoor amenity areas'. Paragraph 6.4.2.14 follows on from this stating that 'New

dwellings should make provision for external amenity/garden space where possible... As a guideline, a minimum space of... 10 square metres for apartments... will be sought'. Subject to some clarification from the applicant, it is possible that the development could achieve a policy complaint proposal in terms of the level of outdoor amenity space available for future occupants of the development.

In terms of the quality of internal spaces, the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution are considerations in line with Policy DE3. The proposed blocks are relatively evenly spaced throughout the site. Separation distances between blocks range between 13m-24m due to the irregular footprints of each block. Where distances fall below 20-22m, which is generally recognised as an optimum separation distance to prevent inter-visibility between dwellings which are position back to back, the quality of the internal environment for future occupiers is compromised. In these instances the standard of residential amenity that would be achieved for these dwelling houses falls below the level that would normally be expected and is an indicator that the scale of development is excessive for this site and would constitute overdevelopment. Whilst this unacceptable impact on privacy could be partially mitigated through the inclusion of obscure glazing and/or high level windows, this would not help to mitigate other concerns regarding overdevelopment.

The distance between blocks is also a consideration in terms of light and the impact overshadowing on the quality of internal and external spaces. Due to the height of the proposed block, it is likely that there will be some overshadowing of proposed residential units within the site. However in light of the orientation of the site, the position of the blocks within the site and the separation distances involved in relation to the height of the blocks, the internal residential environment in terms of light levels is considered acceptable. In relation to outlook, whilst the quality of the external environment within the site is not considered visually pleasing, the outlook available from residential units is considered acceptable and is not considered to be negatively impacted as a result of the height of these blocks and the separation distances between them.

Policy DE3 refers to the satisfactory provision of storage of containers for waste and recycling. 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. Communal bin storage areas have been provided within the development along with a bin collection area. The Council's Waste Client Manager has confirmed that the proposals provide sufficient space for the storage of waste. The proposed bin storage facilities are considered acceptable and compliant with policy W1. It is however noted that waste collection will only occur on the public highway and not within the site. This has been considered further in later paragraphs.

Policy DE3 also refers to the satisfactory provision of off road parking provision and storage of cycles. This is considered in more detail in later paragraphs however it is noted that both on-site parking provision and cycle storage is provided at a ratio of 1 space per residential unit. However no visitor parking provision is provided which would be contrary to Policy TA3 and associated Appendix F. The level of cycle storage provision is compliant with Policy TA3 and associated appendix F and is secure and covered. Notwithstanding the lack of adequate parking provision on site, the location of parking spaces in close proximity to ground floor windows (particularly adjacent to blocks B and C) is a concern and is likely to impact upon the quality of the internal spaces by reason of privacy, light intrusion as a result of car headlights and noise and air quality as a result of cars manoeuvring into spaces that abut residential units. For these reasons the proposals are not considered to result in a good quality environment for potential occupiers of the proposed units and would be contrary to Policy DE3 of the Torbay Local Plan.

If approved, a condition requiring details of noise and sound insulation measures would be required in line with comments from the Council's Senior Environmental Health Officer.

**Access and Parking Provision:**

Access to the proposed development continues to be via Torquay Road. The proposal also includes the provision of a traffic island adjacent to the existing bus shelter. The Torbay Council Highway Design Guide provides guidance for visibility for Torquay Road, the A3022 which is a strategic route. The Highways Design Guide refers to the Design Manual for Roads and Bridges for strategic routes and recommends a 70m splay for 30mph strategic major roads. The existing use of the site, urban characteristics and lower speeds would help to provide some mitigation alongside an 85th percentile speed recording and therefore a minimum splay of 2.4m x 43m is required. In order to achieve a sufficient level of visibility at the access on to Torquay Road, some of the existing on street parking provision would need to be removed.

The Council's Highways team have objected to the proposed traffic island due to its impact on the free movement of traffic along Torquay Road which is part of the Torbay Major Road Network contrary to Policy TA2. The traffic island is proposed adjacent to the bus shelter, any bus picking up or dropping off at this shelter would hold up traffic on this already heavily congested road. In addition, as noted in the consultation response from the Council's Waste Client Manager, waste collection vehicles will not be able to enter the application site and therefore to serve the development collections will be made from Torquay Road. This would indicate that a standard refuse vehicle will be waiting on the Torquay Road preventing the free flow of traffic west bound on collection days. Therefore in line with the above, the proposal is considered to negatively impact on the wider highway network by causing congestion on the Torquay Road, part of the Torbay Major Road Network

contrary to Policy TA3 of the Torbay Local Plan.

In terms of the access to the site, whilst a suitable access can be achieved on to Torquay Road (subject to the adoption of a Traffic Regulation Order), the loss of on street parking provision as a result of achieving a suitable access, in addition to that lost as a result of the proposed traffic island is a concern. Since the use of the site as a public house ceased, from site visits it appears that the site has been operating as a car park for those working, visiting and/or living nearby. Whilst this remains unofficial, it does indicate that there is a need for parking locally which is supported by a number of public representations. It is noted that should the site be redeveloped, a number of cars will need to be relocated potentially to on-street locations adding to the existing heavy use of on street spaces. Policy TA3 states that the loss of on-street or public parking provision will be a material consideration in planning applications, with additional weight being given to loss of provision in those areas where there is congestion and/or heavy use of public or on-street spaces. It is considered that on-street parking spaces are already heavily used by existing residents which do not benefit from off street spaces and whilst unofficial, the car park on site is also heavily used. In light of this any additional loss of on-street spaces as a result of this development is not acceptable and would be contrary to Policy TA3 of the Torbay Local Plan.

As part of the proposal, 30 parking spaces are proposed on site to serve the development. This results in a parking ratio of 1 space per residential unit. Whilst this would comply with the guidelines set out in appendix F of the Torbay Local Plan, no provision is provided for visitors. Whilst it is recognised that this site is accessible by public transport and within walking distance of a number of community facilities, in light of the existing parking issues locally in terms of the heavy use of on-street parking spaces, it is considered that visitor provision must be provided on site. It is also recognised that without sufficient designated visitor parking on site and the lack of available on-street provision locally, that it could lead to unsociable and nuisance parking within the site leading to a more car dominated development that is already proposed by the current layout and scale of development. The proposal is not considered to provide appropriate provision of car spaces within the development and is likely to lead to on-street parking problems and unsociable and nuisance parking within the application site contrary to Policies DE3, TA3 and associated appendix F.

Electrical charging facilities and cycle parking have been provided and will comply with Policies DE3, TA3 and associated appendix F of the Torbay Local Plan.

**Neighbouring Amenity:**

Policy DE3 states that all development should not impact upon the amenity of neighbouring and surrounding uses. A number of concerns have been raised from nearby residents and the adjacent school in relation to the loss of privacy, light and the dominance of the development proposals. Where concerns have been raised about privacy, the applicant has revised the plans to include obscure glazing and

amendments to proposed balconies to prevent direct overlooking. Were this application to be recommended for approval, conditions could be imposed to secure obscure glazing where required. Where obscure glazing is not proposed, the distances between the proposed buildings and those to the north east and south east are in excess of 20m which is considered sufficient to prevent a loss of amenity by reason of loss of privacy.

In terms of loss of light, due to the orientation of the site and distances between buildings any impact is likely to be to those sites to the south west. In terms of the impact to 186 Torquay Road, the closest part of block A sits alongside number 186 and allows for a greater separation distance than is existing. The proposed footprint of block A then sits further away from the shared boundary of number 186 such that it is not considered to result in significant detriment to residential amenity by reason of loss of light. Block B and C then site alongside the boundary with Torbay School.

Concerns have been raised by the school in terms of safeguarding pupils and the opportunities for overlooking the site. Whilst such concerns are noted, due to the inclusion of obscure glazing and the orientation of the blocks which prevents direct overlooking, the proposals are not considered to result in significant detriment to the amenity of the occupants of the neighbouring school. To the rear of the site, it is noted that permission has been granted for a proposed multi use games area associated with Torbay School. Whilst the windows within the south east elevation and balconies within the north east elevation would provide opportunities to overlook this space, the plans indicate that these would overlook the access and parking areas to serve the site rather than the multi-use games area itself. Were the application to be considered acceptable, and should Member's consider this level of surveillance unacceptable, conditions could be imposed to require obscure glazing to dining areas and screening to balconies preventing overlooking from the elevation closest to the boundary. It is however noted that this relatively close relationship between the blocks and the shared boundaries of the site is another indicator that the scale of the development within the site is excessive and would constitute an overdevelopment.

Due to the height of block B and C, there is potential for there to be an impact on light levels within the Torbay School site. This is similarly the case in terms of the development being appearing unduly dominant or overbearing. The current boundary to the south west of the site is lined with tree screening creating a soft edge to the development. The proposed development will alter this relationship by removing the trees along the boundary and replacing them with pleached trees which are unlikely to achieve a similar affect in terms of height and screening without intensive and ongoing management. In light of this the proposed development is likely to be highly visible from the Torbay School site in comparison to the existing site which is screened by the existing trees. Since the original submission, both blocks B and C have been pulled back from the shared boundary with the school due to concerns regarding privacy, light and dominance. The

development however will continue to be visible from the Torbay School site due to the removal of established tree screening. Block B is skewed away from the boundary and has been pulled away from the boundary providing an 8-9m separation distance between the building and the playground of Torbay School. Whilst Block C sits parallel to the boundary with the school a 9m-16m separation distance is retained between buildings. It is acknowledged that there will be some impact where the proposed buildings are closest to the shared boundary as a result of the height of the buildings and the removal of the established vegetation which is likely to affect the quality of the playground and any rooms served by the windows in the north eastern elevation of the Torbay School building. However due to the separation distances involved, the extent of development closest to the boundary and the existing impact of tree screening on light levels to the neighbouring site, on balance the impact on light is not considered to warrant the refusal of the application. The impact of the buildings in terms of whether they are overly dominant has also been considered and whilst the replacement of established tree screening with pleached trees and built form will alter the outlook of the site, on balance having considered the separation distances involved this impact is not considered to warrant the refusal of the application. Nevertheless the proposal continues to be recommended for refusal for reasons of overdevelopment.

Concerns have been raised within public representations regarding noise and disturbance during the construction processes. Whilst concerns are noted, the construction process will be short lived and a condition can be imposed to secure a construction process which minimises disturbance for local residents. Were the proposals to be considered acceptable a condition requiring the submission of a construction method statement could be imposed.

**Trees and Landscaping:**

Policy C4 states that development will not be permitted when it would seriously harm, either directly or indirectly, protected or veteran trees, hedgerows or other natural features of significant landscape, historic or nature conservation. In addition this Policy states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible. Policy DE1 states that development proposals will be assessed against their ability to meet certain design considerations including the incorporation of existing trees and native species and the provision of high quality hard and soft landscaping.

The tree report submitted in support of the application states that the proposals will result in the loss of 25 of unprotected trees. It is also noted that cypress trees had been removed from the site prior to the consideration of the application. Only off-site trees along the north eastern boundary of the site are to be retained, two of which are protected by tree preservation orders. In line with comments from the Council's Arboricultural Officer, insufficient information has been submitted with the application to demonstrate that trees to be retained will be protected and will

not be under pressure for felling as a result of the proposed development. Information is required in relation to the constraints posed by off and on site trees in terms of debris fall, root asymmetry, height of trees in relation to shade paths, service run implications, tree spread, crown break, species and condition. The absence of this data prevents a detailed understanding of the site in terms of the requirement for mitigation planting. Methodology for the demolition of buildings and the surface change where trees pose a constraint would also be required. Due to the position of hard surfaces in close proximity to off-site trees, a negative impact upon root protection areas is likely to occur without this methodology to address any conflict. As such the proposal is considered contrary to Policies C4 and DE1 of the Torbay Local Plan.

In the event that this supporting information were submitted and demonstrated that the proposed development was achievable without detriment to retained trees off-site, there would be a requirement for replacement landscaping and other mitigation to off-set any harm and preferably achieve landscape and biodiversity improvements in line with Policy C4. Whilst additional landscaping is proposed in an attempt to mitigate the loss of existing landscaping, in line with comments from the Council's Arboricultural Officer, due to the scale, layout and footprint of the proposed development limited space is available for a sustainable landscaping other than in limited numbers and of short lived species. In light of this the proposal is considered unacceptable and would be contrary to Policies DE1 and C4 of the Torbay Local Plan.

**Biodiversity:**

The ecological survey states that the site has limited potential for bats and medium potential to support nesting birds. Both species were considered to be likely absent from the building on site. Were the proposals considered acceptable, conditions would be recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Conditions would include those relating to nesting bird season, the need for an update survey should development not start prior to August 2018, provision of bat and nesting bird roosts, no external lighting unless a scheme is submitted for approval and supervised felling of mature sycamore within the site. Subject to the inclusion of such conditions, the scheme is considered acceptable and compliant with policy NC1 of the New Torbay Local Plan.

**Drainage:**

The application site is within the Critical Drainage Area as designated by the Environment Agency. Policy ER2 requires all development to seek to minimise the generation of increased run-off, having regard to the drainage hierarchy, whereby surface water will firstly discharge to an adequate infiltration system, a main river or watercourse, a surface water sewer or highway drain or as a last resort a combined foul sewer where discharge is controlled to be at a greenfield discharge rate. The submitted information suggests that the site is not suitable for infiltration systems and that the only viable option is to discharge to the surface water/combined sewer. The submitted information suggest that discharge can be

controlled at a greenfield discharge rate however no detailed drainage design has been submitted. The lack of detailed drainage design is likely to prevent support for the scheme from the Council's Drainage Engineer. A consultation response has been requested from the Council's Drainage Engineer and the Members shall be updated at the Committee meeting.

**Other Issues:**

Policy SC1 of the Torbay Local Plan states that all major developments of 30 or more dwellings will be required to undertake a screening for a Health Impact Assessment and a full Health Impact Assessment if necessary, proportionate to the development proposed and to demonstrate how they maximise positive impacts on health and healthy living within the development and adjoining areas. Despite being requested during the course of the application, no health impact assessment screening has been submitted with the application. Whilst in line with Policy SC1, a screening is required, the information submitted in support of the application is considered sufficient to determine that a health impact assessment will not be required. However it is acknowledged that the development for the reasons outlined above is will have implications for health in terms of noise, air quality and light disturbance as result of the proximity of block A to Torquay Road and the proximity of car parking spaces and manoeuvring spaces to residential units.

Policy SC4 of the Torbay Local Plan requires development schemes of 30 or more units to include provision for sustainable food production including allotments, proportionate to the scale of the development. In this case, the site is a brownfield site and constrained in terms of size, and the provision of meaningful on site food production is unlikely to be feasible. Were the application to be recommended for approval and include sufficient space for on-site landscaping orchard trees may be appropriate for inclusion as part of a landscaping scheme.

**Human Rights and Equalities Issues:**

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance

Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and

maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

**Local Finance Considerations:**

The proposal would result in the provision of 30 additional residential units which would attract new homes bonus. There would also be a benefit to the local economy as a result of the construction of the proposed development.

**S106/CIL and Affordable Housing:**

Affordable Housing:

Affordable housing provision is required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030. 20% provision would be required which equates to 6 affordable dwellings on the basis of a third social rented, a third affordable rent and a third shared ownership. Commuted sums will only be accepted in exceptional circumstances where they would achieve more effective provision of affordable housing or bring significant regeneration benefits. In this instance no provision is proposed and the applicant has not underwritten the cost of an independent viability assessment. This therefore would represent a reason to refuse the proposals.

S106:

S106 contributions are required from this development in accordance with Policy SS5 and the Planning Contribution and Affordable Housing SPD. Where a proposal results in a loss of jobs, a commuted sum is required to help create similar employment elsewhere in Torbay. Loss of employment contributions will be given the highest priority after site deliverability and affordable housing matters. The number of jobs lost is based on evidence supplied by the applicant and the Employment Densities Guide (3rd Edition 2015 or subsequent) which estimates FTE jobs by floor area. On this basis the loss of employment contribution is calculated on the basis of number of jobs lost x £8,000 per full time equivalent. In the absence of any evidence from the applicant it is estimated that the loss of the public house will result in a loss of 8 equivalent full time jobs and therefore incurring a contribution of £64,000.

CIL:

The application is for residential development in zone 1 where the Community Infrastructure Levy (CIL) is £30 per square metre of additional gross internal floor area created. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 641.3m<sup>2</sup>. The CIL liability for this development is £42,525. In line with the submitted CIL form, this is based on 1,417.5 net m<sup>2</sup> at £30 per m<sup>2</sup>. This amount does not take into account any CIL exemption or relief that may be eligible.

EIA:

Due to the scale, nature and location this development will not have significant

effects on the environment and therefore is not considered to be EIA development.  
Date: 31.07.2017

**Proactive Working:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However in this case the proposal is unable to meet the key policy tests and has therefore been refused.

**Conclusions:**

The proposals are not considered to accord with the provisions of the Torbay Local Plan 2012-2030. The proposals are considered contrary to Policies H1, H2, SS5, SS11, DE1, DE2, DE3, TA2, TA3, C4, ER1, ER2 and appendix F of the Torbay Local Plan 2012-2030 for the following reasons:

- 1) The proposal would constitute an overdevelopment of the site and fails to deliver a high quality design and good standard of amenity for future occupants as a result of poor quality landscaping, poor design and layout of buildings, poor parking arrangements and lack of visitor parking provision contrary to paragraph 17, 56 and 58 of the National Planning Policy Framework and Policies SS11, H1, DE1, DE2, DE3, C4 and TA3 and associated Appendix F of the Torbay Local Plan 2012-2030;
- 2) The application has the potential to detrimentally impact trees protected by Tree Preservation Orders and result in the removal of several unprotected trees. In the absence of a sufficiently detailed tree survey, no proper assessment can be made of the loss, impact and necessary mitigation that is required. The proposed development is contrary to Policies C4 and DE1 of the Torbay Local Plan 2012-2030.
- 3) The application site is within a Critical Drainage Area and Flood Zone 1. In the absence of a sufficiently detailed surface water drainage design, no proper assessment can be made of the impact of surface water run off or the drainage hierarchy. It is therefore unclear whether the proposed development or surrounding area could be kept safe from the effects of surface water. The proposal would not comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.
- 4) The proposed traffic island on Torquay Road, part of the Torbay Major Road Network will detrimentally impact the wider highway network by causing congestion and preventing the free flow of traffic contrary to Policy TA2 of the Torbay Local Plan 2012-2030. The proposed traffic island will result in the loss of on-street parking spaces on the northern side of Torquay Road in an area where on-street parking is heavily used contrary to Policy TA3 of the Torbay Local Plan 2012-2030.
- 5) The proposal will intensify the use of the existing access during peak hours and would require a minimum splay of 2.4m x 43m. The proposed access would not provide a satisfactory standard of visibility contrary to Policy TA2 of the Torbay Local Plan. A suitable access could only be achieved through

- the removal of a number of on-street parking spaces which would be contrary to Policy TA3 of the Torbay Local Plan 2012-2030.
- 6) In the absence of any signed legal agreement or upfront payment under Section 106 of the Town and Country Act 1990 (as amended), the scheme fails to satisfy the objectives of Local Plan Policy SS5 which seeks to mitigate the loss of employment to make it acceptable in spatial planning terms. In the absence of secured contributions in line with the adopted policy or an independent viability assessment to justify a lower level of contributions, the proposal is contrary to Policy SS5 of Torbay Local Plan 2012-2030, the Council's Planning Contribution and Affordable Housing SPD and guidance outlined within paragraphs 203 and 204 of the National Planning Policy Framework.
  - 7) The proposal fails to make appropriate provision for affordable housing in line with Policy H2 of the Torbay Local Plan 2012-2030 and in the absence of the an independent viability assessment to justify a lower level of affordable housing provision the proposal is contrary to Policy H2 of the Torbay Local Plan 2012-2030.

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

01. The proposal would constitute an overdevelopment of the site and fails to deliver a high quality design and good standard of amenity for future occupants as a result of poor quality landscaping, poor design and layout of buildings, poor parking arrangements and lack of visitor parking provision contrary to paragraph 17, 56 and 58 of the National Planning Policy Framework and Policies SS11, H1, DE1, DE2, DE3, C4 and TA3 and associated Appendix F of the Torbay Local Plan 2012-2030;
02. The application has the potential to detrimentally impact trees protected by Tree Preservation Orders and result in the removal of several unprotected trees. In the absence of a sufficiently detailed tree survey, no proper assessment can be made of the loss, impact and necessary mitigation that is required. The proposed development is contrary to Policies C4 and DE1 of the Torbay Local Plan 2012-2030.
03. The application site is within a Critical Drainage Area and Flood Zone 1. In the absence of a sufficiently detailed surface water drainage design, no proper assessment can be made of the impact of surface water run off or the drainage hierarchy. It is therefore unclear whether the proposed development or surrounding area could be kept safe from the effects of surface water. The proposal would not comply with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.
04. The proposed traffic island on Torquay Road, part of the Torbay Major Road Network will detrimentally impact the wider highway network by causing congestion and preventing the free flow of traffic contrary to Policy TA2 of

the Torbay Local Plan 2012-2030. The proposed traffic island will result in the loss of on-street parking spaces on the northern side of Torquay Road in an area where on-street parking is heavily used contrary to Policy TA3 of the Torbay Local Plan 2012-2030.

05. The proposal will intensify the use of the existing access during peak hours and would require a minimum splay of 2.4m x 43m. The proposed access would not provide a satisfactory standard of visibility contrary to Policy TA2 of the Torbay Local Plan. A suitable access could only be achieved through the removal of a number of on-street parking spaces which would be contrary to Policy TA3 of the Torbay Local Plan 2012-2030.
06. In the absence of any signed legal agreement or upfront payment under Section 106 of the Town and Country Act 1990 (as amended), the scheme fails to satisfy the objectives of Local Plan Policy SS5 which seeks to mitigate the loss of employment to make it acceptable in spatial planning terms. In the absence of secured contributions in line with the adopted policy or an independent viability assessment to justify a lower level of contributions, the proposal is contrary to Policy SS5 of Torbay Local Plan 2012-2030, the Council's Planning Contribution and Affordable Housing SPD and guidance outlined within paragraphs 203 and 204 of the National Planning Policy Framework.
07. The proposal fails to make appropriate provision for affordable housing in line with Policy H2 of the Torbay Local Plan 2012-2030 and in the absence of the an independent viability assessment to justify a lower level of affordable housing provision the proposal is contrary to Policy H2 of the Torbay Local Plan 2012-2030.

### **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 attempted to work proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, in this instance the proposal was unable to meet the key policy tests of Policies H1, H2, SS5, SS11, DE1, DE2, DE3, TA2, TA3, C4, ER1 and ER2 and appendix F of the Torbay Local Plan 2012-2030 and as such the application has been refused.

### **Relevant Policies**

H1LFS - Applications for new homes\_

H2 - New housing on unidentified sites

SS5 - Employment space

SS11 - Sustainable Communities Strategy

SS12 - Housing  
C4 - Trees, hedgerows and natural landscape  
DE1 - Design  
DE3 - Development Amenity  
TA2 - Development access  
TA3 - Parking requirements  
ER1 - Flood Risk  
ER2 - Water Management  
NC1LFS - Biodiversity and Geodiversity  
SDP1 - Paignton  
SC1 - Healthy Bay  
SC4 - Sustainable food production

**Application Number**

P/2017/0425

**Site Address**

Epwin Group Plc  
Alders Way  
Paignton  
TQ4 7QE

**Case Officer**

Mr Alexis Moran

**Ward**

Blatchcombe

**Description**

Change of Use from Class B2 (General Industrial) to Class D2 (Assembly and Leisure)

**Executive summary**

The application relates to an existing industrial building with a ground floor area of 916m<sup>2</sup> and a first floor area of 65m<sup>2</sup> (981m<sup>2</sup> in total) that is situated on the Yalberton Industrial estate. The proposal seeks permission for a change of use of the building to a D2 leisure use as a gymnasium. The plans indicate the site can accommodate 37 car parking spaces and 8 cycle parking spaces.

Consideration of this application needs to balance the effect of the proposed development on economic prosperity which may be impacted by the loss of employment floor space against the health benefits of the proposal. Essentially the change of use from an employment use to a leisure use would result in a loss of available employment space for new businesses seeking to locate in Torbay, however the proposed use would provide some employment and would also deliver health benefits, which are a material consideration. Determination of this application is finely balanced.

There are a number of policies in the Torbay Local Plan 2012-30 that are relevant. Policy SS5 (Employment space) relates to the provision and retention of employment space. It acknowledges that non Use Class B employment uses (such as health, leisure, retail, tourism and education) all play an important role as employment generators in the Bay.

Policy SS5 states that proposals for a change of use from Use Class B employment space to other forms of employment use will be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within the locality and on amenity.

In terms of the impact of the proposal on economic prosperity of Torbay, in support of the application the applicant has advised that the South Devon School of Gymnastics currently employ 3 x full-time coaches 17 part-time coaches and 2 cleaners. The Club train and employ senior gymnasts and pay them for courses

and training. It is evident therefore that the proposed use of the building for a gymnastics club will provide jobs.

There is conflicting information about the prospect of the site being used for industrial purposes. Information submitted in support of the application (by Charles Darrow) states that the unit was marketed for a period of 6 months, with 4 enquires received, none of which wished to continue forward with any further enquiries.

The TDA have been consulted on the application and have expressed concern about economic impact of the loss of the unit. The TDA advise that since January 2017 they have received 14 enquiries within the broad size parameter of the current site. Further clarification has been sought from the TDA about whether the rate that the unit was marketed at was reasonable and also whether the enquiries that they receive could reasonably be expected to have transpired into a letting.

Access to the car park is across a shared parking area used by HGVs from the neighbouring industrial unit. The majority of customer parking spaces are located to the rear of the premises, but the entrance is to the front

The proposal would provide 35 regular parking spaces, 2 disabled parking spaces and 8 cycle parking spaces. The parking requirement in the Local Plan for a facility of this scale is set at 38 spaces.

Typically pupils are dropped off by parents for training and that for every two pupils, one car may remain. The parking provision is considered to be suitable for day to day operations. However it is considered that a condition requiring a parking management strategy for events such as competitions is necessary. Details of this should be submitted to the Council for approval if the application is considered acceptable.

As previously noted, no details have been provided about how users of the gymnasium will interact with other uses in the area. Of particular concern is the potential hazards and conflict between delivery vehicles nearby, including the opposite double glazing unit and vehicles/pedestrians accessing the gymnastics school. Further information on this and which demonstrates that the mix of uses in this locality would be acceptable and that the proposed use would not prejudice the use of existing industrial units is required.

If conflicts with the access can be addressed the proposal would not have a detrimental impact on the amenity of existing occupants of the area which consists mainly of window manufacturers. The amenity of users of the gym is likely to be affected by neighbouring uses through noise and odour. The issue with regards to odour can potentially be overcome by the installation of a ventilation system. As potential noise and odour would come from existing uses in the area, it is considered that the applicant will be aware of these issues.

The proposal is considered to comply with Policies SC1 (Healthy Bay) & SC2 (Sport, leisure and recreation) of the Local Plan which encourage all development to improve the health and well-being of the community and provide access to sport, leisure and recreation facilities.

Subject to the receipt of additional information in relation to the impact of the proposal on economic prosperity and clarification by the applicant to show that the proposed use could operate safely in this location with no conflict with existing uses in the locality, e.g. between vehicle movements and pedestrian access to the premises, there is a presumption when considering the proposal against Policy SS5 that it would be an acceptable use in this location as it does employ people and the health benefits and retention of the South Devon School of Gymnastics in Torbay would also weigh in favour of approval

### **Recommendation**

Conditional approval subject to the receipt of additional information confirming that the proposed change would not have a detrimental impact on the economic prosperity of Torbay and that the proposed use would interact safely in this location with existing uses in the locality, including the layout of the site and parking area. Final drafting of conditions to be delegated to the Executive Head of Business Services.

### **Site Details**

The site is comprised of an industrial/warehouse building measuring approximately 43m x 22m (916m<sup>2</sup> at ground floor and 65m<sup>2</sup> at first floor giving 981m<sup>2</sup> in total) and with 8 parking spaces to the front and 30 parking spaces to the rear. The site lies on Yalberton Industrial Estate in Paignton.

Vehicular access is via an unadopted parking/loading bay which is shared with the adjacent window factory.

The Torbay householder waste recycling centre is located to the west of the site and is accessed via Tor Park Road. The west boundary was screened by trees.

A window manufacturing company is located to the south its loading bay faces the front of the site.

### **Detailed Proposals**

The proposal seeks permission for a change of use of the building from a B2 general industrial use to a D2 leisure use as a gymnasium. The applicant and proposed occupier is the South Devon School of Gymnastics.

The plans indicate the site can accommodate 37 car parking spaces and 8 cycle parking spaces. The application form does not contain any parking information although some explanation of hours of operation and typical transport options is provided. It is proposed to use the building from 9am to 9pm Monday to Saturday

and not on Sundays and Bank Holidays.

Information submitted in support of the application indicates that the premises will be used for teaching/coaching of gymnastics to a range of ages from babies to adults. The premises is expected to accommodate approximately 60 gymnasts at any one time however details of numbers for events such as competitions have not been provided.

No external works to the building are proposed.

### **Summary Of Consultation Responses**

Strategic Planning: Policy SS5 recognises that Use Class D uses create employment and does not require the applicant to show no reasonable prospect of Use Class B use as long as the proposal will result in a use which creates employment (even though it is not a Use Class B use). Policy SS5 requires that proposals for the loss of Use Class B employment space for other types of use that generate employment is considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within a locality and on amenity.

Policy SS5 contains a more flexible approach to considering the loss of employment floor space than para. 22 in the NPPF, which has a higher test of there being no reasonable prospect of a site being used for an allocated employment use. As the Torbay Local Plan is up to date Policy SS5 carries more weight than the NPPF in the decision making process.

The application will therefore need to be assessed on the basis of impact of the proposed use on economic prosperity, appropriate mix of uses and amenity.

In this case the loss of a Use Class B use could impact on the economic prosperity since the unit is a purpose-built industrial unit situated on a busy, well-located industrial estate. The demand for such a unit is unclear. The statement by Charles Darrow does point to evidence of marketing- although it does not say for how long. The TDA will need to advise on whether the rate of £3.85 per sq ft (£41.44 per sq m) is reasonable. In addition the TDA will also need to comment on whether their enquiries would reasonably be expected to have transpired into a letting.

The Employment Land Review (October 2013) does not identify a great need for Use Class B space in Torbay (paragraph 3.3.10 suggests a small fall in industrial space). There is a need to update the ELR/Economic Needs Assessment, particularly if a more robust approach to retaining B space is taken. However the current evidence base is not strong in seeking to argue that the conversion of a B use to a Class D use would harm economic prosperity.

No information has been submitted about whether a gymnasium would be an appropriate use in the locality or whether it would be acceptable on amenity

grounds. On a visit to the site, the windows manufacturer was operating cutting equipment and the other nearby units also appeared to be in industrial use. It also appeared that the area shown as access to parking for the gym was in an area used by large vehicles. Further information as to how these potential conflicts will be addressed is necessary.

Gymnastics has health benefits and the application is supported by Sport Torbay. The health benefits are recognised, although Alders Way is likely to be car dependent. A gymnasium is a main town centre use. Policy SC2 applies a sequential test to major leisure facilities. The current application falls just below the threshold for a major application (i.e. 1,000sq m), and therefore a sequential test has not been applied.

The merits of the application are finely balanced and do raise wider strategic issues about Torbay's Economic Strategy.

More information about amenity and the layout/safety of the parking area is required.

However, if the issues of the possibility of occupation by an alternative B Class use and parking issues can be resolved in a satisfactory manner, Policy TC5 is a permissive one and the presumption would be that the application should be approved, especially as it does employ people. The health benefits and retention of the South Devon School of Gymnastics in Torbay also weigh in the application's favour.

**Community Safety:** Concerns have been raised that the gym could suffer from noise and smell nuisance given the location of the unit. This could however be overcome by ventilation/air intake directed away from areas which may cause odour.

There are issues with regards to the relationship between the car park area and other industrial uses in the area and potential vehicular and pedestrian conflict. It would appear that the car park area is shared with neighbouring industrial units with frequent deliveries including HGVs and fork lift truck movements. Given that the users of the club are in the majority going to be children, the potential for a significant accident is high. Unless the car parking and access can be protected/segregated by means of fixed barriers, then there would be an objection on Health and Safety grounds.

**Sport Torbay:** With their new infrastructure now in place and gymnastics growing in the Bay, South Devon School of Gymnastics will be able to provide further employment to this area of Torbay.

This is a positive approach to employment and training for sport in Torbay with over 25 employees based at this facility.

Sport is becoming an important area of employment and training in Torbay and it's important that this planning application goes ahead.

Police Designing Out Crime Officer: No observations due to lack of detail.

TDA: Would not want to lose a unit of this size to other uses. In the local Torbay market a unit of this size does not become available very often. As has been previously suggested. Evidence of a concerted marketing effort to let the space for commercial use would need to be provided we feel.

Within our property database and the enquiries coming through mainly the Invest in Torbay website, there are 14 enquires since Jan 2017 (we can use different date if required) that have use the search requirement criteria of industrial space, 10-12,000 sq ft.

### **Summary Of Representations**

One letter of support from the applicant has been received, this also provides additional information in response to comments from the TDA and these are provided in the key issues/material considerations part of this report.

### **Relevant Planning History**

None relevant.

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

The key issues to consider in relation to this application are 1. whether the loss of employment floor space will have a detrimental impact on the economic prosperity of Torbay, 2. whether the use of the premises as a gym within the locality is an acceptable mix of uses, whether impacts on amenity are acceptable and 3. health and community wellbeing benefits of the proposals.

#### **1. Whether the loss of employment/employment space is acceptable**

Policy SS4 of the Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses, it encourages new businesses and investment in order to create new jobs, and it enables expansion and diversification of the economy of the Bay. The Local Plan supports the creation of at least 5000-5,500 net additional jobs by 2030 with an emphasis on delivering around 1375 net new jobs in the first 5 years of the Plan period.

Policy SS5 states that in order to meet the needs of existing, growing and new businesses, sufficient high quality space will be provided to meet existing and arising requirements of employers. This will include space and facilities for Use Class B employment uses and other non-Use Class B sectors including health, leisure, retail, tourism and education, which play an important role as employment generators in the Bay.

Policy SS5 is more tolerant of changes of use of employment land than NPPF paragraph 22, in that it allows changes of use from Use Class B to non-Use Class B employment uses to be considered on the basis of the impact on the economic prosperity of Torbay, the appropriate mix of uses within the locality and on amenity. As the Torbay Local Plan is up to date Policy SS5 carries more weight in the decision making process than para. 22 of the NPPF.

#### Impact on the economic prosperity of Torbay

In determining this application consideration must be given to the fact that a loss of a Class B use could impact on economic prosperity, particularly as the unit is a purpose-built industrial unit, on an industrial estate. The Employment Densities Guide 3rd edition indicates 1 job per 36 sq m which would mean 26 full time equivalent jobs could be expected to be provided in a unit this size in Use Class B2 use.

Comments from Strategic Planning state that the current evidence base (from the Employment Land Review October 2013) is not strong in seeking to argue that the conversion of a B use to a Class D use would harm economic prosperity.

In support of the application the applicant has advised that the South Devon School of Gymnastics currently employ 3 x full-time coaches of 30+ hours per week and 17 part-time coaches ranging from 3-26 hours per week. The applicant has stated on the application for that this is the equivalent of 6 full time staff. They will also be advertising for an additional full-time member of staff shortly. They employ 2 x cleaners through a cleaning company for 8 hour per week. The Club train and employ senior gymnasts and pay them for courses and training.

Information submitted by Charles Darrow on behalf of the applicant states that the unit was marketed for a period of 6 months, with 4 enquires received, none of which wished to continue forward with any further enquiries. Sierra Windows, the manufactures opposite, viewed the unit and did not require the space.

The TDA have expressed concern about the loss of the unit. They advise that since January 2017 there have been 14 enquiries to the TDA within the broad size parameter of the current site. The TDA indicate that the unit in question does not appear to have been marketed through the TDA's commercial database. In accordance with the consultation comments from Strategic Planning comments the TDA have been invited to comment on whether the rate per square metre for the unit is reasonable and whether their enquiries would reasonably be expected to have transpired into a letting.

Of lesser importance, Policy SDP3 identifies Yalberton Industrial Estate as one where development for refurbishment and environmental improvements to the existing employment area and qualitative improvements to upgrade existing provision will be considered appropriate.

## 2. Mix of uses and amenity

The application drawings indicate that

- i. Access to the car park is across a shared parking area used by HGVs from the neighbouring industrial unit
- ii. The majority of customer parking spaces are located to the rear of the premises, but the entrance is to the front.

The proposal would provide 35 regular parking spaces, 2 disabled parking spaces and 8 cycle parking spaces. The parking requirement in the Local Plan for a facility of this scale is set at 38 spaces.

It is explained in the application supporting materials however that typically pupils are dropped off by parents for training and that for every two pupils, one car may remain. In the circumstances it is considered that the amount of parking will be suitable for day to day operations. Whether it is suitable for events that may be held (competitions) is unclear at this stage but such events would not be the prevalent use of the site. It is considered that a condition requiring a parking management strategy for events such as competitions is necessary, these details should be submitted to the Council for approval if the application is considered acceptable.

During peak times the unit will accommodate approximately 60 gymnasts plus parents watching from the first floor level. There is therefore likely to be a high number of vehicle movements to and from the site at peak times. This raises concerns of potential conflict between vehicles accessing and exiting the unit. Further information on how this can be overcome and on what route children will take from the rear car park to the front of the building is deemed necessary to ensure that potential conflict between high numbers of vehicle movements and children accessing/exiting the gymnastics school can be overcome. Although there is a turning area to the front of the site it does not appear to have any parking restrictions and if parents are dropping off children at the front of the unit then details of how they can safely turn around are required.

As previously noted, no details have been provided about how users of the gymnasium will interact with other uses in the area of particular concern in the impact of noise, dust and smell from nearby general industrial uses or how potential hazards (i.e. delivery vehicles nearby, including the opposite double glazing unit) could be avoided. Further information on these points which demonstrate that the mix of uses in this locality would be acceptable and that the proposed use would not prejudice the use of existing industrial units is required.

Advice from Community Safety states that potential car parking and access hazards need to be addressed, this could be by means of fixed barriers to protect/segregate the rear car parking area from delivery vehicles and fork lift trucks used by adjacent industrial units.

If the concerns with regards to access and potential conflict between industrial processes such as delivery vehicles and vehicles and pedestrians accessing the gymnastics school can be overcome, it is not considered that the proposed use would have an impact on the amenity of existing occupants of the area.

The amenity of users of the gym are likely to be affected by noise and odour caused by the neighbouring window manufacturers and the adjacent recycling centre. Issues with regards to odour can be overcome by the installation of a ventilation system.

### 3. Health & Wellbeing

The Gymnastics School has recently lost its previous facility and the application site would provide them with a new facility from which to operate. Policy SC1 of the Local Plan encourages all development to improve the health and well-being of the community. Although not technically a new facility, a failure to find another location to operate from could see the School close, with consequent negative health and community cohesion impacts. The NPPF emphasises that one of the three pillars to sustainable development includes the social aspects of development. Accordingly, this is a matter to which significant weight can be afforded.

Policy SC2 applies a sequential test to major leisure facilities, however the application falls just below the threshold for a major application and therefore a sequential test has not been sought. The health benefits (including encouraging women to participate in sport) outweigh any sequential/location concerns that could arise under SC2.

However as the gymnastics club would be located on an industrial estate it is considered that further information should be submitted by the applicant to show that the location would be acceptable on amenity grounds and that the layout of the site parking area is safe.

### CIL/Section 106

The application form states that the floorspace is 930 sq m of B2 use. The Employment Densities Guide 3rd edition indicates 1 job per 36 sq m which would mean 26 full time equivalent jobs. An accompanying letter to the application indicates the gymnastic school would employ 3 fulltime staff, plus 17 part time coaches and 2 part time cleaners.

However the floorspace of the unit is below the threshold for "tariff style contributions" and the proposed use does provide employment, albeit less than would be expected in a B2 unit of this size. On this basis the Council will not be able to seek loss of employment contributions in this instance.

### Conclusions

The proposed development for the change of use from B2 to D2 is finely balanced

based on the points discussed in this report. Subject to the submission of additional information from the applicant to show that the proposed use would interact safely in this location, and further information from the TDA about whether the loss of the unit would harm economic prosperity the proposal is considered to be consistent with Policies SS5, SD1 and SC2 of the Torbay Local Plan and therefore appropriate for planning approval, having regard to all national and local planning policies and all other relevant material considerations.

In order for the Council to retain some control over the use of the unit in the future it is considered that a condition should be added which removes permitted development rights for the unit to change to a different use class or a different use within Class D2. Final drafting of conditions to be delegated to the Executive Head of Business Services.

- o Removal of permitted development rights for any change of use within D2 or any other use class.
- o Submission and approval of a traffic management strategy prior to the first use of the unit as a gymnastics school.
- o Submission of a travel plan.
- o Implementation of disabled car parking spaces and cycle storage prior to first use of the unit as a gymnastics school.
- o Restriction on hours of use.

**Relevant Policies**

-

**Application Number**

P/2017/0608

**Site Address**

128 Laura Grove  
Paignton  
TQ3 2LJ

**Case Officer**

Gary Crawford

**Ward**

Preston

**Description**

Extensions and alterations to existing dwelling house to include loft conversion, raising of roof height and extensions to the roof, extension to the front and raised deck to rear (resubmission of P/2017/0346)

**Executive Summary/Key Outcomes**

The proposal is for extensions and alterations to the existing dwelling to include loft conversion, raising of roof height by 450mm and extensions to the roof, extension to the front and raised deck to rear.

The proposal is considered to be acceptable in this location and without any overriding detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. Consequently the proposal meets Local Plan policy requirements, specifically Policies DE1 (Design), DE3 (Development amenity) and DE5 (Domestic extensions).

**Recommendation**

Conditional approval (conditions at end of report).

**Statutory Determination Period**

8 weeks, the determination date is 9th August 2017. Following a Site Review Meeting on 31/7/2017, Councillors Doggett and Sanders requested that the application be determined by the Development Management Committee.

**Site Details**

The application site is a bungalow located on the north eastern side of Laura Grove. The property has an existing attached side garage. The ground level of this section of Laura Grove slopes downwards from north west to south east.

**Detailed Proposals**

The proposal is for a loft conversion which involves raising the ridge height of the host property by 450mm, a flat roof rear dormer, extending the hipped roof over the existing flat roofed garage, the insertion of three roof windows in the front elevation and a roof window in each flank elevation. The proposal also includes a 1m deep front extension which is flush with the principal front elevation of the host property and raised decking areas to the rear.

## **Summary Of Consultation Responses**

None.

## **Summary Of Representations**

Two representations of objection have been received. Issues raised:

- Overdevelopment
- Sets precedent
- Loss of views. Officer comment: Representations regarding the loss of views have been noted but this does not constitute a material planning consideration
- Not in keeping with local area
- Increase in traffic
- Impact on parking.

## **Relevant Planning History**

P/2017/0346: Extensions and alterations to existing dwelling house to include loft conversion, raising of roof height and extensions to the roof, extension to the front and raised deck to rear. Withdrawn 30/5/2017.

## **Key Issues/Material Considerations**

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

1. Impact on the character and appearance of the existing property and street scene
2. Impact on amenity
3. Impact on parking
4. Impact on bats and nesting birds.

### **1. Impact on the character and appearance of the existing property and street scene**

Policy DE1 (Design) of the Torbay Local Plan 2012 - 2030 states that development proposals should acknowledge local character. Policy DE5 (Domestic extensions) specifies that extensions to domestic dwellings will be permitted where the extension would not dominate or have other adverse effects on the character or appearance of the original property or any neighbouring properties, or on the street scene in general.

Whilst flat roof side garages are a characteristic of the bungalows within the section of Laura Grove in which the application site is located, the proposed hipped roof would respect the character and appearance of the existing dwelling and neighbouring properties by matching their hipped roof form. Furthermore, due to the existing hipped roof over the garage at No.130, it is deemed that the proposal would not be out of keeping with the street scene. In addition, the proposed hipped roof above the garage would maintain a visual gap at first floor level between the application site and No.126 Laura Grove. Whilst an increase in the ridge height of

No.128 Laura Grove by 450mm would have an impact on the character of the street scene, it is considered that the ridge of No.128 would still be sufficiently lower than the ridge of the front gable of No.130 Laura Grove. As such, it is considered that proposed increase in ridge height would not have a significantly adverse impact on the character and appearance of the street scene. The proposed front extension is considered to be of an acceptable scale and it would not overly dominate the character or appearance of the original property. Whilst the proposed rear dormer features a flat roof which is in contrast to the existing pitched roof form of the host property, it is unlikely that the rear dormer would be visible from the public realm and it is therefore considered to be acceptable. The rear decking areas are also considered to be acceptable additions which respect the character of the original building.

It is considered that the design of the proposal is acceptable in terms of its impact on the character and appearance of the existing property and street scene, and, is consistent with Policies DE1 and DE5 of the Torbay Local Plan.

## **2. Impact on amenity**

Policy DE3 (Development amenity) of the Torbay Local Plan details 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. There is an approximate 2.8m distance between the south eastern flank elevation of No.128 and the north western flank elevation of No.126, and, an approximate 4.3m distance between the north western flank elevation of No.128 and the south eastern flank elevation of No.130. Due to the distances between the proposed extensions and neighbouring properties, it is considered that the proposal would not result in any significantly harmful overbearing or loss of light impacts upon neighbouring properties. It is acknowledged that the proposed dormer may result in some overlooking and loss of privacy impacts to neighbouring rear gardens. However, a rear dormer window could be constructed at No.128 under the permitted development criteria. As such, it is not considered reasonable to refuse the application on grounds of overlooking and loss of privacy given that a similar rear dormer could be constructed at No.128 under the permitted development criteria. Whilst there is a roof light proposed in both flank elevations of the host property, the roof lights would be positioned approximately 1.8m above the finished floor level, above eye level and therefore they are not considered to have a detrimental impact to residential amenity by loss of privacy. Whilst there may be an element of overlooking of neighbouring rear gardens from the proposed rear decking areas, given the position of the decking areas off the side boundaries with neighbouring properties, it is deemed that the proposed decking areas would not result in any detrimentally harmful overlooking impacts upon neighbouring properties.

The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties and would comply with Policy DE3.

## **3. Impact on parking**

Appendix F (Car parking requirements) to Policy TA3 (Parking requirements) of the Torbay Local Plan details that for domestic extensions, there shall be compensatory provision for displaced car parking, garaging and cycle storage. As the proposal does not result in any displaced car parking, garaging or cycle storage, the proposal would accord with Policy TA3.

#### **4. Impact on bats and nesting birds**

The application has been accompanied by a written assessment for bats and nesting birds by a licenced Ecologist (NE Licence Number 2016-11834). The site was inspected internally and externally and the written assessment concluded that:

- 1) No evidence of use by bats was found in association with the roof or eaves of the property
- 2) The proposed works are unlikely to impact on bats
- 3) There was no evidence of bird nesting activity in association with the roof or eaves of the property and the work will not impact on nesting birds.

In terms of its impact on bats and nesting birds, the proposal is therefore acceptable.

#### **Drainage**

The application site is located within the Critical Drainage Area and a Flood Risk Assessment (FRA) has been submitted which states that surface water drainage will be dealt with by soakaways. A condition will be imposed to ensure that drainage accords with the submitted FRA.

#### **S106/CIL**

N/A

#### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Equalities Act - No issue.

#### **Conclusions**

In conclusion, the proposed development would not harm the appearance and character of the area or have an adverse effect on the amenity of nearby occupiers, therefore the proposed development is considered to be appropriate for planning approval, having regard to all national and local planning policies and all other

relevant material considerations.

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

01. Surface water drainage shall be provided by means of soakaways within the site.
02. Works shall be undertaken in strict accordance with the good practice guidelines in relation to bats as set out in the submitted Preliminary Ecological Assessment by George Bemment Associates, dated 4 April 2017.

**Relevant Policies**

DE1 - Design

DE3 - Development Amenity

DE5 - Domestic extensions

TA3 - Parking requirements

NC1LFS - Biodiversity and Geodiversity

ER1 - Flood Risk

**Application Number**

P/2016/1265

**Site Address**

Cary Castle  
32 Cary Castle Drive  
Torquay  
Devon  
TQ1 4QZ

**Case Officer**

Verity Clark

**Ward**

St Marychurch

**Description**

Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle, formation of new car parking for flats, and replacement of windows and doors (Revised plans received 5/7/17 reducing size of parking area to 4 spaces)

**Executive Summary/Key Outcomes**

The application site is a Grade II listed building currently in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay.

The proposal seeks permission for a number of external works to the existing building in the form of new windows and doors, roof lanterns and the blocking up and opening of sections of wall.

The second key element of the proposal is the re-use of an existing vehicular access from Barewell Close to a newly formed parking area for 4 vehicles, with associated areas of hardstanding. The proposal also seeks permission for a number of new gates, and fences within the site.

The proposed works to the building are considered to be visually acceptable and without detriment to the historic fabric and character of the Grade II listed building or Conservation Area.

The proposed parking area to the South East of the plot is considered to provide additional parking facilities within the site without detriment to the setting of the listed building, highways safety, neighbour amenity, trees and ecology.

The application is recommended for conditional approval.

The application has been referred to Development Management Committee due to the number of objections that have been received.

### **Recommendation**

Conditional approval subject the final drafting of conditions to be delegated to the Executive Head of Business Services.

### **Statutory Determination Period**

8 weeks. The determination date is the 11th April 2017. The determination has exceeded the 8 week date to allow the applicant the opportunity to provide revised plans to address concerns with the proposal.

### **Site Details**

The site, Cary Castle, 32 Cary Castle Drive, Torquay, is a Grade II listed property in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay. The property is located within a generous plot and includes an existing parking area to the north of the property accessed from Cary Castle Drive. An existing overgrown and currently unused access is also located in the South East corner of the plot leading to Barewell Close.

The site is located within the St Marychurch Conservation Area.

### **Detailed Proposals**

The proposal consists of two key elements. The first includes works to the existing property. The proposal seeks permission for the blocking up and opening of sections of wall, new windows and doors and three timber roof lanterns. Internal works to the building are proposed as is the reduction of flats from 14 to 9, however these elements do not require the benefit of planning permission.

The second element of the proposal seeks to re-use an existing overgrown vehicular access from Barewell Close to provide access to a newly formed parking area for 4 vehicles, with associated areas of hardstanding. The proposed parking area is situated in the South East corner of the plot and sits adjacent to the properties; Tintern, Cary Castle Drive and 10 Barewell Close. The proposal also seeks permission for a number of new gates and fences within the site. As originally submitted the proposal was to provide parking for 14 vehicles, but this has been revised to 4 parking spaces due to concern about highway safety.

### **Summary Of Consultation Responses**

*Senior Historic Environment Officer:* It is clear from AC Archaeology's Architectural Assessment that the main block of the castle (west side) is, in the main, original fabric of the mid-19C; and that the east-side service wing is with the exception of short lengths of phase II walling (late-19C) entirely rebuilt in the 20C in two phases: 1950-1970; and c.1995-2000. The more recent plans show clearly the proposed demolitions in the new layout, allowed them to be separately phased, and thus aided interpretation considerably. Both the architectural assessment and the demolition details demonstrate that the great majority of the proposed changes are the removal of the less significant 20C phases. This was confirmed during our visit. After receipt of revised plans there are no concerns with the changes in the

main block or the 20C wing - though detail here: stair, window, and door formations and types will be important. No problems with drawings 1211.17 & 18; much of the demolition has been done as we witnessed, but mostly 20C alterations of low significance as agreed on site. Regarding the latest parking/landscaping proposals revised plans have been received reducing the number of parking spaces to 4. This sits within the context of the ruined buildings in the far corner; these once served the commercial walled gardens, the area now occupied by 3-9 and 12-18 Barewell Close, as the blocked entrance in the boundary wall with 12 Barewell Close shows. The revised plans are considered to be acceptable and without detriment to the setting of the listed building.

*Highways:* No objection to the revised plans detailing 4 parking spaces. Proposal is not considered to impact on highway safety due to the number of trips associated with 4 spaces.

*Arboricultural Officer:* The method of slight scraping and levelling to produce a gravel driveway with terram (using a non-toothed digger bucket) that does not dig into the top soil retained by pinned boards would be adequate. The Senior Historic Environment Officer was agreeable to this finish during our site meeting. All elements of the tree report dealing with tree protection excluding the no dig driveway solution should be conditioned for adherence if approval follows. If T2 is proposed to be removed the applicant should address this either by submission of a detailed landscaping plan or submit a normal tree work application to which a replacement tree condition will be attached.

*Drainage:* As the increase in impermeable area is less than 20m<sup>2</sup> there is no objection on drainage grounds.

*Wales and West Utilities:* There are pipes in the area which may be affected and at risk during construction works. Should the application be approved the promoter of the works should contact us directly to discuss our requirements before any works commence on site.

*South West Water:* No objection.

### **Summary Of Representations**

9 representations. Issues raised:

- Parking within Barewell Close
- Highway safety
- Noise and disturbance
- Existing access and parking on site
- Inaccurate plans/ description
- Loss of privacy and overlooking
- Impact on security
- Lighting

- Impact on listed building
- Impact on Conservation Area
- Neighbour amenity
- Right of access

### **Relevant Planning History**

P/2016/1304 Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle, formation of new car parking for flats, and replacement of windows and doors. Concurrent listed building application.

P/2002/1153 &  
P/2002/1154 Demolition Of Garage And Demolition Of Extension To Existing Villa; Conversion Of Villa To Form 2 Dwellings; Erection Of Extension To Form 2 Dwellings And Erection Of One Dwelling In Grounds. Applications withdrawn.

P/1999/1202 Change Of Use From Holiday Apartments To Residential Apartments (As Revised By Plans Received 23/9/99). Approved 23/11/99

P/1999/0319 Erection Of Dwelling With Garage. Refused 05/05/99 Appeal dismissed.

P/1999/0318 Demolition Of Derelict Garage And Greenhouse And Erection Of Dwelling With Garage. Refused 05/05/99 Appeal allowed.

P/1998/0142 Erection Of Dwelling With Integral Garage. Refused 23/03/98

P/1988/0099 Erection Of Dwelling With Integral Garage. Refused 09/03/98

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

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

1. Impact on the listed building and Conservation Area
2. Impact upon the amenity of neighbouring properties
3. Transport Issues
4. Trees and Ecology

#### **1. Impact on the listed building and Conservation Area**

The proposed external works to the Grade II listed property are considered to be acceptable. The proposal seeks permission for the blocking up and opening of sections of wall, installation of new windows and doors at ground floor level and three timber roof lanterns. The Council's Senior Historic Environment Officer has confirmed that there is no concern with the changes in the main block or the 20th

century wing although larger scale detail of the window and door formations and types will be important and should therefore be required by condition. As such the proposed changes to the existing building are considered to be appropriate and without detriment to the historic fabric and character of the building or the character and appearance of the wider Conservation Area street scene.

The second element of the proposal seeks to re-use an existing overgrown vehicular access from Barewell Close to a newly formed parking area for 4 vehicles, with associated areas of hardstanding in addition to a number of new gates and fences within the site. As revised plans have reduced the number of parking spaces from 14 spaces to 4 spaces the Council's Senior Historic Environment Officer has confirmed that as the proposed parking will be located in the context of the ruined buildings in the far South East corner; which once served the commercial walled gardens, and as the proposed parking area is set a considerable distance from the listed building, this element of the proposal is not considered to impact on the setting of the listed building or Conservation Area. The proposed gates and fences are considered to be acceptable within the context of the site.

The proposal as a whole is therefore considered to accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

## 2. Amenity impact

In terms of impact on the neighbouring properties, Tintern, Cary Castle Drive and 10 and 12 Barewell Close are considered to be most impacted by the proposed parking area. As the proposal has reduced the number of parking spaces from 14 to 4 spaces any potential impact from the proposal has been reduced. The proposal will seek to re-use an existing access which could be cleared and utilised without the benefit of planning permission. Consent is required for the hardstanding, gates and fences associated with the re-used access. Although the parking area is situated adjacent to the garden areas of Tintern and 10 Barewell Close the reduction in spaces to enable only 4 cars to be parked at any one time is considered to result in an acceptable level of noise and vehicular movements for the context of the location. The siting of the proposed parking area is not directly in line with any neighbouring property's dwelling and as such light from car headlights is unlikely to face directly into any windows. The parking area is surrounded by a boundary wall and a hedge. Due to the scale of the proposal and the existing screening, the proposed parking area is not considered to be harmful to neighbour amenity. It is considered necessary to add a condition requiring the retention of the screening surrounding the parking area to ensure neighbour amenity is retained.

The proposed parking area is therefore considered to accord with Policy DE3 of the Torbay Local Plan 2012-2030.

### 3. Transport issues

The Council's Highway's Engineer raised an objection to the initial proposal of 14 spaces due to the number of trips generated from the parking spaces and the additional vehicular movements onto Barewell Close.

Following the objection from the Highways Engineer revised plans reducing the number of spaces have been submitted. The Officer has confirmed that the existing access has no visibility problems or gradient issues, the same as the other driveways next to it. If it was opened again it would prevent parking within the turning circle, and it does not reduce the existing on street parking provision. Whilst there is congestion on Barewell Close at school times it is just for two short periods of time each day. As this congestion is generally caused by parents dropping off and collecting children from the school there would be no reason to object on highways grounds to a small number of additional residential trips. It is not considered that there is any additional danger to highway users, with the number of additional trips, now that the number of spaces has been amended to just four, reducing the likelihood of conflict between vehicles entering and exiting the driveway. It should also be noted that the proposed access will be used at various times of the day and not specifically at school times, as would be the case for all properties within the Close.

The proposal is therefore considered to accord with Policies TA2, TA3 and Appendix F of the Torbay Local Plan 2012-2030 which seeks to ensure an adequate level of accessibility and safety, and parking size standards.

### 4. Trees and Ecology

The Council's Arboricultural Officer has advised that the scheme is suitable for approval on arboricultural merit subject to the conditioning of all elements of the tree report dealing with tree protection excluding the no dig driveway solution. If T2 is proposed to be removed the applicant should address this either by submission of a detailed landscaping plan or a normal tree work application to which a replacement tree condition will be attached.

The application has been accompanied by a preliminary ecological appraisal. The written assessment concluded that:

- 1) Precautionary mitigation could be adopted in relation to external lighting associated with the parking area to avoid any negative impact on the local bat population.
- 2) It is likely that occasional common bird species nest within shrubs and trees at the site boundary. If any of these habitats are to be cleared, re-aligned or disturbed during the bird nesting season (March to August inclusive), the habitat should be thoroughly inspected by a suitably qualified person prior to the disturbance. If nesting birds are found, all activities likely to damage the immediate area should be delayed until chicks have fledged.
- 3) There is potential for reptiles to be present within the area of cut scrub. It is

- recommended that reasonable avoidance measures are adopted to displace any reptiles, if present, into adjacent retained habitat.
- 4) No further ecological surveys are required.

In terms of its impact on protected species, the proposal is therefore acceptable subject to the addition of a condition requiring the adherence to the recommendations for mitigation and further surveys set out within the preliminary ecological appraisal.

### **Statement of Pro-active Working**

The Council has sought to work positively and proactively with the applicant through discussions and through open dialogue including requests for revised plans.

### **S106/CIL -**

The development is not CIL liable.

### **Local Finance Considerations**

The local finance impact of the proposal is di minimus due to its scale.

### **Human Rights and Equality Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Conclusions**

It is considered that the proposal is acceptable for the reasons set out in this report. The external works to the Grade II listed building and the proposed formation of a parking area with 4 spaces, proposed fences and gates are considered to be acceptable and without detriment to the historic fabric and character of the listed building, the character of the Conservation Area, neighbour amenity and highways safety in accordance with Policies DE1, DE3, SS10, HE1, TA2, TA3, NC1, ER1, ER2 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which specifies that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which notes that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

01. Retention of boundary screening to parking area
02. Tree report/methodology
03. Ecology recommendations
04. Window/ door details
05. Restrict number of spaces for proposed carpark

**Relevant Policies**

- DE1 - Design
- DE3 - Development Amenity
- SS10 - Conservation and Historic Environment
- HE1 - Listed Buildings
- TA2 - Development access
- TA3 - Parking requirements
- NC1LFS - Biodiversity and Geodiversity
- ER1 - Flood Risk
- ER2 - Water Management

**Application Number**

P/2016/1304

**Site Address**

Cary Castle  
32 Cary Castle Drive  
Torquay  
TQ1 4QZ

**Case Officer**

Verity Clark

**Ward**

St Marychurch

**Description**

Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle and replacement of windows and doors.

**Executive Summary/Key Outcomes**

The application site is a Grade II listed building currently in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay.

The proposal seeks permission for a number of external works to the existing building in the form of new windows and doors, roof lanterns and the blocking up and opening of sections of wall.

The second key element of the proposal is for a large number of internal works including the removal of a number of walls, doors and ceilings.

The proposal also seeks permission for a number of new gates, and fences within the site.

The proposed internal and external works to the building, fences and gates are considered to be visually acceptable and without detriment to the historic fabric and character of the Grade II listed building or St Marychurch Conservation Area.

The application is recommended for Listed Building consent to be granted subject to conditions.

The application has been referred to Development Management Committee due to the number of objections that have been received, however it should be noted that the objections relate to the works proposed under the corresponding planning application.

**Recommendation**

Listed Building consent be granted subject the final drafting of conditions to be delegated to the Executive Head of Business Services.

### **Statutory Determination Period**

8 weeks. The determination date is the 11th April 2017. The determination has exceeded the 8 week date to allow the applicant the opportunity to provide revised plans to address concerns with the proposal.

### **Site Details**

The site, Cary Castle, 32 Cary Castle Drive, Torquay, is a Grade II listed property in use as a dwelling house and 14 residential flats, accessed from a private drive; Cary Castle Drive, Torquay. The property is located within a generous plot and includes an existing parking area to the north of the property accessed from Cary Castle Drive. An existing overgrown access is also located in the South East corner of the plot leading to Barewell Close.

The site is located within the St Marychurch Conservation Area.

### **Detailed Proposals**

The proposal seeks Listed Building consent for internal and external works to the property. The proposal seeks permission for the external blocking up and opening of sections of wall, new windows and doors and three timber roof lanterns. Internal works to the building include a large number of alterations including the removal of walls, doors and ceilings.

The proposal also seeks to reduce the number of flats from 14 to 9, form a parking area in the South East corner of the plot and install fences and gates, however these elements do not require the benefit of listed building consent and are therefore not considered as part of this application.

### **Summary Of Consultation Responses**

*Senior Historic Environment Officer.* It is clear from AC Archaeology's Architectural Assessment that the main block of the castle (west side) is, in the main, original fabric of the mid-19C; and that the east-side service wing is with the exception of short lengths of phase II walling (late-19C) entirely rebuilt in the 20C in two phases: 1950-1970; and c.1995-2000. The more recent plans show clearly the proposed demolitions in the new layout, allowed them to be separately phased, and thus aided interpretation considerably. Both the architectural assessment and the demolition details demonstrate that the great majority of the proposed changes are the removal of the less significant 20C phases. This was confirmed during our visit. After receipt of revised plans there are no concerns with the changes in the main block or the 20C wing - though detail here: stair, window, and door formations and types will be important. No problems with drawings 1211.17 & 18; much of the demolition has been done as we witnessed, but mostly 20C alterations of low significance as agreed on site. Regarding the latest parking/landscaping proposals revised plans have been received reducing the number of parking spaces to 4. This sits within the context of the ruined buildings in the far corner; these once served the commercial walled gardens, the area now occupied by 3-9 and 12-18 Barewell Close, as the blocked entrance in the boundary wall with 12 Barewell

Close shows. The revised plans are considered to be acceptable and without detriment to the setting of the listed building.

### **Summary Of Representations**

14 representations. Issues raised:

- Parking within Barewell Close
- Highway safety
- Noise and disturbance
- Existing access and parking on site
- Inaccurate plans/ description
- Loss of privacy and overlooking
- Impact on security
- Lighting
- Impact on listed building
- Impact on Conservation Area
- Neighbour amenity
- Right of access

### **Relevant Planning History**

P/2016/1265	Restoration of Cary Castle, alterations and improvements to associated flats, including reduction in number of flats from 14 to 9, removal of partitions from Cary Castle, formation of new car parking for flats, and replacement of windows and doors. Concurrent planning application.
P/2002/1153 & P/2002/1154	Demolition Of Garage And Demolition Of Extension To Existing Villa; Conversion Of Villa To Form 2 Dwellings; Erection Of Extension To Form 2 Dwellings And Erection Of One Dwelling In Grounds. Applications withdrawn.
P/1999/1202	Change Of Use From Holiday Apartments To Residential Apartments (As Revised By Plans Received 23/9/99). Approved 23/11/99
P/1999/0319	Erection Of Dwelling With Garage. Refused 05/05/99 Appeal dismissed.
P/1999/0318	Demolition Of Derelict Garage And Greenhouse And Erection Of Dwelling With Garage. Refused 05/05/99 Appeal allowed.
P/1998/0142	Erection Of Dwelling With Integral Garage. Refused 23/03/98
P/1988/0099	Erection Of Dwelling With Integral Garage. Refused 09/03/98

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

The key issues to consider in relation to this application is the impact of the proposal on the Grade II listed building and St Marychurch Conservation Area.

The proposed external works to the Grade II listed property are considered to be acceptable. The proposal seeks permission for the blocking up and opening of sections of wall, installation of new windows and doors and three timber roof lanterns. The Council's Senior Historic Environment Officer has confirmed that there is no concern with the changes in the main block or the 20th century wing although larger scale detail of the window and door formations and types will be important and should therefore be required by condition. As such the proposed external changes to the existing building are considered to be appropriate and without detriment to the historic fabric and character of the building or the character and appearance of the wider Conservation Area street scene.

The proposed internal works are considered to be acceptable. The Council's Senior Historic Environment Officer has noted that the architectural assessment and the demolition details demonstrate that the great majority of the proposed changes are the removal of the less significant 20th century phases. This was confirmed during a site visit. After receipt of revised plans there are no concerns with the proposed changes. As such the proposed internal changes to the building are considered to be appropriate and without detriment to the historic fabric and character of the building.

The proposal as a whole is therefore considered to accord with Policies DE1, SS10 and HE1 of the Torbay Local Plan 2012-2030.

### **Statement of Pro-active Working**

The Council has sought to work positively and proactively with the applicant through discussions and through open dialogue including requests for revised plans.

**S106/CIL -**

N/A

### **Local Finance Considerations**

The local finance impact of the proposal is di minimus due to its scale.

### **Human Rights and Equality Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and

Central Government Guidance.

**Conclusions**

It is considered that the proposal is acceptable for the reasons set out in this report. The internal and external works to the Grade II listed building are considered to be acceptable and without detriment to the historic fabric and character of the listed building and the character and appearance of the Conservation Area in accordance with Policies DE1, SS10 and HE1 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which specifies that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which notes that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

01. Window/door details

**Relevant Policies**

DE1 - Design

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings