



Friday, 9 September 2011

DEVELOPMENT MANAGEMENT COMMITTEE

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

Monday, 19 September 2011

commencing at **2.00 pm**

The meeting will be held in the Ballroom, Oldway Mansion, Torquay Road,
Paignton, TQ3 2TE

Members of the Committee

Councillor McPhail (Chairwoman)

Councillor Morey (Vice-Chair)

Councillor Addis

Councillor Baldrey

Councillor Barnby

Councillor Hill

Councillor Kingscote

Councillor Pentney

Councillor Thomas (J)

Our vision is for a cleaner, safer, prosperous Bay

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

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01803 207012

Email: democratic.services@torbay.gov.uk



DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**

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

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 22 August 2011.

(Pages 1 - 6)

3. **Declarations of Interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. **Urgent Items**

To consider any other items that the Chairman decides are urgent.

5. **P/2011/0868/MPA - Churston Ferrers Grammar School,
Greenway Road, Brixham**

Proposed new 6th form centre.
(Churston with Galmpton Ward)

(Pages 7 - 12)

6. **P/2011/1209/PA - Paignton Green, Esplanade Road, Paignton** (Pages 13 - 16)
Further information in respect of proposed surface water drainage for the formation of children's play park.
(Roundham with Hyde Ward)
7. **P/2011/0070/MPA - 9 Central Avenue, Paignton** (Pages 17 - 28)
Demolition of building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011).
(Clifton with Maidenway Road)
8. **P/2011/0563/PA - 81 Kingsway Avenue, Paignton** (Pages 29 - 32)
Resubmission of application P/2011/0051/ to change the use to hot food take away (A5) from retail (A1) with revised opening hours of 12.00 noon to 10.00 p.m. Monday to Saturday.
(Churston with Galmpton Ward)
9. **P/2011/0697/PA - 24 North Rocks Road, Paignton** (Pages 33 - 42)
Extension and conversion of existing double garage into a dwelling and erection of detached garage.
(Churston with Galmpton Ward)
10. **P/2011/0721/MPA - 16-20 Smallcombe Road, Paignton** (Pages 43 - 50)
Demolition of 8 dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas on land at Smallcombe Road, Paignton.
(Blatchcombe Ward)
11. **P/2011/0777/MPA - 25-35 Smallcombe Road, Paignton** (Pages 51 - 56)
Demolition of 12 dwellings, and their ancillary buildings, and formation of 19 dwellings together with associated parking, vehicular/pedestrian access and amenity areas.
(Blatchcombe Ward)
12. **P/2011/0751/R3 - Curledge Street County Primary School** (Pages 57 - 60)
Engineering works to form an access ramp and new school gates.
(Roundham with Hyde Ward)
13. **P/2011/0824/R4 - Land at Kings Ash Primary School, Pimm Road, Paignton** (Pages 61 - 64)
Change of use of school land to community play area, construction of a tree house and play area including a gravelled area, fire pit and a seated area using reclaimed materials from the local community.
(Blatchcombe Ward)
14. **P/2011/0280/RM - Land at Barton New Town, Scott's Bridge, Torquay** (Pages 65 - 68)
Reserved matters application for Phase IV Area 5C Scotts Meadow Torquay – erection of 8 one-bedroom apartments on land adjacent to Bottom Park Lane opposite Explorer Walk in place of approved retail unit.
(Shiphay with the Willows Ward)

15. **P/2011/0507/PA - 3-5 Walnut Road, Torquay** (Pages 69 - 74)
Demolition of two storey office building, conversion of existing car garage into a retail shop and store with external customer parking and the installation of an external ATM unit.
(Cockington with Chelston Ward)
16. **P/2011/0641/R3 - Preston Primary School, Old Paignton Road, Torquay** (Pages 75 - 80)
Formation of new classroom block and reconfiguration of parking.
(Cockington with Chelston Ward)
17. **P/2011/0656/MPA - 104 Teignmouth Road, Torquay** (Pages 81 - 86)
Demolition of 2 warehouse/storage/distribution (B8) and retail (A1) units with car parking and car turning facility.
(Tormohun Ward)
18. **P/2011/0801/AD - 55-57 Babbacombe Road, Torquay** (Pages 87 - 90)
Illuminated gantry sign; 1 welcome/goodbye sign; 2 no parking signs; and 4 parking restriction signs.
(St Marychurch Ward)
19. **P/2011/0823/PA - St Margaret's CP School, Barewell Road, Torquay** (Pages 91 - 92)
Formation of a 3.5m high 20m long galvanised chain link ball fence on galvanised steel posts to match existing ball fence.
(St Marychurch Ward)
20. **P/2011/0856/MPA - Former General Accident Fire and Life Assurance Plc, General Buildings, Greenway Road, St Marychurch, Torquay** (Pages 93 - 100)
Demolition of building and erection of 7 retail units (for purpose within use classes A1, A2, A3, A4 and/or A5) and 4 residential dwellings with associated highways works, car parking and landscaping.
(St Marychurch Ward)
21. **Appeal Decisions** (Pages 101 - 102)
To note the outcomes of recent planning appeal decisions.
22. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Democratic Services on 207087 or email democratic.services@torbay.gov.uk before 11 am on the day of the meeting.
23. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let the Democratic Services Section know by 5.00 p.m. on Wednesday, 14 September 2011. Site visits will then take place prior to the meeting of the Committee at a time to be notified.



Minutes of the Development Management Committee

22 August 2011

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Hill, Hytche, Kingscote and Pentney

(Also in attendance: Councillor Harland (Brixham Town Council))

208. Apologies for absence

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee had been amended for this meeting by including Councillor Hytche instead of the Conservative vacancy.

209. Minutes

The Minutes of the meeting of the Development Management Committee held on 25 July 2011 were confirmed as a correct record and signed by the Chairwoman.

210. Urgent Items

The Committee considered the items in Minutes 222 and 223 not included on the agenda, the Chairwoman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

211. P/2011/0490/PA The Old Market House, The Quay, Brixham

The Committee considered an application for revisions to approved scheme P/2009/0219/PA and P/2003/0220/LB (revised plans).

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting, in accordance with Standing Order A23.7, Councillor Harland from Brixham Town Council addressed the Committee.

Resolved:

Approved with the condition set out in the submitted Report, and an additional condition relating to monitoring of the extractor unit.

212. P/2011/0491/LB The Old Market House, The Quay, Brixham

The Committee considered an application for revisions to approved scheme P/2009/0219/PA and P/2003/0220/LB (revised plans).

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting, in accordance with Standing Order A23.7, Councillor Harland from Brixham Town Council addressed the Committee.

Resolved:

Listed building consent granted with the informative set out in the submitted schedule.

213. P/2011/0698/AD The Old Market House, The Quay, Brixham

The Committee considered an application for new pub signs.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting, in accordance with Standing Order A23.7, Councillor Harland from Brixham Town Council addressed the Committee.

Resolved:

Advertisement consent approved with the informative set out in the submitted schedule.

214. P/2011/0550/PA Site adjacent 4 Greenover Road, Brixham

The Committee considered an application for formation of 2 semi detached dwelling houses with vehicle access on site adjacent to 4 Greenover Road (affects the setting of a listed building).

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Mr Keith Polyblank addressed the Committee against the application, and Councillor Harland from Brixham Town Council addressed the Committee in accordance with Standing Order A23.7.

Resolved:

Approved with the conditions set out in the submitted Report and two additional conditions relating to receipt of a satisfactory landscaping plan and details of how the boundary wall will be rebuilt and maintained.

215. CN/2011/0039/ and P/2011/1209/PA Paignton Green, Esplanade Road, Paignton

The Committee considered an application for formation of a children's play park and details pursuant to condition 1 (levels), condition 2 (boundary treatment), condition 3 (details of play equipment), and condition 4 (landscaping) in relation to approved application P/2009/1209 which granted consent for a children's play park at Paignton Green, Esplanade Road, Paignton.

Prior to the meeting written representations were circulated to members of the Committee. At the meeting Rachel Tapper addressed the Committee against the application.

Resolved:

- (i) that condition 4 in respect of landscaping details were resolved at the previous Development Management Committee held on 25 July 2011; and
- (ii) that public consultation be undertaken in respect of condition 7 (drainage) with outcome of the consultation being reported at a future meeting of the Development Management Committee.

(Note: During consideration of application CN/2011/0039/ and P/2011/1209/PA Councillor Barnby confirmed that she did not perceive herself to have a personal prejudicial interest as she no longer was a member of Paignton Regatta Committee.)

216. P/2011/0632/PA Roscrea Hotel, Alta Vista Road, Paignton

The Committee considered an application for change of use from hotel accommodation to residential care home.

Prior to the meeting written representations were circulated to members of the Development Management Committee.

Resolved:

Approved with the informative set out in the submitted Report.

217. P/2011/0674/PA Land R/O Collaton Farmhouse, 337 Totnes Road, 8 Collaton Mews and 18 - 28 Brecon Close, Paignton

The Committee considered an application for formation of two detached bungalows with car parking.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members.

Resolved:

Subject to the completion of a Section 106 Agreement in respect of waste management, sustainable transport, education, lifelong learning and greenspace and recreation, approved with the conditions and informative set out in the submitted schedule in terms acceptable to the Executive Head for Spatial Planning.

218. P/2011/0062/PA Daleside Court, Lincombe Drive, Torquay

The Committee considered an application for demolition of the existing building (arranged as five flats) and formation of seven new apartments with vehicular and pedestrian access.

Prior to the meeting, members of the Development Management Committee undertook a site visit and written representations were circulated to members. At the meeting Fiona McPhail addressed the Committee against the application and Daniel Metcalfe addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Bent addressed the Committee on behalf of residents.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of sustainable transport, greenspace and recreation, lifelong learning and waste and recycling in terms acceptable to the Executive Head for Spatial Planning within six months of the date of this Committee, failure to complete the agreement within this timescale would result in the application being reconsidered by the committee;
- (ii) the receipt of satisfactory revised plans in respect of the east elevation to mitigate concerns of overlooking; and
- (iii) imposition of the conditions set out in the submitted Report and additional conditions in respect of the submission of a mature landscaping scheme.

(Note: Prior to consideration of application P/2011/0062/PA the Chairwoman Councillor McPhail declared a personal prejudicial interest and withdrew from the meeting room where the Vice Chairman, Councillor Morey, chaired the item.)

219. P/2011/0402/HA Orchard Cottage, Lower Warberry Road, Torquay

The Committee considered an application for extension at first floor level to create two bedrooms and bathroom.

Prior to the meeting members of the Development Management Committee undertook a site visit and written representations were circulated to members. At

the meeting John Osborne and Charlotte Winter addressed the Committee against the application (both having two and half minutes each).

Resolved:

Approved with the conditions set out in the submitted Report.

220. P/2011/0522/MOA The Pines, 78 St Marychurch Road, Torquay

The Committee considered an application for demolition of the building and construction of a new block of 13 flats (in outline).

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

Resolved:

Approved subject to:

- (i) the imposition of the conditions and informatives set out in the submitted Report, with siting, footprint, height and bulk of the proposal set out in condition 01 having been dealt with at this Committee;
- (ii) completion of a Section 106 Agreement by 28 September 2011 in respect of municipal waste and recycling, sustainable transport, stronger communities, lifelong learning and greenspace and recreation in terms acceptable to the Executive Head for Spatial Planning by 28 September 2011, failure to complete the agreement within this timescale would result in the application being reconsidered by the committee; and
- (iii) the receipt of satisfactory additional information in respect of the protection of trees during and after development, retention of the boundary wall and parking ratio being 1:1½ spaces per unit.

221. P/2011/0735/HA 18 Padacre Road, Torquay

The Committee considered an application for removal of kitchen windows and replacement with UPVc French windows, replacement of rear door and steps with UPVc window.

Resolved:

Approved.

222. 2011/0395/MPA - Totnes Road Service Station, site adj 141 Totnes Road, Paignton

The Senior Planning Officer explained that further to the meeting of the Development Management Committee held on 31 May 2011, where the above

application was considered, the Section 106 Agreement had not been completed by the required date. The Senior Planning Officer further explained completion of the Section 106 Agreement was imminent and sought members' approval for an extension of time for one month.

Resolved:

That the Section 106 Agreement be completed by 22 September 2011.

223. Appeal Decision

The Senior Planning Officer advised the Committee on the outcome of an appeal decision in respect of 22 Ilsham Road, Torquay which had been previously refused by the Development Management Committee in August 2010. The Committee noted the Council had been instructed to pay costs , which amounted to £2,598.35 (including VAT) to the applicant.

Chairman

Agenda Item 5

Application Number

P/2011/0868/MPA

Site Address

Churston Ferrers Grammar School
Greenway Road
Brixham
Devon
TQ5 0LN

Case Officer

Mrs Helen Addison

Ward

Churston With Galmpton

Description

Proposed new 6th form centre.

Executive Summary/Key Outcomes

The application is to replace an existing mobile classroom with a two storey building to be used as a sixth form centre. The proposed building would be sited adjacent to a playground within the centre of the site. The design of the building would echo the modern building adjacent to the entrance. The existing hedgerow adjacent to the site would be protected during construction. New on site tree planting forms part of the development. The proposal would constitute and investment in facilities at the school and would be an appropriate form of development.

Recommendation

Subject to the receipt of satisfactory consultation responses conditional approval (conditions are shown at end of report).

Site Details

Existing school premises situated on the south side of Greenway Road. The school is visible in the street scene. The steam railway line runs along the southern boundary of the site. There is a hedge along this boundary. There are a number of individual trees on the site.

There is no specific designation relating to the site in the Torbay Local Plan 1995-2011. The area to the north and east is in residential use.

Detailed Proposals

The application is for the construction of a detached two storey building to be used as a 6th form centre. The proposed building would be sited on an elevated grassed area at the southern side of the site adjacent to the railway line. There is currently a mobile classroom on the site. There are existing school buildings to the north, east and west of this part of the site. The site is not visible in the street scene.

At ground floor level a common room, office and toilet facilities are proposed and at first floor level two classrooms, a quiet study area and offices are shown.

The proposal would be built at existing ground level and would be accessed by steps or a ramp. It would be finished in white/grey render with cedar boarding. Windows would be powder coated aluminium with curtain walling detail around them. The roof would be flat. The proposal includes the provision of two new trees adjacent to the building and two English oaks to be provided elsewhere on the school grounds.

Summary Of Consultation Responses

RSPB- we consider that the proposed development will have no adverse impact on curlew bunting or their habitats.

Highways- consultation response awaited

Arboricultural Officer- consultation response awaited

Natural England - consultation response awaited

Summary Of Representations

None received.

Relevant Planning History

Extensive previous planning history. Most recent applications are;

- 2008/0984 Alterations to main entrance- install automatic sliding doors; flat roof and lobby to form larger structural opening, approved 11.8.08
- 2007/0727 Roof mounted plant and services to existing school building approved 21.6.07
- 2006/1894 Two storey extension to form learning resource building and refurbishment of existing classrooms; new windows approved 25.1.07
- 2005/0722 Construction of sports pavilion and emergency access road approved 14.6.05

Key Issues/Material Considerations

The main issues are the principle of the development on this site, the siting and design of the building, and the impact on the landscape and ecology.

Principle and Planning Policy -

Policy CF10 in the Torbay Local Plan 1995-2011 supports the improvement of educational facilities at existing schools. The principle of providing a new building for the school is consistent with this policy. The proposed building would replace an existing mobile classroom and therefore would represent an improvement in quality of facilities at the school.

The proposed building would be sited adjacent to other school buildings and would relate well to the existing school. It would be built on a higher ground level. Its height would be 0.05m higher than the adjacent building to the north west, and lower than the nearby sports hall. This would be an acceptable relationship of buildings.

The external appearance of the building would echo the new building adjacent to the entrance to the school. It would have a modern appearance and would be appropriate for this location. The design of the building would be consistent with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011.

It would be necessary to fell three trees on the site. These do make a contribution to the visual appearance of the area, however they can be replaced and these replacements are shown on the plan with the addition of two additional trees elsewhere on the site. Heras fencing is shown along the line of the existing hedge to protect it during construction.

The RSPB has advised that the proposal would not have an adverse affect on ciril buntings in the area. The consultation response from Natural England is awaited.

Closing the gap -

The proposal represents an investment in education facilities which would improve the opportunities for young people in the area.

Climate change -

A renewable energy plant is indicated in the centre of the building.

Accessibility -

Ramped access to the building is proposed to ensure access for disabled persons. There would be a lift within the building.

S106/CIL -

Providing the proposal does not result in an increase in pupil numbers it would not be appropriate to seek contributions under S106.

Conclusions

In conclusion, the proposed building constitutes an appropriate form of development in this location that would enhance the appearance of the school

and would accord with the Torbay Local Plan 1995-2011.

Condition(s)/Reason(s)

01. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason; In the interests of visual amenity in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall be constructed in accordance with the level details shown on drawing 3111.01 dated 11th August 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of visual and residential amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

03. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery or materials are brought on to the site for the purposes of development or any other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason; To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

04. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and 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: In the interests of the amenities of the area, in accordance with Policy BE2 of the saved Torbay Local Plan 1995-2011.

05. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This scheme shall include details of the size, species and positions or density of all trees and shrubs to be planted, and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

Relevant Policies

CFS - Sustainable communities strategy
CF10 - New schools and improved school facilities
BES - Built environment strategy
BE1 - Design of new development
L8 - Protection of hedgerows, woodlands and o
L9 - Planting and retention of trees
BE2 - Landscaping and design

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Agenda Item 6

Application Number

P/2009/1209/PA &
CN/2011/0039

Site Address

Paignton Green
Esplanade Road
Paignton
Devon
TQ4 6AG

Case Officer

Mr John Burton

Ward

Roundham With Hyde

Executive Summary/Key Outcomes

Application is made to discharge condition 7 of permission P/2009/1209. The condition requires provision detailed surface water drainage scheme. A significant amount of work has been undertaken pursuant to this condition, with one outstanding matter (the testing of infiltration rates) remaining. Onsite testing of infiltration rates were carried out during week beginning 5th September. The results of those tests, alongside the views of the Council's Service Manager (Drainage and Structures), will be reported verbally to Development Management Committee.

Recommendation

Officers will report verbally to Committee, following submission and analysis of further data on drainage issues..

Site Details

The application site is an area of Paignton Green approximately 0.7 hectares in size, situated between the Flagship restaurant on Esplanade Road and the main access road to the Pier. The site is currently grassed and forms part of the wider public open space at Paignton Green.

Detailed Proposals

At the meeting of 21st December 2009, Members approved a proposal for a children's play area on Paignton Green in between the pier and the cinema complex. This authorised the development of a play park celebrating Torbay's status as a Geopark and aimed at children aged between 2 and 13. This 'parent' consent allows the proposal to be taken forward secure in the knowledge that the principles have been established and are lawful in planning terms. The permission is still capable of implementation and is still in time and so the basic permission cannot be re-visited as part of this application. However, the original approval was subject to a number of conditions, which need to be satisfied before the proposal can be implemented. Conditions 1 (ground levels); 2 (boundary treatment); 3 (specifications of play equipment); 4 (Landscaping); and 9 (principles of 'Secure by design') were all considered and approved by Members at their meeting in July 2011.

This application is submitted to discharge condition 7 relating to surface water drainage. It is proposed to drain the impermeable areas of the site to

soakaways in order to achieve a sustainable drainage solution. Although the details were submitted to the Council before the last meeting of Committee in August, they came too late for proper consideration. The information was complex and detailed and the Council's Service Manager (Drainage and Structures) had request further research. Thus the item was deferred by Members until September's meeting.

Outstanding information, relating to infiltration rates, will be submitted on 12th September, assessed by the Council's Service Manager (Drainage and Structures) and reported verbally to Members.

Summary of Consultation Responses

Drainage: The Council's Service Manager (Drainage and Structures) states that the applicant has submitted drainage calculations for surface water run-off to be drained to a new trench soakaway, but with the use of assumed data on infiltration rates. In order for planning condition 7 to be satisfied, the applicant must undertake on-site testing and supply details of the groundwater levels encountered for the 24 hour period.

Environment Agency: The Environment Agency's comments will be reported to Members at their meeting.

Summary of Representations}

These specific details (drainage) were re-advertised on 25th August at Members' request, and the new consultation period will expire on 15th September. No representations have as yet been received.

Relevant Planning History}

P/2009/1209 Formation of children's play park, conditional approved 7/01/2010.

CN/2011/1209 Details pursuant to conditions 1 (ground levels); 2 (boundary treatment); 3 (specifications of play equipment); 4 (Landscaping); and 9 (confirmation of adherence to the principles of 'Secure by design') of permission P/2009/1209 were approved by Members at their meeting in July 2011. Details pursuant to condition 7 (Drainage) were considered but deferred by Members at their last meeting in August 2011.

Key Issues/Material Considerations}

Principle and Planning Policy

The principle of this development has already been established by the consent granted in January 2010. When Members considered that proposal, it was deemed to be in line with the relevant policy considerations of the Saved Adopted Torbay Local Plan.

A surface water drainage statement was approved as part of the original consent, approved under reference P/2009/1209. It concluded that run-off could be attenuated on site through a number of methods to ensure that the risk of the site increasing storm water run-off can be mitigated. However,

further information was requested by condition 7 in the knowledge that greater detail would be required.

Subject to the outstanding element of data (re infiltration rates) being submitted on 12 September and assessed before Committee, Members will be provided with a verbal report on whether condition 7 is satisfied.

Conclusions

This application to discharge the surface water drainage details is on this agenda at the request of Members. The need to discharge condition 7 of the permission is vital to ensure the Play Park is open by Easter 2012. It is understood that outstanding matters can be resolved, but the detail required by the Council's

Service Manager (Drainage and Structures) will not be available until 12 September 2011. If these details are satisfactory, meeting the requirements of Condition 7, Members will be advised that Condition 7 should be discharged.

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Application Number

P/2011/0070/MPA

Site Address

9 Central Avenue
Paignton
Devon
TQ3 2SS

Case Officer

Mr John Burton

Ward

Clifton With Maidenway

Description

Demolition of building and formation of 9 new flats with associated car parking (as revised by plans received 3 May 2011)

Executive Summary / Key Outcomes

English Heritage have confirmed that the existing building on site is not worthy of listing, and the location is not within a designated Conservation Area. The proposal meets all of the tests of policy, both national and local. The development makes good use of a brownfield site which currently contains an old building in need of some repair. The proposed design is a modern take on an historic building and is appropriate given the mixture of styles, ages and designs in the immediate vicinity. On balance, the impact is considered acceptable without undue harm to any neighbouring property. Access, parking and manoeuvrability are all acceptable, and issues about the use of the road are private matters as Central Avenue is not adopted at this point. There is a T.P.O. covering the site, but an acceptable solution to this issue has been found.

Recommendation

Members have already visited the site at their meeting on 31st May and it is not felt that a further visit is required. The proposal is considered acceptable subject to conditions and the signing of a Planning Obligation in respect of financial contributions. The s106 legal agreement will need to be in terms acceptable to the Executive Head of Spatial Planning and entirely completed within 6 months from the date of this meeting.

Site Details

9 Central Avenue is a Victorian Villa and detached double garage on the northern side of Central Avenue in an area of mixed ages and designs of dwellings, accessed off a private unadopted road (Central Avenue in part).

Detailed Proposals

The proposed flats are designed to blend in with the original Victorian nature of the current building on the site. The current building has two storeys and a basement each with very high floor to ceiling heights. As such the proposed scheme is able to achieve four levels of development without unduly increasing

the overall height of the structure. The scheme was originally submitted as 10 flats, but reduced to 9 reflecting advice from the Torbay Design Review Panel.

The plans now show one flat at ground floor level, two in the roof space and three units in each of the second and third levels. Car parking is provided on a 1:1 basis, mainly under cover at ground floor level, but with one space at the front of the property. Entrance into the flats is proposed via a central stairwell with front door onto the western side of the property in a similar position to the existing.

This application was originally presented to Committee at their meeting on 31st May 2011 when it was also site visited by Members. At the formal Committee meeting Members agreed that the application should be deferred to allow officers the opportunity to seek the views of English Heritage. A request was in fact made with English Heritage for nos. 7 and 9 to be listed as 7 appears to be an even finer example of an italianate-style villa. A response has been received and The Secretary of State for Culture, Olympics, Media and Sport has confirmed through English Heritage in their role as the Government's statutory adviser on the historic environment with responsibility for listing, that neither 7 nor 9 are of listable quality. The application should therefore now be considered on its own merits.

Summary of consultation responses

Arboricultural officer: A mature beech tree at the front of the property covered by a T.P.O. has recently had to be removed as its central core was rotten. A replacement specimen is required.

Highways officer: The parking spaces, number and layout, are acceptable to highways.

Design Review Panel: Generally welcomed the scheme, suggested some alterations which have now been incorporated into revised drawings which were advertised on 6th May. Notes of the DRP have been reproduced and placed in the Members Room.

English Heritage: Have resolved, in their role as the Government's statutory adviser on the historic environment with responsibility for listing, that no 9 Central Avenue is not worthy of listing. Their full response to the request has been reproduced and placed in the Members Room.

Summary of representations

Reproduced and placed in the Members Room. The main concerns raised are as follows (in no particular order):

1. Extra traffic using private road
2. Drainage/sewage impact

3. Design not in keeping with other houses in the road
4. Potential for noise generation
5. Overdevelopment
6. Loss of light
7. More windows increasing overlooking
8. Soakaways are not an effective solution to surface water drainage in this area
9. Insufficient parking provision / small size of parking bays
10. Height of replacement building is out of character with others in road
11. Vehicular access arrangements will be detrimental to existing residential properties
12. Objections to the loss of the existing boundary wall
13. Access for emergency vehicles would be compromised
14. Would set a precedent for other re-building proposals
15. Front building line moving closer to road boundary
16. Lack of a footway for pedestrians
17. Proposed location of bin store affecting access to neighbouring property
18. Lack of street lighting
19. Potential for loss of existing boundary trees
20. Difficulties during construction phase

It should be noted that most of the objection letters above were submitted before revised proposals were submitted. Some of these comments have therefore already been addressed. The revised plans, which show a reduction in the number of units and less bulk of building, have been re-advertised.

Relevant Planning History

P/2007/1658 Alterations To Form 2 Flats To Lower Ground Floor And Formation Of Parking Area, approved 06.12.2007

P/2002/1690 Formation Of Flat At Basement Level, approved 17.12.2002

Key Issues/Material Considerations

The material considerations are considered under the following key headings:

Principle

There is a fairly eclectic mix of types, sizes and styles of residential dwellings in the area. The property is not a Listed Building and English Heritage have now confirmed that it is not suitable for listing. It is not situated within a Conservation Area. It would therefore be difficult to justify retention of the building, despite its character. Therefore, the crucial issue becomes the quality of the design of the replacement structure (design).

The applicant has addressed concerns previously raised by Officers and the Design Review Panel, and revised the plans accordingly. The new design successfully overcomes these issues, notably by reducing the number of units, reducing encroachment into the rear garden and improving the environmental performance of the building. As such, there is no reason for raising further

concerns on design issues.

In general terms the new building is considered to be a contemporary reflection of the original Victorian design, successfully blending the remaining Victorian dwellings in the vicinity with the more modern approach taken with the surrounding infill development. The building is shown with a slightly higher roof ridge, but this is only approximately 0.3 metres higher and so would not have any noticeable undue impact on visual amenities or character of the area.

Density

There are currently 5 units on the site and the proposal is for 4 more, giving 9 in total. This is a reduction of 1 from that originally submitted. With a total site area of approximately 0.1 hectare, 9 units is at the upper end of acceptability. However, Government policy supports efficient use of 'brownfield' sites, particularly where situated within the framework of the existing built environment. When viewed from Central Avenue, the bulk of building is not materially different from that which exists on the site. Furthermore the block will retain a relatively generous plot, as such the proposal does not constitute overdevelopment. Therefore, so long as the other issues of acknowledged importance covered below are all acceptable, then it is not considered that the proposal could justifiably be considered to overdevelop the site.

Inter-visibility, overlooking and residential impact

The proposed block would have 4 principle elevations. At the front, facing Central Avenue (southern elevation) the current building has 4 sets of windows. The proposed elevation would have 6. Whilst this is more, the extra windows are at the top level, and so would look over the bungalow opposite. However, the distance to the properties opposite is a normal 'across-the-road' relationship and would not cause any undue intrusion through loss of privacy.

At the rear, (garden or northern elevation), the footprint of the building is shown as extending between 3.7 and 4.2 metres further out into the garden area across its full width at Lower Ground Floor Level. The two storeys above only extend out this distance in the middle part of the building. At second floor (top) level, the accommodation is set within the slope of the roof and so is further back. The buildings on either side (numbers 5 and 11 Central Avenue) would be a distance of 10.5 and 11 metres away at their nearest points. The equivalent current distance to both number 5 and number 11 is 15 metres (at its closest point). Although the distance is therefore less than currently exists, the two neighbouring properties are at an angle, thus reducing the potential for overlooking.

Currently there are trees and heavy vegetation on the eastern boundary obscuring any inter-visibility. Planning conditions are suggested to ensure these trees and vegetation remain or are replaced in order to maintain privacy. The two semi detached properties at the rear are separated from view by a garage block and again the facing elevation is at an acute angle.

On the eastern side elevation, the boundary vegetation previously referred to would provide sufficient screening to prevent undue overlooking. The new windows proposed are mainly to kitchens and bedrooms.

Intervisibility between the proposed new building and the adjacent property at no. 7 has been carefully considered, but the proposed west elevation is very similar to the existing elevation and as such there will be no material loss of privacy.

On balance the proposal successfully addresses privacy issues by ensuring main rooms and main windows are at the front and rear of the proposed building, the use of rooflights at the upper levels, some obscure glazing and the maintenance of existing boundary screening. Any approval will need to be conditional upon the submission of a landscaping scheme that should primarily bolster existing boundary treatment to maintain and enhance existing levels of privacy. This can be achieved. On balance therefore it is felt that with the imposition of suitable conditions relating to obscure glazing and landscaping, this element of the proposal is acceptable.

The proposal is considered to be acceptable within the street scene because the front elevation would be of similar size and dimension to the existing. The bin store has been shown to minimise impact upon neighbours (relocated following concerns) and is finished with locked gates to minimise impact. The Council's Waste Collection Services do empty the bins down this private lane.

Highways, access and parking

The Highway Authority is not raising an objection. Primarily access is off a private road and this is not an issue for the Highway Authority. Central Avenue is an adopted Council maintained road as far as the nos. 5 and 8 after which it is private. Rights of access and details of maintenance would therefore be a private matter for those sharing its use to resolve. The owner of no. 9 clearly does have rights of use and access at the moment.

In respect of the parking proposed, this is provided at a ratio of 1 space per unit. This is the same as the current ratio and so there would be no extra detriment in this regard. Policy T25 of the Saved Adopted Torbay Local Plan does state that for residential flats the ratio should be 1.5 spaces per flat. However, it is quite clear that this is a maximum and it does allow for a lower provision where proposals are in close proximity to town centres, necessary facilities for residential living and bus routes. These factors apply here. Adequate manoeuvring space is shown to standard for the internal and external parking spaces. The proposal is therefore considered to meet the requirements of Adopted policy

Trees and landscaping

The large old beech tree in the front curtilage which is the subject of a T.P.O. has

had to be removed because its internal core was rotten. Under the terms of the T.P.O. it needs to be replaced. The Council's arboricultural officer is currently considering an appropriate place for its replacement, and this will be reported to Committee.

Planning obligation under s106 of the Town and Country Planning Act

This is required to off-set the impact of the development. The contributions due for the current proposal work out as follows:

Category 2 (55 – 74 Sq. M.)	
Municipal waste and recycling	- £ 50
Sustainable transportation	- £1720
Stronger communities	- £ 130
Education (primary only)	- £ 410
Lifelong learning	- £ 220
Green space and recreation	- £1120
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TOTAL	£ 3650
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This gives a total contribution due of (9 units x £3650 =) £32,850.

Sustainability -

The proposal makes efficient use of a brownfield site within the existing built urban environment. The proposal maximises use of the site and helps reduce pressure on openfield or non-residential land such as holiday parks.

Environmental Enhancements

This is a good opportunity to improve the appearance of the site. The existing building is in a poor visual state, primarily because of some unsympathetic alterations. The architect has responded positively to suggested improvements to the original proposals and the revised scheme is acceptable in design terms. The trees on the site have been protected by a TPO and the Council's Arboricultural Officer is overseeing the management of this. A landscaping scheme to improve the setting of the new building should be a requirement (condition) of any approval, and has been verified as achievable.

Accessibility

This is a highly accessible site. It is close to good bus routes and within walking distance of Paignton Town Centre.

Vibrant Town Centres

Although not within the town centre of Paignton, being in close proximity and easy walking distance should mean that there is good opportunity for use of the existing centre facilities by the new occupiers (5 existing units, 9 proposed,

giving an increase of 4 residential units).

Relevant Policies

- H2 New housing on unidentified sites
- H9 layout, design and community aspects
- H10 Housing densities
- H11 Open space
- CF6 Community Infrastructure contributions
- CF7 Educational contributions
- L9 Planting and retention of trees
- EP11 Flood control
- BES Built Environment Strategy
- BE1 Design of new development
- BE2 Landscaping and design
- T25 Car parking in new development

Disability Issues - The site is on the level and there is not considered to be an overriding objection under Part M of the Building Regulations. The upper floors as flats will not be covered by the Bldg. Regs.

Conclusions

The revised scheme successfully overcomes issues raised by local residents and officers during the application process. Therefore for the reasons set out in this report the proposal is considered acceptable subject to conditions and the agreement and signing of a Planning Obligation in respect of financial contributions.

Members have already visited the site at their meeting on 31st May and a further visit is not required.

Condition(s)/Reason(s)

01. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The existing boundary wall fronting Central Avenue shall be kept as part of the boundary treatment and repaired and re-built as appropriate with stone reclaimed from the existing wall as far as possible, in accordance with a scheme to include the method of pointing, that shall be agreed in writing with the Local Planning Authority first.

The residential units shall not be occupied until the boundary details have been provided in accordance with the approved details.

Reason To enable the Local Planning Authority to assess this element of the proposal, in the interests of the visual amenities of the area, to ensure that the

scheme is completed such that there will not be any adverse affect on any neighbouring property, and to preserve the historic nature of the existing boundary treatment, all in accordance with policies BES and BE1 of the Saved Adopted Torbay Local plan.

02. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development and full details of the replacement for the beech tree the subject of a TPO for which removal was recently authorised.

Reason In the interest of the amenities of the area and to ensure compliance with policies H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

03. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and 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 In the interests of the amenities of the area, and to accord with policies H9, L9, BES, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

04. Any work carried out to trees to be retained on site shall be with the written approval of the Local Planning Authority. Such work will be to British BS 3998: 1989 as a minimum standard.

(i) The development hereby approved shall not commence, and no materials shall be brought onto site, until all the trees to be retained on site are protected by fencing as per BS 5837: 1991. This will either be chestnut pale fencing or a scaffold structure 2.4 metres high supported durable man-made sheeting (either plywood or OSB of an exterior grade). Chestnut pale fencing will be to BS 1722: Part 4: 1989, as a minimum standard. This will consist of 1.200 mm pales, wired together as per standard, supported on three line wires, secured to fencing posts to a minimum standard of: 1800 mm long, 7 mm (3") top, driven 500 mm into the ground. In addition, straining posts, 1800 mm long by 100 mm (4") top, strutted where a change of direction occurs, will be installed at all ends and corners, at changes of direction, or acute changes of level, and at intervals no exceeding 50 m in straight lengths of fence. The fence will be installed upright, with all posts firmly bedded in the ground and line wires tensioned, and shall be maintained in such a condition throughout the duration of the development.

(ii) The fence shall be installed no closer to the trunk of the retained tree than the edge of the drip line of the canopy or a distance equivalent to half the height of the tree, whichever is the greater.

(iii) The area beneath the tree and between the trunk of the tree and the fence will be kept clear and undisturbed at all times. No materials shall be stored within the fenced area; the levels of the land within the fenced area shall not be altered, and no seepage of oils, fuels or chemicals (including cement and cement washings) which may be harmful to trees shall be allowed onto the fenced area.

(iv) No trenches for service runs, or any other excavations shall take place within the fenced area.

(v) No soil or other surface material shall be removed from the fenced area except by written permission of the Local Authority. Where such a permission is granted, materials shall be removed manually, without powered equipment, taking adequate precautions to prevent damage to tree roots.

Reason To ensure that all existing trees on the site are adequately protected while development is in progress, and to accord with policies H10, L10, BE1 and BE3 of the Saved Adopted Torbay Local Plan.

05. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, and the area in general in accordance with policies H9, H10, BES and BE1 of the Saved Adopted Torbay Local Plan.

06. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

(i) eaves overhang;

(ii) rain water goods;

(iii) reveals to window/door openings;

(iv) slating/tiling;

(v) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

07. All bathroom windows and any other windows indicated on the plans hereby approved as being obscure glazed shall be finished with a level of

obscurity equivalent to Pilkington level 5, and shall be retained as such at all times.

Reason In the interests of privacy and to ensure accordance with policies BES and BE1 of the Saved Adopted Torbay Local Plan.

08. The development hereby approved shall not be used or occupied until all of the car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

09. Prior to the commencement of any development, details of a sustainable urban drainage system shall be submitted to and approved by the Local Planning Authority, such system as may be approved shall be installed prior to the occupation of the development. The system shall be maintained effective at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off in a catchment area where flooding occurs and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage, and policy EP11 of the Saved Adopted Torbay Local Plan (1995 – 2011).

Informative

A Sustainable Drainage Solution such as a soakaway should be designed and constructed in accordance with Building Research Establishment Digest 365. A Sustainable Urban Drainage System should be designed and constructed in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal (Clean surface water and roof water should be kept separate from foul drainage systems).

10. Before the development hereby approved is commenced full details of the design, appearance, materials and screening of the bin store shall have been submitted to and approved by the Local Planning Authority. It is expected that these details will show the bin store in the position indicated on the plan received 8th March 2011, lockable gates (details of which also need to be approved) on the Central Avenue elevation, and the means of access from within the site.

Reason: To allow the Local Planning Authority to assess this element of the

proposal and ensure the design and impact upon neighbours and the area in general is acceptable in accordance with policies W7, BES and BE1 of the Saved Adopted Torbay Local Plan.

Relevant Policies

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Agenda Item 8

Application Number

P/2011/0563/PA

Site Address

81 Kingsway Avenue
Paignton
Devon
TQ4 7AB

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Resubmission of application P/2011/0051/ to change the use to hot food take away (A5) from retail (A1) with revised opening hours of 12.00 noon to 10.00 PM Monday to Saturday

Executive Summary/Key Outcomes

Planning permission is sought for the change of use of a vacant retail premises to a hot food takeaway. Subject to control over its hours of opening and adequate extract ventilation the proposal is considered to be acceptable as it will result in the occupation of a vacant premises, it will provide a community facility and it will create employment to the benefit of the local economy.

Recommendation

Approval.

Site Details

The site is located in a parade of six small shops with flats over in a residential area comprising bungalows on Kingsway. The unit is currently vacant as are the majority of other units within the parade.

Detailed Proposals

Permission is sought for a change of use of the premises to a hot food takeaway. No external alterations are indicated to the property and the proposed hours of operation are 12 noon to 10pm Monday to Saturday. This is a resubmission of a recently withdrawn application which was for much longer opening hours.

Summary Of Consultation Responses

Environmental Health Officer: The resubmission has reduced the hours of opening and this has now addressed the majority of the concerns. The submitted details of the equipment to be installed to treat and disperse emissions from cooking operations on the premises are considered to be acceptable.

Summary Of Representations

Large number of objections received, main issues raised include : loss of privacy due to evening opening hours, smell and litter, noise from customers, already a lot of takeaway outlets in the area and potential for anti-social behaviour. These have been re-produced and placed in The Members Room.

Relevant Planning History

P/1980/2062	81 Kingsway Avenue Use as Cycle and Moped Centre Refused 26.08.1980
P/1983/2991	81 Kingsway Avenue Use as Hot Takeaway Food Shop Refused 6. 02.1984 Reason: Detrimental to the amenities enjoyed by residential occupiers in the neighbourhood especially those in the immediate vicinity by reason of smell and disturbance particularly during the evening open hours.
P/1990/1079	85 Kingsway Avenue Use as hot food takeaway Refused 17th August 1990
P/1991/1502	85 Kingsway Avenue Use as hot food takeaway Refused and Appeal Dismissed 11th December 1991T/APP/M1140/A/92/203653/P5
P/1995/0520	79 Kingsway Avenue Use as a veterinary surgery Approved 9th June 1995

Key Issues/Material Considerations

The main issue with this proposed change of use is whether the proposed takeaway would be harmful to the amenities of nearby residents because of smell, noise and disturbance. These factors were considered at the appeal in 1992 for a similar proposal at no 85 Kingsway however at that time the proposed closing time was as late as 11.30pm and there were no submitted details for an adequate extract ventilation system. The Appeal Inspector gave consideration as to how the occupiers of the first floor flats would be affected by the pervasive cooking odours associated with a hot food takeaway and whether their living conditions would be less pleasant as a result. It was noted that a significant proportion of takeaway trade is likely to be generated in the evenings and late night custom can often be boisterous. The arrival and departure of patrons late at night, not infrequently in groups and with raised voices, together with the slamming of car doors and starting and revving of engines could be disturbing to residents at an unreasonable hour. The bungalows adjacent to the shops and those on the opposite side of Kingsway and not discounting the flats, are not so far distant that occupiers would not be unaffected by late night activity associated with the takeaway. However this proposal is for a 10 pm closing time which is much earlier than the 1992 application and the Environmental Health Officer (EHO) advises that this would now address these concerns. Secondly details of the proposed equipment to treat and disperse emissions from cooking operations on the premises have now been submitted to and agreed with the EHO. Also as

the result of further advice from the EHO the floor plan now shows a change in layout of the public area of the premises so that customers will have an area to sit and wait for their orders but no tables for eating on the premises. On balance the proposed change of use is now considered to be acceptable.

Principle and Planning Policy -

Saved Adopted Torbay Local Plan 1995 to 2011

Policy S10(22) Kingsway Local Centre

Policy S8 Hot Food Takeaway

Economy -

Will create potential local employment

Closing the gap -

Will provide a facility for the local community

Climate change -

Located near to a large residential catchment area

Environmental Enhancement -

Not applicable

Accessibility -

Very convenient location within walking distance from nearby housing

Vibrant Town Centres -

Would occupy a vacant commercial unit

S106/CIL -

Not applicable

Conclusions

There is considerable local opposition to this proposed change of use however it is considered that the reduced hours of opening from 12 noon to 10 pm on Mondays to Saturdays will address their concerns. Secondly the proposed extract ventilation system will overcome the potential problem of noise and smell. On balance it is considered that a well managed hot food takeaway is preferable to having a vacant unit within this small parade of shops.

Condition(s)/Reason(s)

01. The use of the premises hereby approved shall not commence until the equipment to treat and disperse emissions from cooking operations on the premises including noise levels and odour abatement has been installed strictly in accordance with the schedule and quotation from "Extract Canopies" dated 2nd August 2011. Following installation, the equipment shall be operated and

maintained in accordance with the manufacturer's instructions for as long as the approved use continues.

Reason : In the interests of protecting the residential amenities of the nearby residential occupiers and to meet the criteria of Policy S8 of the Saved Adopted Torbay Local Plan 1995 to 2011

02. The use hereby approved shall take place only between the hours of 12.00 noon and 10:00 p.m. on Mondays to Saturdays and not on Sundays unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy S8 of the Saved Adopted Torbay Local Plan 1995 to 2011.

03. The use of the premises hereby approved shall not commence until the extract ventilation flue has been installed and the ground floor layout has been arranged strictly in accordance with drawing number TM424 P2a. This situation will remain as such for as long as use hereby approved continues.

Reason: In the interests of protecting the amenities of nearby residential occupiers and to meet the criteria of Policy S8 of the Saved Adopted Torbay Local Plan 1995 to 2011.

Informative(s)

01. The proposed change of use to a hot food takeaway has been assessed against the criteria of Policy S8 of the Saved Adopted Torbay Local Plan and it is considered to be an acceptable form of development.

Relevant Policies

S10 - Local Centres

S8 - Hot take-away food

Application Number

P/2011/0697/PA

Site Address

24 North Rocks Road
Paignton
Devon
TQ4 6LF

Case Officer

Mr Robert Pierce

Ward

Churston With Galmpton

Description

Extension and conversion of existing double garage into a dwelling and erection of detached garage

Executive Summary / Key Outcomes

Planning permission was granted in 2005 for the erection of a large double garage at 24 North Rocks Road. There was a condition attached to that permission that it should not be used for business or habitable purposes. This proposal is to considerably extend the double garage to enable it to be converted and used as a detached dwelling. It is also proposed to form an additional detached double garage to serve the proposed dwelling. It is considered that the proposal would result in the overdevelopment of the site which would have a negative impact on the visual and residential amenities of the area.

Recommendation

Refusal.

Site Details

North Rocks Road is a circular cul-de-sac serving a mature hillside estate of detached houses and bungalows on sloping ground with the benefit of generally extensive sea views over the Dart Valley railway embankment to the east of the estate. The embankment is immediately adjacent to the rear/east of the application site and is designated as being part of a locally important County Wildlife Site (Policy NC3) and the far side of the railway is designated as a Coastal Preservation Area (Policy L3).

The site forms part of the garden area of 24 North Rocks Road (P/2004/1277 Use of land as residential in association with 24 North Rocks Road; see History) a detached, extended bungalow located to the north-eastern side of North Rocks Road. There is an existing pitched, hipped-roofed double garage which directly abuts the footpath (5 metres high from footpath level to the ridge) which was granted planning permission in 2005.

There is a TPO on the site but the site has been mainly cleared and there are

only two mature cherry trees remaining within the application site and some trees on the adjacent railway land.

At the southern end of the site there is a block of 4 lock-up garages fronting the highway in other ownership and is enclosed with a 1.8 metre high close-boarded fence on the western boundary with North Rocks Road. This fence was permitted as part of P/2005/1783 with a condition attached that it should be stained dark green (in order to be sympathetic to the streetscene as hedges are the most common boundary treatment in this vicinity), but is currently partly stained in a brown colour.

There is a history of refused applications and dismissed appeals for erection of dwellings, one on this site and several on the land (of similar size) to the south of the block of garages opposite No.2 North Rocks Road. (See History)

Detailed Proposals

Permission is sought to add a two storey extension to the existing detached double garage to enable it to be used as an L-shaped detached dwelling. The plans indicate that the extension would be set back from the front elevation by approximately 2.2 metres and would project out from the side elevation by approximately 6.2 metres across the remaining 6.2 metres of the garage. It would have a hipped roof with a ridge height the same as the existing garage. The extension would have hipped dormer windows to the front and rear elevations. Two additional hipped dormers would also be installed within the roof on the south elevation of the existing garage together with a new entrance porch providing access from the garden side. The resulting accommodation would comprise a lounge, dining room and kitchen/breakfast room on the ground floor with internal stairs leading up to 3 bedrooms and a bathroom at first floor level. The extension would be finished in materials identical to the existing garage comprising a slate roof with red clay hip and ridge tiles over cream painted rendered walls with brown UPVC windows. The land to the south of the existing garage would form the remaining curtilage/garden area for the new dwelling and the proposed double garage would be sited at the bottom of the garden adjacent to the existing block of four garages on the adjoining plot. The garage would have a flat roof and a footprint of 6 square metres. The existing pedestrian access which serves the existing bungalow at 24 North Rocks Road would be widened and two parking spaces would be provided for that dwelling within a reduced curtilage.

Summary Of Consultation Responses

Highways Officer : No objections

Arboricultural Officer : No obvious issues with impact on existing trees of any

merit but there is a current requirement for replacement tree planting on the site as the result of a recent permission for tree removal and the tree officer is having on going discussions with the owner of the site. A landscaping/planting condition would be suggested at any future appeal stage.

Dart Valley Railway and Riverlink : Observations awaited.

Summary Of Representations

2 letters of support

9 letters of objection

Main issues raised : Concern that existing garage is being lived in.
Pressure in the future to convert additional proposed garage into a dwelling
Additional traffic and noise. Previous unauthorised use of garage for residential purposes should not imply any established use. Increases flood risk. Precedent for further dwellings in plots on North Rocks Road. Would harm the character and appearance of the area. These representations are re-produced at Page P.200.

Relevant Planning History

Applications relating to application site/land immediately to south of 24 North Rocks Road;

P/2010/0181/OA Erection of a dwelling Application Refused 10th February 2010
Appeal dismissed APP/X1165/A/10/2139042

AT/2009/0226 Fell the group of cherry trees to ground level as they are overhanging the public footpath, road, garage and parked cars.
Permitted, but to be replaced within 6 months by a 1 x 12-14 cm girth 40-45 litre container tree comprising Sessile Oak (*Quercus petraea*) and a 1 x 10-12 cm girth 40-45 litre container tree comprising Field Maple (*Acer Compestre*) planted as close as practically possible to where the cherry trees were removed.

AT/2007/0150 As above.

Refused with alternative to fell one tree only close to the pavement (Tree 5). This was because the majority of the trees (with the exception of Tree 5) were considered to be of normal growth and considerable visual amenity to the local and wider landscape.

P/2005/1783 Detached garage and erection of timber fence (Revised scheme).
Permitted 05.12.05.

3 Conditions attached including:

02. The garage hereby approved shall not be used for business or habitable

purposes.

Reason: To protect the residential amenities of the neighbourhood and to ensure that adequate off street parking is retained in the interests of highway safety in accordance with the objectives of Policies H15 and T25 of the Torbay Local Plan 1995-2011.

P/2005/1492 Detached garage and erection of wall and fence. Withdrawn 17.10.05.

(Similar application to above but instead of a fence a higher 2.2 metre high wall with inset timber overlap panels was proposed to the south of the proposed garage.)

ZP/2005/0985 Pre-application enquiry for detached garage and erection of wall and fence. Refusal advised 12.10.05.

(1.8 metre high close-boarded fence stained in dark green or hedge advised to be appropriate rather than 2.2 metre high wall with inset fencing.)

P/2004/1277 Use of land as residential in association with 24 North Rocks Road. Permitted 14.09.04. Condition attached 'No Permitted Development'

Enforcement history relating to double garage;

Breach of Condition Notice dated 16th April 2008; in connection with use of garage as habitable accommodation (whilst building works on-going was considered to be acceptable)

P/1990/0047/OA Erection of one detached dwelling and garage (in outline) Refused 20.04.90. Appeal Dismissed APP/M1140/A/90/159049/P8

Applications relating to extensions to the existing bungalow (No.24);

P/2006/0136/PA Ground floor and dormer roof extensions including raising of the roof (Revised scheme). Permitted 17.03.06.

P/2005/0739/PA Ground and dormer roof extensions including raising of the roof (as revised by plans received 25.05.05.). Permitted 11.07.05.

ZP/2005/0235 Pre-Application Enquiry for Extensions. Split decision advised 21.03.05.

P/2004/0803/PA Single storey extension at rear to form larger kitchen, lounge and 2 bedrooms with en-suite facilities. Refused 01.07.04.

P/2003/1593/PA Single storey extension to rear to provide kitchen, bathroom, bedroom, lounge, dining area, office and en-suite with roof terrace over part to east side elevation to be accessed from 1st floor dormer roof bedroom extension. Refused 26.11.03.

P/1980/1300 Extension to form garage and bedroom. Permitted 10.07.80.

Applications relating to land to the south of the block of garages, opposite No. 2 North Rocks Road (similar sized piece of land);

P/1999/1943 Erection of detached bungalow. Refused 11.02.2000

Reason for refusal;

The proposal represents an overdevelopment of a very restricted site which would result in a cramped form of development out of character with the appearance and density of existing development to the detriment of the amenity of the area and would create a precedent for further similar undesirable proposals. As such it is contrary to Policies H3 and H17 of the Torbay Local Plan and Policies H14 and H15 of the emerging Deposit Version Local Plan.

Appeal dismissed 08.08.2000

Summary of reasons for dismissal;

1) The bungalow would be close to the front of the site with the north west corner coming within 1 metre of the back edge of the proposed footpath. Even with the garden area proposed the bungalow would be both physically and visually cramped on the further reduced curtilage.

2) A 1.8 metre high wall abutting the bungalow would give privacy to the garden but it would make the whole development unduly prominent by extending the built works across a large part of the frontage in close proximity to the footpath.

3) The over development of the site by a dwelling and its effect on the street scene, despite the existing garage block, would be wholly out of keeping with and harmful to the character and appearance of the adjacent estate of dwellings derived from their relatively spacious settings.

N.B. This site was also 270 Sq metres (although of a different shape with a road frontage of about 22 metres and the depth varying between 17 and 10 metres). It had recently been cleared of vegetation at the time of this appeal.

P/1999/0621 Erection of detached bungalow. Refused 17.06.99.

Appeal dismissed 05.11.99.

P/1989/2674 Erection of detached bungalow. Refused 02.04.90.

Appeal dismissed 14.01.91.

P/1988/1794 Erection of one dwelling. Refused 05.12.88.

P/1987/1164 Erection of dwelling and garage (in outline). Refused 28.08.87.

Key Issues / Material Considerations

The main issues with this proposal are as follows :

1) Effect of proposed development on the character and appearance of the surrounding residential area - The existing garage replaced a previous flat roofed single garage and lean-to car port. When it was approved it was considered to be a visual improvement on what was evidently quite an unsightly garage and open car port arrangement. However it has to be accepted that what was approved is considerably larger than a conventional double garage and is also visually prominent in the street scene especially as its west elevation immediately abuts the footpath. It is considered that the building is at its optimum size in terms of its impact within the street scene. This proposal introduces dormer windows to the south east and west elevations, a porch which would extend 1.8 metres into the garden on the southern side and also a two storey extension to the north elevation. These additions would totally transform the size and appearance of the existing garage and as a result it would be even more visually prominent in the street scene. The proposed new dwelling would incorporate the land the south upto the adjoining block of four lock-up garages. The general character of existing development in the immediate general area takes the form of detached houses or bungalows occupying narrow but deep plots. Many of the dwellings occupy the majority of the width of the plot with gardens to the front and rear. As noted by the Inspector in his recent decision letter which dismissed the appeal for a dwelling on the land to the south, this would similarly create a separate dwelling and curtilage which would be quite out of character with surrounding development and it would seriously detract from the street scene. The addition of another garage at the southern end of the plot adjacent to the existing block of four garages would further detract from the street scene and exacerbate the existing situation to create what in effect would be an even larger block of garages which have no architectural merit. Policy H9 requires all new residential schemes to take account of the defining characteristics of the existing environment and where possible enhance it. Because of the close proximity of the dwelling to the highway it would also give the development an over-dominant, cramped appearance which would be at variance with the more spacious layout of the surrounding bungalows. As such it would be harmful to the character and appearance of the streetscene.

In terms of the additional garden area being “segregated” from the original garden area by the double garage, the approved plans showed a gap to the rear of the garage which should have enabled access between the garden areas within the site and the site has not been viewed as a potential development site, with strict controls maintained by the removal of permitted development rights in order to maintain control over the erection of structures, hardsurfaces, accesses and means of enclosure, in order to protect the appearance of the land and the streetscene.

Whilst there is a presumption in favour of granting planning permission for housing and developing “previously developed” or “brownfield land” it is

considered that the above objections to the proposed scheme outweigh any benefits in respect of meeting housing needs.

Principle and Planning Policy -
Area Tree Preservation Order 90.03

In the saved adopted Torbay Local Plan 1995-2011 the following policies are relevant;

HS- Housing Strategy; sets out a sustainable housing strategy

H2- New housing on unidentified sites; promotes sustainable forms of new development

H9- Layout, design and community aspects; requires a high standard of design, taking into account characteristics of existing environment

H10-Housing densities; requires new development to be at maximum densities consistent with environmental objectives

BES-Built Environment Strategy; requires new development to conserve or enhance the built environment

BE1-Design of new development; requires design of new development to take account of the wider context

BE2-Landscaping and design; proposals for new buildings should incorporate landscaping of the site, at an appropriate scale, as an integral part of the design. Landscaping should relate to the character of the surrounding area and make the best use of the existing site features

LS- Landscape strategy; seeks to protect landscape setting from development which would harm or detract from local character and distinctiveness; within the urban area green space of local townscape and/or amenity value will be retained as open space

L8- Protection of hedgerows, woodlands and other natural landscape features; any development which affects such features should include mitigation measures to at least off-set any such harm and to provide new planting and/or suitable habitats

L9- Planting and retention of trees; development will only be permitted where trees of existing or potential landscape value will not be harmed as a result of development and can be retained; any proposals which affect such features should include mitigation measures to at least off-set such harm and provide new planting and/or suitable habitats

TS- Land use transportation strategy; encourages sustainable alternatives to the private car and provision for the needs of non-car users

T25- Car parking in new development; seeks to reduce dependence on private motor transport and encourages more sustainable modes such as walking and cycling; provision of a lower level of parking will be encouraged in areas well served by public transport

T26-Access from development on to the highway

CF6- Community infrastructure contributions; where additional social, physical or

environmental infrastructure is needed in order for development to go ahead, appropriate contributions, fairly and reasonably related in terms of scale and kind to the proposed development, will be sought from the developers

CF7- Education contributions

W7- Development and waste recycling facilities; new development will require the provision of appropriate and necessary facilities for the recycling, storage, treatment and removal of waste

Adjacent to;

L3 -Coastal Preservation Area

NC3 - Protected site - locally important site

Urban Design Guide LDD7 (May 2007) a Supplementary Planning Document adopted as part of The Torbay Local Development Framework 2005-2026;

A.2 Designers should consider the site's landform and character when laying out new development

A.3 Designers should integrate new development into its landscape setting to reduce its impact on nature and reinforce local distinctiveness

A.4 Designers should respond to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to one another, streets are connected and spaces complement one another

A.5 Designers should respond to local building forms and patterns of development in the detailed layout and design of development to reinforce a sense of place

A.6 Designers should consider the scale, massing and height of proposed development in relation to that of adjoining buildings, the topography, the general pattern of heights in the area, and views, vistas and landmarks

3.3

II Layout:Urban Grain

IV Scale: Height and Massing

VIII Landscape and Streetscape (...careful retention of existing natural features and trees)

Planning Contributions and Affordable Housing: Priorities and Delivery LDD6 (April 2008) a Supplementary Planning Document adopted as part of The Torbay Local Development Framework 2005-2026

PPS1 Delivering Sustainable Development;

(Par 17; "Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources" and

Par 18; "Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through

positive policies on issues such as design, conservation and the provision of public space".)

PPS3 Housing

Economy -

The construction work would provide employment for those engaged in the building trades

Closing the gap -

The provision of a new home will help meet shortages in supply

Climate change -

Building Regulations will require high standard of insulation etc.

Environmental Enhancement -

Any approval would require a landscaping/planting scheme to enhance the site.

Accessibility -

(highways, access, parking, cycle parking, legibility, pedestrian access, local services etc)

Vibrant Town Centres -

New dwelling with access to Paignton Town Centre.

S106 / CIL -

No contributions have been so far been formally requested but if members were minded to approve this application or it was allowed at appeal the following Developer Contributions would be applicable:

Sustainable Transport	£3, 610	(Towards the Dartmouth Road Cycleway)
Education (Primary only)	£1,660	
Lifelong Learning	£ 470	
Waste Management	£ 50	
Greenspace and recreation	Nil	(No facilities within 300 metres)

Conclusions

The proposed dwelling would be sited towards the road frontage with its garden to the side. It would be visually very prominent in the street scene and in this form it would be quite out of character with surrounding development and would seriously detract from the street scene. It would also set an undesirable precedent for similar developments on other plots.

Condition(s)/Reason(s)

01. The proposal constitutes an overdevelopment of a very restricted site, which would result in an over-dominant and cramped form of development which would be visually prominent in the street scene and would be out of character with the existing urban grain, appearance and density of existing development, to the detriment of the visual and residential amenities of the area. As such it is contrary to the objectives of Policies H9, H10, BES and BE1 of the saved adopted Torbay Local Plan 1995-2011 and guidance in LDD7 Urban Design Guide and government guidance in PPS1.

Informative(s)

01. The applicant is advised that although no contributions have been so far been formally requested but if members were minded to approve this application or it was allowed at appeal the following Developer Contributions would be applicable:

Sustainable Transport	£3, 610 (Towards the Dartmouth Road Cycleway)
Education (Primary only)	£1,660
Lifelong Learning	£ 470
Waste Management	£ 50
Greenspace and recreation	Nil (No facilities within 300 metres)

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
LS	Landscape strategy
L8	Protection of hedgerows, woodlands and o
L9	Planting and retention of trees
TS	Land use transportation strategy
T25	Car parking in new development
T26	Access from development on to the highwa
CF6	Community infrastructure contributions
CF7	Educational contributions
W7	Development and waste recycling faciliti
L3	Coastal Protection Areas
NC3	Protected sites - locally important site

Application Number

P/2011/0721/MPA

Site Address

16-20 Smallcombe Road
Paignton
Devon
TQ3 3SP

Case Officer

Mr Scott Jones

Ward

Blatchcombe

Description

Demolition of 8 dwellings and their ancillary buildings and erection of 13 dwellings together with associated parking and amenity areas on land at Smallcombe Road, Paignton

Executive Summary/Key Outcomes

The proposal is a social housing redevelopment scheme that seeks to replace eight 'Cornish Units', which currently sit empty and are in poor condition, with thirteen new dwellings with associated parking, access and amenity areas.

The proposal is considered to be a positive residential redevelopment that will provide 13 social rented housing units built to modern building and living standards, which will help meet the need for affordable homes in Torbay. In addition the proposal is considered to sit comfortably within the local surrounds due to the appropriateness of the scale, layout and design of the buildings.

There is currently an objection from the Council's Highways Department relating to the loss of on-street parking. A resolution is being sought and will be reported verbally to the Development Management Committee on the day.

There is also an outstanding consultation from South West Water and the Authority's Environmental Protection Team, which will also be reported verbally to the Committee.

Recommendation

Site visit; Conditional approval (conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning, subject to; i) suitable comments from the Authority's Arboricultural Team, Environmental Protection Team and South West Water, and ii) the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

Site Details

The site is the combined curtilage of residential plots numbers 16 through to 20 Smallcombe Road, which currently accommodates two buildings that are

considered 'Cornish Units', which provide eight dwellings. The buildings, which externally are a mix of pre-cast concrete panels set under concrete tiled pitched roofs, feature front and rear gardens with pedestrian access and no off-street parking. To either side of the plot there are further two-storey units, which also front Smallcombe Road, and to the rear there is an area of open green space off the residential cul-de-sac Overclose. There are no built or landscape designations over the land. Although there are a small number of trees to the rear of the site these are not protected through designation.

Detailed Proposals

Demolition of the existing buildings and the redevelopment of the site to provide 13 social-rented dwellings, with associated parking and amenity space. Specifically the scheme proposes 9 dwellings along the frontage of Smallcombe Road, provided in two short terraces, with a further 4 units set to the rear arranged in two pairs. The four units to the rear are to be accessed via a central vehicular/pedestrian point, and will sit beside 8 parking spaces. The 9 units to the front each provide a further 9 parking spaces off the adjacent highway. All units are two-storey, with pitched-roofs set over rendered and cedar boarded elevations.

Summary Of Consultation Responses

Affordable Housing Team - All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes Torbay. The Council's Housing Needs Survey shows demand across the spectrum of household sizes and the HMA survey indicates a significant need for all house types in Torbay with a particular need for affordable rented accommodation. The Council's waiting list figures support this; there are currently 3006 households on the waiting list for rented accommodation, a further 371 households on the South West Homes waiting list for shared ownership accommodation with a further 22 households in temporary accommodation. These homes will go a long way to meeting housing need for local people and consequently Housing Services support the proposals. This site is part of a wider regeneration project to replace the current defective accommodation, currently lying empty with more efficient modern accommodation that people want to live in.

Highways Department - Highways object to this proposal due to the loss of parking on the highway as a result of new accesses to serve off-street parking spaces.

Arboricultural Team – Pending comment

Environmental Protection Team – Pending comment

South West Water – Pending comment

Summary Of Representations

No representations either in support or in objection have been received.

A statement of community involvement submitted in support to the application details that the scheme has been presented to the local community at an open event in the area and through community partnership meetings. The summary document highlights certain points, such as it was considered positive that the parking was contained within the site, and that the bin storage was kept away from the street during non-collection times.

Relevant Planning History

None over the site but various demolitions and redevelopment proposals have been built-out within the area.

Members should note that there is a similar redevelopment proposal on the site of 25-35 Smallcombe Road on the Agenda, which details a scheme to provide 19 social housing units.

Key Issues/Material Considerations

Principle and Planning Policy -

The key policy issues are considered to be;

- i) The principle of development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access,
- v) Arboricultural issues.

i) The principle of development -

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established use, which is one that is wholly acceptable within this wider residential area, the general principle of the development is supported. In regard to the principle of increasing the number of units policy guidance does seek to encourage the more efficient use of previously developed land and therefore there is potential for higher density development on sites where appropriate and given the proposed density of the scheme, in this location, it is appropriate.

ii) Visual implications, scale, layout and design -

The scheme provides units of a suitable scale reflective of the overriding building form in the area, that being two-storey pitched roof dwellings, arranged in short terraces or as semi-detached properties. In regard to the layout it is appreciated that the scheme retains a strong frontage to Smallcombe Road, which is welcomed.

The building line has been brought forward from the established, by around 3 metres, but maintains around 5.5 metres of curtilage to the front of the proposed buildings. This reduced distance is still similar to the relationship of neighbouring plots and, as such, the character of the area is maintained.

In regard to the courtyard development the general arrangement is acceptable within the context of the need to efficiently utilise previously development land, as the existing plots are generous in depth to what is generally provided within modern housing schemes.

In regard to the specific relationship between new units the distance between frontage and courtyard buildings has been maximised (18 metres) and roofs have been hipped to lessen the perceived bulk of side elevations where buildings sit adjacent.

The scheme includes space for bin storage and sheds to the rear of plots, which is seen to provide a suitable storage arrangement for waste facilities and cycle parking away from the street.

iii) Neighbour amenity considerations -

Due to open space and rising land levels to the rear of the site any impact on residential amenity is limited to the occupants of the immediate plots to each side of the development site.

The frontage development does not have any material impact on neighbour amenity implications, as it provides development that is of a similar scale and footprint as to that which exists. Therefore the minor movement of the building lines, outwards to the side of the plot and slightly further forward within the plot, will not increase overlooking, loss of privacy, or indeed loss of outlook or light.

The courtyard development to the rear of the plot is slightly more sensitive as it introduces development deeper within the plot to which currently exists. It therefore introduces new relationships and sightlines. Firstly the domestic scale of the buildings means there will be no material loss of outlook or light. In respect to privacy and overlooking the proposed relationship with the adjacent plots to either side is considered acceptable. Although the distance between buildings is relatively tight at around 18 metres to each side the angle is relatively oblique and hence there are no direct room-to-room relationships. It is also pertinent to note that the internal layout, which places a bathroom to the rear adjacent to a bedroom, will provide only one main window to the first floor of the

units. This in turn reduces the sensitivity of the proposed building. With appreciation of these points it appears that a distance of approximately 18 metres between openings is acceptable in regard to securing the retention of existing amenity.

iv) Highway matters, parking and access -

The basic highway arrangement is acceptable, with parking bays and manoeuvring space in accordance with adopted size guidelines. The number of on-site spaces also accords with adopted policy, where it is proposed to provide 17 spaces (9 private driveways and 8 supplied within a courtyard arrangement) for 13 units. notwithstanding these matters the Authority's Highways Department do not support the scheme on two matters, these being;

- i) the loss of on street parking
- ii) the width of the vehicular access being less than 4.8 metres so as to allow vehicles to pass side-by-side.

In regard to the objection in respect to the loss of on-street parking, as previously stated the proposal provides off-street parking over and above a 1:1 ratio, where none currently exists. It is likely that the current kerbside arrangement provides street parking for 8 or 9 vehicles in front of the 8 dwellings, which itself is just over a 1:1 parking ratio. As stated the scheme proposed looks to improve parking facilities by taking vehicles off the road and providing for them within the plot. It is accepted that in doing so there is the removal of a degree of street parking but the scheme as a whole is deemed to improve parking capacity in and around the plot.

The parking scheme proposed is also a natural by-product of strong frontage development, whereby it offers the potential to in-part utilise the space to the front of properties to take cars off the road. Strong frontage development is commended as it maintains the street form.

Contextually it should be noted that intermittent driveway parking exists in the area within the original housing stock, and that latter day schemes locally present have also removed sections of kerb parking in favour of on-site provision.

In regard to the width of the access point there is space within the current scheme to address highway concerns if needed. However, considering previous schemes within the area there remains a degree of concern over whether this will deliver an improvement to access, as the additional width could in turn encourage informal parking and hence have move of a negative than positive affect. As this is a matter of detail it requested that the resolution is delegated to the Executive Head of Spatial Planning for consideration on the final arrangement.

v) Arboricultural issues -

A small number of trees sit to the rear of the site and are earmarked for removal. The views of the Authority's arboricultural officer will be reported to the Committee.

Closing the gap -

The proposal proposes the replacement of out-of-date social housing which will provide modern living units in a sustainable location supported by suitable outdoor amenity space, parking provision, all within an established residential area. The proposal looks to use the land more efficiently and in doing so proposes to provide 13 social-rented units in place of the 8 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Climate change -

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

S106/CIL -

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would however be subject to a S106 agreement with clauses to ensure the provision of the units as social housing.

Conclusions

The principle of the proposal is considered acceptable as the redevelopment of outdated and somewhat dilapidated housing units with new, more energy efficient units supplemented with private parking and private outdoor amenity space, is considered wholly positive. The design and layout is considered acceptable and hence subject to the resolution of highway and arboricultural matters, along with a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning, the proposal is recommended for approval with appropriate planning conditions.

Conditions

- Submission of external materials
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining structures

- Provision of parking facilities as laid out
- Provision of Sustainable Urban Drainage
- Removal of Permitted Development Rights

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H6	Affordable housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
BES	Built environment strategy
BE1	Design of new development
T25	Car parking in new development
T26	Access from development on to the highway
L9	Planting and retention of trees
W7	Development and waste recycling facilities
PPS1	Delivering Sustainable Development
PPS3	Housing

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Application Number

P/2011/0777/MPA

Site Address

25-35 Smallcombe Road
Paignton
Devon

Case Officer

Mr Scott Jones

Ward

Blatchcombe

Description

Demolition of 12 dwellings and their ancillary buildings and formation of 19 dwellings together with associated parking, vehicular/pedestrian access and amenity areas

Executive Summary/Key Outcomes

The proposal is a social housing redevelopment scheme that seeks to replace twelve 'Cornish Units', which currently sit empty and are in poor condition, with nineteen new dwellings with associated parking, access and amenity areas.

The proposal considered a positive residential redevelopment that will provide 19 social rented housing units built to modern building and living standards, which will help meet the need for affordable homes in Torbay. In addition the proposal is considered to sit comfortably within the local surrounds due to the appropriateness of the scale, layout and design of the buildings.

There are currently outstanding comments from the Authority's Environmental Protection Team and their comments will be reported to committee on the day.

Recommendation

Site visit; Conditional approval (conditions as laid out at the end of this report) delegated to the Executive Head of Spatial Planning; subject to suitable comments from the Environmental Protection Team and the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning.

Site Details

The site is the combined curtilage of residential plots numbers 25 through to 35 Smallcombe Road, which currently houses three residential buildings ('Cornish Units'), which provide 12 dwellings. The buildings, which externally are a mix of pre-cast concrete panels and upper floor clay tiles, set under clay tiled pitched roofs, feature front and rear gardens with pedestrian access and no off-street parking. To either side of the plot there are further two-storey units, with the unit

to the East being residential and to the West being used as a community clinic. To the rear, on much higher ground, the plots adjoin the grounds of a local community centre, church and a building known as St Boniface House. There are no built or landscape designations over the land. Although there are a number of trees to the rear of the site these are not protected through designation.

Detailed Proposals

Specifically the scheme proposes 15 dwellings along the frontage of Smallcombe Road, provided in three short terraces, with a further 4 units set to the rear arranged in two pairs sited at either end of the site. The four units to the rear are accessed via a central vehicular/pedestrian point and parking court. All units are two-storey in character with pitched-roofs set over rendered and cedar boarded elevations. There are 24 on-site parking spaces proposed, which are all located to the rear of the plot.

Summary Of Consultation Responses

Affordable Housing Team - All of the units on this site are to be developed as affordable housing which is to be commended due to the high need for affordable homes Torbay. The Council's Housing Needs Survey shows demand across the spectrum of household sizes and the HMA survey indicates a significant need for all house types in Torbay with a particular need for affordable rented accommodation. The Council's waiting list figures support this; there are currently 3006 households on the waiting list for rented accommodation, a further 371 households on the South West Homes waiting list for shared ownership accommodation with a further 22 households in temporary accommodation. These homes will go a long way to meeting housing need for local people and consequently Housing Services are supportive of the proposals. This site is part of a wider regeneration project to replace the current defective accommodation that has currently lying empty with more efficient modern accommodation that people want to live in.

Highways Department - Highways raise no objection to the development, but repeat that the access lane to the rear parking court should be a minimum carriageway width of 4.8m (all on the same level) to allow vehicles to pass.

Arboricultural Team – Recommend approval on arboricultural merit with a further landscape scheme to be prepared with greater space, numbers and larger tree sizing for mitigating planting to be an outstanding condition.

South West Water – No objection to the scheme subject to foul and surface water flows being kept separate.

Environmental Protection Team – Pending comment

Summary Of Representations

No representations either in support or in objection have been received.

A statement of community involvement submitted in support to the application details that the scheme has been presented to the local community at an open event in the area and through community partnership meetings. The summary document highlights certain points, such as it was considered positive that the parking was contained within the site, and that the bin storage was kept away from the street during non-collection times.

Relevant Planning History

None over the site but various demolitions and redevelopment proposals have been built-out within the area.

Members should note that there is a similar redevelopment proposal on the site of 16-20 Smallcombe Road on the Agenda, which details a scheme to provide 13 social housing units.

Key Issues/Material Considerations

Principle and Planning Policy -

The key policy issues are considered to be;

- i) The principle of development,
- ii) Visual implications, largely around scale, layout and design,
- iii) Neighbour amenity considerations,
- iv) Highway matters, parking and access,
- v) Arboricultural issues.

i) The principle of development -

Firstly, demolition of the existing buildings, which are not of any great merit and are in poor condition, is considered acceptable and should be supported.

In regard to the redevelopment scheme it proposes a straightforward replacement of socially rented housing stock. As this maintains the established use, which is one that is wholly acceptable within this wider residential area, the general principle of the development is supported. In regard to the principle of increasing the number of units policy guidance does seek to encourage the more efficient use of previously developed land and therefore there is potential for higher density development on sites where appropriate and, given the proposed density of the scheme, in this location, it is appropriate.

ii) Visual implications, scale, layout and design -

The scheme provides units of a suitable scale reflective of the overriding building

form in the area, that being two-storey pitched roof dwellings, arranged in short terraces or as semi-detached properties. In regard to the layout it is appreciated that the scheme retains a strong frontage to Smallcombe road, which is welcomed.

The building line has been brought forward from the established by 3-5 metres, as the scheme is slightly staggered, but maintains around 4-6 metres of curtilage from the adjacent footpath to the building line. This reduced distance is considered acceptable as it still maintains the green frontage to the scheme and as such the character of the area is maintained.

In regard to the courtyard development the general arrangement is considered acceptable within the context of the need to efficiently utilise previously developed land, as the plots are generous in depth to what is generally provided within modern housing schemes.

In regard to the specific relationship between new units the distance between frontage and courtyard buildings has been maximised and one of the roofs has been hipped to reduce its perceived bulk. A sun-path assessment has been provided to support the applications to show that gardens will receive a suitable level of sunlight through the day.

The scheme includes space for bin storage and sheds to the rear of plots, which is seen to provide a suitable storage arrangement for waste facilities and cycle parking away from the street.

iii) Neighbour amenity considerations -

Due to the local arrangement of buildings any impact on amenity is limited to the occupants to the side of the development site, where there is a residential property to the East and a commercial property to the West.

The frontage development does not have any material impact upon amenity, as it provides development of a similar domestic scale and footprint as to that which exists. There is minor movement of the building lines however the changes will not increase overlooking, light ingress or outlook.

The courtyard development to the rear of the plot is slightly more sensitive as it introduces development deeper within the plot to which currently exists. It therefore introduces new relationships and sightlines. Firstly the domestic scale of the buildings means that it is unlikely that there would be a loss of outlook or light. In respect to privacy and overlooking the proposed relationship with the adjacent plots to either side is considered acceptable. Although the distance between buildings is relatively tight at around 18 metres to each side the angle is relatively oblique and hence there are no direct room-to-room relationships.

iv) Highway matters, parking and access -

Parking bays and manoeuvring space will be provided in accordance with adopted size guidelines. The number of on-site spaces also accords with adopted policy, whereby it proposes 24 spaces for the 19 units. The scheme is supported by the Authority's Highways Department.

In regard to the width of the proposed access there appears space within the current scheme to address highway concern over the demarcated vehicular width being less than 4.8 metres, so as to allow the passing of vehicles. However, considering previous schemes within the area there remains concern over whether this will deliver an improvement to the access arrangement, or simply provide the space for informal parking within this area. It could hence have a negative rather than positive affect. As this is a matter of detail it is requested that the resolution is delegated to the Executive Head of Spatial Planning for consideration of the final arrangement.

v) Arboricultural issues -

The Council's arboricultural team support the proposal with condition that a landscape and replanting scheme is submitted to and approved by the Authority.

Closing the gap -

The proposal proposes the replacement of out-of-date social housing which will provide modern living units in a sustainable location supported by suitable outdoor amenity space, parking provision, all within an established residential area. The proposal looks to use the land more efficiently and in doing so proposes to provide 19 social-rented units in place of the 12 which currently sit on the site. The scheme, which comes with the support of the Authority's Affordable Housing Team, is considered a positive step in uplifting the residential environment for those in need of social housing.

Climate change -

The proposal removes outdated living units set within large plots and provides the opportunity for the more efficient use of land and the supply of more energy efficient modern housing. The result being that the units are more easily maintained, cost less to heat and run, and thus reduce the resultant energy need per unit.

S106/CIL -

Inline with Council adopted Policy 'outer ring' sustainable development contributions for affordable housing schemes are not sought. The proposal would however be subject to a S106 agreement with clauses to ensure the provision of the units as social housing.

Conclusions

The principle of the proposal is considered acceptable as the redevelopment of

outdated and somewhat dilapidated housing units with new, more energy efficient units supplemented with private parking and private outdoor amenity space, is considered wholly positive. The design and layout is considered acceptable and hence subject to the resolution of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning, and receipt of comments from Environment Protection, the proposal is recommended for approval with appropriate planning conditions.

Conditions

- Submission of external materials
- Submission of a detailed hard and soft landscaping scheme & the delivery thereof
- Submission of details on all retaining structures
- Provision of parking facilities as laid out
- Provision of Sustainable Urban Drainage
- Removal of Permitted Development Rights

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H6	Affordable housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
H11	Open space requirements for new housing
BES	Built environment strategy
BE1	Design of new development
T25	Car parking in new development
T26	Access from development on to the highway
L9	Planting and retention of trees
W7	Development and waste recycling facilities
PPS1	Delivering Sustainable Development
PPS3	Housing

Application Number

P/2011/0751/R3

Site Address

Curledge Street County Primary School
Curledge Street
Paignton
Devon
TQ4 5BA

Case Officer

Mrs Helen Addison

Ward

Roundham With Hyde

Description

Engineering works to form an access ramp and new school gates.

Executive Summary/Key Outcomes

The proposal is to realign an existing stone boundary wall, provision of new gates and a ramped access to the southern side of the site. The proposal improves access to the site and is acceptable in this location.

Recommendation

Subject to satisfactory consultation responses from the Highway and Conservation Officers, conditional approval (conditions as shown at end of report).

Site Details

The application site comprises an existing primary school and children's nursery that is situated on both the north and south sides of Curledge Street, adjacent to its junction with Midvale Road. The main part of the school is on the northern side of Curledge Street. The majority of buildings are stone faced although more recent extensions and mobile classrooms have been added. The school is visible in the street scene. This application relates to the southern side of the site.

The surrounding area is in mixed use. There are a number of residential properties in Curledge Street and residential and commercial properties in Midvale Road. Curledge Street is a one way road. In the Torbay Local Plan 1995-2011 the site is shown as being within the Old Paignton Conservation Area.

Detailed Proposals

The application is to realign part of the southern stone boundary wall to enable new double gates to be installed and for an access ramp to be installed within the site. Currently the only access to this part of the site involves a number of steps which is inconvenient for parents with pushchairs and wheelchair users. The provision of an access ramp will require the width of the existing access to be increased. The new gates will be 2 metres in height, rising to a maximum of 2.4 metres. The will be made from mild steel which will be painted black.

Summary Of Consultation Responses

Conservation Officer - consultation response awaited.

Highway Officer - consultation response awaited.

Summary Of Representations

None received.

Relevant Planning History

P/2009/1038 Demolition works; Formation of new classroom building and Children's Centre building, together with associated landscaping. Approved 08/01/2010.

P/2009/1039 Demolition works. Approved 02/03/2010.

P/2010/0450 Removal of stone wall sections and rebuilding of stone wall fronting Midvale Road. Approved 24/06/2010.

P/2010/0469 Demolition works. Approved 18/06/2010.

P/2010/0756 Construction of access ramps to proposed children's centre and change of use between numbers 16 to 20 Curledge Street from public highway to form part of Curledge Street school. Refused 11/11/2010.

P/2011/0384 Revised plans received, elevation details changed revisions to previously approved application P/2009/1038 MR3 to allow for a first floor extension providing 2 additional standard classrooms and child protection/nurture classroom above the previously approved single storey element of the extension proposed north of site. Approved 19/08/2011.

Key Issues/Material Considerations

The main issue is the impact on the appearance and character of the Conservation Area.

The main change in the street scene would be in the insertion of new steel gates painted black. Their design and appearance would be traditional and would be appropriate for this site. The agent advises that the gates would be sited flush with the stone boundary wall in order to assimilate them into the street scene.

The existing stone boundary walls make an important contribution to the appearance and character of the area. In order that the proposed development retains this character a condition should be imposed to ensure that the stone boundary wall is rebuilt using existing stone from the section of wall to be demolished.

The proposed ramp would be within the site and therefore would have limited visual impact on the surrounding area.

Clearly there is a community benefit from improving access to this part of the site.

Principle and Planning Policy - The principle of improving school facilities is consistent with Policy CF10 in the Torbay Local Plan 1995-2011. Policy T7 supports the improvement of access for disabled people. Policies BES, BE1 and BE5 require new development within a Conservation Area to enhance the appearance and character of the area.

Closing the gap - The proposal would improve accessibility to the site for parents with young children and the disabled. As a result of the proposal the site would be more user friendly.

Environmental Enhancement - The proposal would alter the external appearance of the site. The overall impact on the character of the area would be neutral.

Accessibility - The proposal would significantly improve accessibility to the southern side of the site by means of providing ramped access.

Conclusions

In conclusion the proposal would result in the widening of the access to the site on the southern side of the site and the insertion of new gates in order to provide ramped access to the site. There would be no adverse affect on the appearance and character of the area and the proposal is considered to constitute an acceptable form of development in this location.

Condition(s)/Reason(s)

01. The new wall hereby approved shall be constructed from stone reclaimed from the areas of wall to be demolished on the site, unless otherwise agreed in writing with the Local Planning Authority, and shall be laid on its natural bed in a sand/lime mortar.

Reason: In the interests of the visual amenities of the area, in accordance with Policy BE5 of the Torbay Local Plan 1995-2011.

Relevant Policies

CFS - Sustainable communities strategy
CF1 - Provision of new and improved community
CF10 - New schools and improved school facilities
BES - Built environment strategy

BE1 - Design of new development
BE5 - Policy in conservation areas
T7 - Access for people with disabilities

Application Number

P/2011/0824/R4

Site Address

Land At Kings Ash Primary School
Pimm Road
Paignton
TQ3 3XA

Case Officer

Mr Scott Jones

Ward

Description

Change of use of school land to Community play area; construction of a tree house and play area including a gravelled area, fire pit and a seated area using reclaimed materials from the local community

Executive Summary / Key Outcomes

The proposal seeks to convert a parcel of school land, which is largely a grassed area, to a structured community adventure play area that will operate under supervision. The proposal provides a positive community-based enhancement, providing a new and interesting play area that knits well with the immediate surrounds, where there are playing fields and community facilities adjacent. The proposal therefore has broad support, subject to details (e.g. materials) and outstanding consultation comments.

Recommendation

Site Visit; Approval delegated to the Executive Head of Spatial Planning, subject to i) suitable comments from the Authority's Arboricultural Team, the Police Liaison Officer and the Torbay Development Agency, and ii) the receipt of details that show an acceptable form and finish.

Site Details

A sloping parcel of open land that currently forms part of the wider curtilage of Kings Ash Primary School. The site sits close to the community centre and a multi-use games area and playing fields. It also looks out over buildings and land around Smallcombe Road to the North.

Detailed Proposals

The application is in two parts, as it seeks the change of use of the land from school land to community play area, along with approval for the permanent structures detailed within. These structures include a number of beach huts arranged around a fire pit; a wooden "crow's nest" that features two platforms and rises to a height of around 6metres; a cargo net; and a raised walkway that

links with the aforementioned nest and joins a suspended boat, beach hut and chain bridge.

Summary Of Consultation Responses

Sport England – Raise no objection to the proposal, as the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch, a reduction in the size of a playing area, or the loss of any other form of sporting facility on the site.

Arboricultural Officer - Pending comments

Torbay Development Agency – Pending comments

Police Liaison Officer – Pending comments

Summary Of Representations

None.

Relevant Planning History

None.

Key Issues / Material Considerations

Principle and Planning Policy -

- i) Community needs
- ii) Visual implications, revolving around the scale, size and appearance of the proposed structures
- iii) Neighbour amenity implications
- iv) Any highway matters; impact on highways, adequacy of access
- v) Arboricultural issues

i) Community needs:

The scheme has evolved from a community led initiative that responded to a media groups' national competition to help bring forward three community play areas designed by the children in the community. The competition focused on building the ultimate tree house, with projects being sought that were green minded and environmentally friendly. The Wild Fox Community Development Group led the project and reached out to a number of community groups for support, such as the school (who offered the land), the local community centre

and local residents. The scheme has therefore evolved with engrained community interaction and support and it is seen as a response to the wants and needs of local people. It is pertinent to note that there has been no public objection to the scheme, which supports the statement that this is a scheme being largely delivered by the community for the community.

ii) Visual implications:

The use sits comfortably with those of the surrounding area, whereby school and community playing fields and buildings provide a backdrop of a similar use and character. There is therefore a degree of homogeneity locally and the use should therefore have little impact on the character of the area.

In regard to the structures themselves the play area knits together a number of ground level and raised elements. The scale and form of the structures sit comfortably within the area and the play area is therefore considered visually acceptable.

It is understood that the proposal will be constructed by the time of the September Committee Meeting and hence there will be an opportunity to fully understand the visual implications of the scheme via a site visit.

iii) Neighbour amenity implications:

The proposal is situated close to buildings and space (e.g. multi use games area) that also support community based activities. As such there would be no unreasonable amenity issues on the users of the adjacent buildings.

Residential properties sit to the Northwest of the site off Smallcombe Road, obscured behind established tree borders and physically sited some 35metres from the corner of the site at the nearest point. Consideration has been given by the applicants to limit the potential for harm, for example by locating the most-raised and substantial structures away from this area and closer to the community centre to the South of the site. Considering the layout of the proposed development, the distances to adjacent plots and properties, along with the general relationship, neighbour amenity would not be materially affected by the scheme.

iv) Any highway matters; impact on highways, adequacy of access:

The proposal is not expected to produce any further traffic movement to or from the site, as the development is a community facility set within the established neighbourhood. It is expected that children or families will walk to such a facility. There is level access into the play area via the established footways around the existing community hub.

v) Arboricultural issues:

The scheme includes features set around an existing tree on the site. The Council's arboricultural team have been in discussions with project leaders over

the scheme prior to the receipt of the formal application, in order to ensure that the scheme is feasible on arboricultural grounds. The formal comments of the Authority's arboricultural team are still pending, and hence will be reported at committee.

Closing the gap -

The proposal would appear to provide an innovative form of community-led adventure play space within what is already a centrally located multi-functional community hub. The scheme would benefit of the community within a deprived ward of Paignton.

Conclusions

Subject to the receipt of responses from consultees and the use of suitable materials the proposal represents a good community led development.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- R2 Outdoor recreation developments
- L9 Planting and retention of trees

Application Number

P/2011/0280//RM

Site Address

Land At Barton New Town
Scott's Bridge
Torquay
Devon

Case Officer

Mrs Ruth Robinson

Ward

Shiphay With The Willows

Description

Reserved matters application for Phase IV Area 5C Scotts Meadow Torquay - Erection of 8 one bedroom apartments on land adjacent to Bottom Park Lane opposite Explorer Walk in place of approved retail unit

Executive Summary / Key Outcomes

This Reserved Matters application involves the provision of a 2 storey building containing 8, 1 bed units in place of a previously agreed scheme for a similar building containing 4, 1 bed units with a retail unit on the ground floor. The main issues are the loss of the retail unit, the provision of very small flats and car parking. On balance, the loss of the retail unit is thought difficult to resist. The size of the units is thought to be acceptable given the variation in size and mix across the site as a whole and the parking ratio is considered acceptable.

Recommendation

Approval.

Site Details

The application site forms part of Phase 4 of Area 5C, The Willows, more commonly known as 'Evolve'. It relates to a corner plot of land located on Kingsley Avenue at the bottom of Bottom Park Lane. It has an extant approval under a previous Reserved Matters Application for a 2 storey building with retail use on the ground floor with 4, 1 bed flats above.

Detailed Proposals

Is to construct a building containing 8 small flats to the same overall design as previously approved but with changes to the ground floor fenestration details to reflect the change of use.

Summary Of Consultation Responses

Highway: Observations awaited.

Summary Of Representations

Neighbours were consulted: One letter was supportive, as they did not want a retail unit on their doorstep and one objected to the scheme on the grounds of lack of car parking, affect on property prices, noise, traffic, loss of privacy and impact on the safety of the environment. These letters are re-produced at T.201. A Site Review Meeting was held on the 26th August and it was agreed to forward it to the DM Committee for a decision.

Relevant Planning History

Phase 4 Area 5C was approved under Application No. P/2009/0648 in...October 2009 and provided for the construction of 94 dwellings and included proposals for this site. It is the penultimate phase in the overall development of this area of land to provide around 211 houses. It is currently on site.

Key Issues / Material Considerations

The main key issues are the loss of the retail floor space and the provision of small units with only limited parking and the effect that this will have on the living conditions of immediate neighbours.

Principle and Planning Policy -

The provision of a retail unit within Area 5C, reflects the terms of a S106 agreement dated 10.02.99 which was agreed following the extension of time for approval of Reserved Matters in relation to Barton New Town or the Willows as it is now known. The requirement to provide this was subject to commercial viability and the retail unit has been marketed for some time, as required under the terms of the agreement, but without any prospective occupiers coming forward. In view of this, and the proximity of a range of convenience shops within a reasonable distance of this site on Barton Hill Road then it is not considered that there are reasonable grounds to resist the loss of this space.

In terms of the additional small flats, which are each around 40m², this will not create an unreasonable overall mix given that the site as a whole delivers a good mix of sizes of units including a range of family sized dwellings. The applicants have written to confirm that other units of a similar size within the scheme have proved popular and sold quickly.

The car parking ratio, comprising overall 16 spaces to serve 12 units is considered to be acceptable and reflects the parking strategy adopted for the site as a whole. It reflects the requirements of the Torbay Local Plan which specifies a maximum provision and it is unlikely that 4 additional small units would lead to

the parking problems anticipated in neighbour responses.

The appearance of the building is only marginally changed from that approved. This largely arises from changes to fenestration to reflect the residential use on the ground floor.

Economy -

(This will not have any appreciable impact on job creation)

Climate change –N/A

(Environmental Enhancement -
(N/A)

Accessibility -

(N/A)

Vibrant Town Centres -

(N/A)

S106 / CIL - There is no requirement for a S106 as relevant contributions in relation to this phase of Evolve were picked up in a supplemental S106 pursuant to the most recent extension of time application.

Conclusions

The loss of the retail use is difficult to resist given the marketing exercise which has been carried out and the proximity of a range of convenience shops within close proximity. The provision of 4 additional small units is considered to be acceptable in terms of the overall mix of the scheme and it is thought that the parking ratios are compliant with policy T25 of the Torbay Local Plan.

Relevant Policies

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Application Number

P/2011/0507/PA

Site Address

3 - 5 Walnut Road
Torquay
Devon
TQ2 6HP

Case Officer

Mrs Helen Addison

Ward

Cockington With Chelston

Description

Demolition of two storey office building, conversion of existing car garage into a retail shop and store with external customer parking and the installation of an external ATM unit

Executive Summary/Key Outcomes

The application is for demolition of an existing two storey building on the site and a change of use of the remaining single storey building from car sales to retail. A sensitively designed new shopfront and forecourt is proposed. As the site falls partly within the designated Local Shopping Centre the proposed use and conversion would be acceptable.

Recommendation

Conditional approval, subject to receipt of views of the highway engineer and environmental health officer (conditions are outlined at the end of the report).

Site Details

The application site relates to premises in use as car sales situated on the north side of Walnut Road. Walnut Road runs along the southern boundary of the site and Walnut Lane runs along the western boundary. The site has an open forecourt clearly visible in the street scene, a flat roof two storey building and a large storage building at the rear of the site.

The surrounding area is in mixed use. To the west, Walnut Road is used as a local shopping centre. To the north, south and east there are properties in residential use. In the Torbay Local Plan 1995-2011 the southern part of the site is allocated as part of the Local Shopping Centre, the site is also within the Chelston Conservation Area.

Detailed Proposals

The application is for demolition of the two storey building on the site and conversion of part of the rear storage area into a retail shop with storage area and an atm. (The existing commercial unit accessed from Walnut Lane would be retained). The forecourt area would be hard surfaced, with regular paving in

front of the shop and resin bonded gravel to the main forecourt area. Space would be provided on the forecourt for a delivery lorry to park. A disabled parking space would be provided. The original submitted plan has been revised to delete a number of poplar trees on the site and replace this with a walnut tree. Some seating is proposed in the forecourt area. A new stone retaining wall with a railing over would be constructed along the boundary of the site with Walnut Lane. The existing vehicular crossover from Walnut Road would be reduced in width. Refrigeration plant would be incorporated into the roof space at first floor level, and an air conditioning unit above the flat roof of the ATM, which would be switched off at night.

The new shopfront would be finished in sandstone to match nearby walls with two display windows.

Summary Of Consultation Responses

EHO - no objection in principle. Recommends a condition to address potential contamination on the site. Further response awaited in respect of noise assessment.

Highway engineer – requests the current access to the site to be closed up completely forming one footway and then accessed by a vehicular crossover.

Arboricultural Officer- the popular trees would be inappropriate for this location, suggest provision of a single tree.

Senior Transport Officer- requests cycle stands and SPD contribution to improve cycle routes.

Summary Of Representations

Five letters of objection received which raise the following issues;

- * Potential of contaminated land following previous use as a garage
- * On site seating will cause a nuisance
- * Request no noisy refrigeration units in Walnut Lane
- * Object to refrigeration units on the roof
- * Gathering point for people causing nuisance and noise
- * Access for deliveries would be better sited away from corner
- * Block paving will result in unacceptable noise
- * Concern over management of deliveries
- * Only one parking space to serve the proposal
- * Proposal will lead to illegal parking
- * Risk of contamination from petrol/oil tanks
- * No evidence that local people want a public square

These are re-produced at Page T.203.

Relevant Planning History

Extensive history – most recent applications are;

2011/0508CA	Demolition of two storey office building – current application
2003/1289	Demolition of existing garage and erection of 14 dwellings (2 houses and 12 apartments) with vehicular and pedestrian access approved 18.12.03
2003/1288	Demolition of existing garage approved 15.9.03
1997/0180	erection of 21 residential flats renewal of 92/0110 approved 30.6.97
96/0251	erection of 13 dwellings approved 1.8.96

Key Issues/Material Considerations

The main issues are the principle of the proposed retail use of the premises, the appearance and design of the proposed development, highways, noise and contaminated land.

Principle and Planning Policy -

The forecourt area of the site is defined in the Torbay Local Plan 1995-2011 as being within the Local Centre. Policy S10 protects Local Centres as a shopping area and focal points serving their local neighbourhood. The use of the site for retail purposes would be consistent with the designation of the site and the objectives of Policy S10. It would be an appropriate use in this location as Walnut Road to the west of the site has a strong retail character.

At pre application stage the proposal was considered and supported by the Design Review Panel. A copy of their report is re-produced at Page T.203. A number of recommendations by the Panel have been incorporated into the design of the proposal such as the continuation of the red stone wall to form the shop front, the use of rough stone and reducing the number of openings in the front elevation. The proposed redevelopment would result in a significant enhancement to the appearance and character of the site. The unsympathetic two storey flat roof building on the site would be removed and the resulting shop would be low key and responsive to its setting. The provision of a paved and gravel forecourt in front of the shop would provide an attractive setting to the building and would open up views of the adjoining villa to the east, which has an attractive elevation facing east along Walnut Road. For these reasons the design and appearance of the proposal would accord with the objectives of Policies BES, BE1 and BE5 of the Torbay Local Plan 1995-2011.

The highway engineer has requested the existing vehicular access be closed and the pavement extended across the site frontage. The applicant has been asked to revise the layout plan to show this. The submitted plan demonstrates that there would be sufficient space on the site for a delivery vehicle to pull off the highway. A condition can be imposed requiring a management plan for

deliveries to be submitted to the Council to ensure that the times of deliveries are managed to prevent a number of vehicles waiting on the highway. Local residents have raised concerns about vehicle parking in the area. It is noted that there is limited waiting parking on the opposite side of Walnut Road close to the site.

The original submission included the provision of refrigeration units on the roof of the building. This has now been revised to incorporate these units within the building. An air conditioning unit would be installed adjacent to the ATM but this would not be used at night. A noise assessment has been submitted in support of the proposal and the Environmental Health Officer's comments are awaited.

Due to the previous use of the site as a garage there is the potential of contaminated land on the site. The Environmental Health officer has suggested that this issue can be addressed by means of a condition.

Local residents have raised concerns about the proposed timber seats on the site, on the basis that they could encourage unruly behaviour. These have been incorporated into the scheme at the Council's request. There is a bench outside the existing Co op store which is frequently used. The proposed seats would contribute to the overall appearance and character of the forecourt and potential unruly behaviour by a small proportion of the population should be weighed against the advantage to the majority of people in providing seats within the attractive forecourt. The applicant has indicated that they would remove the benches if the Committee consider this to be appropriate.

Economy -

This application is to enable the relocation of the Co op from its existing store at 25 Walnut Road. It is proposed to increase the number of full time employees as a result of the proposal from 2 to 4 and to increase the number of part time employees from 13 to 19.

Climate change -

The site is in a sustainable location within a local centre. There is a bus stop opposite the site, it is also close to the number 32 bus route.

Environmental Enhancement -

The proposed alterations to the forecourt would improve the appearance of the site in comparison with the existing tarmac forecourt area. There is an opportunity for the pavement to be extended across the site frontage which would improve pedestrian accessibility in the site vicinity. A walnut tree is proposed to be planted on the site forecourt which would contribute to the appearance of the development.

Accessibility -

The applicant has agreed to provide cycle parking within the site. A disabled parking space is proposed on the site. The shop would be at ground floor level and would be accessible to disabled persons.

S106/CIL -

On the basis of the previous use of the site as a garage no S106 contributions would be applicable as the traffic generation from a retail use would be less than that from a garage use.

Conclusions

In conclusion, subject to receipt of further comments from the highway engineer and environmental health officer, the proposal is for a high quality development that would provide significant benefits locally, in accordance with the objectives of the Torbay Local Plan 1995-2011.

Conditions

- * Hours of opening 7am to 10pm
- * Delivery times (tba)
- * Submission of delivery management plan
- * Parking, cycle parking and delivery hardstanding provided before use commences
- * Works to footpath carried out before use commences
- * Report to be submitted on ground contamination
- * Tree to be planted at agreed size before use commences
- * Stone to shopfront to be random rubble in a lime mortar, a sample of which to be agreed by LPA.
- * Windows to be aluminium and not coloured silver
- * Air conditioning unit adjacent to ATM to be turned off at night

Relevant Policies

- SS Shopping strategy
- S10 Local Centres
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- EP4 Noise
- EP7 Contaminated land
- TS Land use transportation strategy
- T1 Development accessibility
- T2 Transport hierarchy

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Application Number

P/2011/0641/R3

Site Address

Preston Primary School
Old Paignton Road
Torquay
Devon
TQ2 6UY

Case Officer

Mr John Burton

Ward

Cockington With Chelston

Description

Formation of new classroom block and reconfiguration of parking

Executive Summary/Key Outcomes

The Council seeks planning permission for the construction of a new classroom block (comprising 6 classrooms, a resource area, a meeting room and 'undercroft' storage area) on the site of an existing tarmac playground, together with a reconfigured driveway and parking areas at Preston Primary School. The additional classroom accommodation will provide educational facilities for children on the 'Autistic Spectrum of Disability' (A.S.D.) at both key stage levels 1 and 2. An existing octagonal classroom block will be demolished following construction of the new classroom block. Proposals include additional car parking, the loss of four small trees and replacement planting, the relocation of the playground facility, improved access into the site for fire engines, and a new retaining wall on the access driveway. The proposal is considered acceptable and will provide much needed new space and facilities for the school and the wider community.

Recommendation

Conditional approval - subject to the views of Sport England regarding the replacement of playground space, subject to the views of the Highway Authority regarding the access into the site in relation to the increase in parking provision and subject to confirmation from the Arboricultural Officer that the proposed landscaping and replacement tree planting is acceptable, and subject to no new representations being received during the consultation period.

Site Details

Existing Council Primary School, located off Old Paignton Road, running into the wooded slopes on the northern side of the former Hollicombe Gas Works area. The school and its access driveway runs parallel to the rears of properties fronting Roundham Road.

Detailed Proposals

The proposed development includes a number of key elements. Firstly, it is proposed to construct a new classroom block on the existing playground to the

south-west of the school curtilage. It will be a mainly three storey block providing accommodation for six new classrooms and containing an 'undercroft' storage area. This facility will be linked to the existing main school building by means of a new access corridor that will contain a separate meeting room and also double up as a resource area. This extension is proposed on the site of an existing tarmac playground area situated along the southern boundary of the school. This playground is set at a lower level than the adjoining school buildings and so the new corridor link will contain stairs and a lift to manage the difference in levels. for the upper and lower floor levels. At lower floor level, sliding doors will allow the resource area to open out to the adjoining playground. A covered canopy is to be formed along the north wall of the link to provide shelter to the playground. The materials proposed will blend in with those used on the main building, and will include facing brickwork on lower level walls, render finish to upper level walls, timber cladding to circulation areas (to reduce the scale of the new building), dark grey composite metal profiled roof cladding, polyester powder coated aluminium double glazed windows, and roof lights to maximise north light entry to classrooms.

Secondly, it is proposed to demolish the existing octagonal two-storey classroom block in the vicinity of the new build. It will be retained during the construction period to maintain the teaching accommodation, thus avoiding the need for temporary classrooms. The octagonal block will be demolished following completion of the proposed extension to allow the formation of improved playground facilities incorporating an external sheltered play area.

Thirdly, it is also proposed to widen the access driveway off Old Paignton Road. This will allow for a better parking arrangement whilst still maintaining a proper width for the drive so that fire engine access is improved, particularly to the playing field. The driveway widening scheme will require the removal of four small trees, but this will be mitigated through the interplanting of heavy standard replacement trees between the existing retained trees on the grass verge. It will also necessitate the construction of a retaining wall to retain the higher ground level along the eastern site boundary thus preventing disturbance to the gardens of residential properties on higher ground to the east. The wall will have a painted render finish.

Summary Of Consultation Responses

Sport England: Observations awaited, but unlikely to be negative so long as the proposed new play facilities is implemented to replace those lost. This can be guaranteed by the use of a condition.

Arboricultural Officer: Observations awaited.

Strategic Transportation (re - Green Travel Plan): Observations awaited.

Highways Officer: Observations awaited.

Summary Of Representations

None received as yet, however legal advice recommends that the proposal should be re-advertised to more accurately reflect all of the proposal. The new consultation period will run until 6th October.

Relevant Planning History

Pre-application enquiry made earlier this year for the current proposal received a favourable response.

Key Issues/Material Considerations

A number of options were considered to satisfy the brief of providing additional 'Autistic Spectrum of Disability' (ASD) classroom accommodation on the site. The option under consideration in this application was chosen on the grounds that it would minimise disruption to the school, could be achieved within the cost parameters, would enhance the existing playing field play area and outlook from the school, and would allow the existing octagonal class rooms to be retained during construction.

Principle and Planning Policy -

The principle is acceptable because there is significant room at the school, the new classroom block is proposed in an area furthest away from residential properties and existing landscaping will not be adversely affected. The proposal is in accord with policy CF1 which supports new school and community facilities; and CF10 which supports improved school facilities. The proposal accords with policies BES, BE1 and BE2 which seek improvements to the environment and landscape. Although the proposals will affect trees and hence policy L9 (planting and retention of trees) will be relevant, the mitigating measures proposed are more than sufficient to make the scheme acceptable in this regard.

Closing the gap -

Preston Primary School is sited within a catchment area with a rising population. The proposed classrooms will be a valuable resource for Preston Primary School and the wider community. The additional classroom accommodation will enable the school to provide education for children on the autistic spectrum of disability at both key stage levels 1 and 2. This will provide children with special needs continuity in their primary education, and avoid the need to move children to another specialist school at key stage 2 level.

A meeting room is to be incorporated for local groups to extend the use of the school by the wider community out of school hours.

Climate change -

Roof lights are proposed to maximise use of natural light.

Environmental Enhancement -

The site for the proposed classroom building is currently a tarmaced playground and therefore the new building will not reduce the 'green site area' occupied by the existing landscape, trees or wildlife habitat.

The proposed building is placed well away from the entrance onto Old Paignton Road, and is shown tucked into the south-eastern corner of the site. Although there is a footpath that runs to the south of the school past the area proposed for development, the site is screened by trees and at a higher level than the footpath. The design and appearance of the proposed extension matches the existing school buildings, which would help to assimilate the new build into the site. The building would not be very visible from many public places and so would not have a material impact upon visual amenity.

The further views of the Arboricultural Officer have been sought particularly in respect of the screening of the new classroom block from across the valley, for example from Cockington Lane or Hollicombe Lane . The small trees shown to be lost on the entrance driveway are mitigated by new planting. This is as agreed with the Council's Arboricultural Officer during his consideration of the pre-application enquiry. The further views of the Arboricultural Officer will be reported to Members at their meeting.

Accessibility -

The proposal will be compliant with Part M of the Building Regulations. A lift is to be installed to cater for the classrooms at varying floor levels. A disabled toilet facility is provided.

There are no specific requirements within the Saved Adopted Torbay Local Plan for parking provision at primary schools. However, the provision of 1 space for every two members of staff is in accordance with other similar proposals. The Highway Officer has been asked for his comments.

A School Travel Health Check (S.T.H.C.) has been prepared by the Council for the school in order to encourage sustainable travel to school. This shows that there is a need for the school to reduce the number of pupils being driven to and from school, and increase the distance pupils are prepared to walk or cycle to school. This should be the purpose of a Green Travel Plan (G.T.P.) and the prepared S.T.H.C. is useful in informing the G.T.P. A G.T.P. will still need to be prepared and this will be ensured by condition.

S106/CIL -

There are sufficient community gains from this proposal to offset any costs that may arise, and so a planning obligation under s106 of the Town and Country Planning Act will not be required.

Conclusions

The proposal will provide a significant number of benefits to both staff and pupils,

specifically autistic pupils who might otherwise have to find alternative schooling at key stage 2. The proposal is well designed, provides covered play space, parking space and enhanced access arrangements. The proposal will have no adverse material impact upon trees, the landscape or residential amenity.

As this report explains, this application has been re-advertised following legal advice, so that it more accurately reflects the proposed development. The new consultation period will expire after Members consideration of the proposal. If any representations are received after the Committee date and these raise new issues not considered by Members, then the matter will be brought back to Members. Otherwise the application should be delegated to the Executive Head Spatial Planning to issue in accordance with members instructions.

Condition(s)/Reason(s)

01. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development) whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and 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 In the interests of the amenities of the area, and to accord with policies L9, BE1 and BE2 of the Saved Adopted Torbay Local Plan.

02. Prior to the first use of the new classroom block and the ancillary facilities hereby approved, a comprehensive staff and pupil Green Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The use of the development, hereby approved, shall thereafter accord with the provisions of the approved Travel Plan.

Reason: In order to ensure that the development complies with policies TS, T1, T2, T3, T7, T25, T26 and T27 of the saved adopted Torbay Local Plan (1995-2011).

Relevant Policies

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Application Number

P/2011/0656/MPA

Site Address

104 Teignmouth Road
Torquay
Devon
TQ1 4EX

Case Officer

Mrs Helen Addison

Ward

Tormohun

Description

Demolition of 2 warehouse/storage/distribution (B8) and retail (A1) units and redevelopment to form 2 warehouses/storage/distribution (B8) and retail (A1) units with car parking and car turning facility.

Executive Summary / Key Outcomes

The proposal is for two industrial buildings to be used for warehouse/storage purposes. One building would be constructed at the rear of an existing two storey brick building on the site. Each building would have a collection or sales area. They would be located on similar sites to former industrial buildings. The existing access to the site would be utilised and 24 parking spaces would be provided. As the site is located within a Business Investment Area the proposal would be an appropriate form of development in this location.

Recommendation

Subject to satisfactory consultation responses from the highway engineer and Environment Agency, conditional approval (Conditions shown at end of report).

Site Details

The application site relates to a two storey flat roof brick building situated on the north west side of Teignmouth Road. Two warehouses previously stood on the site but have been demolished. The site extends into a quarry with an extensive stone rockface at the rear. The site is currently vacant and has previously been used for warehousing/storage/distribution, shop sales and trade. The site is located within a group of commercial properties on both sides of Teignmouth Road. In the Torbay Local Plan 1995-2011 the site is allocated as being located within a Business Investment Area (BIA).

Part of the site falls within Flood Zone 3.

Detailed Proposals

The application is to construct two industrial buildings which would be on similar sites to the buildings that have been demolished with car parking adjacent to

Teignmouth Road and at the rear of the site. Twenty four parking spaces in total are shown. Unit 1 would be sited behind the existing brick building. Including the existing building on the site it would have a floor area of 577m² (6200ft²). The proposed use is for warehouse/storage B8 with the existing building being used as a collection area. Unit 2 would have a total floor area of 301m² (3241 ft) and would also be used for warehouse/storage B8 use, with the front of the building being used for sales purposes. The elevation to Teignmouth Road would have a glazed shop front. Materials for both buildings would be brick plinth with grey cladding for the walls and roof.

Summary Of Consultation Responses

Highways Officer – consultation response awaited

Senior Transport Officer- consultation response awaited

Environment Agency – consultation response awaited

Summary Of Representations

None received.

Relevant Planning History

2010/1123MPA Demolition of 2 warehouse/storage/distribution B8 and retail units; redevelopment to form 2 warehouse/storage/distribution B8 and retail units and self contained first floor flat to be used in conjunction with units with car parking, turning facility and vehicular access. Application withdrawn

Key Issues / Material Considerations

The main issues to be considered are principle of B1/B8 development in this location, siting and design of buildings, highways and floodrisk.

Principle and Planning Policy -

The application site is located within a Business Investment Area as defined in the Torbay Local Plan 1995-2011. Policy E3 promotes development within Use Classes B1 and B8 within these areas. The application is consistent with this objective. In addition it is noted that the proposed use is a replacement of the previous use. The proposal includes an area of floor space to be used for sales in Unit 2. There are a number of premises in this area that are in use for retail purposes and this would be an appropriate use on this site. It is considered that the principle of the use would be acceptable in this location.

Policy E9 in the Torbay Local Plan 1995-2011 sets out a number of relevant criteria that are applicable to commercial and industrial development. A number

of these criteria relate to traffic and vehicular accessibility. The proposed development would utilise the existing access to the site although it is indicated that the size of the crossover would be reduced. As the proposal is a replacement of former industrial floorspace it is unlikely that there would be a significant increase in vehicular traffic using the access. The highways officer's consultation response is awaited.

The footprint of the two proposed units is greater than the previous buildings on the site. Unit 1 would be approximately 3 metres wider and Unit 2 would project 4 metres closer to Teignmouth Road. The survey plan submitted with the application indicates that both of the previous units on the site had two floors. In this proposal the new buildings would have one floor.

The external appearance of the proposed buildings would be fairly simple. The use of grey metal cladding for the walls and roof would be functional. There are other buildings in this locality finished in a similar material and this would be appropriate for the location. Unit 1 would be largely screened in the street scene by the existing brick building. The scale and height of the proposed buildings would be appropriate in this location and they would not be overly dominant given their location within a quarry. The height of unit 1 would be lower than the previous building on the site. Their appearance would accord with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011. The proposal includes the demolition of a brick wall in front of Unit as this building would project in front of the existing wall which would increase its prominence in the street scene.

A floodrisk assessment has been submitted in support of the application. This concludes that the proposed development would be safe from flood risk due to the floor levels of the buildings being higher than Teignmouth Road, there would be no additional surface water run off as a result of the development and the proposal would incorporate flood resistant and flood resilient construction measures. The Environment Agency's consultation response is awaited and this will advise whether the flood risk assessment is acceptable.

Economy -

The proposal would have a positive impact on the economy in Torbay. It would provide new commercial floorspace in a Business Investment Area. No data on the number of proposed jobs has been submitted. This is likely to be because the development will be speculative with no definite end users.

Climate change -

The proposed development is located in a sustainable site that is within the Torquay and is accessible by public transport. Current building standards will ensure that the new buildings will be more energy efficient than the buildings that were previously on the site.

Environmental Enhancement -

There is limited opportunity for soft landscaping on the site. The overall appearance of the site would be significantly improved as it has been vacant for a number of years.

Accessibility -

The site is relatively central and would be accessible by bus, cycling and walking.

S106 / CIL -

As the proposal is essentially a replacement of previous commercial floorspace no S106 contributions would be applicable.

Conclusions

In conclusion, the proposal represents an investment in industrial floorspace in an area that is identified as a Business Investment Area in the Torbay Local Plan 1995-2011. It would result in an enhancement of the site which is currently vacant. The scale of development would be appropriate for this site.

Condition(s)/Reason(s)

01. Before any development is commenced details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

Reason; In the interests of visual amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. Notwithstanding the provisions of Schedule 2, part 8, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or and Order revoking or re-enacting that Order with or without modification), no development on the site shall be carried out without the granting of a specific planning permission.

Reason: To safeguard the character of the area, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

03. The sales area in Unit 2 shall be used ancillary to the whole building and shall not be used as a separate retail unit unless otherwise agreed in writing by the Local Planning Authority.

Reason; In order to ensure the principle use of the site is for industrial purposes in accordance with Policy E3 of the Torbay Local Plan 1995-2011.

04. No materials or equipment shall be stored on the site outside the buildings except waste materials which should be kept in bins for removal periodically.

Reason; To safeguard the visual amenities of the area and to ensure that the approved parking spaces are kept available, in accordance with Policies BE1 and T25 of the Torbay Local Plan 1995-2011.

05. The parking facilities shown on the approved plan shall be provided before the use of the dwelling hereby approved commences and thereafter used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

06. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and details of cycle parking on the site. The cycle parking shall be made available before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason; To encourage the use of a sustainable and environmentally acceptable mode of transport, in accordance with Policy T2 of the Torbay Local Plan 1995-2011.

07. Details of the colour, type and texture of all external materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development to which this permission relates.

Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with policy BE1 of the Torbay Local Plan 1995-2011.

08. No mezzanine floor shall be formed in the buildings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason; To maintain control over the use of the site, in the interests of the impact on the highway network, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

Relevant Policies

T2 Transport hierarchy
T27 Servicing

BES Built environment strategy
BE1 Design of new development
E3 Business Investment Areas
E6 Retention of employment land
E9 Layout, design and sustainability
T1 Development accessibility
T25 Car parking in new development
PPS25 Development and Flood Risk

Application Number

P/2011/0801/AD

Site Address

55 - 57 Babbacombe Road
Torquay
Devon
TQ1 3SN

Case Officer

Mrs Helen Addison

Ward

Description

Illuminated gantry sign; 1 welcome/goodbye sign; 2 no parking signs and 4 parking restriction signs

Executive Summary/Key Outcomes

The proposal is for a number of signs in the curtilage of the recently opened Tesco store. The principle of signage at a commercial premises is considered to be acceptable, but impact on amenity, highway safety and character of the area are key issues. In this case there is concern that illumination of the gantry sign would be out of character with the surrounding area and there is potential to reduce the number of signs proposed. Subject to these revisions and confirmation from the highway engineer that the proposal would not have an adverse effect on highway safety the proposal is considered to be acceptable.

Recommendation

Consent be granted, subject to satisfactory views of the highway engineer, a reduction in the number of signs and the gantry sign being non illuminated advertisement.

Site Details

The application site relates to a retail premises (Tesco) adjacent to Babbacombe garage, situated on the south side of Babbacombe Road. It is elevated above road level and set back from the road. There is a car parking area to the east of the building. The building has recently been converted to this use.

In the Torbay Local Plan 1995-2011 the site is shown as being part of a local shopping centre (Policy S10.9). The site backs onto, but is outside, a conservation area. The surrounding area is largely in residential use, although there are commercial premises nearby such as the adjoining garage and properties in retail use in Reddenhill Road.

Detailed Proposals

The application is for advertisement for the following signs;

- * Externally illuminated gantry sign 3.2m high and 1.5m wide
- * Welcome/goodbye sign
- * Special needs parking sign
- * No parking sign, 2 of these are proposed.
- * Parking restriction sign, 4 of these are proposed.

Summary Of Consultation Responses

Highways- consultation response awaited.

Summary Of Representations

Five letters of objection received which raise the following issues;

- * Already excessive light generated on the site
- * Illuminated gantry sign will be dangerous to vehicles
- * No other shops in Babbacombe have illuminated signs
- * Gantry sign will reduce the visibility of pedestrians, car park and highway users.
- * No need for signs

These are re-produced at Page T.202.

Relevant Planning History

P/2009/1028	Illuminated fascia box sign; non - illuminated fascia sign. Approved 19/11/2009.
P/2010/0030	For existing use of ground floor showroom for class A1 retail sales. Refusal 10/3/2010.
P/2010/0031	Illuminated fascia signs; illuminated wall mounted signs; non illuminated directional signs. Approved 21/4/2010.
P/2010/0086	External alterations and change of use of lower ground (part only) and ground floor to single class A1 retail unit. Approved 21/4/2010.
P/2010/0717	Installation of ATM. Approved 16/8/2010.
2010/0759	installation of plant approved 25.10.10

Key Issues/Material Considerations

The main issues are the impact of the proposed signs on the amenity and character of the area and on highway safety.

Principle and Planning Policy -

Policy BE4 requires advertisements to be consistent with the scale and character of the surrounding area, and not to harm visual amenity or undermine highway safety. As the site is in commercial use and located within a local shopping centre it would be reasonable to see some signage on the site.

In the context of residential properties surrounding the premises it is considered that illumination of the gantry sign would be out of character with the surrounding area. There are no other similar illuminated signs in the vicinity of the site. Consequently, in accordance with policy, the gantry sign should be non illuminated.

There is also some concern about the number of signs proposed within the site. A reduction in number of signs would reduce the visual impact and clutter of signage in this location.

Local residents have raised concerns that the gantry sign would obscure visibility for motorists and pedestrians. The highway engineer's advice in respect of this point is awaited.

Conclusions

In conclusion, subject to satisfactory further information from the highway engineer and revision of the proposal to a non illuminated gantry sign and a reduction in the number of signs, it is considered that the proposal would not harm the amenity of the area and would constitute an appropriate form of development in this location, consistent with Local Plan policy.

Relevant Policies

S10 - Local Centres
BES - Built environment strategy
BE1 - Design of new development
BE4 - Advertisements

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Application Number

P/2011/0823/PA

Site Address

St Margarets Cp School
Barewell Road
Torquay
Devon
TQ1 4PA

Case Officer

Mr Adam Luscombe

Ward

St Marychurch

Description

Formation of a 3.5m high 20m long galvanised chain link ball fence on galvanised steel posts to match existing ball fence.

Executive Summary / Key Outcomes

It is proposed to erect a fence at the rear of St Margaret's School, Barewell Road. The fence will be 3.5m in height and will be erected along the rear access footpath. The application has been amended and fence reduced in height from 3.5m. It was deemed to have had a significant impact on neighbouring residential properties but following amendments and reduction in height it is now deemed to be acceptable.

Recommendation

Approval

Site Details

The site is to the rear of the school building and playing fields adjacent to the footpath access from St Margarets Close. The path is to the edge of the playing field and on the boundary adjacent to the end residential property in St Margarets Close.

Detailed Proposals

It is proposed to erect a fence along the path (opposite side to the residential property) at 3.5m in height. The support bars have already been erected.

Following further discussions the proposed height has been reduced to 3.5m.

Summary Of Consultation Responses

No Consultation Responses Received.

Summary Of Representations

Two letters of representation have been received, both prior to the amended height. The concerns were for the impact on the area and properties; that it would be imposing; that it would affect the outlook; that it is an eyesore. Following notification of the amendment to those who had submitted

representations we have received further representation. The same issues are considered to apply. These are all re-produced at Page T.200.

Relevant Planning History

None.

Key Issues / Material Considerations

Principle and Planning Policy - The fence, at 3.5m, was considered to be excessive in height and not appropriate adjacent to the residential properties. It would have been contrary to policies contained in the Saved Adopted Torbay Local Plan 1995-2011.

Following the amendments the height of the fence has been reduced.

It is not visible from Barewell Road and will not impact on either that streetscene or the school building in general.

The key affects are in relation to St Margarets Close, the access path and the residential properties on the Close, particularly number 8.

In this case whilst it is at the end of the footpath away from the road of St Margarets Close it remains visible from the road. However, given the distance it will not significantly impact or affect the context of the streetscene. The impact on the neighbouring residential property is of most concern. The height of the new proposal is considered to be more acceptable and less obtrusive in the context of the residential environment. It will affect the outlook but is not considered, at the reduced height, to be so significant so as to cause harm.

S106 / CIL - Not applicable to this application.

Conclusions

This application is recommended for approval as the impacts of the development are not considered sufficient so as to cause significant harm. The application therefore accords with policy as set out within the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

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Application Number

P/2011/0856/MPA

Site Address

Former General Accident Fire & Life
Assurance Plc General Buildings
Greenway Road
St Marychurch
Torquay
Devon
TQ1 4PN

Case Officer

Mrs Ruth Robinson

Ward

St Marychurch

Description

Demolition of building and erection of 7 retail units (for purposes within Use Classes A1, A2, A3, A4 and/or A5) and 4 residential dwellings with associated highways works, car parking and landscaping

Executive Summary / Key Outcomes

Revised proposals have been submitted showing that a mixed use redevelopment of this redundant site in the centre of St Marychurch can be successfully integrated with the adjacent District Centre and can help support its retail function. The revised proposals overcome previous concerns expressed in the withdrawn report to Development Management Committee on the 31.03.11. and will result in a well designed scheme that delivers benefits to St Marychurch and Torbay.

Recommendation

Committee site visit: Approval, subject to the conclusion of a S106 Agreement to secure developer contributions in line with the SPD, conditions as itemised at the end of the report and the submission of revised plans which address the following matters:

1. Modifications to the design of the roof to pod unit and unit 5 and to entrance to main block.
2. Amendments to landscape proposals.
3. Reduction in height of the 4 dwellings, deletion of integral garaging and inclusion of windows to elevation overlooking link to Greenway Lane.
4. Screening to 'Kingsbridge'/design of service entrance.
5. Receipt of English Heritage comments.

Site Details

The GA building is a 2 storey office building which has been vacant for at least 10 years. It was constructed in the 1960s and now has a dated and neglected appearance that is out of character with the predominantly Victorian streetscape which typifies this part of the St Marychurch Conservation Area. The building fronts the busy junction of Greenway Road, St Marychurch Road and Fore Street and is adjacent to the boundary of the defined District Centre.

Vehicular access to the car parking area to the rear is found to the west of the building close to the no entry sign on Greenway Road. Bordering the car park is a narrow vehicular route at Greenway Lane, which is backed by a terrace of Victorian dwellings which directly overlook the site. The rear of shops within the nearby St Marychurch District Centre forms the eastern boundary to the site.

The existing frontage to the site comprises planting, pavement and a bus stop. To the west of the site is Kingsbridge, an attractive Victorian villa and to the east the Corinthian Babbacombe Sailing Club and the Co op supermarket. Opposite the vehicular access to the site is Alderbourne, a Grade II listed building. The frontage to the opposite side of St Marychurch Road is an attractive 2-3 storey Victorian terrace which sympathetically addresses the corner into Fore Street.

Detailed Proposals

This is a revised application responding to design concerns identified in the previously withdrawn application, P/2010/1404.

It is a full application for the replacement of the existing building with a mixed residential/retail/commercial development, which comprises 1000m² of retail floor space in up to 7 units of various sizes and requested to be in classes A1, A2, A3, A4 and A5.

The submitted plans indicate a larger anchor unit of 370m² located adjacent to Greenway Road with a Sainsbury's Local store as the likely occupier. To the rear of this is a run of single storey retail/commercial units extending two thirds of the way into the site. A pedestrian route to Greenway lane separates this from a detached single storey retail unit that sits at the head of the site. A smaller 'pod' retail unit is located adjacent to the Corinthian Sailing Club and wraps into the site.

6 car parking spaces are provided parallel to the retail units. A servicing bay is incorporated into the extended footway adjacent to the anchor store.

The design approach is traditional, utilizing render finish, steeply pitched slate roofs with traditionally styled shop fronts.

The scheme includes 4, 3 bed houses facing the back of dwellings on Greenway Lane with off street car parking.

The footways along Greenway Road/St Marychurch Road are to be widened to provide a more extensive public realm. It is also proposed to relocate the bus stop from its current position closer to the junction with Fore Street, improve the bus shelter on Manor Road and provide a new stop on Fore Street.4 on street car parking spaces are to be provided on Greenway Road.

Summary Of Consultation Responses

English Heritage: Observations awaited.

The previous withdrawn application was considered by the Design Review Panel on the 4th February. In summary its comments are:-

1. The use of separate parking and service accesses creates an interrupted street frontage and creates more 'edges' to the scheme.
2. The relationship to Greenway Lane needs to be improved and made more positive.
3. The linear nature of the parking creates difficulties of manoeuvring and access.
4. Concerns at long term viability of units to the rear of the site due to limited footfall.
5. A single retail occupier with residential may ease conflicts.
6. In order to relate to context and to avoid amenity issues, the scale of the scheme to the front should be increased and that to the rear reduced.
7. The flat roofed pod and views from the west are unresolved
8. Questioned the ability of planters to create a quality landscape scheme.
9. Felt that the scheme could benefit from a more profound urban analysis of its relationship to the town.

The full comments have been reproduced and placed in the Members Room and it will be explained in the body of the report how these matters have been addressed.

Highways: Observations awaited.

Summary Of Representations

It is appropriate to include the objections received in relation to the withdrawn application where these relate to matters of principal that are not necessarily overcome by the revised application.

A petition signed by 2000 people was received in relation to the withdrawn application objecting to a new supermarket being located on this site due to its impact on the shops within the existing centre.

Previous concerns from neighbours on matters of principal were:

- * Impact on existing shops and supermarkets within the District Centre
- * Increased traffic/congestion, impact on junction of Priory Road and Greenway Road
- * Lack of car parking
- * Arrangement of parking within the scheme which will be hazardous to vehicular and pedestrian safety
- * Concern at movement of bus stop
- * Impact on amenity from servicing vehicles/plant/noise activity/overlooking

At the time of writing, the following comments have been received in response to the current consultation.

*Concern at pushing building and pavement out with landscaping whilst moving bus stop closer to Coop car park entrance.

* Residents backing onto Greenway Lane claim that the Lane is in their ownership and used for parking. The inclusion of new houses that will use the lane for access will inhibit access to their parking spaces and create obstruction and congestion.

* Concern at height and impact of new dwellings on privacy/light.

Any further comments will be reported verbally.

Sainsbury's are keen to occupy the site and have written explaining the benefits they will bring to the centre and that the scheme will create 20 local jobs and achieve significant regeneration

All letters of representation, the petition and supporting information from Sainsbury's have been placed in the Members Room.

Relevant Planning History

P/2006/1070: Demolition of building and construction of supermarket and 14 2 bed flats. Withdrawn.

P/2010/1404: Redevelopment to provide 7 retail units [for uses within classes A1,2,3,4,5]4 residential dwellings, highway works, car parking and landscaping. Withdrawn.

Principle and Planning Policy -

There are a number of key issues to consider as follows:-

1. Existing condition of the site.
2. Impact on the existing shopping centre.
3. Design and layout.
4. Highways/congestion/car parking.

1. Existing Condition of the Site.

The existing building is neglected and dated in appearance. It is prominent within the St Marychurch Conservation Area. It's redevelopment is long overdue and is welcomed. The site is overgrown and subject to some tipping.

In terms of the impact on the existing shopping centre, the site is located at the edge of the defined District Shopping Centre and as such the relevant policies are nationally, PPS4 'Planning for Sustainable Economic Growth' and locally, policies SS, S6, S8 and S9 of the Saved Torbay Local Plan.

2. Impact on the St Marychurch District Centre.

The acceptability of the proposal has to be tested in terms of its impact on the retail function of the shopping centre, it has to be sequentially preferable and has to meet standards in terms of design and sustainability. A Retail Impact Study [RIA] has been submitted, even though at the proposed scale of use it is not mandatory, and this has been evaluated by officers. The study assessed the broad health of the centre, the likely impact on turnover and included shoppers surveys to establish shopping patterns and likely future behaviour. It concluded that the health of the centre was good, that the size and scale of the scheme was acceptable and that the impact on turnover was low at around 4%.

The shoppers survey identified that a high proportion of shoppers [48.4%] visited the centre on foot and that 67.5% would combine a visit to the proposed development with a trip to the existing facilities in St Marychurch. 90 per cent of those surveyed indicated that they would carry out these linked trips on foot. Given that the shoppers profile revealed a strong tendency to access the centre on foot and to carry out linked trips it is likely that the identified impact on turnover and existing shops will be mitigated if 'linked trips' can be secured through an appropriate design that achieves a more permeable relationship to the adjacent District Centre. A Sainsbury's store will exert a strong pull and be attractive to shoppers particularly for walk in 'top up' shopping as confirmed in their supporting information. If links to the existing centre are reinforced, this could significantly benefit the centre's long term future as shoppers will be able to easily carry out linked shopping trips.

Sainsbury's supporting information provides case studies in similar sized centres where they indicate an overall increase in turnover following their stores becoming established. It is likely, based on the information provided, that investment by Sainsbury's could result in an overall increase in turnover by other

retailers in the area.

It is thus considered that the scale of development is such that it will not harm the centre and that the proposed regeneration of the site would be beneficial to the overall range and quality of the retail offer in St Marychurch if the scheme is integrated to the centre in a way that will support and encourage linked trips. The recent revisions to the design of the scheme focus on creating improved links to the centre and enhancing the public realm to facilitate pedestrian movement.

The application requests permission for A1,2,3,4 and 5. There needs to be some control over the location of uses that have the potential to cause nuisance such as A5 and a condition is suggested to deal with this.

3. Design.

In terms of design, PPS4 'Planning for Sustainable Economic Growth' is relevant. Policy EC10, whilst explaining that applications for economic development should be regarded favourably, requires LPAs to fully consider whether a scheme secures a high quality and inclusive design which takes the opportunities available for improving the character, quality and character of an area and how it functions.

This advice is reiterated in policy EC17 of PPS4, which relates to edge of centre retail developments such as this. The fact that the site is sensitive in terms of its prominence within the Conservation area and proximity to listed buildings supports the legitimacy of concerns about design.

The withdrawn scheme exhibited a range of design deficiencies which were reflected in the putative reasons for refusal. These were, in summary, that the scheme was self contained and not well integrated to the centre with disruptions to the frontages from the 2 vehicular accesses which would exacerbate its impact on the vitality and viability of the centre, that it related poorly to the form scale and appearance of the Victorian Town Centre, adversely affecting key views and adjacent listed buildings, that it created a poor pedestrian experience, that it provided a poor residential environment and adversely affected the amenity of neighbours. The scheme has been substantially revised to overcome these concerns.

The layout of the withdrawn scheme was a self contained 'cul de sac' and it would have operated as a 'stand alone' retail outlet with a consequent impact on the vitality of the centre. It was served by 2 vehicular access points which disrupted the frontages and the pedestrian footways. The approach in the revised scheme has been to delete the service access, to provide more space for pedestrian movement and for the arrangement of buildings and to treat the layout more as a natural extension to the centre through opening up links from the rear of the site via Greenway Lane to the centre, reinforcing pedestrian links along Greenway Road by extending the footway and enhancing the public realm.

In terms of its relationship to the character form and appearance of the town centre and its impact on listed buildings/ key views, the design is improved through an increase in scale of the buildings to the front of the site, by announcing the corner more effectively and by modifications to the style of the roof design to the main building and to the 'pod' building to create a more consistent and sympathetic roofscape. There are some minor amendments to the overall design of the scheme needed but these are itemised in the recommendation section and have been agreed in principle by the applicants.

The concerns about the quality of the proposed residential environment has been met by the deletion of flats in a 2/3 storey block to the rear of the site and the construction of 4 family sized homes with gardens overlooking Greenway Lane. In the submitted plans these are shown as 3 stories with integral garages which would relate poorly to the scale of buildings to the front of the site and be too imposing on the Victorian terraces they overlook. The applicants have agreed to reduce this to 2 stories and to include curtilage car parking. This will result in a better scale relationship across the site, a more active frontage with better overlooking of Greenway Lane and a lessening of the impact on the amenity of existing dwellings.

It is important that the flank elevation to the terrace which overlooks the pedestrian link to Greenway Lane is redesigned to include windows to provide greater surveillance and that the boundary treatment is properly resolved. These details are awaited and if received in time will be reported to Committee.

There were concerns in the withdrawn scheme about the quality of the pedestrian experience created. Pedestrian areas were tight, poorly designed, disrupted by vehicular accesses and by the pedestrian space within the scheme being dominated by the backdrop of the rear of the shops on Fore Street. These concerns have been overcome reducing disruptions to footways and frontages through the deletion of the service access, enhancements to the pedestrian realm through rationalising and extending footways fronting the site, the provision of more space within the site for pedestrian movement and the use of a landscape architect to look at the treatment of spaces and linkages to create a 'sense of place' that will tie it into the character of St Marychurch. The modification to the pod building has helped screen the backdrop to the public space and planting proposals have been supplied which will in time complete the softening. These proposals, whilst welcomed, do need to be upgraded to ensure a quality public realm is achieved and extended in scope to include the treatment of the Greenway lane link and the applicant has agreed to this.

In terms of the impact on existing residential amenity, this has been mitigated as a consequence of the new layout, by improved roof design to the main anchor store which fully encloses plant and by improved design to easily visible parts of the building. The revised proposals provide an opportunity to screen, via a landscaping scheme, the outlook from 'Kingsbridge'. The applicants are working

on this which can, in any event, be secured through a condition.

It is felt that in design terms the scheme is now satisfactory and importantly delivers a scheme that is integrated with the existing centre and has developed a sense of place through improved design and a high quality public realm.

Concerns about the ownership of Greenway Lane and the ability of the new dwellings to use this for access will be investigated and reported verbally.

4.Highways/congestion/parking

Report to Development Management Committee on Recent Planning Appeal Decisions

05th September 2011

Between 30th June 2011 and 5 September 2011 there have been 4 appeal decisions made. All of these were dealt with by the Written Representation method. The appeals concern householder/residential proposals and were all made under Section 78 of the Town and Country Planning Act 1990. All 4 of the appeals were lodged against a refusal to grant planning permission by Torbay Council. Of the 4 appeal decisions, 3 were dismissed and 1 was allowed.

The allowed appeal included a successful application for costs against the Council. The application was recommended for approval by officers, but refused permission following discussion and resolution at Development Management Committee. In cases such as this, it would be prudent for a decision on the application to be deferred, such that officers can provide advice to Members on the evidence to support a potential refusal of planning permission. This is in line with good practice adopted by other Local Authorities and is explained in a little more detail as follows:

Circular 03/2009 (Paragraph B20) of the Circular explains that local planning authorities are not bound to accept the recommendations of their officers. However, if officer's professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.

Below is a brief summary of the appeals dismissed, followed by the details of those appeals allowed. If Members require any greater detail on any specific appeal case, then please contact the case officer.

Appeals Dismissed (3)

Site:- Sea Pines, Ilsham Marine Drive, Torquay TQ1 2HT

Case Officer:- Emma Phillips

LPA ref:- P/2010/0749/PA

Ward:- Wellswood

Proposals The development proposed is the erection of 3 No houses.

Council's decision:- Officer recommended Approval; Refusal at Committee.

Inspector's reasons:- The effect of the proposed development on the character and appearance of the area.

Site:- Hawthorns, Jacks Lane, Torquay, Devon, TQ2 8QX

Case Officer:- Adam Luscombe

LPA ref:- P/2010/1367/HA

Ward:- Watcombe

Proposals:- The development proposed is a shed in the front garden

Council's decision:- Delegated Refusal.

Inspector's reasons:- The effect of the proposed development on the character and appearance of the surrounding area.

Site:- 43 Sherwell Hill, TORQUAY, TQ2 6LX

Case Officer:- Alexis Moran

LPA ref:- P/2010/1411/HA

Ward:- Cockington With Chelston

Proposals:- The development proposed is a dormer extension to form a bedroom and an en-suite bathroom.

Council's decision:- Delegated Refusal.

Inspector's reasons:- The effect of the dormer extension on the character and appearance of the existing dwelling and the surrounding area.

Appeals Allowed (1)

Decision

Site:- 22 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JQ

Case Officer:- Rob Pierce

LPA ref:- P/2010/0941/PA

Ward:- Wellswood

Proposals:- The development proposed is a new extension to create two extra residential units.

Council's decision:- Officer recommended approval, refused at Committee.

Inspector's reasons:-

- No adverse impact on existing building or on the character and appearance of the Lincombes Conservation Area;
- No adverse impact upon the living conditions of neighbouring residents and for future residents of the proposed flats.
- Acceptable provision of car parking and highway safety;
- No risks from surface water flooding within the site and the surrounding area.

Costs application (1)

Site:- 22 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JQ

Case Officer:- Rob Pierce

LPA ref:- P/2010/0941/PA

Ward:- Wellswood

Proposals:- The development proposed is a new extension to create two extra residential units.

Council's decision:- Officer recommended approval, refused at Committee.

Inspector's Reasons:- allow the application for an award of costs on the basis that the Council failed to substantiate each of its reasons for refusing planning permission. The appellant employed a planning consultancy to deal with the appeal and this led to expenses being incurred.