



Friday, 22 December 2017

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 8 January 2018

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 Doggett
Councillor Lewis (B)
Councillor Morey

Councillor Pentney
Councillor Tolchard
Councillor Winfield
Plus one vacancy

A prosperous and healthy Torbay

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

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Email: 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 - 9)
To confirm as a correct record the Minutes of the meeting of this Committee held on 11 December 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. **Brixham Rugby Football Club, Astley Park, Rea Barn Road, Brixham (P/2017/0964/PA)** (Pages 10 - 15)
Erection of sports field floodlight (retrospective).
6. **Land At White Rock Way, Paignton (P/2017/1019/MPA)** (Pages 16 - 38)
Formation of supermarket including associated works.
7. **21 Victoria Parade, Torquay (P/2017/0714/PA)** (Pages 39 - 47)
Revised plan received, re-advertisement; demolition of existing roof. Extension at second floor level to form additional bar / restaurant / storage area, with pitched roof over, to include increase in height of the building.

**8. South Devon Hotel, 10 St Margarets Road, Torquay
(P/2017/0888/MPA)**

(Pages 48 - 65)

Refurbishment of existing building, including partial demolition of extensions, extensions and alterations to provide 10 residential units, and the provision of 14 new apartments and 6 houses within the grounds of the existing building Existing access off St Margarets Close to be relocated, together with the provision of parking facilities. (Re-advertisement, revised plans received 12 December 2017).

9. Public speaking

If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.

10. Site visits

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 3 January 2018. 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

11 December 2017

-: Present :-

Councillor Kingscote (Chairman)

Councillors Barnby, Doggett, Lewis (B), Morey, Pentney, Tolchard and Winfield

(Also in attendance: Councillors Brooks and Lewis (C))

43. Apologies for absence

Members were advised the following the Council meeting on 7 December 2017 the political balance of the Committee had been amended. Councillor Hill was therefore no longer a member of the Committee and an apology for absence was received from the Mayor's Non-Political Executive Group.

44. Minutes

The Minutes of the meeting of the Development Management Committee held on 13 November 2017 were confirmed as a correct record and signed by the Chairman.

45. Land South Of Yalberton Road, (Yannon's Farm), Paignton (P/2014/0983/MOA) - update

The Committee considered an update to the outline application for a mixed use proposal for phased residential development (Use Class C3) of up to 192 dwellings and employment development (Use Classes B1 and B8) of between 7,400 sqm and 9,200 sqm floor area, together with the provision of ecological mitigation measures, public open space and other associated infrastructure. (Means of access to be determined only) (Revised Scheme) (Departure from the Adopted Torbay Local Plan).

Prior to the meeting, written representations were available to members on the Council's website.

Resolved:

Approved, subject to:

- (i) Cirl bunting mitigation is required for 8 pairs where on site mitigation can be provided for one pair and off site compensation is required for 7 pairs. If the applicant does not agree this position within one month of the committee date the application should be refused;

- (ii) S106 contributions to be revised in accordance with the current SPD;
- (iii) exclusion of the 1.115 ha parcel of employment land from the S106 agreement is acceptable;
- (iv) the £360k contribution for improvement works to the junction of Yalberton Road and Brixham Road is required; and
- (v) all other S106 obligations are to remain as set out in the original report.

46. Hoburne Ltd, Grange Court Holiday Centre, Grange Road, Paignton (P/2016/0625/PA)

The Committee considered an application for the redevelopment of touring section known as Hill View to holiday static caravans with a 12 month holiday season.

Resolved:

Approved, subject to:

- (i) a condition requiring submission of a delivery method plan to the Local Planning Authority which will include notifying local people of when the caravans will arrive; and
- (ii) final drafting of the conditions being delegated to the Executive Head for Assets and Business Services.

47. Hoburne Ltd, Grange Court Holiday Centre, Touring Section (Woodland Glade), Grange Road, Paignton (P/2016/0633/PA)

The Committee considered an application for the redevelopment of touring section known as Woodland Glade to holiday static caravans with 12 month holiday season.

Resolved:

Approved, subject to:

- (i) a condition requiring submission of a delivery method plan to the Local Planning Authority which will include notifying local people of when the caravans will arrive; and
- (ii) final drafting of the conditions being delegated to the Executive Head for Assets and Business Services.

48. Land Off Brixham Road - Former Nortel Site, Long Road, Paignton (P/2017/0571/MVC)

The Committee considered an application for a variation of conditions on planning

application P/2014/0947/MOA; as amended by S73 applications P/2016/1372 and P/2017/0123: Outline Application with all matters reserved except access, for demolition of the remaining buildings on the site and redevelopment for mixed use purposes comprising up to 255 Class C3 dwellings, up to 5,574sqm of B1 and /or B8 business and/or warehousing uses, up to 8,501 sqm Class A1 (bulky goods) retail with up to 515 sqm garden centre, and up to 139 sqm of A3 cafe /restaurant uses, along with related site access, access roads and paths, parking, servicing, open space and landscaping. (Condition 32: Restrictive Goods Condition).

Prior to the meeting, written representations were available to members on the Council's website.

Resolved:

Approved, subject to:

- (i) prior to the first use of any retail unit formed from the retail floorspace hereby permitted that part of the site shaded orange/yellow on Plan 14290-200C (Phase 1) shall be remediated to a level acceptable for its future intended land use/s as indicated in the outline Masterplan reference 1449-PL-001 Rev A, and in accordance with the remediation strategy approved as part of planning permission P/2017/0493 or P/2017/0494;
- (ii) no more than 115 dwellings shall be occupied on the site until that part of the site shaded blue on Plan 14290-200C (Phase 2) has been remediated to a level suitable for its future intended land use/s as indicated within the outline Masterplan reference 1449-PL-001 Rev A, and in accordance with the remediation strategy approved as part of planning permission P/2017/0493 or P/2017/0494;
- (iii) all previous Conditions (as amended by previous S73 applications); and
- (iv) the provision of a planning obligation to secure the sum of £36,744 as mitigation for the increased impact upon the Western Corridor caused by the additional traffic which would result from the introduction of convenience retail within the development, paid upfront or secured via a S106 Legal Agreement.

49. Land At Woodview Road, Paignton (P/2017/1042/MPA)

The Committee considered an application for the construction of two Use Class B2 industrial manufacturing units, to provide 2,255.9 m² (GIA) of floor space, external lighting, circulation space, car parking and hard standing.

The proposed development does not accord with the provisions of the development plan (Torbay Local Plan 2012-2030) in force in the area in which the land to which the application relates is situated. However, the scheme had been approved at outline stage under permission P/2011/0197/OA (now lapsed).

Prior to the meeting members of the Development Management Committee

undertook a site visit.

Resolved:

Approved, subject to:

- (i) the consultation with the AONB unit and Transport Officers and the successful resolution of any matters raised, further consultation with the Council's Ecological Consultants regarding Cirl Buntings and the implications of the development on their habitat, if it is considered necessary a Section 106 agreement to secure biodiversity mitigation, completion of a HRA screening and expiry of the consultation period (with no new issues raised);
- (ii) additional information on lighting which will cause no additional harm to the AONB;
- (iii) verification that the offsite landscaping secured by permission P/2011/0197/OA has been managed and protected;
- (iv) conditions to include travel plan, traffic and freight management plan, additional conditions recommended by the HRA consultant, with final drafting of conditions to be delegated to the Executive Head for Assets and Business Services; and
- (v) no issues being raised during the consultation period that expires on 27 December 2017.

50. Ormonde Cottage, 15 Newton Road, Torquay (P/2017/0406/MPA)

The Committee considered an application to provide 12, two bedroom town houses (as revised by plans received 16.11.2017).

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were available to members on the Council's website. At the meeting James Garnham addressed the meeting against the application and Adrian Gillett addressed the meeting in support of the applications.

Resolved:

Refused for the reasons set out in the submitted report.

51. Rutland Hotel, Daddyhole Road, Torquay (P/2017/0751/PA)

The Committee considered an application for the conversion of the former Rutland Hotel into 5 flats, partial demolition of existing buildings and construction of 1 three bedroom house and 2 four bedroom houses.(revised scheme 24/10/17).

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were available to members on the Council's website. At the meeting Rosemary Bradley addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- (i) further discussions with the Arboricultural Officer regarding landscaping;
- (ii) the receipt of satisfactory revised plans for parking, recycling and bin storage;
- (iii) a condition to ensure the reinstatement of the stone gate posts; and
- (iv) the final drafting of the conditions being delegated to the Executive Head for Assets and Business Services (to include those listed within the report).

52. Former Changing Rooms, Stoodley Knowle Meadow, Torquay (P/2017/0966/PA)

The Committee considered an application for change of use to form community cafe, Store and toilet facilities.

Prior to the meeting, written representations were available to members on the Council's website. At the meeting Simon Blake addressed the Committee in support of the application.

Resolved:

Approved subject to final drafting of the conditions being delegated to the Executive Head for Assets and Business Services (to include those listed within the report).

53. Allways, Teignmouth Road, Torquay (P/2017/1037/PA)

The Committee considered an application for a replacement contemporary styled two-storey dwelling.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were available to members on the Council's website. At the meeting Nigel Goodman addressed the Committee against the application and Mick O'Connor addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- (i) the conditions set out in the report together with conditions requiring a finished floor level to be agreed and controlling outdoor lighting; and
- (ii) final drafting of the conditions being delegated to the Executive Head for Assets and Business Services.

54. Storage Land, Inter-line, Woodland Close, Torquay (P/2017/1066/PA)

The Committee considered an application for a proposed waste storage and recycling facility.

Resolved:

Approved, subject to:

- (i) the receipt of satisfactory further information from the Council's Arboricultural Officer;
- (ii) the final drafting of the conditions being delegated to the Executive Head for Assets and Business Services (to include those listed within the report).

(Note: Cllr Barnby left the meeting during discussion of this item.)

55. Torquay Academy, Cricketfield Road, Torquay (P/2017/1072/R3)

The Committee considered an application for an extension to Torquay Academy, comprising 6 Classrooms, 3 dry changing rooms, associated internal access corridors and 1-to-1 interview/group room. Extension to be 3 storeys in height with facade treatments and layout to match existing Academy building.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were available to members on the Council's website. At the meeting Steve Margetts addressed the Committee in support of the application.

Resolved:

Approved, subject to:

- (i) the receipt of satisfactory additional information relating to highways and arboriculture;
- (ii) a condition requiring compliance with the landscaping scheme, addition of swift boxes and timing of any works not impacting on birds; and
- (iii) the final drafting of the conditions being delegated to the Executive Head for Assets and Business Services (to include those listed within the report).

Chairman

Application Number

P/2017/0964

Site Address

Brixham Rugby Football Club
Astley Park
Rea Barn Road
Brixham
TQ5 9ED

Case Officer

Gary Crawford

Ward

Berry Head With Furzeham

Description

Erection of sports field floodlight (retrospective).

Executive Summary/Key Outcomes

The application seeks retrospective planning permission for the erection of two floodlights mounted on a single pole at Astley Park in Brixham. The floodlights provide additional lighting for the training facilities of Brixham Rugby Club. The height of the floodlight is 6 metres. It is proposed that the floodlights will only be used on Wednesday evenings from 17:45 to 20:00.

The floodlight is sited on the boundary of the playing field with properties in Poundsgate Close, specifically adjacent to a two storey building containing a number of flats, which has windows facing towards the floodlights. The floodlights are sited eight metres from these properties. It should be noted that there are five other floodlights in the playing field to the west of the application site.

The proposal is considered to be acceptable in this location and without any overriding detriment to residential amenity by reason of the limited hours that the lights would be used, biodiversity or the character and appearance of the locality. Consequently, the proposal meets Local Plan policy requirements, specifically Policies DE3 (Development amenity), NC1 (Biodiversity and geodiversity) and DE1 (Design). The proposal would also contribute to increasing the opportunity for sport provision which is consistent with Policies SC1 (Healthy Bay) and SC2 (Sport Leisure and Recreation).

Recommendation

Conditional approval (condition at end of report).

Statutory Determination Period

8 weeks, the determination date was 18th December 2017. However, the applicant has agreed to an extension of time until 10th January 2018 to allow the proposal to be determined by the Development Management Committee. As the development is on Council owned land and we have received objections to the application, the application has to be referred to the Development Management

Committee for determination.

Site Details

The site, Astley Park, Brixham, is a playing field located to the rear of properties in Higher Ranscombe Road on its northern side and Hill Park Close, Hill Park Road and Poundsgate Close on the southern side. Access to the site is from the car park adjacent to the swimming pool in Higher Ranscombe Road and via a footpath from Centry Road. The playing field is currently used as training facilities by Brixham Rugby Club. There are five existing sets of floodlights around training field 1 in Astley Park, in addition to the new floodlight, which is adjacent to training field 2. The site is designated as an Urban Landscape Protection Area in Policy C5 (Urban Landscape Protection Areas) of the Torbay Local Plan 2012-2030. The application site lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC.

Between the application site and the adjoining flats, there is a hedge which screens the ground floor windows of the flats from the playing field.

Detailed Proposals

The application seeks retrospective planning permission for the erection of two floodlights on the southern side of the field, at the rear of the properties in Poundsgate Close. The floodlights are 6m in height and comprise a steel post with two lights on top. The applicant has detailed that the floodlights would be used on Wednesday evenings only from 17:45 to 20:00.

A specification of the level of illumination from the lights and their light spill has been requested from the applicant.

Summary Of Consultation Responses

Brixham Town Council: Recommend approval.

Natural England: No comments to make on the application.

Natural Environment Services consultee: The location of Brixham Rugby Football Club lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC. However, the installation of additional sports field lighting is unlikely to impact on the greater horseshoe bat population or the integrity of the South Hams SAC. Further ecological assessments are not required in relation to the present development. There is little potential for enhancement of this development in relation to biodiversity.

Torbay Coast & Countryside Trust: While an Ecological Assessment has been submitted in support of the application, this document has only considered potential impact on Greater Horseshoe Bats. While the Trust does not dispute the

assessment's conclusions, we are concerned that there has been no consideration of the impact of the additional floodlighting on other bat species. Given that, without the proposed lighting the training pitch provides a dark area within the urban area of Brixham, the large gardens adjacent to the training pitch are highly likely to offer significant foraging habitat for other species of bats. As all bats are protected under European legislation, appropriate assessment of the impact of the additional lighting on other light-sensitive bat species is required.

Senior Environmental Health Officer: Verbally confirmed no objections subject to a condition controlling the hours of use of the floodlight.

Summary Of Representations

Nine representations of objection and two letters of support have been received. Issues raised:

- Impact on bats and other wildlife
- Light pollution
- Noise nuisance.

Relevant Planning History

14373: Floodlights. Approved 14/3/1973.

P/1993/1097: Erection of 2 Additional 10m High Floodlights. Approved 3/11/1993.

P/2006/1731: Reposition 2 Sets Of 9.3M High Training Lights. Approved 16/1/2007.

Key Issues/Material Considerations

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

1. Principle of the development
2. Impact on amenity
3. Biodiversity
4. Visual impact.

1. Principle of the development

Part of Astley Park is already in use as a rugby training pitch and is artificially lit by five floodlights. Although the site is designated as an Urban Landscape Protection Area (ULPA) in Policy C5 of the Torbay Local Plan, given the presence of five existing floodlights, it is considered that the proposal would not undermine the value of the ULPA. Furthermore, Policy SC1 (Healthy Bay) of the Torbay Local Plan specifies that all development should contribute to improving the health and well-being of the community and Policy SC2 (Sport, leisure and recreation) of the Torbay Local Plan details that the Local Plan has an important role in supporting the development of new sport, leisure and recreation facilities. Given that the new floodlight would provide Brixham Rugby Club with another training facility which can be used during the winter and, it would contribute towards improving the health and well-being of the community, it is considered that the principle of an additional

floodlight in this location is acceptable.

2. Impact on amenity

Policy DE3 (Development amenity) of the Torbay Local Plan states that development should not unduly impact upon the amenity of neighbouring and surrounding uses and that the impact will be assessed using criteria which includes the impact of noise, nuisance and light pollution. It is acknowledged that use of the pitch when the floodlight is on may result in some noise, nuisance and light pollution upon neighbouring residential properties. However, the applicant has detailed that the floodlight would be used on Wednesday evenings only from 17:45 - 20:00. As such, it is recommended that a condition is included with any permission which states that the floodlight shall only be used on Wednesday evenings between these times. The council has requested the submission of information regarding light spill from the floodlights and subject to this being acceptable, it is deemed that the proposal would comply with Policy DE3 in the Torbay Local Plan. These details will be reported at Development Management Committee (DMC).

3. Biodiversity

The application site lies within the sustenance zone/areas and 500m buffer strategic flyway of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats, as designated by the South Hams SAC. An Ecological Impact Assessment has been submitted which concluded that it is unlikely that greater horseshoe bats are likely to enter the site and there is a negligible chance that its breeding success would be compromised due to the following observations:

- o There is no suitable feeding habitat for greater horseshoe bats to forage in the training ground.
- o There are no suitable aids to navigation that greater horseshoe bats could use to reach suitable foraging.
- o There are no suitable foraging grounds that can be reached effectively by passing through the site.

In terms of the impact of the proposed development on greater horseshoe bats, the proposal is deemed acceptable. There would be no likely significant impact on the Berry Head components of the South Hams SAC. It is noted that the submitted Ecological Impact Assessment has only considered the impact of the development on greater horseshoe bats. The council has requested the submission of information with regards to the impact of the proposed development on other species of bats. These details will be reported at Development Management Committee (DMC).

4. Visual impact

The site is designated as an Urban Landscape Protection Area (ULPA) in Policy C5 (Urban Landscape Protection Areas) of the Torbay Local Plan and the floodlight may be visible from within the South Devon Area of Outstanding Natural Beauty

(AONB), for example, from Centry Court. However, given the presence of five existing floodlights in Astley Park and given that the floodlight is in a built up area with existing streetlights, it is considered that the proposal would not undermine the value of the ULPA and it would not result in a significantly adverse impact on the character and appearance of the surrounding area or South Devon AONB.

Brixham Peninsula Neighbourhood Plan

Policy S&L1 (Increase available space for outdoor sport and leisure) of the Brixham Peninsula Neighbourhood Plan details that it would not be appropriate to introduce flood-lighting into dark areas. This policy should be given limited weight in determining this application as the Neighbourhood Plan has only recently completed its consultation stage, has not yet been the subject of an independent examination and there are objections to this policy.

S106/CIL

Not applicable for this type of 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 - The proposal would provide an ancillary self-contained unit for a disabled person.

Conclusions

In conclusion, on the basis of the limited hours that the floodlights would be used the proposed development would not have an adverse effect on the amenity of nearby occupiers or biodiversity and would not harm the appearance and character of the area, 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. The floodlights hereby approved shall only be used between 17:45 to 20:00 on Wednesdays.

Relevant Policies

C5 - Urban landscape protection areas
SC1 - Healthy Bay

SC2 - Sport, leisure and recreation
DE3 - Development Amenity
NC1LFS - Biodiversity and Geodiversity
DE1 - Design
SDB3 - Brixham urban fringe and AONB

Application Number

P/2017/1019

Site Address

Land At White Rock Way
Paignton
TQ4 7RZ

Case Officer

Carly Perkins

Ward

Blatchcombe

Description

Formation of supermarket inc. associated works.

Executive Summary

The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared.

The application is for full planning permission for the erection of a single storey retail store with associated parking and cycle storage provision. The building is proposed to have a gross internal floor area of 2,206sqm which includes a sales area of 1,323sqm.

The proposed building is located at the junction on White Rock Way and Brixham Road. To the north of the building are 120 parking spaces (6 of which are allocated for disabled people and 2 are electrical charging spaces). Cycle parking is proposed to serve the retail use, the plans indicate that 7 cycle loops are proposed. Materials include natural stone, silver cladding, standing seam silver roof cladding, curtain wall glazing and render. The revised plans do not include a revised landscaping scheme however the previous revision included 3 trees to the Brixham Road elevation, 10 trees to the White Rock Way elevation and 5 trees to the access road elevation. 1 tree is proposed within the car park to the north of the proposed building. Access to the site would be from Waddeton Close and White Rock Way.

During the course of the application revised plans have been received to address concerns raised during the initial consultation process. The revised plans propose a single storey building of approximately 8.5m in height at the highest point alongside the proposed car park and reducing to approximately 5.5m in height at the lowest point alongside White Rock Way. Due to the change in levels between the site and the Brixham Road, the floor level of the building is at a level approximately 1m lower than the Brixham Road.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north. Beyond White Rock Way to

the south of the site is existing residential development approved under reference P/2013/1229 and P/2014/0071 which is currently under construction.

The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head and in a potential Cirl Bunting wintering/breeding activity area. The site is also situated within Flood Zone 1, Critical Drainage Area.

Planning consent has been granted for a smaller retail store with student accommodation on first and second floors on the site under application reference P/2016/0411 in August 2017. This consent is extant.

The provision of retail uses at this site is supported by policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030. The principle of retail development of this scale in this location is considered acceptable subject to securing the retention of the existing Lidl store in the town centre for a minimum of 5 years from the commencement of any retail use at this store, in order to offset any impact on the town centre from the additional floorspace that is proposed compared to the previously approved scheme. However there are a number of concerns relating to the design of the proposal and whether it would provide a strong enough visual and legible presence on this important corner site, which when tested against the policies in the Torbay Local Plan 2012-30 warrant the refusal of the application.

The proposed development fails to have a clear urban structure and grain that would integrate with the surrounding context, relate well to the surrounding built environment that integrates with the surrounding context, and would fail to positively address the street with active frontages and respect the existing street frontage and built form. Overall the proposal would fail to deliver a high quality design and is considered contrary to criteria 3, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 25 of policy DE1 and Policy DE4 of the Torbay Local Plan.

In addition the proposed development fails to provide a suitable landscaping scheme which would soften and integrate the site into the existing townscape and townscape of the neighbouring sites which are under construction or pending approval. The proposals would fail to deliver a high quality landscaping scheme and is considered contrary to criteria 28 of policy DE1 and C4 of the Torbay Local Plan.

The application site is within a Critical Drainage Area as designated by the Environment Agency 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, and would be contrary to paragraph 103 of the NPPF.

Finally there are number of outstanding matters which require resolution, these relate to the number cycle spaces being provided, whether the additional trips generated by the

development will require S106 contributions to mitigate the effects on the local highway network and whether the pedestrian routes through the development are acceptable in relation to criteria 22 of policy DE1 and policies TA1 and TA2 in terms of providing vehicular and pedestrian access to a safe standard. If these issues are not resolved by the date of the Committee meeting these may represent additional reasons for refusal.

The proposal constitutes CIL liable development. A CIL contribution of £264,720 would be required from the development.

Recommendation

Refusal:

The proposed development fails to have a clear urban structure and grain that would integrate with the surrounding context, relate well to the surrounding built environment that integrates with the surrounding context, and would fail to positively address the street with active frontages and respect the existing street frontage and built form. Overall the proposal would fail to deliver a high quality design and is considered contrary to criteria 3, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 25 of policy DE1 and DE4 of the Torbay Local Plan.

The proposed development fails to provide a suitable landscaping scheme which would soften and integrate the site into the existing townscape and proposed townscape of neighbouring site which are under construction or pending approval. The proposals would fail to deliver a high quality landscaping scheme and is considered contrary to criteria 28 of policy DE1 and C4 of the Torbay Local Plan.

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.

Precise wording of reasons for refusal delegated to the Executive Head of Assets and Business Services.

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 to determine the application has been agreed with the applicant to allow further consideration of the application and for it to be considered at the January Development Management Committee.

Site Details

Outline consent was granted in April 2013 for approximately 37,000 square metres of employment space, 350 new homes and a local centre under reference P/2011/0197 and

subsequent reserved matters application were approved under applications references P/2013/1009 for industrial buildings, P/2013/129 and P/2014/0071 for dwelling houses and P/2016/0188 for a sports pavilion and associated pitches. Reserved matters consent was granted for a smaller retail store with student accommodation on first and second floors on the site under application reference P/2016/0411 in August 2017. This consent is extant, but the outline consent for the wider has now expired.

The application site relates to the eastern bowl of the wider White Rock site which is largely grassed scrubland. The specific part of the wider White Rock site subject of this application was previously occupied by a number of light industrial units, an office and Sure Start centre, the site has now been cleared. Part of the wider site is under construction under the approved reserved matters scheme P/2013/1229 and P/2014/0071 with a number of dwelling houses complete and occupied.

The application site is noted as a committed and other deliverable development site under policy SPD3.5 of the Torbay Local Plan for both housing and employment uses. The application site is also identified as a Proposed Local Shopping Centre under policy TC2.3.19 of the Torbay Local Plan and is located to the west of the Brixham Road, part of the Torbay Major Road Network. The site is bounded by White Rock Way to the south and existing hotel and restaurant developments to the north. In addition to the north of the application site, is the site of the proposed Innovation Centre, which has been resolved for approval under application reference P/2017/0685. Beyond White Rock Way to the south of the site is existing residential development approved under reference P/2013/1229 and P/2014/0071 which is currently under construction.

The application site falls within a greater horseshoe bat sustenance zone associated with the Special Area of Conservation (SAC) roost at Berry Head and in a potential Cirl Bunting wintering/breeding activity area. The site is also situated within Flood Zone 1, Critical Drainage Area.

Detailed Proposals

The application is for full planning permission.

The proposal is for the erection of a retail store with associated parking and cycle storage provision. The building is proposed to have a gross internal floor area of 2,206sqm which includes a sales area of 1,323sqm.

During the course of the application revised plans have been received to address concerns raised. The revised plans propose a single storey building of approximately 8.5m in height at the highest point alongside the proposed car park and reducing to approximately 5.5m in height at the lowest point alongside White Rock Way. Due to the change in levels between the site and the Brixham Road, the building is at a level approximately 1m lower than the Brixham Road.

The proposed building is located at the junction on White Rock Way and Brixham Road. To the north of the building are 120 parking spaces (6 of which are allocated for disabled people and 2 are electrical charging spaces). Cycle parking is proposed to serve the retail

use, the plans indicate that 7 cycle loops are proposed. Materials include natural stone, silver cladding, standing seam silver roof cladding, curtain wall glazing and render. The revised plans do not include a revised landscaping scheme however the previous revision included 3 trees to the Brixham Road elevation, 10 trees to the White Rock Way elevation and 5 trees to the access road elevation. 1 tree is proposed within the car park to the north of the proposed building.

Access to the site would be from Waddeton Close and White Rock Way.

Summary Of Consultation Responses

Environment Agency: Planning permission can be granted subject to the imposition of a condition relating to unsuspected contamination to ensure the protection of controlled water from any contamination on site that is encountered. Without this condition, the Environment Agency would object to the application.

South West Water: No objection.

Drainage Engineer: Hydraulic calculations have not been submitted for the surface water drainage system connecting to the attenuation tanks. These are required to confirm that there is no risk of flooding or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. No details of the proposed manhole cover levels, invert levels, pipe diameters, pipe gradients and the impermeable areas discharging to each pipe length have been identified. All of this information is required within the hydraulic modelling. It must be demonstrated that the surface water drainage for the development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 40% for climate change. Hydraulic calculations for the entire surface water sewer system to demonstrate that there is no risk of flooding for the critical 1 in 100 year storm event plus 50% for climate change. These details are required prior to the determination of the application.

Natural England: The proposal is unlikely to affect any statutorily protected sites.

RSPB: Recommends inclusion of 10 integral nest sites within the building to ensure enhancements to biodiversity in accordance with policy NC1 of the Torbay Local Plan and paragraph 118 of the National Planning Policy Framework.

Arboricultural Officer: There are no arboricultural features of merit at present given the previous site usage and clearance works. To soften the entrance to the store car park opportunity should be taken to plant a large tree in the square bed adjacent to bays 25 and 26. Similarly a space exists adjacent to bay 29 but for a more slender tree. There is an objection to the erection of the totem pole display at the site entrance adjacent to parking bays 25 and 26 as this would curtail the use of the space for a large sized tree that would soften the entrance to the site which is presently sparse in large tree planting terms. Alternatively there are opportunities for planting beds to be created amongst parking bays. In the absence of either of these options, there is an objection to the landscaping of the application.

Senior Environmental Health Officer: Concerns regarding noise from deliveries affecting residents in White Rock Way. Deliveries should only be made via Waddeton Close and no traffic to the site should arrive via White Rock Way between the hours of 23.00 and 08.00.

Police Designing Out Crime Officer: It is recommended that the store is constructed to achieve full Secured by Design compliance to ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

Car parking areas appear to benefit from good natural surveillance from adjacent roads, paths and nearby dwellings but advise care is taken with planting to avoid impeding CCTV and creating short cuts. Vehicular access should be prevented to car parking areas when store is closed or car parking areas should be broken up with planters and landscaping to deter speeding and anti-social driving. Design of features and smooth surfaces should deter skateboarding etc. CCTV should form part of an overall security plan.

Senior Strategy and Project Officer (Retail): The store, when completed will be designated as a local centre (TC2.3.19) and therefore the relevant test in the Local Plan is set out in Policy TC3(B) which indicates stores should be of a scale appropriate to the centre and provides a range of services and facilities. The site has outline permission for a convenience store. On this basis a sequential test is not considered necessary. The Local Plan does not provide any guidance about the size of store that would be appropriate within a local centre, but the site has outline permission P/2011/0197 for a food store of up to 1652 sq m gross retail (of which 1,188 sq m is convenience), plus a smaller shop/café of 392 sq. m). A critical consideration in seeking to limit the extent of retail at local centres is to ensure that they do not grow to such an extent that they have a serious effect on town centres. On this basis it is appropriate to consider town centre impact. Given White Rock's local centre designation, it is not considered that there is sufficient evidence to object to the proposal per se. However, it is appropriate to seek safeguards that Lidl will retain a town centre store. The Impact Statement indicates that this is intended (para 5.26). It is considered that 10 years would be a reasonable period of time. If Lidl do not wish to enter such an agreement, then a more detailed assessment of town centre impact than is provided at Section 5 of FirstPlan's assessment is required.

Following the submission of additional information the following comments were provided

There are no objections to the principle of the proposal but it is still appropriate to seek a safeguard to retain a town centre store within Paignton. Seeking to safeguard a town centre presence is important and has strong Neighbourhood Forum support. Subject to robust requirements for Lidl to retain a town centre presence and given the local centre status of the application site, there is no objection to the requirement for Lidl to remain in the town centre for 5 years rather than 10 as previously suggested.

Urban Design Consultant: The proposal is a significant departure from the design principles that have been specifically conditioned by the Outline Approval (P/2011/0197), they should still prevail even if this is no longer a reserved matters application. The

principles were established through careful consultation and negotiation so as to create a satisfying, effective and acceptable urban design framework for the whole site. If this project were to be approved in its current form, then the coherence and quality of the wider place/new neighbourhood that is emerging at White Rock would be substantially undermined. The proposals do not comply with Torbay Local Plan Policy DE1, criteria 2, 3, 5, 8, 12, 14, 15, 16, 18, 19, 25 and 28 or Paragraph 58 of the NPPF.

Revised plans have been submitted since this response, revised comments have been sought from the Urban Design Consultant and will be verbally presented to the Members at the Committee meeting

Senior Strategy and Project Officer (Transport): With reference to Policy TA3, Appendix F of the Local Plan and using the Gross Floor Area, the scheme provides a lesser number of parking spaces per sqm of gross floor area than applied to the previous reserved matters application (P/2016/0411). The current proposal would equate to 1 space per 18 sqm ratio. There is a shortfall in parking provision and additional parking spaces need to be provided. 40 employees are proposed and therefore 20 cycle spaces should be provided for staff, cycle parking should be provided for visitors. 10% of spaces should be provided for disabled persons. A Travel Plan with 30% modal shift and SMART targets is required (this can be conditioned unless it is required to mitigate the shortfall in parking and/or the impact of additional trip generation). A Parking Management Plan is required (this can be conditioned). Parent and child spaces should be relocated. The need for crossing points are highlighted.

The Transport Assessment refers to HGV routes and these will need to be secured by condition or legal agreement. The Transport Assessment implies that a HGV would find it difficult to enter the site from the south but also refers to Road Traffic Orders, which, if necessary would also need to be secured via 278/s106 . It is reasonable to conclude that the trips generated are fewer than those assessed during the outline application, and that no further mitigation would be required. The contributions and works associated with the 2011 consent would still be necessary to ensure the impact is covered.

Following the submission of additional information the following comments were provided

Confirmation regarding the number of proposed cycle spaces has been requested. The car parking provision is still below the recommended standard and therefore, to prevent on street parking issues, a Traffic Order for 'no waiting' will be needed along the length of Waddeton Close. The south entrance of Waddeton Close will also require a 'prohibition of HGVs' at the junction with White Rock Way. A pedestrian access should be provided along Waddeton Close. Clarification regarding pedestrian crossings was also provided.

Revised plans have been submitted since this response, revised comments have been sought from the Urban Design Consultant and will be verbally presented to the Members at the Committee meeting

Paignton Neighbourhood Forum: The Paignton Neighbourhood Forum requests that a condition is attached to any consent that may be granted to the above proposal that requires Lidl as an operator to retain the store in Victoria Square as an operating retail store for a period not less than 10 years.

Summary Of Representations

171 representations have been received (158 in support, 12 objections, 1 representation).

Issues raised:

- o Proposal will provide better parking facilities than the town centre store
- o Proposal will provide further choice of shopping and more competition
- o Proposal will increase jobs
- o Objection as the scheme will not encourage apprenticeships as it doesn't include student accommodation
- o Attempt to match the proposed Innovation Centre to the north but elevations do not take into account the sunken site and therefore will be out of scale with the proposed Innovation Centre and residential development to the south
- o Landscaping has been removed to allow for more parking
- o Will provide facilities bearing in mind the number of houses being built
- o Objection as there are enough supermarkets in the area
- o Much needed facility for people in Brixham and prevent needing to travel to Lidl in Torquay and Paignton
- o The proposed store may encourage Lidl to leave the town centre store resulting in less people visiting the town centre
- o Impact on traffic generation
- o A different type of retail store here would be more beneficial
- o Will reduce traffic going to Torquay for local people and traffic on the Newton Road towards the Torquay Lidl
- o Will allow residents to walk to a supermarket
- o Will remove an eyesore assuming that Lidl will be landscaping the area
- o Having a Lidl supermarket here will be convenient for people in Brixham
- o Will create better shopping and parking environment than at the Victoria Square Lidl store
- o Proposal is contrary to policy DE1 of the Torbay Local Plan and is not an attractive design, by removing the student accommodation this does not optimise the development of the site/space
- o Negative impact on town centre.

Relevant Planning History

P/2011/0197 Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application) APPROVED 29.04.2013

P/2013/1009 Reserved matters application for P/2011/0197 including appearance, landscaping, layout and scale of 2 industrial units, enabling work for new road, demolition of unit 31, relocation of 10 parking spaces for unit 33-34 APPROVED 16.10.2013

P/2013/1229 Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development APPROVED

P/2014/0071 Approval of appearance, landscaping, layout and scale in relation to 38

dwelling and associated development. Reserved Matters for P/2011/0197 APPROVED

P/2015/0918 Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access) APPROVED

P/2015/1061 Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 PENDING CONSIDERATION subject to the outcome of this application

P/2015/1229 Approval of appearance, landscaping, layout and scale in relation to 217 dwellings and associated development - EIA NOT REQUIRED

P/2015/1126 Approval of appearance, landscaping, layout and scale in relation to 216 dwellings and associated development REFUSED 13.04.2016

P/2016/0094 Erection of 42 dwellings and associated infrastructure REFUSED 24.08.2016

P/2016/0842 EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

P/2016/0188 Approval of appearance, landscaping, layout and scale in relation to a sports pavilion and associated development including a sports playing pitch, multi-use games area and car park APPROVED

P/2016/0411 Reserved matters for a food retail store including parking and other associated works (relates to P/2011/0197) APPROVED 25.08.17

P/2016/0842 EIA Screening in relation to one industrial unit of 6,000 sqm floorspace - EIA NOT REQUIRED

P/2016/0880 Erection of Class B2 industrial building of 6,000 sqm floor space to include parking, external lighting, hardstanding and circulation space APPROVED

P/2017/1042 Construction of two Use Class B2 industrial manufacturing units, to provide 2255.9m² (GIA) of floor space, external lighting, circulation space, car parking and hard standing. PENDING CONSIDERATION

Key Issues/Material Considerations

The key issues to consider are the principle of development, appearance, design and layout landscaping, biodiversity, drainage, access, parking and residential amenity.

Principle of the Proposed Development:

The site is identified within the Torbay Local Plan (SDP3.5) as a committed strategic mixed use employment/housing development that will provide 8.5ha of employment land, local centre, around 1,200 jobs and around 350 dwellings largely over the first half of the Plan

period. The site is allocated as a proposed Local Centre as noted within policy TC2.3.19 of the Torbay Local Plan. The Paignton Neighbourhood Plan (submission version) does not allocate any sites for any form of development, however Policy PNP21 promotes employment at White Rock and nearby areas. Policy PNP2 seeks to protect the town centre, but does not set out a sequential or impact test for out of town centre stores. The Paignton Neighbourhood Plan has only recently completed its consultation stage, has not yet been the subject of an independent examination, as a result only limited weight can be afforded to the policies in that Neighbourhood Plan.

Whilst this proposal is a new full application the previous planning history on this site remains a material consideration which, in the absence of significant changes in circumstances, should be afforded significant weight. Outline consent has been granted for the mixed use development of the site. This application was approved following extensive consultation. It was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of retail development in this location was established by this application (albeit of a smaller floor area) and the general position of the proposal is in accordance with the indicative layout agreed at outline stage being within the Eastern Bowl which was highlighted for mixed use development and more specifically the local centre including food retail and student accommodation uses. The design and access statement submitted with outline application reference P/2011/0197 specifically stated that the local centre was to incorporate a local convenience food store, restaurants and/or small complimentary retail or services uses, offices above the ground floor level, residential apartments and student study bedrooms. A public open space was also to be incorporated with the local centre. Whilst the proposal now continues to be located within the Eastern Bowl as indicated as part of the outline application, the amount of retail floor area has increased and the form and scale of the building has reduced substantially as the proposal is for a single storey retail use without provision of student accommodation above.

Policy TC1 of the Torbay Local Plan supports new or enhanced district, local and neighbourhood centres that complement town centre facilities, provide a range of goods and services that meet the day to day needs of local communities, including the provision of healthcare facilities, local skills training facilities, local employment and local food outlets. Similarly Policy TC2 of the Torbay Local Plan supports retail development in local centres where it is appropriate to the role, function and scale of those centres. Supporting paragraph 6.1.1.8 states that local centres provide a range of small scale retail and other related services capable of meeting local needs, top-up shopping, and act as the focus for the local community such as post offices, newsagents, pharmacies and groceries. It notes that the provision of new local centres may be required to meet demand arising from major new residential developments, including White Rock. Policy TC3 of the Torbay Local Plan goes on to state that new retail development in local centres will be supported when the scale of the development is appropriate to the nature and size of the centre and will complement its role and character and it provides for and sustains a range of services and facilities which contribute to the long-term vitality and viability of the centre and the ability of people to meet their needs locally.

As noted above the amount of gross and net retail floor space has increased by 554 sq

m gross and 135 sq m net from that proposed at outline stage and therefore the retail impact of this increase in floor space needs to be assessed. The net (trading floorspace) is considered to be the most relevant figure although the gross figure should also be borne in mind. As the site is within a proposed local centre and has the benefit of outline consent and reserved matters consent for a retail store, the sequential test is not considered necessary. However it remains appropriate to consider the retail impact of the scheme on the town centre.

The Local Plan does not provide any guidance about the size of store that would be appropriate within a local centre, however the outline consent and subsequent reserved matters consent granted approval for a store of 1,652sqm gross retail floorspace (1,188 net convenience floorspace) which remains a material consideration. A key consideration in seeking to limit the extent of retail floorspace in local centres is to ensure that they do not have a serious impact on town centres and on this basis it is appropriate to consider town centre impact.

The proposal is for a gross retail area of 2,206sqm of which the net sales area is 1,323sqm. Of this 80% of sales would be food retail and 20% would be non-food retail.

The applicant submitted an initial retail assessment which suggests that the proposed Lidl will have a £4.4m less impact than the existing approval due to Lidl's lower benchmark trading figure. However the Council rejected this view and sought a re-assessment based on, what in the Council's view, are more realistic trading figures. The applicant has accordingly submitted further retail evidence which argues that the impact on the town centre will be minimal based on, White Rock being within a different catchment to the town centre and serving a different function. In addition the applicant's agent argues that much of the trade diversion will be from other stores along the Western Corridor, which are mainly out of centre. The applicant's revised assessment assesses that there will be a trade draw of £0.4m from Paignton town centre, representing 3.3% of the total store turnover.

The Council's Strategy Planner has advised that these figures could be an underestimate, but not significantly so. In his calculation the total trade diversion could be about £1.04 m per year, but it is accepted that a significant proportion of this would be from Western Corridor stores which apart from Yalberton Road (Aldi) are all out of centre.

The main policy concern is the potential impact on Paignton Town Centre. There are several food stores in the town centre including a small Tesco, Coop and Iceland. However, the most direct town centre impact is likely to be Lidl in Victoria Square assuming that the White Rock store is Lidl. However a different retail user could have a different pattern of impact

When operating, White Rock will enjoy status as a local centre, and the previous approvals on the site is also a material consideration.

It is considered that there is not sufficient evidence to warrant the refusal of the application on town centre impact grounds. However as there is evidence to indicate that there would

be a town centre impact. In order to ensure that there is not a significant adverse impact on the town centre, it is considered necessary to seek to ensure that Lidl remain in the town centre for a set period of time from the opening of the proposed store at White Rock.

There has been some concern raised by the applicant regarding the time period recommended by the Council's Senior Strategy and Project Officer. Initially a period of ten years was suggested and this has also been requested by the Paignton Town Centre Neighbourhood Forum. Lidl have raised concerns regarding this as they do not own the existing store in the Victoria Centre, which is leased from the Council. The Council has aspirations to redevelop the Victoria Centre and therefore the long term position of the site is not certain. Lidl have therefore argued that as the future of the Victoria Centre is uncertain it would not be reasonable or appropriate at this stage for Lidl to enter into a legal agreement to secure a town centre presence for 10 years.

It is noted that paragraph 26 of the National Planning Policy Framework that the impact of town centre vitality and viability should be realised in 5 years. Therefore it may be difficult to justify requiring Lidl to remain in the town centre for 10 years as requested by the Paignton Neighbourhood Forum and Senior Strategy and Project Officer in their original response. Since additional information has been submitted the Council's Senior Strategy and Project Officer has noted that they would not object to the requirement for Lidl to remain in the town centre for 5 years subject to the wording being robust and enforceable and the wording specifying that it would 5 years from the store's opening because this is when any town centre impact would arise. Legal advice on the exact wording of this is being sought and the Member's will be updated at the Committee meeting.

In line with the above and subject to the wording of a Section 106 agreement which requires the retention of the town centre store for a minimum of 5 years, the principle of a retail store of this scale in this location is considered acceptable and compliant with policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030.

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 58 states that planning decisions should aim to ensure developments will function well and add to overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Finally 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 DE1 states that proposals will be assessed against their ability to meet design considerations such as:

- o whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials
- o whether they protect local and longer distance views and the impact on the skyline

- o especially from public vantage points, having regard to the location and prominence of the site
- o whether they have a clear urban structure and grain that integrate with the surrounding context
- o whether they relate to the surrounding built environment in terms of scale, height and massing
- o whether they positively address the street with active frontages,
- o whether they include the provision of high quality soft and hard landscaping
- o whether they make best use of space in terms of ground coverage and height, and
- o whether they positively enhance the built environment.

Policy DE4 of the Torbay Local Plan which refers to building heights states that new development should be constructed to the prevailing height within the character areas in which it is located, unless there are sound urban design or socio-economic benefits to justify deviation from this approach. The supporting text states that where deviations from the prevailing height are proposed, justification and supporting evidence should be provided as part of a design and access statement.

The design and access statement submitted with outline application reference P/2011/0197 included a context analysis of the immediate area and highlighted the positive and negative impact of existing built form which set the basis for the form, scale and location of the buildings proposed within the Eastern Bowl and particularly along the Brixham Road and White Rock Way frontages. This design and access statement stated that the Brixham Road corridor is poorly defined for much of its length and that previous developments have not addressed the importance of this corridor and have, for much of its length, avoided any positive frontage on to this route. The outline application aimed to create a positive principal frontage to the Brixham Road with a scale of development (3-4 storeys) that helps to define the corridor. This was to ensure good presentation of the overall development to the main Brixham Road and to form a civilised gateway into the site as one proceeds along the new primary street. The retail uses were to be located along this active frontage so that they are easily accessible from the surrounding area, legible as the most active and vital part of the new neighbourhood and therefore improve these facilities.

As part of this application limited context analysis has been submitted. The Design and Access Statement and a later Urban Design Rebuttal refer to the design being influenced by the design of other retail stores nearby, such as Aldi which is located at Yalberton Road, the aims of 'Secured by Design for Commercial Premises 2015' and the needs of the occupiers in terms of it being economically viable. The layout and arrangement of the store and car parking has been designed to reflect the size of the site, operator's format and the size proposed. The existing urban grain is referred to as disjointed within the Local Centre and stated that as the development to south of the site had not commenced at the time of submission, the innovation centre is pending approval and western side of the Local Centre has not been developed, and therefore as a result there is limited character and materials to respond to. The Design and Access statement states that the proposal does acknowledge local character and that it is important to consider the commercial nature of the proposal by its own merit without the surrounding residential

context which the proposal does not comprise.

The proposal is for a single storey building of a maximum height of 8.5m. Since the original submission the proposal has been amended to increase the overall height of the building by approximately 2m, the building has been repositioned closer to the Brixham Road, the number of materials on the building has been reduced, local stone has been specified and windows have been removed. These changes were in response to concerns raised by the Case Officer and aimed to try and achieve a greater sense of arrival to the White Rock Local Centre, increase the massing of the building as required by the earlier outline approval on the site, to simplify the material treatments on the building and to try and achieve a greater sense of place.

The approvals to date along the Brixham Road and those currently pending approval, each include building heights of 12m (residential apartments P/2014/0071 under construction), 16m (Innovation Centre P/2017/0685) and 10m (Premier Inn building and extension, completed and pending approval P/2017/0855). Each of these developments responds to the context analysis set out at outline stage, addressing the importance of the Western Corridor and providing positive frontages on to the Brixham Road in accordance with policy DE1, specifically criteria 3, 12, 13, 14, 15, 17, 19, 20 and 25 and DE4 of the Torbay Local Plan.

The proposed building has been increased in height (and repositioned closer to Brixham Road) in an attempt to reflect the importance of the location and create a more prominent and focal building on this important corner position. However due to the change in land levels, the building which is already 1.5m lower in height than the lowest building along the Brixham Road frontage of the Eastern Bowl development, appears lower again decreasing its prominence on the street scene and this important corner. The indicative street scene submitted also demonstrates the inadequate scale of the proposal in relation to adjacent proposed and under-construction buildings. The scale is not considered to satisfactorily announce the local centre and compares unfavourably to the terraced residential development which is already complete and undoubtedly to the residential apartments opposite to the site which are under construction. Whilst not yet approved, the Innovation Centre has been resolved for approval by the Development Management Committee and is of a much greater height than that proposed reflecting the importance of the Brixham Road frontage. In comparison, the proposal appears squat in the indicative street scene and emphasises the need for greater height in this location. The repositioning of the building closer to the South East corner of the site somewhat improves the massing, however this is still considered to remain weak due to the diminishing roof height towards the corner, together with the poor fenestration and lack of articulation at the corner of the building. Whilst the increase in height is acknowledged, it is not considered that this overcomes the original concerns raised regarding the design of the proposal and the lack of presence in the street scene despite the change in position. The building remains weak in this location both in terms of its character and appearance, producing an unacceptable townscape in this key location.

In addition to the concerns regarding the height of the building, the lack of active frontages along the White Rock Way frontage (noted as a primary street at outline stage) is a

concern. The Brixham Road frontage offers some positive activity and good presentation, but the lack of active frontage on the White Rock Way elevation which prevents any activity between the building and street would be contrary to criteria 19 of the Torbay Local Plan. Similarly the lack of active frontage to the front (north) elevation of the building is also a concern with limited fenestration which is not considered to be an adequate response to the site or the approach from the car park.

The simplicity of the material choices and use of natural stone (despite the exact type not being specified or noted as local on the plans) is noted however there remains insufficient information to confirm the architectural quality of the proposals in terms of material choices and criteria 16 of policy DE1 of the Torbay Local Plan.

It is also noted that at outline stage and a later reserved matters stage that additional uses were proposed at upper floor levels which contributed to achieving the additional height required in this location and a range of uses making best use of space in terms of ground height and coverage and helping to ensure economic and social viability in terms of density, mix, use and function as required by criteria 3 and 5 of the policy DE1 of the Torbay Local Plan. The applicant has stated that having additional uses at upper level is not a viable option for them and that they are interested in only delivering a new store to act as an anchor for the local centre. Whilst this is noted, a local centre is defined in the Glossary to the Local Plan as an area of shops and similar uses generally serving only the immediate area. The proposed local centre is shown in the Torbay Local Plan as covering a relatively small area, and whilst the principle of a larger retail store in this location is considered acceptable (subject to securing specific provisions), a mix of uses is important to ensuring the vitality of this space. Whilst it is noted that, as part of the wider commercial element of the Eastern bowl, other uses are established/proposed, the single use on this site, together with the lack of active frontages and open space, the proposal is not considered to comply with criteria 3 and 5 of the Torbay Local Plan.

The proposal is not considered to comply with criteria 3, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 25 of policy DE1 and DE4 of the Torbay Local Plan.

Landscaping and Impact on the AONB and Surrounding Countryside:

Whilst this proposal is not bound by the outline permission, off-site landscape mitigation and enhancement works secured by this permission and including significant belts of woodland planting on land to the south of the White Rock site will provide a strong landscape buffer between the development and undeveloped countryside to the south. The proposed development is separated from the wider countryside by the residential development approved under references P/2014/0071 and P/2013/1229. In light of the structural planting proposed to the south which will act to contain the site once established, the proposals are not considered to result in significantly greater impact in views from the AONB to the south or views from the South Hams.

Policy C4 of the Torbay Local Plan states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible. In addition proposals for new trees and woodlands will be supported in principle and will be a specific requirement in Strategic Delivery Areas and related Future Growth

Areas. 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.

There are no arboricultural features of merit on the site given the previous uses on the site and clearance works that have occurred in the past. During the course of the application, revised plans have been submitted primarily showing a revised position of the proposed building. This is likely to have an effect on the proposed landscaping particularly along Brixham Road. The revised plans do not include a revised landscaping scheme, the submitted layout plans does not show any proposed trees. However trees are shown on the submitted elevations so it is assumed that a similar level of landscaping as proposed as part of the original scheme are still proposed. The previous revision included 3 trees to the Brixham Road elevation, 10 trees to the White Rock Way elevation and 5 trees to the access road elevation. 1 tree was proposed within the car park to the north of the proposed building.

A revised landscaping scheme is required to show the exact level of landscaping proposed for the recently submitted revised scheme. However should the level proposed as part of an earlier revision continue as part of a revised landscaping scheme, an objection from the Council's Arboricultural Officer has been raised. This objection is due to the lack of landscaping to the north of the building within the car parking area which would be required to soften and integrate the site into the existing landscape. In addition were no revised landscaping plan received which relates to the recently submitted scheme, there would be an objection of landscaping grounds and the layout plan suggests no tree planting within or around the site.

In the absence of a revised landscaping scheme is required to show the exact level of landscaping proposed for the recently submitted revised scheme the proposal is not considered to comply with criteria 28 of policy DE1 and C4 of the Torbay Local Plan.

Biodiversity:

Policy NC1 of the Torbay Local Plan seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of the terrestrial and marine environments and fauna and flora, commensurate to their importance. The policy continues to state that development should not result in the loss or deterioration of irreplaceable habitats or wildlife corridors. It also notes that all developments should positively incorporate and promote biodiversity features.

The proposed development site falls within a greater horseshoe bat sustenance zone associated with the SAC roost at Berry Head. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential habitat within the sustenance zone and in proximity to the Berry Head roost has the scope to adversely affect the favourable conservation status of the Berry Head maternity colony. It is recognised that the development needs to be screened in terms of the Habitat Regulations Assessment, which has to be carried out prior to the decision being issued. The comments from Natural England are however noted; Natural England have advised that the proposal is unlikely to affect any statutorily

protected sites or landscapes.

Comments from the Council's Ecological Consultants have been sought and the outcome of this consultation will be presented to the Members at the Committee meeting. The submitted ecological report has identified habitat suitable for a number of species including badger, birds and reptiles on site. The report stated that the proposed works will result in the loss of low quality habitats which are of limited value to nesting birds and commuting/foraging badgers. The report identified that no reptiles were found during the survey of the site. The report recommends precautionary timing and suitable control measures in order to minimise potential impacts during vegetation removal and construction. The report states that additional habitat will be created as part of the scheme and will provide new commuting/foraging habitat. The report concludes that the scheme is likely to result in a minor positive impact on the ecology of the site.

Comments from the RSPB have recommended the inclusion of bat and nesting bird features by way of swift bricks and were the application to be recommended for approval these could be sought by way of condition. Subject to receiving comments from the Council's Ecological Consultants, which confirm the findings of the submitted reports, a HRA screening confirming no likely significant effect on the South Hams SAC, conditions relating to nesting features and a satisfactory level of landscaping being achieved on site which helps achieve a biodiversity gain, the proposal would be considered compliant with policies SS8 and NC1 of the Torbay Local Plan.

Residential Amenity:

The proposals are to be sited to the north of the approved residential development (P/2013/1229 and P/2014/0071). The position of the proposals in relation to the residential development reflects that shown within the indicative layout shown at outline stage. 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 and a good standard of amenity for all existing and future occupants of land and buildings. Policy DE3 of the Torbay Local Plan 2012-2030 states that developments should be designed to not unduly impact upon the amenity of neighbouring and surrounding uses, with one of the criteria for assessment being the impact of noise, nuisance, visual intrusion, overlooking and privacy, light and air pollution. The proposed building is positioned some distance from residential dwellings and is separated by White Rock Way. The proposals are not considered to result in any serious detriment to residential amenity by reason of loss of light, loss of privacy or by reason of being unduly dominant or overbearing due to the separating distances involved which are a minimum of approximately 22m.

In terms of noise, the proposals have the potential to impact upon residential amenity. Details of any proposed extraction and ventilation to serve the retail unit can be secured by condition to ensure any potential impact is minimised. Concerns regarding the impact of deliveries on residential amenity has been raised by the Council's Senior Environmental Health Officer and this was previously raised by the Committee as part of the reserved matters application. This potential impact can be resolved through preventing access to the site for HGVs from White Rock Way and requiring access only from Waddeton Road

to the north of the site via the use of Traffic Regulation Orders. Such Orders can be secured by condition.

Access and Parking:

The amount of retail floor space has increased since the outline application established the principle of retail development in this location. The increase in floor area since the outline scheme forecasts an increase in trips of 30 in the AM peak and 67 in the PM peak which equates to approximately 1 extra trip every two minutes in the AM peak and one extra trip every minute in the PM peak. The applicant's Transport Consultants have concluded that the proportional increase is very low and should be considered within the context that many of these trips will be pass-by trips already on Brixham Road rather than trips new to highway network. They also conclude that given the scale of infrastructure introduced by the outline permission the very low increase in trips will have little discernible impact upon the operation of either junction on Brixham Road which will be used by customers to access the store. Comments from the Council's Senior Project and Strategy Officer are awaited on this point and the Members will be updated at the Committee meeting.

The position of the access to the site largely reflects that agreed at outline stage with two points of access from Waddeton Road and White Rock Way. A new section of road is already in situ, enhancing Waddeton Road and including a roundabout with access in to the development site.

Revised plans have been submitted which show a revised layout to the car park, a number of points have been raised by the Council's Senior Strategy and Project Officer and confirmation is awaited from this officer as to whether all have been successfully resolved. These related to pedestrian crossings and access and whether Waddeton Road is to remain private or it is to be adopted. The Members will be updated on these points at the Committee meeting.

The Council's Senior Strategy and Project Officer has also raised matters of vehicle parking and cycle parking. The proposal includes 120 parking spaces (6 of which are allocated for disabled people, 8 are parent and child spaces and 2 are electrical charging spaces). Cycle parking is proposed to serve the retail use, the plans indicate that 7 cycle loops are proposed.

Policy TA3 in the Torbay Local Plan states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development and that development proposals will be expected to meet the guideline requirements as set out in appendix F. Appendix F states that in local centres, a minimum level of parking provision will be negotiated taking into account the impact of the use and existing parking provision. The previous outline consent (P/2011/0197 refers) included a supporting Transport Statement which stated that the parking provision for the development would not exceed the maximum standards set out in the adopted Local Plan 1995-2011 (at the time of the outline consent). No parking provision figure was provided for the retail element within the Transport Statement but it was noted that at the time of the outline consent, policy T25 of the Torbay Local Plan 1995-2011 stated that parking provision

should be provided at a maximum level of 1 parking space per 14sqm of gross retail floor space and therefore 118 spaces maximum. At the time of this Local Plan (1995-2011) there was no differentiation between out of centre and local centre proposals. The current Local Plan 2012-2030 however recognises this retail hierarchy defining local centres as areas of shops and similar uses generally serving only the immediate area. In line with this, they tend to be located within or adjacent to residential estates and accessible by a range of transport modes including walking, cycling and public transport. There is therefore a case for a lower level of parking provision than that required for out of centre retail proposals which are subject to a different standard. This is also supported by policy TA1 of the Torbay Local Plan 2012-2030 which states that developments should ensure that the use of cars is reduced wherever possible and that the most sustainable and environmentally acceptable modes of transport are promoted as integral parts of developments. In line with this it is not considered appropriate to provide an oversupply of parking such that it would encourage use of the private car when the location of this development is such that it should encourage access via walking, cycling and public transport predominantly.

The location of the development within a proposed local centre has been taken into account when considering the level of parking provision required. This consideration has also taken into account the opportunities for alternative modes of transport and relevant TRICS data (database of trip rates for developments in the UK). Having considered this information, in consultation with Highways Officers, an approximate parking provision level of 1 space per 17sqm of gross retail floor space within a local centre was considered appropriate taking into account use of sustainable modes of transport. This would have require approximately 129 parking spaces to serve the retail store. However in line with policy TA3 and associated appendix F, this is a guideline requirement only and is negotiable taking into account the impact of the use and existing parking provision. The proposed ratio of parking provision would be 1 space per 18.4sqm of gross retail floor space. On balance, this level of parking provision is considered acceptable by Officers in light of the local centre location and subject to securing a travel plan to encourage sustainable transport use and a car park management strategy to address the operation of the parking by condition along with Traffic Regulation Orders to secure no waiting on White Rock Way and the prohibition of HGV access from the junction of White Rock Way and Waddeton Close.

In terms of cycle provision, the proposed plans indicate that 7 cycle loops are proposed. This would be below the recommended standards as set out in appendix F of the Local Plan. Cycle storage to serve the retail store for both visitors and staff will also be required. Cycle loops are considered appropriate to serve visitors to the store however cycle storage for staff will be required to be secure and covered to ensure its use. As this level of cycle storage would need to be appropriately designed into the scheme, revised plans would be required to indicate where this storage will be proposed rather than this being secured by condition. Electrical charging points are provided and these can also be secured by condition. The Senior Strategy and Project Officer has requested clarity on the number of cycle spaces being provided and the Members will be updated on this point at the Committee meeting.

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 Council's Drainage Engineer has requested additional information particularly with regarding the hydraulic calculations and modelling for the proposed surface water drainage design. Torbay has been designated by the Environment Agency as a Critical Drainage Area (CDA). As a consequence, all development requires a basic Flood Risk Assessment (FRA) and all new development must deliver a reduction in run-off rates. This requirement applies to brownfield sites. The explanatory text to Policy ER1 of the Local Plan states that all off-site surface water discharges from new development should mimic greenfield performance up to a maximum 1 in 10 year discharge. On site, all surface water should be safely managed in conditions up to the 1 in 100 event plus an allowance for climate change. In order to satisfy the requirements arising from the Critical Drainage Area designation. It must be established that these measures can be accommodated prior to permission being granted. These measures cannot be secured by condition and therefore unless this information is submitted the proposal will not meet the aims of policies ER1 and ER2 or the aims of the National Planning Policy Framework insofar as it seeks to ensure flood risk is not increased elsewhere.

Emerging Paignton Neighbourhood Plan:

The Paignton Neighbourhood Plan has only recently completed its consultation stage, has not yet been the subject of an independent examination, as a result only limited weight can be afforded to the policies in that Neighbourhood Plan.

The Paignton Neighbourhood Plan (submission version) does not allocate any sites for any form of development, however Policy PNP21 promotes employment at White Rock and nearby areas. Policy PNP2 seeks to protect the town centre, but does not set out a sequential or impact test for out of town centre stores.

Other Issues:

Policy SC1 of the Torbay Local Plan states that all developments creating over 1,000sqm of floorspace 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. 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.

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 retail space which would benefit the local economy as a result of providing 40 jobs. The construction phase will also benefit the local economy.

S106/CIL:

S106:

The Planning Contribution and Affordable Housing SPD states that developments in Torbay will be assessed to identify where they generate net additional trips and therefore contribute towards sustainable transport. Table 4.3 of the SPD indicates Sustainable Transport contributions will be sought at a rate of £7,530 per 100sqm for retail developments within the town centre but that mitigation will usually be provided for job creation/regeneration. In this case, (without any mitigation) this would amount to £41,641 towards sustainable transport. This calculation is on the basis of the additional 553sqm of gross additional floorspace between the outline consent and full application now proposed. Regard however will be given to the cost of providing other mitigations to transport such as measures incorporated in travel plans. Mitigation for job creation and economic prosperity is a high priority for the Council and therefore it is particularly important that planning obligations do not impede upon job creations. On this basis, mitigation from tariff style contributions will be given for jobs created by development proposal. This is matter that is being considered further by the Council's Senior Project and Strategy Officer and the Members will be updated at the Development Management Committee.

CIL:

The application is for retail development (Class A1 retail over 300sqm) where the Community Infrastructure Levy (CIL) is £120 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 0m². The CIL liability for this development is £264,720. In line with the submitted CIL form, this is based on 2206sqm at £120 per m².

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.

Proactive Working:

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

Conclusions:

The provision of retail uses at this site is supported by policies TC1, TC2 and TC3 of the Torbay Local Plan 2012-2030. The principle of retail development of this scale in this location is considered acceptable subject to securing the retention of the existing Lidl store in the town centre for a minimum of 5 years from the commencement of any retail use at this store, in order to offset any impact on the town centre from the additional floorspace that is proposed compared to the previously approved scheme. However there are a number of concerns relating to the design of the proposal and whether it would provide a strong enough visual and legible presence on this important corner site, which when tested against the policies in the Torbay Local Plan 2012-30 warrant the refusal of the application.

The proposed development fails to have a clear urban structure and grain that would integrate with the surrounding context, relate well to the surrounding built environment that integrates with the surrounding context, and would fail to positively address the street with active frontages and respect the existing street frontage and built form. Overall the proposal would fail to deliver a high quality design and is considered contrary to criteria 3, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 25 of policy DE1 and Policy DE4 of the Torbay Local Plan.

In addition the proposed development fails to provide a suitable landscaping scheme which would soften and integrate the site into the existing townscape and townscape of the neighbouring sites which are under construction or pending approval. The proposals would fail to deliver a high quality landscaping scheme and is considered contrary to criteria 28 of policy DE1 and C4 of the Torbay Local Plan.

The application site is within a Critical Drainage Area as designated by the Environment Agency 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, and would be contrary to paragraph 103 of the NPPF.

Finally there are number of outstanding matters which require resolution, these relate to the number cycle spaces being provided, whether the additional trips generated by the

development will require S106 contributions to mitigate the effects on the local highway network and whether the pedestrian routes through the development are acceptable in relation to criteria 22 of policy DE1 and policies TA1 and TA2 in terms of providing vehicular and pedestrian access to a safe standard.

Relevant Policies

TC1 - Town Centres

TC2 - Torbay retail hierarchy

TC3 - Retail Development

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

DE1 - Design

DE3 - Development Amenity

DE4 - Building heights

NC1LFS - Biodiversity and Geodiversity

SS8 - Natural Environment

SDP1 - Paignton

SDP3 - Paignton North and Western area

ER1 - Flood Risk

ER2 - Water Management

Application Number

P/2017/0714

Site Address

21 Victoria Parade
Torquay
TQ1 2BB

Case Officer

Mrs Saffron Loasby

Ward

Tormohun

Description

Revised plan received, re-advertisement; Demolition of existing roof. Extension at second floor level to form additional bar / restaurant / storage area, with pitched roof over, to include increase in height of the building.

Executive Summary

The proposed development is to extend the existing A3 use upwards. The scheme involves removing the existing pitched roof and replacing it with an additional floor and a new pitched roof, thus increasing the floor area and height of the property. The building would be a similar height to the adjoining property to the north.

The original application proposed the removal of the pitch roof and replacement with a flat roof, but has now been revised to the formation of a new second floor, with a pitched roof over. The scheme is considered to be an acceptable addition to the property and is in keeping with the wider Torquay Harbour Conservation Area. The use of the additional floor would be for A3 (restaurant and café) as per the rest of the property. This is an appropriate use for this town centre location which would support the vibrancy and vitality of the area, and would make a positive contribution to encouraging tourism in this location adjacent to the harbour. Concern has been expressed by nearby residents about noise and smell nuisance. These can be addressed by means of conditions in order to prevent any undue nuisance. The proposed development is therefore considered to be acceptable in this location subject to a number of conditions.

Recommendation

Approval subject to receipt of a revised plan showing removal of the first floor illuminated sign and conditions regarding materials, privacy, noise and odour mitigation. Final drafting of conditions to be delegated to the Executive Head for Assets and Business Services. Any contributions required to assist in mitigating the proposed development on the Town Centre may also be applicable.

Reason for Referral to Development Management Committee

Chairman recommendation.

Statutory Determination Period

Original date - 6th October 2017, following submission of revised plan the applicant

has agreed extension of time to 11th January 2018.

Site Details

The site is a narrow, but deep plan, business premises situated within the Torquay Town Centre, the Torquay Harbour Conservation area, a Core Tourism Investment Area, a Community Investment Area, a secondary shopping frontage, a Coastal Change Management Area, as identified in the Torbay Local Plan 2012-30 and in flood zone 1. At present the property is being refurbished and has an A3 use class. An A3 use includes restaurants, cafes and snack bars. There are parking restrictions located along this stretch of Victoria Parade.

The application site benefits from views over the harbour and is nestled between other commercial properties on either side. Some residential use is located at first floor (and above) of the neighbouring properties. As the property is located in a town centre and close to the harbour and seafront it is within the night time economy area, which is popular at night due to the presence of night clubs and bars in this part of the town centre.

Date of Officer Site Visit: Various site visits made. Most recent site visit 17th November 2017

Detailed Proposals

Demolition of the existing pitched roof and extension at second floor to increase the height and floor area of the existing commercial property (A3 Restaurants and Cafes) to form an additional bar/restaurant/storage area with a pitched roof over.

The application was submitted with an Ecological assessment, a structural report of the roof and a Statement of Historic Significance

Summary Of Consultation Responses

Conservation and Design - The latest drawing D073-17-102 rev D (dated 3 November 2017) does show that our earlier advice has been followed: fenestration aligned with No. 20; and roof ridge and eaves height respected. The illuminated sign box on the first floor (over the tripartite door arrangement) is still on the drawings; we agreed it should go.

Community Safety - The proposed addition of another floor to the building will represent a significant intensification of use of the business. Furthermore, the proposed additional floor moves the potentially noisy activity closer to the residential accommodation flanking the development on either side. This may cause detriment to the neighbouring residential accommodation. The proposed intensification of use, will mean that residents may be disturbed by both odours from cooking and noise from the second floor restaurant use and from the kitchen and kitchen extraction. I am also concerned that the increased size of the development could lead to the balcony being used more frequently. The balcony is directly adjacent to a balcony associated with residential accommodation and

there are opening windows for the residential accommodation very close. This does offer potential for residents to be disturbed by patrons using the balcony. I recommend that an acoustic barrier be placed between the balcony on the left of the development (above Rock Fish) and the proposed development to minimise noise propagation. Such a barrier may simply be a sheet of glass to a suitable height. It need not be particularly substantial.

In order to mitigate these issues I would recommend that the following conditions be placed on the consent;

A scheme of sound insulation between the proposed development and existing residential development. Details of which should include the main build and the balcony. Submission of details of extract ventilation system.

Environmental Health Manager (Commercial) - Future Planning - Given that the use is within the town centre I do not foresee there will be a strategic highways objection. It would be useful to understand servicing etc. arrangements and whether additional on-street seating is proposed. However I would anticipate that the transport implications of a bar are similar as for a restaurant.

The most relevant Policy is TC5 "Evening and Night Time Economy" of the Local Plan. The advice of the Policy should be sought particularly in relation to TC5.3.

If the proposal is capable of being made acceptable, the Council would seek a S106 contribution towards CCTV as per Policy TC5 and the adopted DPD.

Building Control - No comments received

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement

7 letters of objection received following initial consultation, 2 objections received following final amendments.

1 letter of support has been received.

Objections raised:

- o Noise
- o Not in keeping
- o Loss of privacy
- o Impact on character
- o Impact on local area
- o Overdevelopment
- o Traffic and access
- o Unsocial behaviour

Letter of support refers to improvement of the existing building and the positive impact it will have on Torquay Town Centre.

Relevant Planning History

P/2006/1998 - Various Non-Illuminated Signage (Revised Scheme) - Approved 22.01.2007

P/2006/1112 - Various Non-Illuminated Signage (Revised Scheme) - Refused 08.09.2006

P/2003/0947 - Replacement Shopfront - Approved - 17.05.2003

Key Issues/Material Considerations

The key issues to consider in relation to this proposal are principle of development, impact of the design on the Torbay Harbour Conservation Area, neighbour amenity, highway safety and noise and odour mitigation.

Principle of Development

The existing use of the building is a restaurant (A3). The use could change to either A2 or A1 without specific planning permission. It could also change to a B1 use for a temporary period prior to notification with the Local Authority. Planning permission would be needed to change the use of the building to A4 (drinking establishment).

The site is located inside the Strategic Delivery Areas of the adopted Torbay Local Plan. Adopted Policy SS3 'Presumption in Favour of Sustainable Development' of the Local Plan advises that planning applications that accord with the policies in the Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved unless material considerations indicate otherwise.

This is reiterated within the TNP as Policy S1.

Planning Policy SS11 'Sustainable Communities' aims to support developments, in principle, that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay, and particularly within Community Investment Areas.

With regard to Policy TC5 'Evening and night time Economy' the Council aims to support, in principle, development that helps to create a vibrant, diverse, evening and night time economy within town centres, seafront and harbour areas of the Bay. To be acceptable, a development must provide the following:

- o add vibrancy and a complementary offer to that currently available in the centre of the area, attracting all ages,
- o it will support the creation of a balanced range of evening and night time uses through provision of new activities and venues
- o it will not add to the cumulative impact of licenced premises; and those providing late night entertainment and services, in an unacceptable manner;

- and
- o It will not damage the vitality and viability of the centre, impact on amenity or cause disturbance to nearby and neighbouring uses (including residential properties).
 - o Uses or developments that have an impact upon town centre monitoring, maintenance or policing will be required to make contributions towards the cost of any such monitoring, maintenance or policing arising from the development.

The proposed scheme proposes additional floor space to an existing premises that will be amongst other eating and drinking establishments in the town centre. Whilst concern has been raised about noise and disturbance it is not considered to be an unacceptable proposal when assessed against the criteria within Policy TC5. With regard to monitoring, maintenance or policing to address cumulative impact on these services consideration must be given to what is being proposed and be proportionate to the scale of the development. Torquay has a Purple Flag accreditation which is a recognised status for towns and city centres that meet or surpass the standards of excellence in managing the evening and night time economy (ENTE). As a significant accolade it requires ongoing management to ensure it is retained, for example to keep public toilets open and clean, clear up litter and provide policing and pastoral support. Where new developments put demands on these services they will be expected to make appropriate contributions and to partake in strategies and initiatives to mitigate the cumulative impact of venues.

The Council's Planning Contributions and Affordable Housing SPD adopted February 2017 advises that night time economy (referred to in Policy TC5) uses are alcohol-related uses, amusement arcades, betting shops, gambling shops and other developments that could create conditions of community conflict. The application site comprises an A3 restaurant use and is not a use that the Council would seek a financial contribution for. The refurbishment and extension will add to the vibrancy and vitality of the existing Town Centre.

The proposed development also meets the requirements of Policies TC1 'Town Centres' and TO1 'Tourism, Events and Culture' where development that supports the ongoing improvement of Torbay's Town Centres and tourism facilities are acceptable. The proposed development will contribute positively to supporting the town centre and will also contribute to tourism as it will provide additional floorspace in a tourist area adjacent to the harbour. It represents an investment in new facilities that will make a positive contribution to the local economy.

Whilst the principle of the development is considered to be acceptable based on the above information, development is also directly linked to a number of other material considerations. These include impact on the character of the area, impact on the neighbouring occupiers and highway safety. The Torbay Neighbourhood Plan Policies are also considered. The assessment of these matters are

considered in more detail below.

Impact of the development on the Torquay Harbour Conservation Area

Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires LPAs in reaching determinations on applications to have 'special regard' to the desirability of preserving the character of conservation areas. Paragraph 132 of the NPPF explains that great weight should be given to the conservation of 'heritage assets' such as Conservation Areas.

Adopted Local Plan, policy SS10 reflects the requirements of s.72 of the 1990 Act in terms of an expectation that development will 'sustain and enhance' the historic environment but then reflects the more discretionary NPPF guidance in terms of assessing the impact of proposals on the historic environment and lists factors that will be taken into account in reaching a decision such as the need to encourage appropriate adaptations and new uses and whether the impact is necessary to deliver demonstrable public benefits

Paragraph 134 gives the LPA discretion to allow a degree of harm to the heritage asset providing this can be balanced against public benefit. Development which causes less than substantial harm must demonstrate clear evidence of public benefit. This is not however a simple balancing exercise but an assessment of whether there is justification for overriding the presumption in favour of preservation.

The existing building, whilst located in a Conservation Area, is not recognised as an important building and it sits opposite an area of open space with largely unrestricted access. The current building is not particularly attractive and visually adds very little to the wider street scene.

The design of the proposal has been changed significantly over the course of the application process. These changes are a direct result of input from the Council's officers and now comprise a development that compliments the existing property and has the potential to improve the existing business opportunities within the Conservation Area.

The changes involved reducing the size of the openings at second floor and respecting the historic form, having smaller windows the higher they sit in the building. The openings also follow the design of the neighbouring fenestration that visually improves the design of the extension and its impact in wider views across the Harbour. The replacement pitched roof sits well with the neighbouring properties and will look similar to that of the original. The design changes propose a vast improvement on some of the other second floor extensions that have been previously allowed. As a result there is no harm to the Conservation Area and officers support the proposed extension.

The proposed extension and refurbishment of this building brings the currently

vacant property back into use. This will benefit not only the visual impact of the building on the wider street scene and Conservation Area but will also create new facilities that will make a positive contribution to the local economy.

The Senior Historic Environment Officer has requested that the existing (albeit unused) advertisement box above the first floor door on the front elevation should be removed. This should be secured through the submission of a revised plan. It is recommended that all future signage is located at ground floor similar to the neighbouring properties within the street scene.

Subject to the removal of the first floor advertisement box the new revised plans are considered to meet the requirements of policies SS10 and DE1 of the Torbay Local Plan 2012-2030.

Impact on Neighbour Amenity

Concern has been raised by local residents in the immediate vicinity that the impact of an additional floor will have an adverse effect on the neighbouring local residents by way of undue noise and disturbance. The closest residential properties are located above the commercial units at first and second floor on both sides of the application building. The concern appears to stem from the original building being separated into two and the dividing wall being inadequate to deal with the existing noise distribution. The potential to exacerbate this and the use of the existing first floor balcony has raised concerns by both residents and the Councils officers. As a direct result of this concern officers suggest the inclusion of an appropriately worded condition that will assist in ensuring that noise is appropriately mitigated at the proposed new floor level. It is also deemed necessary due to the existing neighbour arrangements that the use of the existing balcony is limited to certain hours and a screen is erected to assist in noise mitigation and privacy.

In addition, whilst there is an existing restaurant use the additional floor area will intensify the use of the property and there is question as to whether the existing kitchen extraction equipment is adequate. This is raised as a concern by the Environmental Health officer. With regard to noise and odour this can be addressed by including an appropriately worded conditions to ensure that adequate ventilation and odour mitigation is installed prior to the use of the new floor.

In light of the above potential adverse impact on neighbour amenity can be mitigated by conditions and meet the requirements of Policy DE3 of the Torbay Local Plan 2012-2030.

Highway Safety

There are no allocated parking spaces for the building and parking at the front of the property is restricted by double yellow lines. However there are a number of Town Centre car parks in close proximity as well as taxi ranks, bus stops and

places to park a bike. The site is also close to the Torquay ferry service. It would be unreasonable to insist that the additional floor space requires parking provision given that the existing use does not have any and the site is in a town centre location.

No objections have been raised by the Council's highway officers and due to the town centre location is considered to be sited in a sustainable location, easily accessible by foot, bicycle or public transport. The proposal is considered to meet the requirements of policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

Community Safety - Noise and Odour

Comments from the Community Safety officer advise that the noise and odour resulting from the development can appropriately be mitigated by conditions. It is therefore considered to meet the requirements of policy DE3 of the Torbay Local Plan 2012-2030.

Torquay Neighbourhood Plan

The draft Torquay Neighbourhood Plan has recently completed its consultation stage but has not yet been the subject of an independent examination. There are no policies in the draft Torbay Neighbourhood Plan which directly affect this proposal.

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.

S106/CIL and Affordable Housing -

CIL: The Council's viability evidence indicates that town centre retail would not be viable with CIL. The CIL liability for this development is Nil and therefore no CIL is payable.

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.

Ecology:

Whilst no evidence of bats or nesting birds was found at the time of the survey precaution during building works is detailed in the submitted report. An informative ensuring good practice during construction should be added to the decision notice if approved.

Proactive Working

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

Conclusions

The proposed development is considered acceptable in this town centre location subject to receipt of a revised plan showing removal of the first floor advertisement box and conditions relating to materials, hours of use of the balcony, details of sound insulation for the new build, privacy and noise screen on the existing balcony, and provision of an extract ventilation system. Final drafting of the conditions being delegated to the Executive Head for Assets and Business Services (to include those listed within the report).

Subject to the comments from the Community Safety Team a contribution may also be required for the monitoring, maintenance or policing arising from the development and its impact on the Town Centre.

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations.

Conditions

1. Materials (to ensure good design and protect the Conservation Area DE1/SS10)
2. Restriction on balcony hours of use (to protect neighbour amenity DE3)
3. Noise and odour mitigation (to protect neighbour amenity DE3)
4. Details of sound insulation (to protect neighbour amenity DE3)
5. Privacy/noise screen on the balcony (to protect neighbour amenity DE3)

Application Number

P/2017/0888

Site Address

South Devon Hotel
10 St Margarets Road
Torquay
TQ1 4NP

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Refurbishment of existing building, including partial demolition of extensions, extensions and alterations to provide 10 residential units, and the provision of 14 new apartments and 6 houses within the grounds of the existing building Existing access off St Margarets Close to be relocated, together with the provision of parking facilities. (Re-advertisement, revised plans received 12 December 2017)

Executive Summary

The application site is the former South Devon Hotel, a large detached Victorian property that has been vacant for a number of years, which sits in a large plot the junction of St Margaret's Road and St Margaret's Close. It sits within the borders of the St. Marychurch Conservation Area.

The proposal, as revised by plans received 12.12.2017, is to convert the existing Victorian building to provide 9 apartments and one dwelling. The conversion will include a degree of demolition, extension and minor modification. In addition to the conversion of the existing building the proposal includes the provision of development within the curtilage to the rear of the plot, to provide a further 14 apartments and 6 dwellings.

The proposal achieves suitable improvements to the form of the existing building and will provide an enhancement to the building's contribution to the St. Marychurch Conservation Area.

The new-build elements, following revised plans received 12.12.2017, are considered to provide an acceptable amount and form of development that achieves an appropriate response to the context. The development to the rear of the building will provide a positive and interesting addition within the urban environment within the St. Marychurch Conservation Area.

For future occupiers the proposal will provide an acceptable living environment, with good sized units provided with suitable outlooks throughout the scheme, supported by adequate levels of outdoor amenity space together with waste, cycle storage and parking provision.

Local amenity is protected by the positioning of new buildings at acceptable distances from existing properties and plots. Some degree of screening is necessary adjacent to the northern border and this can be achieved by a planning condition in order to limit overlooking towards Priory Road.

Adequate parking is achieved which manages to balance the desire to limit overspill parking into the street with the desire not to over-dominate the plot with parking. When considering the level access and close proximity to two vibrant shopping areas the level of parking proposed is supported.

An acceptable drainage solution has been submitted to ensure that the risk of flooding is not increased, and further ecology information has been submitted to seek to provide certainty that the development can proceed without harm to protected species. The latter is being considered by the Council's ecology advisor and members will be updated on this issue.

Members will also be advised in regard to any comments received from the Environment Agency and Historic England, as comments are awaited.

Members are advised that the scheme is CIL liable development and all liable floor space would be charged at a rate of £70 per sqm.

The application is supported by a viability assessment that seeks to establish that there is insufficient profit to deliver a policy compliant level of affordable housing. The viability assessment is currently being independently reviewed and members will be updated on this matter.

Subject to resolving certainty in terms of protected species, the proposal is considered in accordance with policies within the Torbay Local Plan and officers support the application.

Recommendation

Approval: Subject to:

1. The receipt of detailed ecological assessment and mitigation that will adequately safeguard protected species,
2. Revised or additional plans which demonstrate that all parking spaces can be adequately entered and exited,
3. The submission of plans to demonstrate adequate cycle parking for the 14-unit apartment block is provided,
4. Conditions delegated to the Executive Head of Assets and Business services, to include those outlined at the end of this report.

5. A signed S106 legal agreement that secures a policy compliant level of affordable housing or the necessary mechanisms to review viability in accordance with the Council's Adopted SPD.

Reason for Referral to Development Management Committee

Major Planning Application.

Statutory Determination Period

13 weeks - agreed extension of time by the applicant to permit revised plans to be submitted and referral to the January Development Management Committee.

Site Details

The site occupies a corner position at the junction of St. Margaret's Road and St. Margaret's Close and holds a large late Victorian building that fronts St Margaret's Road with extensive gardens to the rear.

The building is prominently located within the St. Marychurch Conservation Area and is identified as a building of merit in the Conservation Area Appraisal.

A substantial stone wall borders the site.

The building is marred by a large two-storey flat-roofed front and side extension at its southern end, together with a flat-roofed two-storey extension to the northern end.

Beyond the rear boundary are the playing fields of the Priory Roman Catholic Junior School. To the north-eastern boundary are residential properties and beyond this the Grade II* buildings of the Roman Catholic Church of Our Lady Help and St. Mary's Dominican Convent.

Vehicular access is from St. Margaret's Close which is an un-adopted private drive at the corner of St Margaret's Close with St. Margaret's Road.

The building has been vacant for some time. In the past it has been used as a care home and more recently as a hostel although its lawful use is unclear.

Date of Officer Site Visits: W/C 11.09.2017.

Detailed Proposals

The proposal is a residential scheme that involves both conversion and new-build elements.

The scheme seeks to convert the existing building to provide 9 apartments and 1 dwelling. This will include the demolition of a two-storey flat roofed wraparound side and rear extension and replacement with a single-storey extension at the southern end. It will include the remodelling of an extension to the front of the building at the eastern end of the building. Internally two apartments are to be provided at lower ground floor

along with a cycle store. Both apartments are 2-bed units. Three apartments are provided on each of the ground and first floors, which are again 2-bed units, and a further 2-bed apartment is provided within the roof space. To the rear of the building an attached 3-bed dwelling completes the conversion proposal.

The new-build element of the proposal includes the provision of 14 apartments and 6 dwellings within the garden to the rear of the existing building.

The 14 apartments are to be provided within a four storey building set towards the boundary of the plot with St. Margaret's Close. The internal layout will provide 4 apartments on each of three principal floors with two further apartments within a recessed roof element. The ground, first and second floor each contain 3x 2-bed units and a 1-bed unit, with the 4th floor roof element providing 2x 2-bed units. The 1-bed units have floor areas circa 66sqm and the two bed units range between 77-110sqm. Through revised plans received 12.12.17 the building presents a modern flat-roofed design that seeks to reflect the villa scale and architecture that is predominant in the area. The elevations are largely render within the lower floors with the roof elements being in a standing seam metal clad finish, with windows formed with a vertical emphasis. The building is 9m high to the top of the 3rd storey and 12m to the top of the roof storey. The building will be set slightly lower than the height of the existing villa, which is three storeys at the rear with a pitched roof. Although there is a significant drop from the front to the rear of the existing villa, which presents an additional floor to the rear, the land then only gently drops towards the west where the apartment building is to be set.

Attached to the apartment block is a terrace of 5 dwellings, which extend northwards towards the plots of properties off Priory Road. These are to a lesser scale with two principal floors and a recessed roof storey. Each unit provides 4 bedrooms within a habitable floor area of circa 140sqm. The design is again modern and seeks to reflect the apartment block.

At the northern end of the plot, set between the new terrace and the converted building, the scheme proposes a detached two-storey dwelling. The dwelling has a simple gabled pitched roof but is modern in character with it being cantilevered over a stone wall where it addresses the communal space. The roof is finished in standing seam to reinforce its modernity. The unit provides 4 bedrooms over two floors with the majority of the floorspace being provided at ground floor.

There are two vehicular access points proposed. The existing access at the south-eastern corner of the plot is retained and will provide vehicular access to 9 spaces to the front of the current building. The current access off St. Margaret's Close will be closed and made good with a new access being created to the east slightly closer to St. Margaret's Road. This access will serve a courtyard layout where a further 30 vehicular parking spaces will be provided. This in total presents a scheme with 39 parking spaces for 30 units (23 apartments and 7 dwellings).

The proposal retains the circa 2m high stone boundary wall that defines the plots borders.

Summary Of Consultation Responses

Design Consultant: The initial proposal raised some concern in regard to the architectural language of the apartment block and the scale of the detached dwelling, which acted as a vista stop at the end of the plot, where it was much larger than the proposition presented at pre-app stage. There was also some concern on the general layout where refinement of the parking layout was deemed necessary.

The revised proposal, as shown in plans submitted 12.12.17, is a measured improvement over the initial submission. The apartment block has a far more successful design strategy, where the bolder more modernist villa building works well. The detached dwelling has been scaled down and is more reflective of the proposition supported at pre-app stage. The layout has been finessed and there is much more confidence on how this space works.

Conservation Officer: The treatment of the existing building is welcomed with the removal of the large flat roof extension to the south and the rebuilding of the interwar northeast block with a pitched roof with gabled dormers being very positive elements. Recent revisions that reduce the parking at the southwest corner are an improvement and provides some breathing space at this important corner.

The amended villa form as depicted in revised plans submitted 12.12.2017 overcomes some initial concern over the new-build element. The recessed building lines in the south and east elevations will reduce the apparent massing from key views within the Conservation Area from the south-west. The modern interpretation is also considered far more successful than the initial villa language that sat somewhere between pastiche and a modern interpretation.

The terrace and detached house, as amended, sit more comfortably with the scale of the detached house reduced following revised plans. Although the scheme would benefit by the removal of the detached house, to present a clear separation between 'old' and 'new', the scheme is broadly acceptable in its revised form.

Strategic planning officer incorporating Highway Authority comments: The new entrance in St Margaret's Close into the rear development site should have a drop kerb and, whilst a private road, the old section of footway 'made good'. The entrance gates on St Margaret's Road should open into rather than out of the site

Each apartment requires one space plus a proportion of visitor parking and secure covered cycle storage space. Plus 10% disabled parking provision and an electrical car charging provision (this may be suitable for the visitor parking spaces (for the apartments). The houses require 2 parking spaces per unit and 2 cycle spaces per unit and electrical car charging provision, which appears to have been achieved, in accordance with the requirement of Policy TA3 and Appendix F of the Local Plan.

The parking spaces should be allocated, which is shown. Some of the spaces shown are poorly related to the residential unit they serve and this is likely to result in 'ad hoc' parking.

A proportionate Travel Plan should be provided setting out a 30% modal shift with 'SMART' targets to help demonstrate that the parking court will function properly and parking will not 'over-spill' into St. Margaret's Close.

The existing residents St. Margaret's Close have requested that construction vehicles and workmen do not park on or damage the Close. This could be resolved by submission of a CEMP, which could be conditioned.

Drainage Engineer: Provided that the surface water drainage is constructed in accordance with the submitted hydraulic calculations and drawing number AT2302-01 revision B, there are no objections on drainage grounds to planning permission being granted for this development, as it has been demonstrated that the surface water drainage for this development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 30% for climate change.

South West Water: South West Water has no objection subject to surface water drainage being in accordance with the flood risk assessment/drainage strategy submitted with the application.

Police Designing out Crime Officer: 30 dwellings and 39 parking spaces for the proposed development seems inadequate when considering that the majority of dwellings have 2 bedrooms and some with 4 bedrooms, as such it is realistic to expect a minimum of 2 vehicles per dwelling; as such consideration must be given as to where the excess vehicles will be parked without creating problems.

It is appreciated that parking for new development is a contentious issue but it is vitally important that adequate and appropriate parking provision is factored in for new development to minimise opportunity for crime, fear of crime, ASB and community conflict.

Waste and recycling team: Waste storage should be secured in accordance with the Council's design guidance document for new and converted residential properties.

Arboricultural Officer: The proposed site plan figuratively depicts a number of trees but is not suitable in terms of positioning, species detail, numbers, tree pit type and so on. Without sufficient detail it is recommended to attach pre-commencement conditions for a detailed landscape plan and LEMP to be prepared by suitable professionals for review.

The revised landscape plans still depicts trees of low number density that are of mainly short life expectancy and limited local interest.

No long term or readily appreciable contribution to the character and appearance of the Conservation Area will ensue. Retains the view that further details are required by condition.

Ecology consultant: The submitted ecology report stated that the building hosted external features that were suitable for roosting bats. The grounds were suitable for nesting birds and common reptiles. In-line with the report summary it is recommend that further protected species surveys are conducted to avoid a contravention of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2010 (as amended).

It is recommended that demolition or vegetation clearance should be undertaken outside of the bird nesting season, and that a precautionary approach to should be undertaken when removing vegetation in relation to the likely presence of reptiles. A LEMP should be secured and agreed to ensure long-terms management to support green infrastructure and biodiversity aims.

Subsequent to the above further surveys have been submitted and an update comment from the Council's ecology consultant is pending.

Members will be updated on any further comment at the committee .

Historic England: Comments awaited. Members will be updated on any further comment at the committee.

Environment Agency: Comments awaited. Members will be updated on any further comment at the committee.

Summary Of Representations

Publication type: Neighbour notification letters/Site notice/Newspaper advertisement. The application was re-advertised on the 13.12.2017 following the receipt of revised plans on the 12.12.2017.

9 representations have been received objecting to the scheme following the initial advertisement period.

Issues raised include:

- Overdevelopment
- Impact upon the conservation area as the buildings relate poorly to the context.
- Lack of adequate parking
- Loss of privacy
- Overshadowing
- Visual impact
- Impact on trees
- Ecology impacts, including impact upon bats
- Movement and access issues on the private close

- Drainage and flood risk concerns
- Noise and disturbance

A summary of further issues raised following the second public consultation period will be reported to Members.

Relevant Planning History

Pre-Planning Enquiries:

DE/2017/0102: Change of use to residential - principle and general parameters of the scheme supported

Planning Applications:

P/2006/0177: Demolition works and erection of house; Conservatory/Extension to existing basement flat; (Revised Scheme) (as revised by plans received 22/3/2006): Approved 24.03.2006.

P/2009/0073: Refurbishment of original building and formation of 26 Extra Care Units. Revised scheme to include single storey restaurant area, increased communal facilities at basement level and amendments to elevations: Approved 12.04.2010.

P/2009/0074: Demolition of modern extensions: Approved 16.03.2009.

P/2012/0206: Extend time limit - demolition of modern extensions-application
P/2009/0074/CA: Approved 11.04.2012.

P/2013/0057: Extend time limit - Refurbishment of original building and formation of 26 Extra Care Units. Revised scheme to include single storey restaurant area, increased communal facilities at basement level and amendments to elevations - application P/2009/0073/MPA: Approved 10.05.2013.

P/2013/0651: Alterations to roof to increase size of proposed flat 26: Approved 06.08.2013.

Key Issues/Material Considerations

The main concerns relate to the principle of development, its visual impact, the quality of accommodation provided, the impact on neighbours, highway and parking issues, flood risk and ecology. These will be discussed below.

1. Principle of residential development

The site sits in an area with a residential character and is within a sustainable location, where it sits close to a vibrant District Centre to the north east (St Marychurch) and a large Local Centre to the south (Plainmoor). A residential use for the current building

is therefore considered acceptable in terms of broad principle, where it would be a suitable use for the building adjacent to similar uses.

In regard to the development to the rear of the existing building as this element of the proposal is within the garden area of the plot the principle of development within gardens is relevant. Planning guidance in relation to garden development has been subject to change in recent years from encouragement to moves to resist 'garden grabbing'. The shift in terms of the sensitivity of development within gardens is articulated in the National Planning Policy Framework (NPPF) by land in built up areas such as residential gardens being specifically excluded from the definition of previously developed land (brownfield land). The NPPF also suggests that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens, where development would cause harm to the local area.

In broad terms the use of garden land for housing development is normally resisted, unless it can be shown that its use produces a form of development that is in character with surrounding development, does not result in overdevelopment, nor have adverse impacts on amenity.

Most recently a scheme for extra care facilities set in the garden was considered to achieve such development, which was approved in 2013, post the introduction of the NPPF in 2012. Considering the context, where a broadly similar extent of linear development was supported by the Authority (post NPPF), it is considered reasonable to conclude that there is scope to deliver a linear form of development to the rear of the plot.

The proposed development makes effective use of the site that is in a sustainable location. It includes a notable improvement to the appearance of the existing building on the site through the removal of unsightly modern extensions that detract from its historic character. The ability to make these improvements is in part due to allowing development within the curtilage of the property.

In summary the principle of residential development is considered acceptable. The acceptability of the proposal is therefore considered to hinge on whether the extent and form of development is appropriate when considering relevant Local Plan policy guidance, which is considered in more detail below. However in strategic terms the principle of a residential use of the site is supported in accordance with the aspirations of Policies SS1, SS11 and SS12.

2. Design and visual impact, including the impact upon the St. Marychurch Conservation Area

The site is located in a prominent roadside position within the St. Marychurch Conservation Area. It is therefore important to consider whether the scale and form of the proposed buildings fits with the overall grain of the area and does not therefore adversely affect the character and appearance of the conservation area.

In terms of local character the predominant form of development is that of Victorian

Villas, where large detached and semi-detached buildings sit within garden settings. It is noted that the properties off St. Margaret's Close are more modern and to a more modest scale and these are not a positive or defining element within the local built form.

The proposal seeks to improve the character and appearance of the existing building through a combination of partial demolition, sensitive extension and sensitive alterations. Two substantial areas of latter-day additions to the Victorian building will be removed or remodelled. The proposal removes a large two-storey flat-roofed wraparound extension to the southern end of the building and replaces it with a more discreet single-storey element that sits at lower ground floor. It is also proposed to remodel a prominent extension to the north-eastern part of the building fronting St. Margaret's Road, forming a two-storey gabled wing in-place of the two-storey flat-roofed addition that currently resides there. In addition certain windows will be reformed in a sensitive manner. The proposals will substantially enhance the aesthetic of the building and the contribution it makes to the locality and character and appearance of the St. Marychurch Conservation Area.

Turning to the new-build, the principal element is the provision of a "modern villa", which is a substantial building that is set in the southwestern corner of the plot close to the boundary with St. Margaret's Close. Through revised plans received 12.12.2017 the design is considered far more successful than the original proposition, which sat somewhere between a pastiche and modern design whilst failing to be clearly either. The revised design is clearly more modern but its scale, form and architectural references relate better to the Villa form that it seeks to echo. The elevations have become simpler and more successful, and the fenestration clearly expresses a vertical emphasis to the openings, which reflects the Victorian properties that it seeks to reference.

Attached to the apartment block the row of five terraced dwellings are well designed and their design is consistent with the more prominent apartment block, which will sit as the principal new building to the rear of the plot. The impact of the terrace upon the local built form is limited due to the secluded location deep within the plot away from the public realm combined with their more limited scale, where they are to a lower height.

The detached dwelling that seeks to bridge the gap between the old and new and act as an end building has been reduced in scale and amended in form to address officers' concerns. The simple gabled modernist building is now considered a far more suitable scale and form of building and it now works well within the space available.

The space around the buildings is largely well considered. The use of stone walls within the courtyard reduces the apparent scale and produces a more intimate feel to the central courtyard. The public and private realm appears clearly defined and the provision of defensible space in front of the terraced dwellings is a positive element. The success of the space around the building will hinge on the quality of materials and the detail of the landscaping. It is important that the courtyard is softened by

landscaping and further detail, by condition, is necessary to achieve a satisfactory form of development.

In terms of the general form of development and with consideration of the context the treatment of the existing building is considered to be clearly positive and the development within the garden is well-considered following the recent amendments to the form.

All matters considered, the development is will respect the prevailing urban grain of the area and the form of development is considered to provide a satisfactory residential environment that protects local amenity and conserves the character and appearance of the St. Marychurch Conservation Area.

The proposal will therefore accord with the aims and objectives of Policies DE1 and SS10 of the Local Plan, which seek to secure good design and the conservation and/or enhancement of heritage assets and their settings.

3. Quality of the proposed residential environment

Policy DE3 provides size standards that all new development should accord with.

The conversion of the existing building will provide a number of good quality 2-bed units which exceed the size standards suggested within the Torbay Local Plan, with the 2-bed units generally ranging between 70-100sqm in terms of their internal floor areas. The units all have good outlooks to key rooms and will be well lit for future occupiers in terms of natural lighting.

The "Villa" apartment block will provide 11x 2-bed units and 3x 1-bed units. The one bed units have floor areas circa 66sqm and the two bed units range between 77-110sqm, which are considered to present good sized units for future accommodation. The building will also provide good open aspects to key habitable rooms.

The terraced dwellings and the single detached dwelling are all relatively large and provide 4-bed units. The internal space is considered to provide a good residential environment with adequate outlooks and natural lighting.

In terms of pedestrian access there is good access to all buildings which are close to the parking provisions for occupants.

In regard to ancillary facilities there is adequate communal waste storage for both apartment blocks in close proximity to each building and within close proximity to the vehicular entrance points for collection purposes. The dwellings have identified storage facilities for the smaller household bins.

Cycle storage is shown within the fabric of the converted building to an acceptable level. There is secure covered storage adjacent to the apartment block however the detail on this structure is absent. Further information has been requested to

demonstrate that the provision of 14 cycle spaces for residents is achievable. The dwellings have private curtilages to provide these facilities.

In terms of outdoor amenity space, Policy DE3 of the Torbay Local Plan identifies a guiding minimum of 55sqm for dwellings and 10sqm of private or communal space for apartments. The scheme proposes to have communal amenity space adjacent to the new apartment block. The scale of this is considered sufficient to serve the occupants of apartment across the site, however the remoteness from the existing building is not ideal. It is noted though that three of the nine apartments within the converted building will have private amenity space (the two garden units and the second floor unit) which reduces the degree of concern. Each dwelling will have private gardens close to or above the expected provision of 55sqm, with only "House 8" to the rear of the existing building falling below the expected provision with around 35sqm of curtilage to the front and side.

On balance the proposal is considered to provide sufficient amenity space for the future occupants throughout the scheme and the internal living environments are adequate. The proposal is therefore considered to accord with Policy DE3 of the Local Plan which seeks to ensure acceptable levels of amenity for future occupiers.

4. Impact upon the amenity of neighbouring occupiers

The site abuts residential plots and the impact upon the amenity afforded adjacent occupiers is a key consideration.

There is concern from existing occupiers in terms of loss of privacy and overshadowing, which are relevant planning concerns.

The conversion of the existing building would not impact local amenity. The use would be consistent with the residential character and would sit comfortably aside the adjacent uses. The additional extensions would not be overbearing as there is limited increase in height and bulk where the building is being extended.

The apartment block of 14 units is a significant scale however its impact upon adjacent occupiers would be limited. The adjacent properties across St. Margaret's Close are over 25 metres away, which is a sufficient distance to limit any undue overlooking or loss of light through overshadowing. To the west the impact upon No.8 St. Margaret's Close is also considered to be limited as the distance between buildings will be just over 20 metres, which is generally considered an acceptable distance between windows. The revised plans have pushed the building further back into the plot, which produces a relationship that is slightly more oblique, which helps limit any impact. The distance is unlikely to result in undue overshadowing.

The terraced houses that abut the apartment block are lower and do not present any concerns in terms of impact upon adjacent occupiers.

The detached house to the rear is to a similar scale to the terraced dwellings, two-storeys with a roof element, however it has a more sensitive context as it is set close

to the border of residential plots off Priory Road and contains upper floor windows and a raised terraced. The height and proximity of the building is unlikely to unduly impact amenity due to the size of the plots that abut. The introduction of upper floor windows and a raised roof terrace does present the potential of harm from overlooking, however this could be easily managed through conditioning obscure glazing and obscure screening. Although not a present relationship, the detached dwelling will present some side-facing windows towards "House 8" within the scheme and the proximity is not ideal. These windows should also be obscured to present an acceptable relationship that duly protects future amenity.

Generally the development is suitably distanced and scaled in order to ensure that adequate amenity is protected. There would appear some impact upon amenity that can be mitigated through conditions to improve the relationships across certain borders with adjacent residential plots.

For this reason the proposal is considered to accord with Policy DE3 of the Torbay Local Plan as it does not demonstrably impact upon the amenity of neighbouring occupiers.

5. Highway and parking

The proposal is for 23 apartments and 7 dwellings with 39 car parking spaces.

Policy TA3 and Appendix F of the Torbay Local Plan provides key policy guidance and for dwellings there is an expected requirement of 2 spaces per dwelling and 1 space per apartment, although there is appreciation that this standard can be reduced in locations such as town centres. Although it is not a town centre site it does have good access to two large centres which are both within reasonable walking distance.

The emphasis on parking standards has moved in recent years from a position of maximum standards that sought to limit the extent of parking to try and create a shift towards sustainable modes, to a minimum standard as now emphasised in the current Torbay Local Plan. It is important to understand though that parking policies are intended to allow for car ownership and limit the proliferation of on street parking.

The starting position is that the development should seek to provide 14 spaces for the 7 dwellings (2:1 ratio) and 23 spaces for the 23 apartments (1:1 ratio), in-line with the size standards outlined within Appendix F of the Torbay Local Plan, with suitable visitor spaces (no set standard within the Local Plan).

The proposal secures parking that accords with the expected requirements outlined within the Local Plan as it secures 2 spaces per dwelling and one space per apartment. The key consideration is whether the level of visitor parking is acceptable in the context. As stated Appendix F of the Local Plan does not express an expected requirement, simply that visitor parking should be supplied for flats in addition to the 1:1 parking. Visitor parking has been provided with two spaces designated for such a purpose. Although this is a limited number the level of parking is considered acceptable where

the site has good level access to two large areas for shopping and also the bus links that serve facilities further afield, including the town centre. It is accepted that the provision of additional parking would have a negative impact on the layout and residential environment and it is noted that Policy TA3 does outline that the Local Plan should seek adequate on-site parking where possible but that this should not dominate the site's appearance. The site is constrained and Officers feel that additional parking would only erode the retained setting of the buildings and as such additional parking would only compromise the scheme as a whole.

For the reasons above the proposal is considered to accord with Policies TA2, TA3 and DE3 of the Torbay Local Plan as it provides adequate vehicular parking.

6. Drainage and flood risk

As Torbay is within a Critical Drainage Area as designated by the Environment Agency the application needs to demonstrate that the surface water drainage design would not result in any increased risk of flooding to properties or land adjacent (for the critical 1 in 100 year storm event plus 30% for climate change) and the Local Plan Policy outlines a hierarchy.

Provided that the surface water drainage is constructed in accordance with the submitted hydraulic calculations and drawing number AT2302-01 revision B, there is no objections on drainage grounds to planning permission being granted for this development, as it has been demonstrated that the surface water drainage for this development has been designed in order that there is no risk of flooding to property on the site or any increased risk of flooding to property or land adjacent to the site for the critical 1 in 100 year storm event plus 30% for climate change.

It is noted that South west Water has no objection.

As an acceptable drainage design has been submitted the proposal is considered to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

7. Ecology

The submitted ecology report states that the building hosted external features that were suitable for roosting bats, and that the grounds were suitable for nesting birds and common reptiles. The submitted report concluded that further survey work is necessary to establish certainty in terms of likely impact upon protected species, which was a view supported by the Council's ecology consultant.

Further survey work has been submitted following the ecological advice of the Council. The further survey work and assessment concluded that reptiles could be duly protected by ensuring that clearance of debris/compost and scrub features within the garden only happens after the reptile translocation is complete, which must take place during the reptile activity season (April-October) to ensure that any slow worms present are given the opportunity to move out of the way, and that the removal of climbers on the house or hedgerows, must be undertaken between September to the end of

February, unless an ecologist is present to supervise and look for nests. This will ensure that no nesting birds are disturbed. Bats were not found to be using the building but there is a potential to enhance roosting facilities by installing bat tubes within the development and adopting a sympathetic external lighting. It was also noted that the rubble and lime mortared wall along the Northeast and South Boundary of the site should be retained where possible within the development as old walls have a wealth of plants and animals living on them and are good habitats for amphibians and reptiles such as slow worms and small mammals.

Comment on the further survey work and the subsequent conclusions and recommendations from the Council's ecology advisor is awaited and members will be updated on this matter in terms of the officer recommendation and whether the proposed development accords with Policy NC1 of the Torbay Local Plan 2012-2030.

Torquay Neighbourhood Plan

The position of the Torquay Neighbourhood Plan (TNP) has been considered (Key Policies; S1, S2, S3, H1, H2, H4, H5, HW4, HW5, HW6, TR1 along with the Community Aspirations for St Marychurch and District).

It is relevant to note that the site is identified as a Housing Site within the TNP (CDST10) The TNP is at submission phase and the policies within it therefore carry limited weight at this time

The Torbay Local Plan remains the key policy document at this moment in time and the recommendation to Members is made with reference to the Torbay Local Plan 2012-2030.

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 support local construction and trade industries and future occupiers would add to the local economy in terms of household spend.

S106/CIL and Affordable Housing -

Affordable Housing:

Affordable housing provision/contribution is required from this development in accordance with Policy H2 of the Torbay Local Plan 2012-2030.

For a scheme of 30 units within a split greenfield/brownfield context Local plan Policy H2 indicates that 7 affordable housing units should be secured, which would normally be on-site rather than via a commuted payment.

The applicant has submitted a viability assessment that suggests that the scheme is not viable with the additional cost of delivering affordable housing.

The viability assessment has been independently assessed and Members will be updated on this matter.

Where it is satisfactorily demonstrated the proposed scheme is not viable with a policy compliant level of affordable housing it will be necessary to secure a S106 which includes a clause a further viability appraisal (at the applicant's cost) to be carried out at the end of the development to assess the precise profit based on actual development costs and sales figures.

Any further viability appraisal will only apply to units that have not reached practical completion by a time to be agreed, which for a scheme of this scale would usually be 3 years from the grant of planning permission.

The summary above is in accordance with Torbay Council's Adopted SPD.

The above provides the basis for securing affordable housing, and assessment, in-line with the adopted policy, Policy H2, and the Councils Affordable Housing SPD (February 2017).

S106:

There are no site acceptability matters that require securing through a S106 legal agreement.

CIL:

The application site is within CIL Charging Zone 2. The proposal constitutes CIL chargeable development.

The CIL Planning Application Additional Information Requirement Form submitted with the application indicates 1,480sqm of existing floorspace plus 4,100sqm of new floorspace totalling 7060sqm. The figures do not present a clear understanding of the CIL liability and the agent has been asked to review the submitted information.

If the 'existing' C2 use ceased in 2013 the existing area would appear vacant under the

CIL Regs.

As the site lies in Charging Zone 2 (£70 per sqm) there will be a liability of £300-£500K, depending on the final chargeable floor space, i.e. areas where people 'usually go'.

As CIL is principally a tax on floor area the liability will be a result of what is granted.

EIA/HRA

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.

HRA:

The application site is not within a strategic flyway/sustenance zone associated with the South Hams SAC. The proposed development is unlikely to have a significant effect on the South Hams SAC.

Subject to achieving adequate drainage solution the proposal is unlikely to have a significant effect on the Lyme Bay and Torbay SAC.

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 has been unable to satisfy the policy tests for the reasons stated in this report.

Conclusions

Subject to the comments of the Council's ecology advisor the proposal is considered acceptable and members are recommended to support the grant of planning permission.

The scheme responds positively to its context within the St. Marychurch Conservation Area and achieves suitable improvements to the existing Victorian building. It provides a satisfactory residential environment for future occupiers and adequately protects the amenity of existing occupiers adjacent to the site. Acceptable levels of parking are proposed when considering the level access to two large centres for shopping and other services to the north and south, and flood risk will not be increased as there is an acceptable design solution for surface water drainage.

For these reasons the proposal is considered consistent with the policy aspirations of the Torbay Local Plan 2012-2030.

Proposed Conditions (with final drafting of the conditions being delegated to the Executive Head for Assets and Business Services to include but not limited to);

- Construction Method Statement
- Submission of a phasing plan and schedule of works to secure the improvement to the villa shall be submitted and approved
- CEMP (Construction and ecological management plan)
- Detailed hard and soft landscape plan
- External materials schedule including a stone sample
- Submission of details for all new and replacement windows and doors.
- Submission and approval of a LEMP
- Removal of certain permitted development for the dwellings
- Removal of permitted development rights regarding means of enclosures
- Full details of all fences, walls and boundary enclosures submitted and approved
- Provision of parking
- Provision of waste facilities
- Provision of cycle storage facilities
- Provision of surface water drainage system
- Prior to first use the existing access off St. Margaret's Close shall be closed and the proposed new access completed in accordance with plans approved.
- Obscure side screen to roof terrace of the detached dwelling and no use of wider area of flat roof for recreational purposes.
- Obscure glazing to the side and rear of the detached dwelling
- The communal garden shall at all times be retained as a communal recreational facility for occupants of the site.

Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
 SS3 - Presumption in favour of sustainable dev
 SS7 - Infrastructure, phasing and employment
 SS8 - Natural Environment
 SS10 - Conservation and Historic Environment
 SS11 - Sustainable Communities Strategy
 SS12 - Housing
 H1LFS - Applications for new homes
 H2LFS - Affordable Housing
 DE1 - Design
 DE3 - Development Amenity
 DE4 - Building heights
 ER1 - Flood Risk
 ER2 - Water Management
 NC1LFS - Biodiversity and Geodiversity
 W1LFS - Waste hierarchy
 TA1 - Transport and accessibility
 TA2 - Development access
 TA3 - Parking requirements