

# TORBAY COUNCIL

Application Site Address	30-34 The Terrace, Torquay
Proposal	Conversion of office buildings and minor alterations to form 12 residential apartments, with cycle/bin store and parking.
Application Number	P/2020/0999
Applicant	A&A@The Terrace Properties Ltd
Agent	Roach Planning and Environment Ltd
Date Application Valid	11.11.2020
Decision Due date	10.02.2021
Extension of Time Date	08.03.2021
Recommendation	That Planning Permission is granted, subject to the conditions detailed below. The final drafting of conditions and addressing any further material considerations that may come to light to be delegated to the Assistant Director of Planning, Housing & Climate Emergency
Reason for Referral to Planning Committee	Major Application
Planning Case Officer	Jim Blackwell

## Location Plan



### **Site Details**

The site comprises three separate, internally interconnected buildings including numbers 30, 32 and 34 The Terrace. It also includes three narrow parking spaces on the opposite side of The Terrace currently used for both parking and bin storage.

Together the properties have been used as offices by Wollens Solicitors who are relocating their premises to new purpose-built offices adjacent to Torquay Clocktower. This is due to the current office accommodation not meeting that business' requirements due to its outdated layout.

The three properties date from between 1820 and 1830 and each is separately Grade II listed. The application site falls within the 'Torquay Harbour' Conservation Area. St John the Apostle Church on Montpelier Road to the north, is Grade I Listed. The entire terrace leading towards Montpellier Road is grade II listed and 30 – 34 contribute to this group value. The Conservation Area Appraisal identify the row as important buildings with an unspoilt frontage.

The front elevations are to the south west fronting The Terrace. Each property has its own front door in its original position, although at present only the entrance to number 30 is used as the main entrance to the offices. The front elevations present an impressive Georgian façade. They lie directly on the street frontage and retain much of their original features. The entire terrace forms one of a number of tiered streets leading up from Fleet Street below. The site can be accessed from the town centre via steps leading down opposite the site and adjacent to the existing parking and bin storage area.

The rear elevation is to the north-east adjacent to Montpellier Road and is at a higher elevation than The Terrace. This creates an enclosed space with a range of original and recent relatively unsympathetic rear extensions at varying heights. The rear elevation is largely hidden from view with only parts of the second floor and roof level visible when walking along Montpellier Road and standing outside St John The Apostle Church, largely due to the level difference, but also due to a boundary wall. The rear becomes more visible when standing adjacent to the row of private parking spaces on the southern edge of Montpellier Road, opposite St John the Apostle Church.

The site is also located within the designated 'Town Centre' under the Torbay Local Plan 2012-2030. It also lies within Flood Zone 1.

### **Description of Development**

The development proposes the change of use from offices to residential with the provision of 12 residential apartments; 1 one bedroom, 10 two bedroom and 1 three bedroom properties. The properties will be separated along their original flank walls and access to all apartments provided through the principal entrances on The Terrace. New internal sub-divisions would be kept to the minimum necessary to ensure ease of flow and movement around the apartments and new structures are confined to the rear courtyards, removing or remodelling the unattractive modern elements and providing small external areas for some of the apartments where possible and appropriate.

Where new elements are proposed to be introduced, they would be finished in render with powder coated aluminium windows and doors to ensure visual clarity between them and the original structures. Rooflights are proposed to the front and rear to provide more light into the building. These would be conservation style to ensure they fit the significance of the buildings. The proposed internal alterations to create the new apartments have been carefully considered during the design process to ensure the retention and restoration of the historic floor plans, features and detailing.

The rear of the site includes a number of flat roof extensions with the creation of three small roof terraces. Again, these works balance the removal of previous poor quality extensions with simplifying the internal layouts.

The scheme also includes:

- The preservation and restoration of the historically significant front elevation.
- The preservation and restoration of historic features including windows, internal openings, covings, and significant features within the Grade II listings.
- Reinstatement of the metal balcony to no.34.
- Any necessary window or roof replacement materials would be like-for-like basis.
- The reinstatement of the three front doors (one to each property) as the main points of access.
- The preservation and restoration of the three internal staircases.
- The enhancement of the rear elevation, including removal of unsympathetic features and extensions.
- A new bin and cycle store opposite the site.

Amendments to the original applications include:

- the elevational treatment of the proposed bin and cycle store has been amended from vertical timber cladding to render.
- the store layout has also been amended in response to Highway comments. The parking space has been omitted to enable a larger store.
- the horizontal timber cladding elements to the rear have been amended to render.
- the front elevation indicated that the windows will be replaced with double glazed, but the original timber windows will now be retained and refurbished where necessary.
- internally, it was proposed that some units would be extensively remodelled. However, the scheme has been carefully redesigned to retain the original fabric where possible.

A range of additional information has been provided:

- a travel plan.
- a viability statement.

### **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless

material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan:

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Adopted Torquay Neighbourhood Plan 2012-2030 (TNP)

Material Considerations:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With regard to Conservation areas the Act requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Relevant Planning History**

- P/2011/0891: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – application P/2008/1261 – approved.
- P/2011/0890: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) - application P/2008/1257– approved.
- P/2008/1261: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1762/LB) – approved.
- P/2008/1257: Internal alterations to form new reception area, meeting rooms and toilet facilities (revision of P/2007/1763/PA) – approved.
- P/2007/1763: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/1762: Internal alterations to form new reception area and toilet facilities – approved.
- P/2007/0026: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Other internal works subject to LB consent – approved.
- P/2007/0025: Internal alterations. Extension by a small flat-roofed section within courtyard/lightwell at rear, to enclose re-arranged toilet facilities. Removal of a staircase and alterations to the circulation and format of rooms including installation of partitioning - refused.
- P/2006/1061: New signs – approved.
- P/1994/0400: Alterations to offices – approved.

- P/1994/0399: Alterations to offices – approved.

## **Summary of Representations**

### **Summary of Consultation Responses**

#### **Torquay Neighbourhood Forum:**

No comments received.

#### **County Archaeologist and Historic Environment Manager:**

No comments received.

#### **Torbay Council's Senior Environmental Health Officer:**

I am concerned that the space provided in the waste and recycling store is inadequate for twelve households to manage their waste and recycling effectively.

The plans also show that the 10 x 240 litre bins would not be accessible to the residents with access to some of the bins being blocked by other bins.

#### **Natural England:**

Natural England has no comments to make on this application.

#### **Torbay Council's Engineering Service Manager:**

As the development is located in Flood Zone 1, is not in an area susceptible to surface water flooding and relates only to a change of use, I have no objections on drainage grounds to planning permission being granted.

#### **South West Water:**

South West Water has no objection.

#### **Environment Agency:**

No comment received, however Flood Zone 1.

#### **Police Designing Out Crime Officer:**

From a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective please find the following information, advice and recommendations for consideration and implementation where possible:

The close proximity of the proposed development to local amenities and links to public transport etc. is fully appreciated but it would be remiss not to express some concern over the 'car free' proposal, particularly given the number of bedrooms proposed. Parking provision and its design are key issues for the police when reviewing new residential development as it can be an area that has real potential in creating parking related complaints and issues which the police can spend a considerable amount of time dealing with. It is appreciated that future residents will be fully aware of the parking situation at the location but it cannot be assumed that the owning of private vehicles will be a secondary option to walking or using public transport and thus a concern as to where vehicles will be safely and securely parked.

It is respectfully requested that the 'car free' proposal is carefully considered, particularly when balanced against the number of bedrooms proposed and when assessed against the requirements of local planning policies for parking requirements and provision.

#### Security requirements for dwellings

As the security element of the building regulations, namely Approved Document Q (ADQ), sits outside the decision making process for the planning authority please find the following which is to inform the applicant:

ADQ creates security requirements in relation to all new dwellings, including those resulting from a change of use. It also applies to conservation areas.

All doors that provide entry into a building, apartment doors, ground floor, basement and any other easily accessible windows, including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard i.e. PAS 24.

As such it is recommended that all external doors, apartment doors and easily accessible windows are sourced from a Secured by Design (SBD) [Member Companies](#). The requirements of SBD are that doors [Accredited Product Search for Doors](#) and windows [Accredited Product Search for Windows](#) are not only tested to meet PAS 24 (2016) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of ADQ and reducing much time and effort in establishing provenance of non SBD approved products.

[Secured By Design](#) is a free from charge police owned crime prevention initiative which aims to improve the security of buildings and their immediate surroundings in order to provide safer places

Crime, fear of crime, ASB and conflict are less likely to occur in new development if the following attributes of Crime Prevention through Environmental Design (CPTED) are considered and implemented in conjunction with the above:-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict.

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked.

Recessed and concealed areas should be avoided where possible as these can reduce surveillance opportunities and provide cover for criminal and unwanted activities or loitering. Where unavoidable the spaces should be securely enclosed without undermining fire regulations or covered by CCTV with compatible lighting.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical protection - Places that include necessary, well-designed security features as required by ADQ, SBD Homes 2019 and SBD Flat Entrance Door sets (attached for ease of reference).

Reference to security at 9.03 of the Design and Access Statement (DAS) is noted.

With regard to the external bike store please note the following security guidance from SBD: and bicycle security

56.1 External containers specifically designed for the secure storage of bicycles and other property must be certificated to one of the following minimum security standards:

- LPS 1175 Issue 7.2:2014 Security Rating 1 (or above); or
- LPS 1175 Issue 8:2018 Security Rating 1/A1 (or above); or
- STS 202 Issue 7:2016 Burglary Rating 1 (or above); or
- LPS 2081 Issue 1.1:2016 Security Rating A; or
- Sold Secure (Bronze, Silver or Gold).

56.3 External, open communal bicycle stores with individual stands or multiple storage racks for securing bicycles will be as close to the building as possible, but in any event within 50 metres of the primary entrance to a block of flats and located in view of active rooms, such as lounges and kitchens. The store must be lit at night using vandal resistant, light fittings and energy efficient LED lights. NB Vertical cycle racks can be difficult for some sections of the community to use.

56.4 Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment:

- Galvanised steel bar construction (minimum thickness 3mm), filled with concrete;
- Minimum foundation depth of 300mm with welded 'anchor bar'. Compliance can be demonstrated by products certificated to one of the following minimum security standards:
- LPS 1175 Issue 7.2:2014 Security Rating 1; or
- LPS 1175 Issue 8:2018 Security Rating 1 (A1); or
- Sold Secure (Bronze, Silver or Gold); or
- STS 502

Please be advised that tradesperson or timed release mechanisms are generally discouraged due to an increase of ASB and unlawful access to multi-occupancy buildings.

With regard to mail delivery within the 3 front entrances it is recommended that the mail boxes are sourced as approved SBD products. Communal mail delivery facilities within building entrances of apartments should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building within view of those using the building:-
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;
- Installed in accordance with the manufacturers specification.

It is recommended that each apartment has a visitor door entry system with both visual and audible facility.

Activity- Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management and maintenance - Places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

The above is submitted in accordance with the following national and local policies and guidance:-

National Policy Planning Framework (NPPF)

8. Promoting healthy and safe communities - 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Torquay Neighbourhood Plan Policies BW8 and HLB 9 which state 'Ensure future development of the area promotes community safety, and particularly reduces the fear of crime in the area'

Torbay Local Plan Policies DE1 & SS11 which states 'reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict'

Section 17 Crime and Disorder Act

Secured by Design Homes & Flat Entrance Door set Guidance

**Torbay Council's Highways Engineer:**

It is understood that the development proposals relate to the re-development of 939m<sup>2</sup> of office to 12 residential apartments at 30 to 34 The Terrace, Torquay TQ1 1BN. The schedule of accommodation is shown in Table 1 as per the application form:

#### Quantum of development

Unit Type	1 Bed	2 Bed	3 Bed
Flats	1	10	1

The applicant has submitted a Design & Access Statement to support the application.  
Accessibility.

The site is located within the town centre which features a range of amenities such as a post office, a convenience shop, pubs and hair salons. The site fronts onto a shared surface route prohibited to vehicles except for access.

The nearest pair of bus stops is located approximately 150m to the south on A379 Strand. A bus interchange is available, from which a wide range of services are available providing access to Brixham, Paignton, Torquay, Wellswood, Plymouth and Totnes.

The site is not considered to conflict with national and local policy with regards to accessibility.

#### Highway Safety

The applicant has not collected Personal Injury Collision data from Torbay Council for the latest 5-year period. A crash map investigation identifies that no PICs have occurred in the vicinity of the site on The Terrace. Whilst a large number of accidents have occurred on the A379, this is a highly trafficked link by all modes of travel and the proposed development (especially noting its brownfield nature) is unlikely to exacerbate any accident trends in this location.

#### Proposed Development

The development comprises 12 apartments, with a bin store and single visitor parking bay located opposite the site on The Terrace. The proposal is considered to be "car free".

#### Access

The site fronts directly onto The Terrace and as such pedestrian and cycle access is achieved directly onto the highway (on which vehicles are restricted to access only). No vehicular access is provided to the site itself from the highway.

#### Servicing

The site is currently serviced via a 1100L bin located opposite the site on The Terrace on land controlled by the applicant, and it is noted there is a no loading restriction between 10am and 6pm. The proposals retain this servicing arrangement. This is considered to be in keeping with the surrounding properties and the constrained nature of the site prohibits alternative arrangements. This servicing arrangement is considered to be suitable.

The applicant has proposed a bin store in a new structure located opposite the main building, with space for 10no 240L eurobins. Whilst the Waste Authority will provide definitive

comments on this aspect of the site, including whether this provision is sufficient, having 10no eurobins may result in increased dwell time for the refuse vehicle on a pedestrianised area when servicing the site. However, regardless of the use that comes forward for the site, it would have to be serviced from The Terrace and The Terrace is managed to mitigate the impact of this in so far as possible.

### Parking

The development does not propose any resident parking. In accordance with Appendix F of the Adopted Torbay Local Plan 2012-2030, “Car-free development, may be permitted within town centres, where there is good access to public transport and the potential to use existing car parks”.

The proposed development is located in an area featuring controlled parking, with double yellow lines and “no stopping” restrictions. Some parking is marked on-street to the east of the site. A public car park is available at Montpellier Road, which is a long stay car park for which car park permits are valid.

A single disabled visitor space is provided. This space features constrained visibility onto the pedestrianised zone in the primary direction due to the new cycle/bin structure. It is currently unclear how the use of the bay will be enforced so that only visitors, and not general residents or people who are not associated with the development, use the parking space.

Cycle parking is provided with space for 8 cycles in a secure and covered structure opposite the main building on The Terrace. Local parking standards require a minimum of two cycles pre dwelling, suggesting that space for 24 cycles should be provided. With the development being car-free, a suitable cycle parking provision is of increased importance.

Given the car-free and town centre location of the proposed development, it is preferable to replace the disabled visitor parking bay with a larger bin / cycle store that is able to accommodate 24 cycles and an increased number of / larger 1100L bins (if required).

### Trip Generation

The applicant has not provided details of the net change in trips generated by the site. Given the scale of the development, its car free nature, existing use and town centre location, the net change in trip generation is unlikely to have a significant negative impact on the operation of the highway network.

### Travel Plan

Given the site’s town centre location and car free nature, a Travel Plan that is proportionate to the scale of the development is required to maximise travel by sustainable modes and demonstrate to residents that car ownership is not necessary.

### Conclusion

Whilst the principle of the proposed development is supported, the Local Highway Authority required additional information in order to provide a positive recommendation:

- Demonstrate that there is sufficient space for 24 cycles in accordance with Appendix F of the Adopted Torbay Local Plan 2012 – 2030

- Demonstrate that the disabled visitor parking bay would be safe to access and egress, and how its proper use would be enforced.
- Provide a Travel Plan that is proportionate to the scale of the development.

The following response has been provided following submission of the Travel Plan:

The applicant has submitted additional information to address comments raised by the highway authority in response to the application. The LHA have no objection to the proposals, subject to the following conditions:

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to implement inward opening doors on the bike sheds on The Terrace.

Reason: In the interests of Highway Safety

Use all reasonable endeavours, and unless agreed in writing with the Local Highway Authority, to provide a Travel Plan noticeboard in a communal area of the proposed development, detailing the following travel information (based on the contents of the Travel Plan) to be updated twice a year as necessary:

- Key destinations and routes within 800m walking distance of the site;
- Key destinations and routes within 5km cycle distance of the site;
- Bus services and timetables for services available at nearby bus stops; and
- Details of taxi, car hire and car sharing services available to residents.

### **Torbay Council Community Safety Team**

I would confirm that I have no objections subject to the inclusion of a condition regarding a construction management plan as follows:

Construction Management Plan:

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

**Historic England:**

On the basis of the information available to date, we do not wish to offer any comments.

**Planning Officer Assessment**

Key Issues/Material Considerations:

1. Principle of Development
2. Design and Visual Impact
3. Impact on Heritage Assets
4. Impact on Residential Amenity
5. Impact on Highway Safety
6. Ecology and Biodiversity
7. Drainage and Flood Risk
8. Low Carbon Development
9. Other Considerations

**1. Principle of Development**

There are a range of commercial, retail and residential uses around the site and the proposed use is therefore considered acceptable. The site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This accords with the objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan.

The applicant has provided evidence that there will not be any job losses associated with the proposed development as the properties will be vacant in the near future. The planned business relocation led the properties to be placed on the market for sale. Furthermore the outdated layout and relatively large size of the combined properties does not make for an attractive proposition for new business occupants and the agents marketing the properties. Evidence has been provided to show that it did not receive interest from potential business occupiers. The original intended use of the property was residential and given the range of heritage gains the proposed new use is considered acceptable. The application is CIL liable and as such no employment contributions are required.

Local Plan Policy SS1 sets out a growth strategy for a prosperous Torbay, supports regeneration that creates sustainable living, working and leisure environments, and seeks delivery of homes. Policy SS12 emphasises the importance of regeneration of brownfield sites and town centre sites in contributing to housing supply.

Local Plan Policy H1 states that proposals for new homes in the built-up areas of Torbay will be supported (subject to other Plan policies); promotes re-use of brownfield land and urban regeneration; and seeks to reduce the need to travel by car. The Torquay Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported in principle.

Local Plan Policy TC1 focuses on the three town centres of Torquay, Paignton and Brixham and refers to the Torquay town centre Masterplan SPD. Neighbourhood Plan Policy TS2 states that major development proposals within the town centre will be supported where they conform to the Masterplans adopted by the Council. The Masterplan identifies a zone surrounding Fleet Walk, within which the application site is located, to “maximise residential uses to increase footfall in the Town Centre”.

Policy TC1 supports housing provision within and near to town centres, particularly within peripheral parts of the designated town centre not covered by Primary or Secondary Shopping Frontage. Policy TC1 also supports the re-use of outdated floorspace as a source of housing. The application site is located within the town centre, but not within the Primary Shopping Area or Primary or Secondary Shopping Frontage. The Town Centre Community Partnership state in the Torquay Neighbourhood Plan that a key community aim is to encourage more people to live and work within the town centre.

Therefore, given its highly sustainable, town centre location, the proposed redevelopment is supported in principle by Local Plan Policies H1, SDT1, SDT2 and TC1, by Neighbourhood Plan Policies TS2 and TS4.

## **2. Design and visual impact**

The National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. In addition, it 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'. Policy DE1 Design of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of good quality design, respect the local character and reflect the identity of its surroundings.

Given the contained nature of the three buildings, the design and visual impact from the proposal is limited to the front and rear elevations.

The front elevation remains largely unaltered other than the insertion of rooflights. The application has been amended to retain and restore the existing windows where possible, rather than wholesale replacement with double glazing. The metal balcony to no.34 will be reinstated to match the existing on no.32. Three conservation rooflights will be inserted into each property.

As described previously the buildings are set into the steeply sided bank towards Montpellier Road. Any alterations will have limited visibility, however the impact on the significance of the building is the key consideration. The most visible changes will be the rooflights which will be inserted to match the design used on the front elevation in design. The changes reflect the sensitivities of the original building whilst removing features which are considered unsympathetic. In order to reflect the original materials and provide a more robust finish, the proposed timber clad elevations on the new build elements have been amended to render.

There are also access gates and an external staircase proposed to the rear of no. 30 in order to gain access to Montpellier Road. The top of the stairs would take you to a route running towards no.34 and out on to street level. Although utilitarian in design, the stainless steel is considered a robust material, and given the enclosed nature of the space, would not be visible.

The proposal also includes the creation of a new cycle and bin store opposite the site. This element of the scheme has been amended to ensure the materials reflect the existing context within the conservation area and opposite the grade II listed buildings. The current site is occupied by bin storage and a small parking area. As The Terrace rises up towards the east the lots facing the highway are occupied by a variety of parking spaces, bin storage areas, the rear of retail units and access to flats lower down the tier towards Fleet Street. The proposed store is considered appropriate in terms of scale, massing and materials. Its simple design approach will have a minimal impact on the streetscene.

Given the overall proposal's siting, scale, and design, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene. The proposal is therefore considered to be in accordance with Policy DE1 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

### **3. Impact on Heritage Assets**

The NPPF guides that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Para 193). The NPPF further states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 194). It guides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 196).

In terms of the Development Plan it is guided that development proposals should have special regard to the desirability of preserving heritage assets and their setting (Policies SS10 and HE1 of the Local Plan). This is aligned with the duties for decisions as laid out within the Planning (Listed Buildings and Conservation Areas) Act 1990 c.9 para 66, where decisions shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The application is supported by a Heritage Statement which also recognises Policy TH10 of the Torquay Neighbourhood Plan support alterations to listed buildings where they safeguard and enhance their historic qualities and elements according to their significance.

The proposals make the best of the buildings original features, particularly the Georgian façade and three internal staircases. It consolidates the various rear extensions and alterations into a more coherent form.

The key elements of 30 - 34 The Terrace's special architectural or historic interest have been identified as its aesthetic interest, particularly from The Terrace, the remaining internal and external architectural detailing, the street scene and the positive contribution to the conservation area. The proposed change of use has been found to be beneficial to the special architectural and aesthetic interest of the buildings through ensuring a sustainable and viable future for the properties that will be in accordance with its stature and original purpose.

The minor internal alterations will not harm the character of the building, which will be enhanced overall through the restoration of lost internal features and the preservation and continuing maintenance of the exterior. The range of unsympathetic rear extensions would be removed or re-purposed to provide contemporary additions that will better reveal the original form of the buildings. The proposals have been properly assessed in terms of the significance of the buildings and the potential impact on this significance and it is concluded that the proposals will ensure the long term maintenance and enhancement of the group and will provide appropriate residential accommodation in this sustainable town centre location.

The proposal is therefore considered to be in accordance with Policies SS10 and HE1 of the Local Plan, Policy TH10 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

This conclusion has been reached in relation to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### **4. Impact on Residential Amenity**

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards. Given the enclosed nature of the site and urban location, the proposal is only able to include a number of small, external terraces. However, the site has access to open space and a number of beaches within walking distance.

The external terraces are relatively small and are not considered to cause any harm to neighbouring amenity. There would be not be any issues of overlooking or intervisibility between proposed units.

No letters of representation have been made towards this planning application concerned with residential amenity.

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and Policy DE3 of the Local Plan.

#### **5. Impact on Highway Safety**

Policies TA2 and TA3 of the Local Plan establish criteria for the assessment of development proposals in relation to access arrangements and vehicle parking. Policy TH9 of the Torquay Neighbourhood Plan states that all new housing development must meet the guideline parking requirements contained within the Local Plan unless it can be shown that there is not likely to be an increase in on-street parking arising from the development or, the development is within the town centre and an easy walk of a public car park which will be available to residents for the foreseeable future. Policy THW5 of the Torquay Neighbourhood Plan supports new development proposals where they are located on or near to public transport routes wherever possible and appropriate. In this case the site is considered to be in a commercial area which is already well served by public car parks and therefore would not create significant additional demand. Furthermore, the constraints of the site and listed building status means that it would be unsuitable to accommodate off street car parking.

Local Plan Policy TA1 promotes development in locations that are easily accessible and safely reached on foot, cycle, public transport, other sustainable transport or car. It states that development should be designed so that use of cars is reduced wherever possible and residents have adequate access to employment, retail and community facilities within safe walking and cycling distance and via close proximity to bus stops. Neighbourhood Plan Policies THW5 and TTR2 have similar themes.

The application site is in an extremely accessible location. Fleet Street and the Harbourside are within walking distance, as well as offering significant variety of amenities and employment opportunities, have a range of bus stops for sustainable travel to numerous destinations. The proposed development therefore complies with Policies TA1, THW5 and TTR2. Local Plan Policy TA3 and Neighbourhood Plan Policy TH9 concern parking, with Local Plan Appendix F setting guideline parking standards. Although noting that these are flexible for town centre locations with good travel infrastructure. It is considered that the provision of no vehicle parking, but 24 cycles, is appropriate for this very accessible, centrally located site. As such, there is no conflict with Policies TA3 and TH9.

Appendix F of the Adopted Torbay Local Plan 2012-2030, states that “Car-free development, may be permitted within town centres, where there is good access to public transport and the potential to use existing car parks”.

The proposed development is located in an area featuring controlled parking, with double yellow lines and “no stopping” restrictions. Some parking is marked on-street to the east of the site. A public car park is available at Montpellier Road, which is a long stay car park for which car park permits are valid.

Cycle parking has been increased from 8 to 24 cycles in order to accord with local parking standards which require a minimum of two cycles pre dwelling. With the development being car-free, a suitable cycle parking provision is of increased importance.

This amendment has enabled a larger bin and cycle store that is able to accommodate the larger number of cycles and an increased number of bins.

A Travel Plan has been provided and the Strategic Transport Officer has no objection.

The Council's Strategic Transport Officer has advised that the proposal is considered acceptable and meets the requirements of Policy TA1, TA2 and TA3 and TH9 of the Torquay Neighbourhood Plan.

## **6. Ecology and Biodiversity**

An Ecological Impact Assessment report comprising two main elements (Stage 1 and Stage 2) have been carried out to assess impacts from the proposed development.

The Stage 1 PEA provided information on the potential for and, if apparent, evidence of use of the site by protected species (specifically bats and birds). The second element of the EclA included further Stage 2 protected species surveys comprising a bat roost presence/likely absence subsequently upgraded to a bat roost characterisation survey due to an emerging bat being recorded.

The further Stage 2 protected species surveys with up to one common pipistrelle observed roosting. Due to the number of bats, the amount of evidence recorded during the initial Stage 1 and subsequent Stage 2 surveys, distribution of access point and use, the site was considered to be a day, non-breeding roost for low numbers of common pipistrelle bats.

The development works will result in the loss/blocking access of the identified roosts, the potential to kill/injure bats during some of the works as well as disturbance, and therefore, an EPSL was considered necessary.

Mitigation and compensation measures for the loss of the bat roost have been suggested, which if followed would ensure that the favourable conservation status is maintained for the bat species identified and the continued ecological functionality of the roost.

Therefore, mitigation and compensation were proposed with the following details:

- A total of two external Schwegler 1 FQ bat boxes to be fitted at height at the northern wall to Montpellier Road. Bats were seen commuting along the wall throughout the Stage 2 surveys. Therefore, boxes shall be fitted facing a suitable aspect (south facing wall), along existing flight line, close to current roost access points/roosting locations and away from windows and lights;
- The soft demolition/stripping of all key bat features of the catslide roof slates, bargeboards or the blocking of any access points will require supervision by a licenced bat ecologist and need to be carried out in a slow and careful removal process under a granted EPSL. Once all bat features or areas of high risk to bats have been cleared, works can continue uninterrupted;
- Contractors will be made aware of the new bat roosting locations during soft demolition/stripping and how these need to be fitted (with the aid of photography and mapping) before and during the toolbox talk required as part of the EPSL for the Site. Installation of the bat box must be overseen by an ecologist, to comply with the licence requirements;
- If external lighting was required, this will be kept to a minimum and should consist of LED luminaries, ideally of a warm white spectrum (< 2,700 Kelvin), upward light ratio

of 0 % and with good optical control, with any external security lighting to be set on motion-sensors and short (1 minute) timers (Institution of Lighting Professionals and Bat Conservation Trust, 2018). No additional lighting to be fitted in close proximity to the bat boxes. New internal lighting to be recessed to avoid glare and light spill, particularly to the northern courtyard. Refer to Guidance Note 08/18 on Bats and Artificial Lighting in the UK for further details (Institution of Lighting Professionals and Bat Conservation Trust, 2018).

Subject to the addition of suitable conditions the proposal is therefore deemed to comply with Policies NC1 and C4 of the Local Plan.

## **7. Drainage and Flood Risk**

National guidance contained within the NPPF cites that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (Para 163).

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere, which is aligned with guidance contained within the NPPF. In regard to foul waters Policy ER2 of the Local Plan includes reference that development proposals should provide appropriate sewage disposal systems with separate foul and surface water, which seek to use sustainable measures and reduce water being discharged into shared sewers.

The site sits in an area with a low risk (Flood Zone 1) of flooding and the site is also within a Critical Drainage Area as designated by the Environment Agency.

The Council's Engineering Service Manager and South West Water has been consulted on the application and have no objection.

Given the nature of the proposal, the intended means of surface water drainage are considered acceptable having regard to the adopted Standing Advice, and the proposal is therefore considered to be in accordance with Policies ER1 and ER2 of the Local Plan.

## **8. Low Carbon Development**

Policy SS14 of the Local Plan relates to 'Low carbon development and adaptation to climate change' and seeks major development to minimise carbon emissions and the use of natural resources. Policy ES1 - Energy seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The effects on the environment and sustainability have been considered as an integral element to the proposal. The construction aims to meet the highest design and performance qualities, with Building Regulation required u-values being met or exceeded.

The existing window openings are to be largely retained although at the rear of the building, new window openings are proposed in addition to preserving the existing openings. New elements of construction aim to reduce artificial lighting costs by achieving a good daylight factor of 2-5%.

A highly efficient low emissivity glazing system will be used in the proposed windows. In addition, good u-values will be offered with the efficient insulation used to line the internal face of the envelope of the building. The heating system will be designed to incorporate localised control which will respond to the occupancy patterns of the building users. Low energy LED or similar lights will be used throughout.

This design approach to the site is therefore in accordance with Local Plan Policies SS3 and ES1.

## **9. Other Considerations**

The Council is unable to demonstrate a five year supply of deliverable housing land. The five year supply position represents a significant shortfall and must be treated as an important material consideration weighing in favour of the proposal.

Considering the current housing supply position it is advised that in determining the application, the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF must be applied. Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, which means approving development proposals that accord with an up-to-date development plan without delay.

It is concluded within this report that the development accords with the Development Plan when considered as a whole and hence there is support for the grant of permission, in-line with the guidance within the NPPF (Para 11). Were Members of a different judgment and were to consider the proposal to be in conflict with the Development Plan it should be noted that the absence of a 5 year housing supply principally sets a higher benchmark to resist development. In such a circumstance development should only be refused where any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

### **Sustainability**

Policy SS3 of the Local Plan establishes the presumption in favour of sustainable development. The NPPF definition of sustainability has three aspects which are economic, social and environmental. Each of which shall be discussed in turn:

#### **The Economic Role**

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development.

Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

There are no adverse economic impacts that would arise from this development.

In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

### **The Social Role**

The principle social benefit of the proposed development would be the provision of additional housing. Given the NPPF priority to significantly boost the supply of housing, the additional dwellings to be provided must carry significant weight in this balance.

Impacts on neighbour amenity have been discussed above where it is concluded that the proposal does not cause significant harm to residential amenity.

On balance, the social impacts of the development weigh strongly in favour of the development.

### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape, ecology and bio-diversity and surface and foul water drainage. These matters have been considered above.

The environmental benefits identified are either marginal in the case of any biodiversity net gain or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. It has to be appreciated that the site is identified for housing within the Development Plan and is a brownfield site.

The proposed development is in a sustainable, town centre with a range of public transportation links. It is considered a high quality redevelopment of a brownfield site, enhancing the setting of the conservation area, street scene and introducing more sustainable building methods. In respect of the environmental element of sustainable development, the balance is considered to be in favour of the development.

### **Sustainability Conclusion**

Having regard to the above assessment the proposed development is considered to represent sustainable development.

### **Local Finance Considerations**

#### **Community Infrastructure Levy**

The residential aspect of the site is situated in Charging Zone 1 in the Council's CIL Charging Schedule; this means that all new floorspace will be charged at a rate of £30/sqm. An informative can be imposed, should consent be granted, to explain the applicant's, developer's, landowner's obligations under the CIL Regulations.

#### **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:**

In view of the nature of the application there is not likely to be a Significant Effect on the Annex I habitats - alone or in-combination with other proposals or projects.

### **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to provide housing would produce a significantly positive impact overall and help with the supply of much needed housing.

### **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 - 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.

### **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 and Reasons for Decision**

The proposal is acceptable in principle as it would not result in unacceptable harm to the character of the area, the setting of the Conservation Area or local amenity; would provide acceptable arrangement in relation to residential amenity, highways and flood risk. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

The development is also considered to have a positive impact on the the listed buildings with the added public benefit through the re-use of the heritage asset and the provision of much needed additional housing.

The proposals are considered to be in accordance with the provisions of the Development Plan. The Officer recommendation is therefore one of conditional approval.

### **Officer Recommendation**

Approval - subject to:

1. The conditions outlined below, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing & Climate Emergency;
2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing & Climate Emergency, including the addition of any necessary further planning conditions or obligations.

### **Conditions**

#### **Materials:**

The development hereby approved shall be constructed in full accordance with the materials specified on the approved plans unless otherwise agreed in writing. Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with the requirements of policy DE1 of the Torbay Local Plan 2012-2030.

#### **Schedule of works:**

The conservation repair works to the Grade II Listed Building shall be completed in accordance with the approved schedule of works and shall be retained as such at all times thereafter.

Reason: in order to preserve the heritage asset in a manner appropriate to its significance and in order to comply with Policies SS10 & HE1 of the Torbay Local Plan 2012-2030.

#### **Detailed design 1:**

Prior to installation details of all external materials shall be submitted to and approved in writing by the Local Planning Authority including, but not limited to:

1. A sample of the proposed slate and brickwork,
2. Window and door materials, colours and profiles,
3. A sample of the proposed metal cladding,
4. Details of the reinstated metal balcony to no.34,
5. Details of all fencing and other mains of enclosures including balconies,
6. Rainwater goods,
7. Full details of the proposed roof terraces,

The development shall proceed in full accordance with the approved detail and shall be retained as such for the lifetime of the development.

Reason: In order to protect visual character and heritage assets in accordance with Policies C2, DE1, HE1, SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH8 of Torquay Neighbourhood Plan and advice contained within the NPPF.

#### **Ecology Mitigation Measures:**

The development shall proceed in full accordance with the submitted and approved Ecological Impact Assessment Report (Colmer Ecology Ltd October 2020).

Reason: In order to protect ecology and to secure necessary mitigation to accord with the aims for biodiversity enhancements, in accordance with Policies NC1 and SS8 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

**Ecological Mitigation Measures:**

Prior to the first use of the development hereby approved, the following shall be incorporated into the development (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter:

- A total of two external Schwegler 1 FQ bat boxes to be fitted at height at the northern wall to Montpellier Road. Boxes shall be fitted facing a suitable aspect (south facing wall), along existing flight line, close to current roost access points/roosting locations and away from windows and lights;
- The soft demolition/stripping of all key bat features of the catslide roof slates, bargeboards or the blocking of any access points will be supervised by a licenced bat ecologist and need to be carried out in a slow and careful removal process under a granted EPSL. Once all bat features or areas of high risk to bats have been cleared, works can continue uninterrupted;
- Contractors will be made aware of the new bat roosting locations during soft demolition/stripping and how these need to be fitted (with the aid of photography and mapping) before and during the toolbox talk required as part of the EPSL for the site. Installation of the bat box must be overseen by an ecologist, to comply with the licence requirements;
- External lighting will be kept to a minimum and should consist of LED luminaries, ideally of a warm white spectrum (< 2,700 Kelvin), upward light ratio of 0% and with good optical control, with any external security lighting to be set on motion-sensors and short (1 minute) timers (Institution of Lighting Professionals and Bat Conservation Trust, 2018). No additional lighting to be fitted in close proximity to the bat boxes. New internal lighting to be recessed to avoid glare and light spill, particularly to the northern courtyard. Refer to Guidance Note 08/18 on Bats and Artificial Lighting in the UK for further details (Institution of Lighting Professionals and Bat Conservation Trust, 2018).

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

**Window and door details:**

Prior to the installation of new windows and doors, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Sections at a scale of 1:1 and elevations at a scale of 1:10, of all new windows and doors;
- Reveal sections, drawn to a scale of 1:1-1:10;
- Sill sections, drawn to a scale of 1:1-1:10

The development shall then proceed in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure an acceptable form of development in the interests of the character and appearance of the Listed Building in accordance with Policy HE1 of the Torbay Local Plan and TH10 of the Torquay Neighbourhood Plan.

**Construction Management Plan:**

No development shall take place until a site specific Construction Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

The plan should include, but not be limited to:

- Procedures for maintaining good neighbour relations including complaint management.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Control measures for dust and other air-borne pollutants.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

**Cycle storage doors**

Unless agreed in writing with the Local Planning Authority the doors on the cycle storage hereby approved shall open inwards.

Reason: In the interests of Highway Safety

**Travel Plan notice board**

Unless otherwise agreed in writing with the Local Planning Authority a Travel Plan noticeboard shall be provided in a communal area(s) of the proposed development, detailing the following travel information (based on the contents of the Travel Plan) to be updated twice a year as necessary:

- Key destinations and routes within 800m walking distance of the site;
- Key destinations and routes within 5km cycle distance of the site;
- Bus services and timetables for services available at nearby bus stops; and
- Details of taxi, car hire and car sharing services available to residents.

Reason: In the interests of sustainability and reducing the need for people to travel using a private car.

**Implementation of bicycle and refuse storage:**

Prior to the first occupation of any dwellings unit(s) hereby approved, the bicycle and refuse storage facilities shown on the approved plans that relate to that dwelling(s) shall be provided and made available for use for those dwellings. Once provided, storage arrangements shall be retained and maintained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan 2012-2030.

**Informative(s)**

1. For the avoidance of doubt, any works to be undertaken within the public highway will require the separate consent of the Highway Authority.

2. 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.

3. Responsibilities of the applicant / developer:

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Schemes must be in place to avoid threat of killing or injuring reptiles, such as slow worms. Slow worms may shelter beneath vegetation as well as among any stored or discarded sheeting, building and other materials. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

4. Healthcare Contribution

For the purposes of the Council document 'Planning Contributions and Affordable Housing SPD February 2017' a Healthcare Contribution is payable prior to first occupation of the development. The Healthcare Contribution shall be £1,300 for each dwelling (either C2 or C3) on the site which is not an affordable dwelling. Any developer who is not Torbay

Council, or an agent of Torbay Council, must enter into a Planning Obligation to secure payment of the Healthcare Contribution prior to commencement of development.

### **Relevant Policies**

#### **Local Plan**

DE1 – Design.

DE3 – Development Amenity.

ES1 - Energy

TA2 – Development Access.

TA3 – Parking Requirements.

ER1 – Flood Risk.

ER2 – Water Management.

NC1 – Biodiversity and Geodiversity.

HE1 – Listed Buildings

SS3 – Presumption in favour of Sustainable Development.

SS4 – The Economy and Employment.

SS10 – Conservation and the Historic Environment.

SS11 – Sustainable Communities.

SS14 - Low carbon development and adaptation to climate change

C4 – Trees, hedgerows and natural landscape features.

#### **Torquay Neighbourhood Plan**

TH8 – Established Architecture.

TH9 – Parking Facilities.

THW5 – Access to sustainable Transport.

TE5 – Protected species habitats and biodiversity.

TH10 – Protection of the Historic Built Environment.

TS1 – Sustainable Development.

TS4 – Support for Brownfield and Greenfield development.

TT2 – Change of use in Conservation Areas and Listed Buildings.