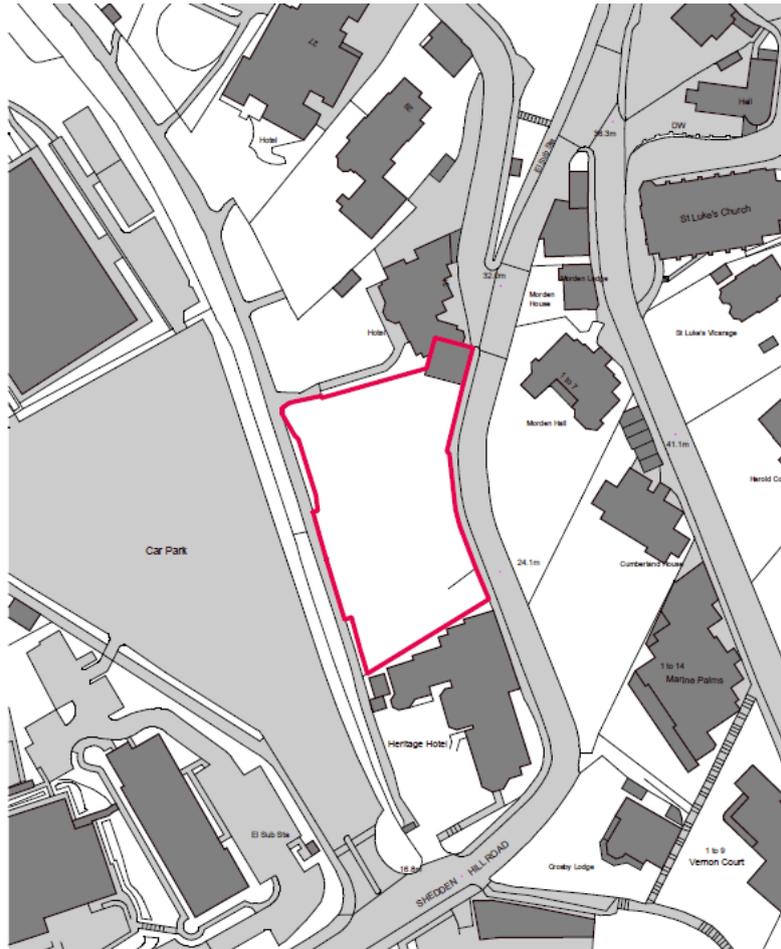


Application Site Address	Former Shedden Hall Hotel Shedden Hill Road Torquay TQ2 5TX
Proposal	Outline Application for the construction of residential accommodation for up to 25 units (Detailed approval sought for Access, Appearance, Layout and Scale, with Landscaping a Reserved Matter).
Application Number	P/2021/1314
Applicant	PC South Devon Limited
Agent	Kay Elliott Architects
Date Application Valid	19.05.2022
Decision Due date	18.08.2022
Extension of Time Date	23.12.2022
Recommendation	<p>Approval: Subject to;</p> <p>Agreement of an acceptable provision of affordable housing, or the provision of an Affordable Housing Review Clause within a S106 Legal Agreement, signed within 4 months of the committee date. In the absence of either being secured the application (or reasonable progress being made to secure the S106 within a reasonable alternative timescale) to be refused, delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>Conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p>
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones



Site Details

Set on the western side of Shedden Hill overlooking the public car park this is the site of the former Shedden Hall Hotel, a Victorian Villa that was demolished following significant fire damage in early 2019. Prior to this the site had sat unused since the hotel ceased trading in 2009. It now sits as a cleared site except for a minor section of building in the top corner of the site that abuts the adjacent plot/building. The site is heavily vegetated with scrub/bramble growth. Within the lower part of the site there is a large mature Turkey Oak tree.

The site's topography drops significantly from east to west from the public pavement towards the landscaped border with a public footpath and across to the car park.

The site is within the Belgravia Conservation Area and approximately 65m to the northeast of the site is the Grade II* listed St Luke's Church.

Within the Development Plan the site is identified as a 'brownfield' housing site.

The surrounding area is mixed in terms of character, to the south and west are predominantly commercial uses with the east being largely residential in nature. The Shedden Hill public car park lies immediately to the west of the site as does the Torquay Tennis Club.

Description of Development

This is an outline application for the construction of residential accommodation for up to 25 units. The application however seeks detailed approval for all matters except landscaping (Detailed approval sought for Access, Appearance, Layout and Scale, with Landscaping a Reserved Matter).

The proposal is for two apartment buildings presented in a modern villa form, with rendered walls and a recessed upper roof storey presented in natural slate.

The buildings are set parallel to the adjacent highway and will be served from the existing access point near to the boundary with the Heritage Hotel (Appleby's). The proposals include 35 parking spaces, 3 external and 32 provided across two floors of under-croft.

Both buildings are split level to address the relatively steep drop in levels from east to west. The higher building (northern building) holds 6 floors of accommodation, and the lower building holds 4 floors of accommodation and 2 floors of parking. Both present 3-4 floors to Shedden Hill. Cycle parking and waste storage is held within a lower link between the buildings.

In terms of the accommodation the scheme proposes 22 2-bed apartments and 3 3-bed apartments. The units vary in size from 85sqm to 161sqm. No affordable housing is proposed on the grounds of viability.

Pre-Application Enquiry

DE/2020/0079: Redevelopment of site to form 35 apartments. Split decision.

Summary conclusion: Considering the historical consents were for 14 and 11 units the provision of 35 units on the site appears challenging. There is support for the efficient use of land but also it will be key to ensure that the plot is not overdeveloped inasmuch that it results in an unsatisfactory form of development in the conservation area and an unsatisfactory residential environment for future occupiers or adjacent occupiers, together with other matters such as parking and movement issues. In summary the key concerns relate to design and visual impact and amenity and parking considerations. It is recommended that these are duly explored to ensure the scheme progresses positively.

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 (TNP)

Material Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice 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
- Heritage context, set in a Conservation Area (Belgravia) and within the setting of the nearby Grade 2* St Luke's Church.

Relevant Planning History

P/2010/0884: Conversion of hotel to 9 holiday apartments with owners' accommodation and construction of two buildings to form 14 residential flats. Withdrawn.

P/2011/0227: Part demolition, conversion and alteration from hotel to 7 residential dwellings and formation of 3 residential dwellings and 4 new residential houses with parking. Approved.

P/2016/0305: Refurbishment of former hotel and demolition of modern extensions. Conversion to provide 4 residential apartments. New build residential accommodation within grounds comprising 2 two storey garden cottages, 4 four storey town houses and 1 four storey coach house. Provision of 19 car parking spaces. Reconnection to public footpath and reinstatement of stone boundary wall. Approved.

Summary of Representations

18 Objections. 8 from the Torbay Heritage Trust, 1 from the local health trust, 9 from the general public. The key issues raised are as follows:

- Overdevelopment
- Too high
- Poor design
- Noise
- Loss of light
- Loss of privacy
- Increased traffic
- Impact on conservation area
- Reduction in wildlife
- Parking inadequate
- Harmful to the Conservation Area
- Harmful to the setting of listed buildings
- Impact on healthcare
- Doesn't respond to numerous policies regarding design and heritage assets.

Torbay and South Devon Healthcare Trust seeking £10,322.00 towards the gap in funding from potential residents.

Summary of Consultation Responses

Torquay Neighbourhood Forum:

Welcomes development on this 'eyesore' site. It is a good use of Brownfield Land and will provide much needed housing. Kay Elliott have engaged with us and shared their proposals at a meeting of the Steering Group.

The proposals have been assessed against the Development Plan. In general it complies with the Policies except for two non-compliances:

H2 Affordable housing: No provision has been made. Torbay is desperately short of Affordable housing and, once again, we see a development where the opportunity for provision is missed.

DE2 Building for Life: We cannot find an assessment in the documentation on the Portal.

Parking is borderline compliant owing to the tandem parking. However, this is mitigated by the proximity to public transport and the town centre, and that not all apartments will own 2 cars.

Design will always be controversial, and there will be wide ranging differences of opinion regarding how it fits in with the neighbouring buildings. There is a broad spectrum of design in the surroundings ranging from the traditional Victorian Villa through to the ultramodern box-like structure. This proposal leans towards the modern. It is mitigated by the Mansard roof, like that of the Premier Inn. The buildings do seem to be higher than we appreciated from the Kay Elliott presentation. We note the information on views and relationship with neighbours in the Design & Access Statement, and that several Objections have been made. Thus, we have defined compliance as 'Borderline'.

In conclusion, overall, the Forum supports this proposal if the non-compliances are addressed.

Historic England

Confirmed they do not wish to comment and suggest that the views of your specialist conservation and archaeological advisers are sought.

Torbay Planning Conservation Advice

The proposed heights are out of character with the progressive building heights of the neighbouring buildings that acknowledge their position on the hillside and the position of those buildings around themselves. Within the Design and Access Statement (Page 38) the dotted blue line arcs upwards for no other reason than to accommodate the additional storeys and does not accurately reflect the trend of building heights. Should the heights be reduced in line with the comment above, the buildings would conform to the local aesthetic, acknowledge the topography of the area and the historic layout of the CA. Pushing the heights upwards from the basement level to accommodate two stories of parking seems unnecessary given the sites location. If both buildings are reduced by one storey from the top down, this issue may be overcome.

Given the similarities of the design and the lack of any visual breaks/vegetation between each of the proposed crude blocks, they read as a single mass from the key vantage points which detrimentally increases their perceived mass. There is also a clear lack of relief in the elevations when compared to the historic villas within the CA. The side elevations are poor and do not fit the villa model where multiple elevations are addressed. Using the contemporary interpretation of a town house as inspiration is likely the cause for these poor design features.

The context imagery clearly shows that the buildings dwarf other key adjacent buildings including Appleby's.

I also question the imagery used in the background within the Design and Access Statement (Page 38) and its scale, to me it does not look accurate.

Given the numerous design issues and challenges, the scheme would benefit from DRP and engagement with Historic England.

Based on the points above I would suggest that the proposal amounts to avoidable less-than substantial harm to both designated and non-designated heritage assets and their settings.

Torbay Council's Highways Engineer (SWISCo)

03.11.2022 – the request for further information resolved. This removes the objection from the Highway Authority.

Previous comments:

It has been confirmed the following provision is proposed, Car parking spaces 25 (one space per flat), Visitor parking spaces 5 (provision rate of 20%), accessible parking spaces 5 (provision rate of 20%). The allocation of one parking space per flat is in line with Torbay's adopted parking standards, as per Appendix F of the Local Plan. The proposed provision of visitor parking is now also in alignment with the 20% requested in the pre-application advice (DE/2020/0079) issued to the Applicant. The provision of 5 accessible spaces is equivalent to a 20% provision, which is double the 10% recommendation set out in the adopted parking standards.

The provision of double stacked parking would only be acceptable to the LHA in the instance that both spaces were allocated to the same dwelling.

Further swept path analysis provided to the LHA demonstrated the layout of the car park is acceptable.

Previous correspondence had the following outstanding items:

- 1. Clarity is required regarding the number, type and layout of parking spaces proposed, including specification of any proposed allocations, and the proposed provision of both visitor and accessible parking spaces is required;*
- 2. Clarity is also required regarding the proposed waste collection strategy, considering standards outlined in Part H6 of the Building Regulations Merged Approved Documents (July 2021 update).*

The Applicant has now submitted a Construction Traffic Management Plan (CTMP). Section 6 of the submitted CTMP includes several mitigation methods that “could be implemented during construction”. These mitigation measures are appropriate in scale and proportionate to the anticipated construction impacts

Drainage Engineer (Torbay Development Agency)

Further to the amended drawing number C001 revision B (Drainage Strategy) and drawing number C002 revision A (Impermeable Area Plan), I can confirm that provided the surface water drainage is constructed in accordance with these drawings and the previously submitted hydraulic design, I have no objections to planning permission being granted for this development.

South West Water

The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

No development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.

Surface Water Services

The applicant should demonstrate to your Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

Green Infrastructure Manager (SWISCo)

No objection following the recent receipt of additional information regarding protection of the Turkey Oak.

Torbay Council’s Community Safety Officer:

No objection, subject to the inclusion of a condition to secure a Construction Management Plan, which must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, & dust.

Torbay Council’s Waste Client Manager (SWISCo):

SWISCo will not drive on to unadopted highway to collect recycling and waste. With an indemnity in place I would have no objection to the development. The developer

needs to be aware that collections of waste and recycling will not begin prior to the indemnity being in place.

I would like to request waste management contributions for this development in line with the table below, for developments with communal waste and recycling facilities;

Police Designing out Crime Officer:

Crime, fear of crime, ASB and conflict are less likely to occur if the following attributes of Crime Prevention through Environmental Design (CPtED) are also considered in the design and layout of the proposed scheme:-

Access and movement (Permeability) - Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security. It is understood the footpath providing access to the 24-hour car park is being proposed to improve connections, however if this is open for all to use this could become a cut through for non-residents and increase the risk of antisocial or criminal behaviour. As a gate is being proposed it would be recommended that this is linked into an access control system for residents and authorised users to prevent this being used as a cut through.

Structure – (Design & Layout) - Places that are structured so that different uses do not cause conflict Care should be taken to ensure the front boundary wall outside Villa 1 main entrance does not provide an area of concealment especially with the elevation changes to front door.

Surveillance (Natural, Formal & Informal) - Places where all publicly accessible spaces are overlooked. It is recommended that a visitor door entry system and access control system is installed. The system should allow for access to the building via the use of a security encrypted key fob or card, it should be vandal resistant door entry panel with a linked camera. The system should allow the residents the ability to release the main door from their dwelling. Live audio and visual communication between the occupant and visitor. It should have the ability to recover from power failure instantaneously and provide unrestricted egress from the building in the event of an emergency or power failure. Control equipment should be located in a secure area within the premises covered by CCTV system and contained in a lockable cabinet to LPS 1175 Issue 8 A1 or STS 202 Burglary rating 1 or equivalent.

We would not support the use of a tradesperson button or release mechanism which have proven to be the cause of anti-social behaviour and unlawful access to communal developments.

Lighting to internal communal areas should be 24 hours (switched using a photoelectric cell). It would be recommended that this is dimmed during low occupation to save energy.

Lighting externally on the building would be recommended with the use of dusk till dawn lighting as opposed to PIR lighting which can increase the fear of crime with repeated activations.

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

Parking

It is unclear from the plans or DAS if the undercroft parking will be secured with a roller shutter door or similar. This is something we would recommend is installed to prevent the parking areas being used for anti-social behaviour or criminal behaviour which has been known to happen. It would be recommended that the door is capable of being operated by the driver whilst sitting in their car and closes on exit.

To ensure that criminal opportunity is minimised and that the day-to-day access and emergency egress do not undermine the security of the residential building above please refer to the standards required for underground car parks at Section 2, paragraphs 31.2 to 31.8 (inclusive) and Section 3, paragraph 55.3 of the attached Secured by Design Homes 2019 guidance.

The use of tandem parking on the first floor should be avoided as it is likely that from a practical and convenience point of view only one of the spaces will be used, which could encourage unplanned parking elsewhere. It is the 'elsewhere' that has real potential in creating vehicle and parking related problems which the police can spend a lot of time dealing with.

The undercroft should have clear uniformed lighting throughout to ensure there is no dark areas, so residents feel safe using this at all times.

Independent Viability Assessor (William Lean Associates)

The purpose of the review is to consider if the application is viable and to assess the number of affordable units that the scheme will support.

The trigger point for the requirement to provide affordable housing under Policy H2 of the Torbay Plan, which requires 20% affordable on brownfield sites of over 20 units.

The initial viability report submitted by the applicant and the subsequent revised viability report submitted show that the proposal is not viable. However, the revised report states a low 5% profit and does indicate that further cost savings are possible which may make the scheme deliverable.

We advise, informed by market research, that the Gross Development Value from the sales of purpose build sustainable high-quality apartments in this prominent location would present a profit of circa 16% rather than the circa 5% presented. The higher sales values and the potential costs savings cited as being possible present some likelihood that the development could support affordable housing.

It is therefore recommended that a clause in accordance with the Planning Practice Guidance for a Viability Review be included in the planning agreements (s.106 obligation) to review key viability inputs and changes in gross development value, on completion of the proposed scheme.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Heritage, Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
5. Ecology and Trees
6. Flood Risk and Drainage
7. Low Carbon Development and Climate Change
8. Affordable Housing
9. Housing Supply

1. Principle of Development

In terms of context the site is a long-vacant 'brownfield' site located within an established urban area of Torquay relatively close to the town centre and the various shops, services and associated transport options. Although the site is a former hotel it does not sit within an identified 'Core' tourism area and sits in an area with a transitional mixed commercial/holiday and residential character, where the prevailing form of occupancy is apartments offered in large Victorian Villas or large modern apartment blocks on former Villa plots.

The site is identified for housing within the Development Plan which presents clear policy support for the principle of residential use.

In terms of further policy guidance on residential use Policy H1 of The Local Plan states that proposals for new homes within the built-up area (as is the case in this instance) will be supported subject to consistency with other policies in the Local Plan.

In terms of The Torquay Neighbourhood Plan Policy TS4 states that development proposals for brownfield sites will be supported, providing there are no significant adverse impacts, having regard to other policies in the plan.

Considering the site allocation and the broad aspirations of Policies H1 and TS4 the principle of residential use on the site is considered acceptable (in the case of TS4 subject to no significant adverse impacts), but this is subject to broader policy considerations of the Development Plan when considered as a whole and material considerations.

In terms of relevant context it is noted that the site is well located for housing as it is in a sustainable location that has good access to shops and other services, transport links and recreational areas, within an area that already has a residential character. This context supports the principle of a residential use being acceptable.

In terms of other relevant matters of principle it is noted that the Council cannot currently demonstrate a 3 or 5 year housing land supply. For decision making this means that the policies most important for determining applications for housing in the Neighbourhood Plan and the Local Plan are considered to be out of date and therefore should be afforded limited weight within the current decision making process. The 'tilted balance' in favour of sustainable housing development therefore applies subject to the detail wording of the NPPF Para 11 and the associated footnotes.

Drawing together the policy landscape there is broad support for the provision of a residential use on the site. The policy support is clear within Policies TH1 and TS4 of the Torquay Neighbourhood Plan and the current shortfall housing land supply strengthens this support. This broad position is however subject to wider policy considerations that are relevant to the development proposal, which will be discussed in the forthcoming sections of this assessment.

2. Heritage, Design and Visual Impact

The site is located within the Belgravia Conservation Area on a site close to the Grade 2* Listed St Luke's Church, which sits on higher land to the northeast. The site is prominent in terms of short 'street' views in both directions along Shedden Hill Road and longer views from the south and west on lower ground around Torbay Road and Tor Abbey Meadows/Tor Abbey Sands, where there are open views up towards the buildings in Shedden Hill Road area. The impact of the proposal on the heritage assets and its broader design quality is hence a key matter to consider.

Policy SS10 of the Local Plan requires development to sustain and enhance assets which make an important contribution to Torbay's built and natural setting, and furthers that all heritage assets should be conserved, proportionate to their importance. As a former hotel site it is noted that Policy TT2 of The Neighbourhood Plan cites that within designated Conservation Areas development proposals requiring consent will be supported in principle (subject to other policies in the Plan) to ensure a sound future for such heritage assets and wherever possible unsympathetic development of the past is removed or altered to enhance the historic environment. In addition the more generic Policy TH8 cites that development must be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. This is aligned with the general design policy within The Local Plan where Policy DE1 seeks development to be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and building of historic interest. In addition Policy DE4 of the Local Plan requires building heights to be appropriate to the location, historic character and the setting of development.

Paragraph 126 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Paragraph 130 includes guidance that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 134 guides that development that is not well designed should be refused.

Having considered both local and national policy guidance the design is considered to provide an acceptable form of development within the context. The key components of the assessment that inform this judgment are outlined below.

The general arrangement and footprint of the two buildings is deemed an acceptable response to the context and the submitted design commentary that contends that the buildings arrangement follow the sweeping arch of Villas long the hillside along Croft Road and down Shedden Hill is accepted.

Turning to height the proposed buildings are higher than the previous Villa and the historic consents for buildings adjacent to the Villa. The proposals are however within circa one-storey of previously accepted buildings heights. The upper building is 2.2m higher than the demolished Villa and the lower building is 2.8m higher than the 'villa building' consented under planning application P/2011/0227. 'In the round' the two buildings follow the 'rise and fall' of buildings along the ridge which is itself a positive. They do however sit higher than the natural and previously experienced building heights. This presents some visual conflict and harm, which is a position offered in the comments from Torbay's internal conservation advisor, where there is a raised concern on the height of the development. There is also a degree of conflict with Policy DE4 (Building heights) of the Local Plan, which states that new development should be constructed to the prevailing height (the most commonly occurring height) within the character area in which it is located, unless there are sound urban design or socio-economic benefits to justify deviation from this approach. There is a balancing exercise to consider weighing the harm against the benefits, with the harm being informed by elements beyond simply height. The setting of the Listed church would be largely unaffected. There is some distance between the sites and the general area is characterised by large buildings set on the hillside.

In terms of the general form of the buildings they are presented as modern villas with largely rendered walls articulated with prominent vertically emphasised glazing. The upper floors of each building are recessed and finished in vertically hung slate to reference the final floors as roof elements. The two lower floors are detailed with a contrasting darker render to present a form of plinth, breaking down the perceived massing from longer views from the south and west. The general form of the two buildings are considered to duly respect the Victorian Villa form that predominates in this part of the Conservation Area. The two-tone render and slate provide baseline materials that respect the local vernacular and the smaller elements of grey metal cladding engrains some modernism to the build.

In terms of landscaping as an influencer of design and visual impact the scheme importantly retains the prominent Turkey Oak set on the lower part of the site. This helps soften and partial screen the development from longer views. The existing green border with the car park also acts as a partial screen and softening element of the context. Detailed landscaping is reserved for future consideration.

As a response to concerns regarding height revised plans have been submitted to lower both buildings by 600mm. This has been achieved by reducing the floor heights above the entrance level.

In terms of overall judgment the general layout and design aesthetic is considered acceptable. The building heights present a notable increase over the previous building height and previous building heights consented, that breach the equidistant height considering the properties either side. This presents some harm. However, when

considering the proposal in the round it is considered to largely accord with the aspirations of design policies DE1 and DE4 of the Local Plan and TH8 of the Neighbourhood Plan. This position balances the great weight that must be afforded harm to heritage assets with the benefits in terms of a well-designed but slightly discordant development, which would enhance the vitality of this part of Shedden Hill, contribute in terms of regeneration, and provide much needed housing in a very sustainable location.

In the round the scheme is considered suitably scaled, formed and detailed for the historical context in which it will sit. As such the proposal is considered substantially in accordance with design and heritage policies contained within the Development Plan and guidance contained within the NPPF.

The above conclusion has taken into account the public representations and conservation advice which include concern over its height and its general design. However having assessed the design merits of the proposal there is no demonstrable reason to refuse the application on design grounds. This conclusion has taken account of the statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area and setting of the Listed church.

3. Residential Amenity

Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses. The NPPF guides (Paragraph 130) that decisions should ensure that developments 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.

In terms of the accommodation the scheme proposes 22 2-bed apartments and 3 3-bed apartments. The units vary in size from 85sqm to 161sqm.

Quality of living accommodation for future occupiers

Policy DE3 of the Local Plan which relates to development amenity requires that new residential units provide adequate floor space in order to achieve a pleasant and healthy environment. The Neighbourhood Plan is largely silent on the matter of amenity but does cite expectations for outdoor amenity space. Policy DE3 sets out guidelines for minimum floor space standards for new dwellings and apartments, which reflect the Government's National Space Standards. Two-bed (4person) apartments should have an internal area of at least 70sqm with 2sqm of additional storage and 3-bed (6person) apartments should be at least 95sqm with 2.5sqm of storage.

All apartments are considered to provide an acceptable scale of living accommodation with floor areas between 85sqm to 161sqm. In addition to the size of the space the

quality of the space should be considered, in terms of how it is positively influenced by natural light levels and outlooks. In this regard all apartments provide a good level of both light and outlook with adequate sized windows to all key spaces and suitable outlooks. The majority of the apartments are multi-aspect which presents naturally lit key rooms throughout.

Policy DE3 also seeks to secure the provision of usable outdoor amenity space, citing that apartments should deliver 10sqm per unit either individually or communally. The Torquay Neighbourhood Plan is in alignment with this guidance. The scheme provides private terrace/balconies to most apartments and there is some outdoor space at the lower level. The private balconies are not less than 10sqm but would provide usable and pleasant outdoor space with high quality views. Considering the central location, which often presents limited opportunity for outdoor space, and access to Tor Abbey Meadows, the level of outdoor space is considered acceptable to support a good quality living environment.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated. Communal bin storage areas have been provided within the development and there is no objection to the proposals from the Council's Waste and Recycling Officer in terms of the capacity of the waste storage. The proposed bin storage facilities are considered acceptable and compliant with policy W1. There is a request for a financial waste obligation but this is covered in the S106 section of this report.

Cycle parking is provided in a safe and secure position in the linked under-croft between buildings. This supports a good level of occupier amenity.

Considering the various aspects that influence a good living environment the apartments are considered to provide a good standard of living accommodation for future occupiers, in accordance with policy guidance, notably Policy DE3 of the Torbay Local Plan and Policy THW4 of the Torquay Neighbourhood Plan.

Adjacent neighbouring amenity

Policy DE3 of the Local Plan states that development proposals should not unduly impact upon the amenity of neighbouring and surrounding uses.

In terms of general use the provision of apartments would present a use that would align with the adjacent residential uses and hence would not introduce a form of use within the plot that would sit uncomfortably aside these properties.

In terms of the position and scale the higher northern building will be set off the joint boundary by approximately 5.5m and will sit forward from the adjacent building, not dissimilar to other arrangements along Croft Road. Although there will be a clear presence from this building to the Villa to the north and its rear gardens, which is a building of multiple residential units, the relationship would not present undue impact through loss of outlook or loss of light. In terms of privacy and overlooking to the north the adjacent building is within multiple use and hence the gardens of the plot is not overly sensitive in terms of casual overlooking across the plot boundaries to the

gardens. The emphasis of the views and windows are seaward which also limits the perception of over-looking. There is also no undue inter-looking due to the staggered building positions, orientation, and distances involved.

In terms of the lower southern building the buildings are separated by the access route that provides some natural separation. The impact on the Heritage Hotel is limited due to the largely service character of the side of the building that addresses the development site, with windows largely serving corridors, which themselves offer some casual overlooking to the development site. The development would present no undue amenity impacts to the south due to the use, the form of development and the form of development adjacent.

Finally in terms of the temporary impacts of the construction phase there will naturally be some short-term impacts on the locality, however such impacts are not unusual and the effects can be limited through restricting hours of construction and agreeing processes to limit delivery and construction movement and parking impacts through the use of a planning condition. A traffic construction method statement has been submitted and is supported by the highway authority. Community Safety Team would wish to see details to limit dust, odours et, which can be dealt with through a planning condition.

With the addition of the recommended planning conditions the proposal is considered to be acceptable in terms of impact on neighbour amenity and therefore accords with Policies SS11 and DE3 in the Torbay Local Plan and the NPPF.

4. Highways and Movement

Policy TA3 and Appendix F of The Local Plan provides key policy guidance for residential developments. Apartments have an expectation of 1 space each, with some degree of visitor parking. There is also an appreciation that these standards can be reduced in more accessible and well-connected locations such as town centres. There is further advice on the provision of disabled parking and electric charging points. The Neighbourhood Plan supports levels of car parking aligned with those outlined within The Local Plan through Policy TH9.

The NPPF guides that in assessing specific applications for development it should be ensured that *a)* appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; *b)* safe and suitable access to the site can be achieved for all users; *c)* the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code, and *d)* any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (Para 110). It also furthers (Para 111) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is to utilise the same access point that the former hotel used. There is no highway concern or objection where the former use would have presented not insignificant movements into and out of the site from the same location.

The proposal, following the receipt of clarifying plans, will deliver 35 spaces for 25 units, with 5 of those spaces being visitor spaces. 32 spaces are delivered in 2 undercroft floors of the southern building, with the 3 remaining spaces set outside and assigned for visitors. All units will be provided with 1 assigned space and 5 units will benefit from a 2nd tandem space. This means all units benefit from independently accessible parking spaces that accord with the level expected within the Development Plan. There are also 8 disabled spaces which exceed Development Plan expectations. The parking provision is considered acceptable, subject to a planning condition to secure at least 20% of apartments having access to electric charging facilities.

The development also has an assigned bicycle store between the buildings assessed off the parking floor. Development Plan seeks 1:1 cycle parking for apartments which means 25 independently operating spaces should be delivered. It is not certain that the level of cycle parking can be delivered in the 50sqm room and hence a planning condition should address this to secure a policy compliant level of cycle parking.

It is recommended that a condition is attached to secure the parking, electric charging points, along with the demarcation and retention of the visitor facilities, both car and cycle.

Considering the points above, and having regard to guidance contained within the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, the proposal is considered acceptable on highway and movements grounds, and in accordance with the Policies TA2 and TA3 of The Local Plan, Policy TH9 of The Neighbourhood Plan, and guidance contained within the NPPF.

5. Ecology and Trees

Policy NC1 of The Local Plan seeks for development to duly consider biodiversity and take opportunities for enhancement, proportionate to the context and development. Policy C4 seek the retention of trees and other natural features.

Policy TE5 of The Neighbourhood Plan cites that where there may be an impact development should be accompanied by an assessment of impacts upon any existing protected species or habitats and as necessary provide mitigating arrangements in order to protect and enhance those species and habitats.

Guidance within the NPPF provides similar guidance to the above in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Para 170).

The application is accompanied by an ecological assessment. The ecological assessment concludes that there are no ecological constraints and advises that to reduce the impact of artificial lighting external lighting should be designed to reduce any negative impact upon the local bat population, by being programmed to go off at certain times to create periods of darkness, and cowels/louvres used to avoid unnecessary light spill and direct light to where it is required. That the western boundary should not be illuminated to allow bats to forage/commute around the tree line. That the mature oak tree should be retained and protected by the development in accordance with British Standard 5837-2012 for trees and construction. And that the new buildings should incorporate bat & bird friendly features within their design and new landscaping should be designed to be beneficial to wildlife to address the National Planning Policy Framework guidance that seeks new development to maintain and enhance biodiversity.

In regard to trees the application is supported by a tree survey and tree constraints plan. The Council's Arboricultural Officer has reviewed the submitted detail confirmed that the proposal seeks to retain the important turkey oak, which is welcomed.

Having considered the submitted assessment, subject to conditions to secure enhancement features and restricted lighting, and tree protection measures as suggested, the development is considered acceptable on ecological, biodiversity and arboricultural perspective, for the reasons stated above, in-line with the aspirations of Policies NC1 and C4 of The Local Plan, The Neighbourhood Plan, and advice contained within the NPPF

6. Flood Risk and Drainage

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.

The application is supported by a site specific flood risk assessment and detailed drainage strategy that proposes a controlled discharge to the Public Sewer system.

The Council's Drainage Engineer has considered the drainage proposals and following the receipt of revised plans that clarified some initial points, the proposal is considered suitable for approval on drainage and flood risk grounds, in accordance with Policies ER1 and ER2 of the Torbay Local Plan.

A planning condition is recommended to ensure that a sustainable surface water drainage method is maintained for the life of the development.

7. Low Carbon Development and Climate Change

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 seeks to ensure that carbon emissions associated with existing buildings (heating, cooling, lighting and energy consumption) are limited.

The submitted Design and Access Statement includes an Energy Statement that cites that the strategic approach to the development will be to reduce demand for energy consumption in the first instance (Be Lean) prior to the consideration of integrating low carbon / zero carbon energy sources (Be Clean and Be Green).

Be Lean design measures include:

- Passive design measures, including orientation and site layout, natural ventilation and lighting and thermal mass
- Active design measures could include high efficacy lighting and efficient mechanical ventilation,
- An efficient building form (floor plates stacked vertically)
- A low wall to floor ratio
- Enhanced U-Value targets (W/m²K)
- Enhanced air tightness
- Energy efficient LED light fittings and controls

Be Clean design measures include:

- Evaluate the feasibility of CHP, including the provision of cooling using the CHP waste heat.
- Evaluate building density is sufficient, a communal heating system should be adopted
- The communal heating network should be supplied centrally where all equipment is located, such as boilers, CHP etc. Accordingly, it should be demonstrated that space has been allocated, (ref.4524(22)001-P6-Proposed Level 01) where space of 38.2m² has been identified along with an additional 8.8m² in the adjacent villa.

Be green design measures include:

- For each technology considered to be suitable
- For the development, an estimate should be presented. This should include as a minimum: i. Number of units, proposed system size; efficiency of the system, estimated energy generation (in kWh/yr and as a percentage); estimated annual CO₂ savings and emissions reduction.
- Renewable solutions for consideration include; Solar Photovoltaic, Solar Photovoltaic to battery, Solar Thermal, Ground/Air Source Heat Pumps and Wind Energy.

Although an outline application the application is principally detailed with only landscaping reserved for later approval. The premise in the Energy Statement that detail should not be expected at outline stage is questionable in this context. Notwithstanding this the Energy Statement does present some clarity on the design process and potential to capture low carbon aspirations moving forward. The 'be lean' design concepts are supported, the 'be clean' and 'be green' concepts are also supported and outcomes should be captured by a planning condition for detailed solutions.

The development is, for the reasons above, considered suitable for approval subject to satisfactory conditions to secure the measures outlined within the application Energy Statement. The development is in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice contained within the NPPF.

8. Affordable Housing

Policy H2 of the Local Plan states that affordable housing will be sought on brownfield sites of 15 dwellings or more, to meet the housing needs of local people. For a scheme of 25 units the policy expects 20% affordable housing with the method of delivery usually being on site, and that commuted sums will only be accepted where this would achieve more effective provision of affordable housing or bring significant regeneration benefits.

For a scheme of 25 units the policy position would be the delivery of 5 affordable housing units.

The proposal does not propose any affordable housing and the submission is supported by a financial viability assessment that seek to demonstrate that the development is unviable with affordable housing and hence cannot deliver any. Policy H2 and the adopted Planning Contributions and Affordable Housing SPD permits viability to be considered, with H2 citing that where developers wish to reduce significantly the level of affordable housing provision, an independent assessment of viability will be required, with the developer underwriting the cost of the viability assessment.

The applicant's viability assessment has been scrutinised by an independent third party instructed by the Local Planning Authority. The assessment process concluded that the initial viability, of there being a significant loss to build the scheme even without affordable housing, was not agreed. The viability was then reconsidered and represented with a revised viability position of marginal profit, again without any affordable housing. The independent review of the second viability position again disagreed with the conclusions presented for the following reasons.

The independent advice is that the estimated sales values do not reflect the recent market values of apartments in this prominent area of Torquay, and do not include the premium normally resulting from new build high-quality small-scale apartments. The discrepancy in value along with other small differences between the appraisals presents a disparity of 11% in the profit margin with the applicant concluding circa 5% without affordable housing and the advisor suggesting circa 16%. 16% would make the scheme marginally viable, within the PPG guidance range of 15-20% relating to profit margins for schemes. It was however highlighted by the applicant's consultant, that the revised viability assessment suggests further cost savings are possible which may make the scheme deliverable.

As the independent assessment has concluded that the schemes profit margin is more likely 16%, and that "further cost savings are possible", this combines to suggests the scheme is likely to be able to support some form of affordable housing.

In the context it is therefore recommended that a clause for a Late Viability Review be included in a planning agreement (s.106 obligation). The purpose being to reassess the gross sales values which will be achieved due to the opinion that the GDV will show the increased amount and therefore a surplus, which may provide an affordable housing contribution.

The conclusion above has been raised with the applicant and members will be updated on any relevant response. The recommendation cited within this report accords with the conclusions and current position above.

Officers' advice is that any resolution to grant planning permission should be subject to the viability review clause cited above unless an agreed provision is secured. In the absence of agreement of either a provision, or for the review clause, the recommendation is that the application should be refused as it fails to deliver much needed affordable housing when it has not been demonstrated that it is unviable. This is in accordance with Policy H2 of the Torbay Local Plan and the adopted Planning Contributions and Affordable Housing SPD.

9. Housing Supply

The Council cannot currently demonstrate a 3- or 5-year housing land supply, as sought by Government. 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 housing supply position, it is advised that in determining the application, the presumption in favour of sustainable development at 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 conflict with the Development Plan it should be noted that the absence of a 3- or 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 should the 'tilted balance' be applied. Officer opinion is that any harm to the Conservation Area from the scale and height of the development is not significant and hence policies relating to heritage assets do not provide a clear reason for refusing the development proposed, and the 'tilted balance' is engaged.

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. The development would see the use of an empty site that has not been used for over 20 years.

Once the dwellings is 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 dwelling to be provided must carry significant weight in this balance.

The site has not been used for over 20 years and the provision of housing would provide an appropriate use and offer units within a sustainable location.

On balance, the social impacts of the development weigh 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 ecology and biodiversity and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition.

The proposal will include bicycle storage, and the proposed development is in a sustainable location inasmuch as it would make use of a brownfield site within the existing urban area.

It is concluded that the environmental impacts of the development weigh neutrally or slightly positively within the planning balance.

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. 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

CIL

In terms of the Community Infrastructure Levy (CIL) new chargeable floor space will be liable. For sites of 15+ within Charging Zone 2 the rate is £70 per square metre of new gross internal floor space.

The submitted CIL form states that the development will provide 4096sqm of new floor space. This is unverified but based on this assumption the development would secure £ 286,720 as a CIL payment.

S106

Affordable Housing: Agreement of an agreed level of affordable housing, or the inclusion of an affordable housing review clause to reassess viability based on evidenced sales values and costs.

Site Acceptability Matters: None raised.

Sustainable Development Obligations: None, the development is CIL Liable. Requests, such as obligations for waste, should not be sought.

Other matters: The request from Torbay and South Devon Healthcare Trust seeking £10,322.00 towards the gap in funding from potential residents is not considered to meet the tests for necessary and reasonable obligations. The site is allocated for housing and there is a significant level of brownfield windfall development expected through the Development Plan. It is hence advised that this matter is not sought via a S106 agreement.

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: Due to the scale, nature and location this development is not considered to have a likely significant effect on European Sites.

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.

Conclusions and Reasons for Decision

The proposal is considered acceptable in principle; would not result in unacceptable harm to the character of the area, or local amenity; would provide an adequate standard of living accommodation and is acceptable in terms of access, ecology and flood risk matters.

The proposed development is considered to represent sustainable development and is acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, the NPPF, and all other material considerations.

Officer Recommendation

Approval: Subject to;

Agreement of an acceptable provision of affordable housing, or the provision of an Affordable Housing Review Clause within a S106 Legal Agreement, signed within 4 months of the committee date. In the absence of either being secured the application (or reasonable progress being made to secure the S106 within a reasonable alternative timescale) to be refused, delegated to the Divisional Director of Planning, Housing and Climate Emergency;

Conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;

The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

Conditions

Standard Time Condition:

- that in the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and
- that the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990.

Additional Conditions:

Approved Plans Condition

Reserved Matters Condition

An application for the following reserved matters shall be submitted to the Local Planning Authority for its approval in writing:

- i. landscaping.

The details of the reserved matters shall be consistent with the details submitted and approved pursuant to the outline consent. New landscaping should be designed to be beneficial to wildlife in accordance with the submitted ecology report.

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced, and the development shall be undertaken in accordance with the approved reserved matters.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Construction/Demolition Management Plan (Amenity)

No development shall take place until a site specific Construction/Demolition 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.
- Details of site hoardings

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 21012-2030. These details are required pre-commencement in order to establish construction parameters that protect against undue impact prior to work commencing.

Construction Traffic Management Plan

The development shall proceed in accordance with the submitted and approved Construction Traffic Management Plan (document ref. C21202-ADV-RP-CTMP-1001(C)).

Notwithstanding detail within the submitted and approved Plan construction operation hours on Saturdays shall, including deliveries, be between 0900-1300 only.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 21012-2030.

Planting

All planting, seeding or turfing comprised in the approved details of landscaping reserved matters pursuant to Condition 01 shall be carried out in full within the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure an appropriate form of development in accordance with policies NC1, C4 and DE1 of the Torbay Local Plan 2012-2030.

Tree Protection Measures

Prior to the commencement of development the tree protection measures as outlined within the approved Tree Protection Plan shall be implemented in full. The tree protection measures shall then be maintained in full throughout the construction phase.

The construction process shall accord with the accompanying Addendum Report (HI-Line CT_6279.21, dated 10.11.2022).

Reason: In order to ensure against harm to mature trees, in accordance with Policy C4 of the Torbay Local Plan 2012-2030. These details require implementing prior to commencement to ensure retained trees are duly protected from potential harm.

Landscape and Ecological Management Plan

Prior to the first occupation of the development a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the specifications in BS42020; clause 11.1, shall be submitted to the Local Planning Authority and shall include, but not be limited to, the following.

- a) Description and evaluation of features to be managed, which shall include all of the mitigation measures set out in the assessment documents.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: To secure a satisfactory form of development in accordance with Policies SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and TH8 of the Torquay Neighbourhood Plan.

Surface Water Management

Prior to the first occupation of the development the surface water management system outlined in the submitted and approved drawing number C001 revision B (Drainage Strategy) and drawing number C002 revision A (Impermeable Area Plan) shall be implemented in full to serve the development.

The approved surface water management system shall be retained and maintained for the lifetime of the development

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and guidance contained in the NPPF.

Materials

Prior to the commencement of development above damp proof course level (excluding demolition and/or excavation) details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. A sample of the proposed roof slate, which shall be natural slate.
2. Details of the proposed metal cladding, including form and colour.
3. Details of all means of enclosures, to include details of the front boundary wall (detailed design and finish).
4. Details of all exposed rainwater goods, vents, pipes, plant or similar.

Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development

Reasons: In order to protect visual character in accordance with Policies SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Colour

Notwithstanding detail on the plans hereby approved an alternative render colour palette shall be submitted to and approved in writing. The proposed colour palette shall seek to respond to the context and present two distinct buildings. The approved colour scheme shall be implemented in full prior to the first occupation of the development and retained thereafter.

Reasons: In order to protect visual character in accordance with Policies SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Detailed Design

Prior to the installation the following details, to a scale between 1:1 and 1:5 where appropriate, shall be submitted to and approved in writing by the Local Planning Authority;

- All window and doors frames and means of opening
- Detailed design of all railings
- All sill and head details to apertures
- All reveal depths

In accordance with the approved plans all glazed balconies and terraces shall be finished in frameless glass.

The development shall proceed in full accordance with the approved detail.

Reason: To secure appropriate form of development in accordance with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030, Policy TH8 of the Torquay Neighbourhood Plan, and the NPPF.

Parking Provision

Prior to the first occupation of the development the approved parking shall be implemented in full and all spaces shall be demarked for their purpose, including visitor spaces, and made available to serve the development.

These elements shall thereafter be retained for the use of the associated development for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policies DE3 and TA3 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

Electric Charging Provision

Prior to the first occupation of the development details confirming the location and provision of at least 20% of the units having access to electric charging points shall be submitted to and approved in writing by the Local Planning Authority.

The apartments shall not be occupied until the approved electric charging facilities have been implemented and made operational and available for use. The approved charging facilities shall be retained and operational at all times thereafter.

Reason: To secure an acceptable form of development in accordance with Policies TA3, SS14 and ES1 of the Torbay Local Plan 2012-2030.

Cycle Parking

Prior to the first occupation of the development details showing secure cycle storage for at least 25 cycles shall be submitted and approved in writing by the Local Planning Authority.

The approved cycle storage shall be completed and made available for the purpose of cycle storage to serve the development prior to the first occupation of the buildings. Once provided, the agreed storage arrangements shall be retained for the life of the development for such purposes.

Reason: In interests of amenity and in accordance with Policies DE1, DE3 and TA3 of the Torbay Local Plan 2012-2030.

Waste

Prior to the first occupation of the development the waste and recycling storage facility, as detailed within the approved plans, shall be completed and made available for the purposes of waste storage to serve the development. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of amenity and in accordance with policies DE1, DE3 and W1 of the Torbay Local Plan 2012-2030.

Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or revising that Order) the following forms of development are not permitted, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority;

- No additional or different means of enclosures,
- No additional hardstandings.

Reasons: In order to protect visual amenity and the amenity of future occupiers by maintaining a satisfactory form of development and outdoor amenity spaces within a restricted site, in accordance with Policies SS10, DE1 and DE3 of the Torbay Local Plan 2012-2030.

Ecology 1 - Nesting Season

The removal of vegetation shall be undertaken outside of the bird nesting season (March-September inclusive). If not practicable demolition and/or vegetation removal shall be undertaken only immediately following an inspection of the site by a suitably qualified ecologist to confirm the absence of nesting birds. If nests are found no works shall be undertaken until the birds have fledged and a buffer zone of at least 5 metres must be established around the nest and an effective barrier put in place to ensure this remains undisturbed

Reason: To ensure due protection is afforded wildlife, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Ecology 2 – Biodiversity

Prior to the commencement of development above damp proof course level (excluding demolition and/or excavation) details of biodiversity enhancement measures, which shall include bat roosting and bird nesting facilities, shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be implemented in full prior to the first occupation of the buildings and maintained for the lifetime of the development.

Reason: To secure biodiversity enhancements in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

External Lighting

Prior to the first use of the development a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall seek to reduce the impact of artificial lighting and external lighting shall be designed to reduce any negative impact upon bats. The lighting scheme shall detail measures including programming to create periods of darkness, and cowels/louvres used to avoid unnecessary light spill and direct light to where it is deemed required and shall demonstrate that the western boundary is not illuminated.

Development shall take place in accordance with the approved details and no addition external lighting shall be provided.

Reason: To secure an acceptable form of development in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

Energy / Low Carbon

Prior to the commencement of development of the build process above finished floor level (excluding demolition or general groundworks), details of the proposed measures to deliver low carbon development, and energy efficiency measures, shall be submitted for the approval in writing by the Local Planning Authority. The approved measures shall be fully incorporated within the development prior to its first use.

The measures shall respond to the details outlined within the submitted and approved Design and Access Statement (Section 7. Energy Statement), and shall specifically respond to the energy consumption and energy production measures outlined in the 'Be Clean' and 'Be Green' subsections.

The approved measures shall be implemented in full prior to the first occupation of the development and maintained thereafter.

Reason: In the interests of sustainable development and in accordance with Policies SS14 and ES1 of the adopted Torbay Local Plan 2012-2030 and the NPPF.

Secured by Design

Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

The approved measures shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Torbay Local Plan and Policy TH2 of the Torquay Neighbourhood Plan.

Dwelling Use / Small HMO PD

Notwithstanding the provisions of Schedule 2, Part 3, Class L (small HMOs to dwellinghouses and vice versa), of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), all residential units hereby approved shall be used and occupied solely as Class C3 Dwelling-houses, by: (a) a single person or single household; (b) a single household of not more than 6 residents where care is provided; or (c) a single household of not more than 6 residents, and for no other purposes.

Reason: In order to ensure a satisfactory form of development in accordance with Policy SS11 of the Torbay Local Plan 2012-2030.

Informative(s)

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

Relevant Policies

Development Plan Relevant Policies

- SS1 - Growth Strategy for a prosperous Torbay
- SS3 - Presumption in favour of sustainable dev
- SS8 - Natural Environment
- SS9 - Green Infrastructure
- SS10 - Conservation and the historic environment
- SS11 - Sustainable Communities Strategy
- SS12 - Housing

SS13 - Five Year Housing Land Supply

TA1 - Transport and accessibility

TA2 - Development access

TA3 - Parking requirements

C4 - Trees, hedgerows and natural landscape

H1 - Applications for new homes

DE1 - Design

DE3 - Development Amenity

ER1 - Flood Risk

ER2 - Water Management

W1 - Waste management facilities

NC1 - Biodiversity and geodiversity

TS1 - Sustainable Development

TS4 - Support for Brownfield and Greenfield development

TH8 - Established architecture

TH9 - Parking facilities

TE5 - Protected species habitats and biodiversity

TH2 - Designing out crime

TTR2 - Sustainable Communities

THW4 - Outside space provision

THW5 - Access to sustainable transport