

Friday, 21 February 2025

## **PLANNING COMMITTEE**

A meeting of **Planning Committee** will be held on

**Monday, 3 March 2025**

commencing at **5.30 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Brook (Chairman)

Councillor Billings (Vice-Chair)

Councillor Mandy Darling

Councillor Fox

Councillor Pentney

Councillor Strang

Councillor Tolchard

Councillor Virdee

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## **A Healthy, Happy and Prosperous Torbay**

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**Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# PLANNING 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 3 February 2025.

(Pages 5 - 8)

3. **Disclosure of Interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda.

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda.

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

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

4. **Urgent Items**

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

5. **Mayfield School, Moor Lane, Torquay (P/2024/0814)**

Replacement of Air Handling Unit and installation of two new Air Source Heat Pumps on roof and associated works including steel frame support.

(Pages 9 - 18)

6. **Brampton Court Hotel, St Lukes Road South, Torquay (P/2023/0738)**

Conversion of building to 14 x Class C3 class self-contained dwellings with associated parking and amenity space. Demolition and rebuild of single-storey side extension.

(Pages 19 - 44)

## **Public Speaking**

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

We are using hybrid meeting arrangements to give registered speakers the opportunity to either attend the meeting in person to give their views or to attend the meeting remotely via Zoom. If you would like to attend the meeting remotely to speak you will be provided with a Zoom link to join the meeting. We also ask that you provide a copy of your speech to [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk), before 11 am on the day of the meeting, so that the Clerk will be able to continue to read out your speech if you lose connection or cannot be heard in the physical meeting. Remote attendees who lose connection may still be able to follow the meeting via the live stream on the Council's YouTube channel.

Councillors who are not members of the Planning Committee will also be able to join the meeting via Zoom and must use their raise hand function to declare any interests.

## **Site Visits**

If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 26 February 2025. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

## **Live Streaming**

To encourage more people to engage in our public meetings the Council is trialling streaming our Planning Committee meetings on our YouTube channel in addition to recording the meetings and publishing the recording on our website. To watch the meeting live please visit <https://www.youtube.com/user/torbaycouncil>.

We are also using hybrid meeting arrangements to enable registered speakers to either attend the meeting in person or to attend the meeting remotely via Zoom. **Anyone attending the meeting remotely must register their intention to do so by 11 am on the day of the meeting and provide a copy of their speech to [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) by this deadline.** If anyone attending the meeting remotely loses connection the meeting will continue and their speech will be read out by the Clerk and they will have the option to follow the meeting via the YouTube live stream.

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## **Minutes of the Planning Committee**

**3 February 2025**

**-: Present :-**

Councillor Brook (Chairman)

Councillors Billings (Vice-Chair), Mandy Darling, Fox, Pentney, Strang, Tolchard and  
Virdee

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### **75. Minutes**

The minutes of the meeting of the Committee held on 6 December 2024 were confirmed as a correct record and signed by the Chairman.

### **76. Land Off St Mary's Road, Brixham (P/2023/0553)**

The Committee considered an application for the demolition of existing industrial buildings and erection of 28 residential dwellings (22 open market and 6 affordable) together with access, landscaping and associated works on land to the north and south of St Mary's Road.

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Justin Dodge addressed the Committee in support of the application.

The Planning Officer advised Members that, since the report had been published a response had been received from the Council's Climate Emergency Officer stating that the proposal was disappointing from an embodied carbon perspective and recommended a planning condition to be added in relation to low carbon and sustainability measures, should the application be approved.

Resolved:

That the application be refused for the reasons as set out in the submitted report.

(Note: Councillor Billings declared a personal interest in item 5 as a member of Churston, Broadsands and Galmpton Neighbourhood Forum.)

### **77. Land Off Pilgrim Close, Brixham (P/2024/0562)**

The Committee considered an application for the erection of up to 20 dwellings, together with associated infrastructure, landscaping and access works (all matters reserved apart from access).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Mr Matthew Bunt addressed the Committee in support of the application.

Resolved (unanimously):

Approved subject to:

1. completion of a Section 106 agreement;
2. the planning conditions outlined in the submitted report with the following amendments:

**Revised Condition 1: Time Limit Condition**

That in the case of any reserved matter, application for approval must be made not later than the expiration of two years beginning with the date of the grant of outline planning permission; and

That the development to which this permission relates must be begun not later than two years from the date of the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

**Additional Condition: Buffer Zone for Potential Offsite Badger Set**

All reserved matters applications for 'Layout' and 'Landscaping' shall include details of the 10 metre buffer zone to the potential offsite badger sett as detailed on the approved indicative masterplan (ref: '230108 L 02 02 E (Illustrative)', received 14th January 2025) and approved preliminary ecological appraisal (ref: PEA\_LandOffPilgrimClose\_NorthernTrust\_November2023', received 15<sup>th</sup> August 2024).

The submission shall include details of how the buffer zone will be managed and maintained in perpetuity. For the avoidance of doubt, the buffer zone does not prevent the use of the buffer zone as private gardens.

The 10-metre buffer zone to the existing potential offsite badger sett shall be delivered in accordance with the approved details, unless evidence is provided that demonstrates the absence of a badger sett within the 10 metres of the site.

**Reason:** In the interests of biodiversity and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030;

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

**78. Thurlow House, 35 Thurlow Road, Torquay (P/2024/0429)**

The Committee considered an application for the remodelling of existing building including demolition of existing extensions, increase in ridge height, proposed extensions and alterations to allow for change from office use to residential and formation of 7 apartments. Construction of new 'coach house' building within the ground to provide 4 apartments. Associated external works including parking and landscaped grounds. (Part-retrospective).

Prior to the meeting, Members of the Planning Committee undertook a site visit and written representations were available on the Council's website. At the meeting Dr Rodney Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application. Mr Chris Kenny addressed the Committee in support of the application.

The Planning Officer advised Members that since the submitted report was published, an additional representation had been received in relation to concerns raised within the written representations which were available on the Council's website. The Contract Management Plan had been submitted which was with the Council's Environmental Health and Community Safety Officers for comment.

Resolved (unanimously):

Approved subject to:

1. the planning conditions outlined within the submitted committee report, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

**79. Brixham Bowling Club, Nelson Road, Brixham (P/2024/0665)**

The Committee considered an application for alterations to create disabled access including ramp and new entrance door.

Prior to the meeting written representations were available on the Council's website. At the meeting Mr Vic Ellery addressed the Committee in support of the application.

Resolved (unanimously):

Approved subject to:

1. the planning conditions as outlined within the committee report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency; and
2. the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

**80. Appeals Monitoring Report**

The Committee received a report from the Service Manager for Development Management that provided information on the latest appeal decisions received.

Resolved:

That Members noted the Appeals Monitoring Report.

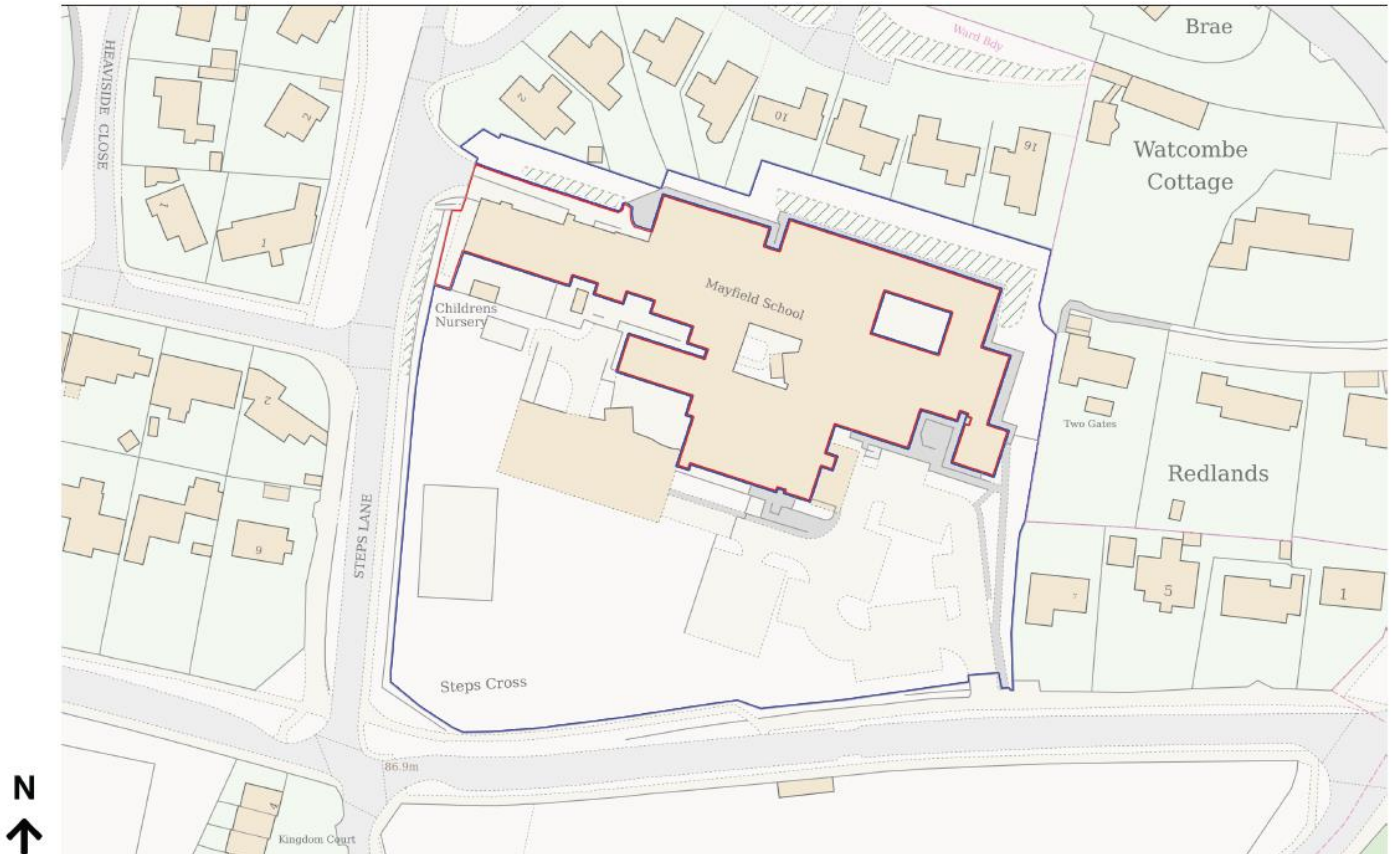
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Chairman



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|---|---|
| Application Site Address                  | Mayfield School<br>Moor Lane<br>Torquay<br>TQ2 8NH  |
| Proposal                                  | Replacement of Air Handling Unit and installation of two new Air Source Heat Pumps on roof and associated works including steel frame support.  |
| Application Number                        | P/2024/0814   |
| Applicant/Agent                           | Torbay Council  |
| Date Application Valid                    | 18/12/2024  |
| Decision Due date                         | 12/02/2025  |
| Extension of Time Date                    | 07/03/2025  |
| Recommendation                            | <p>Approval subject to:</p> <ol style="list-style-type: none"> <li>1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.</li> <li>2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</li> </ol> |
| Reason for Referral to Planning Committee | The application site is land owned by the Council and objections have been received.  |
| Planning Case Officer                     | Verity Clark  |

## **Location Plan**



## **Site Details**

The site contains an established school complex that dates from the mid/late 20th Century but features quite large-scale latter-day 21st Century additions. The school buildings are modern in design, with low-lying one and two-storey buildings with flat and pitched roofs and rendered walls. Access to the school is obtained via entrances on Moor Lane and Steps Lane.

The site lies to the north of Moor Lane on the outskirts of Torquay and sits within the Watcombe Park Conservation Area. The site is also located within Flood Zone 1, and a Critical Drainage Area.

## **Description of Development**

This is a full planning application for the replacement of an existing air handling unit with a new air handling unit with heat recovery and the installation of two new air source heat pumps to serve the new air handling unit. The proposal will include a new steel frame support and the removal and replacement of existing ventilation ductwork.

The development is taking place on a flat roof of the school building located fairly centrally within the school complex.

## **Relevant Planning Policy Context**

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

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

### **Development Plan**

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

### **Material Considerations**

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Published Standing Advice;
- Heritage setting, within a Conservation Area (Watcombe Park);
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72; and
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

### **Relevant Planning History**

P/2022/0299: Removal of pedestrian access (over steps) to adjacent level grade position. Existing palisade fence to be removed to extend play area. Existing earth bank to be partially regraded to accommodate new timber planter / play trough, raised for wheelchair access. Replacement of small tree. Revert current window position back to original door on Block D. Approved 13/05/2022.

P/2021/0357: Formation of new staff & teaching block. Approved 23/07/2021.

P/2011/1319: Alterations and formation of four classroom extension and related facilities with plant and stores in undercroft. Approved 20/02/2012.

P/2011/1099: Installation of solar panels on roof(s) of building(s). Approved 14/11/2011.

P/2010/1272: Removal of one timber shed and replace with new timber lodge with pitched roof; installation of 2 gazebos to form a covered area for pupils. Approved 17/12/2010.

P/2009/0167: Single storey extension. Approved 07/04/2009.

P/2005/0559: Formation Of Additional Car Parking; Reposition Entrance. Approved 24/05/2005.

P/2003/1557: Erection Of Additional Classroom (And Minor Amendments To Existing Application Ref App.No P/2001/0255/R3). Approved 03/11/2003.

### **Summary of Representations**

4 letters of objection have been received. Issues raised:

- Visibility
- Visual appearance
- Noise and impact on amenity
- Proximity to residential dwellings
- Sets a precedent
- Pipework and installation are an eyesore
- Discharge of fumes and chlorine
- Disturbance from construction/installation works

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum:**

No response received.

### **Torbay Council's Senior Environmental Health Officer (response dated 07/01/2025):**

No objections.

## **Planning Officer Assessment**

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

1. Principle of Development
2. Design and Visual Impact (including the impact upon heritage assets)
3. Residential Amenity
4. Ecology
5. Flood Risk and Drainage
6. Low Carbon Development and Climate Change

### **1. Principle of Development**

The proposal seeks permission for the replacement of an Air Handling Unit and the installation of two new Air Source Heat Pumps on the roof of the school with associated works including a steel frame support.

Paragraph 100 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.

Policy SC3 of the Local Plan specifies that the Local Plan will support the improvement of existing and provision of new educational facilities to meet identified needs in Torbay. Policy SC5 of the Local Plan states that new development will be assessed for its contribution towards reducing child poverty, proportionate to the scale and nature of the proposal. This includes the need to support investment in existing schools.

Mayfield School is a Council maintained Special Educational Needs School; the proposed installation is for the hydrotherapy pool. It is generally used for hydrotherapy purposes for the school's own pupils, but they do on occasion let it out to members of the local community to hold swimming lessons for young children. There are three main reasons why these works are proposed, listed as follows:

- The existing system is in a poor condition and requires replacement, before a serious failure occurs which would severely impact the pupil's use of the facility.
- The proposed air handling unit allows for better control of the humidity and climatic controls in the pool hall, therefore enhancing pupil experience of the facility.
- The proposal uses an air handling unit that incorporates heat recovery technology that means 'waste' heat can be recaptured and put back into the pool hall, rather than throwing it away. Combined with air source heat pumps, this should help to reduce the energy consumption of the school. In addition to this, the proposed system will help with reducing

the Carbon emissions of Torbay Council, in line with the Environment and Net Zero Carbon Policy.

The proposed development would improve and upgrade the existing facilities at the school. As such, it is considered that the principle of the development would accord with Policies SC3 and SC5 of the Local Plan.

In the context of the proposed development it is within the built up area there are no Development Plan policies indicating that the proposal is not acceptable in principle. It is important to note that the point of general principle is subject to broader planning policy considerations and other relevant material considerations, which will be discussed in more detail below.

## **2. Design and Visual Impact (including Heritage Impacts)**

Paragraph 131 of the National Planning Policy Framework (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings.

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA when making a decision on the application to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The application site is located within the Watcombe Park Conservation Area. The Conservation Area Appraisal notes the site as being located in character area 3 – later development. The Appraisal states that *most of the later development in the conservation area dates from the latter half of the 20th century, and its inclusion can only be justified in terms of the important landscape setting and the few surviving landscape features. This is especially true of the so-called 'Tea Field', in which the Steps Cross Special School is located.*

Policy SS10 of the Local Plan states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas.

The proposal relates to development on a flat roof of the school building. The proposal seeks to replace an existing air handling unit, which in this case describes the system upon the roof which comprises the fans, heater battery/exchanger and connecting ductwork. This will be replaced with a new air handling unit with heat recovery (which includes fans and heat exchangers within the unit). This unit will be laid horizontally and mounted on a steel frame system. The proposal also seeks consent for the installation of two new air source heat pumps to serve the new air handling unit. The proposal will include the removal and replacement of existing ventilation ductwork to connect to the new units.

The location of the development is not visible from public vantage points due to topography, intervening features including pitched roofs on the school and its central location. Concerns over the visual appearance of the development has been raised in objections however the roof currently contains ductwork and it is considered that the location of the development is discreet and is an acceptable form of development for the roof of a school building with limited visibility. The only likely point of visibility is from the private dwellings at The Conifers. These are bungalows with rear gardens facing towards the school and the location of the proposed development. These bungalows are sited at a higher level however they feature boundary screening limiting views of the proposed development. Overall, whilst these dwelling may achieve a view of the development beyond the pitched roof of the school located in closer proximity, the resultant visual appearance is not considered to be harmful or detrimental to the appearance of the existing school building in this context.

It is considered that the proposed development in terms of visual amenity is acceptable and will conserve the character and quality of the Conservation Area thereby according with Policies DE1 and SS10 of the Local Plan, Policy TH8 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

### **3. Residential Amenity**

Policy DE3 of the Local Plan states that all development should be designed to provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding occupiers.

Objections have been raised in respect of the potential noise and impacts on nearby residential amenity and the discharge of fumes and chlorine.

The proposed development is located approximately 26.65m from the rear elevation of the nearest residential dwelling; 12 The Conifers.

The supporting information has confirmed that as per the heat pump specification provided with the application, each heat pump has a sound pressure level of 45 dB(A), therefore the two combined should have a sound pressure level of approximately 48 dB(A) from a distance of 1 metre away. Given that the fence of nearest property (12 The Conifers) is a distance of approximately 30 metres away from the location of the proposed heat pumps, it has been calculated that, assuming a sound pressure level of 48 dB(A), the sound detectable at the neighbour's fence shall be approximately 18.5 dB(A), roughly equivalent to having a whispered conversation. In addition to this, it should be noted that it is intended that the fans of the heat pumps (where most of the noise comes from) shall face south, away from the neighbouring properties. There is no intention that the heat pumps will be continuously operational.

The supporting statement also noted that there is minimal change as to how the proposed air handling unit will operate; the proposed unit works in exactly the same way as the existing, the only difference is that this unit incorporates heat recovery technology, so it will recapture heat and put it back into the fresh air that is supplied into the pool hall, rather than exhausting it out into the atmosphere. The existing system will emit some chlorine as do all swimming/hydrotherapy pools, although given the small size of the pool this will be at a very low level and does not cause harm or a nuisance to neighbouring properties, the proposed system works in the same way as the existing in this regard.

The Council's Senior Environmental Health Officer has reviewed the application and has confirmed they have no objection to the proposal from an amenity standpoint.

Given the clarification provided in respect of the likely noise generated, the distance from the nearest residential properties to the proposed equipment and the clarification on emissions, it is considered that the proposal will retain an adequate level of amenity for nearby residential properties. The proposal is therefore considered to accord with Policy DE3 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained within the NPPF.

#### **4. Ecology**

Policy NC1 of the Local Plan states that all development should positively incorporate and promote biodiversity features, proportionate to their scale.

The application has been accompanied by a bat survey report. The report states that there was no evidence of bats and no evidence of nesting birds although it is possible that the flat roof areas of the buildings on and surrounding the site could be used by breeding Gull species. It is therefore recommended that any impacts to features with the potential to support nesting birds should be timed to avoid bird nesting period. The report confirmed that no further surveys are required. The report suggests biodiversity enhancement in the form of 1 bat box. The recommendations and enhancement measure are recommended to be secured by condition. With the addition of the recommended condition the proposal is considered to accord with Policy NC1 of the Local Plan.

#### **5. Flood Risk and Drainage**

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The application site sits within Flood Zone 1 and the wider Torbay Critical Drainage Area as designated by the Environment Agency.

The proposed development would not result in an increase of impermeable footprint of over 20 square metres and results in development on the roof of the building which is not considered to impact on the existing flood risk and drainage of the building.

#### **6. Low Carbon Development and Climate Change**

Paragraph 161 of the NPPF guides that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help: to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Policy SS14 of the Local Plan supports national guidance and states that development should be designed to be appropriately resilient to the local climate, including extreme weather events, commensurate with the anticipated lifetime and use of the proposal. Policy ES1 of the Local Plan seeks to ensure that carbon emissions associated with energy use from new and existing buildings (space heating, cooling, lighting and other energy consumption) are limited.

The supporting statement confirms that the proposal uses an air handling unit that incorporates heat recovery technology that means 'waste' heat is recovered and put it back into the pool hall, rather than being discarded. Combined with air source heat pumps, this

should help to reduce the energy consumption of the school. In addition to this, the proposed system will help with reducing the Carbon emissions of Torbay Council, in line with the Environment and Net Zero Carbon Policy.

The proposal is considered to accord with Policies ES1 and SS14 of the Local Plan, and the guidance contained within the NPPF.

### **Sustainability**

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

#### **The Economic Role**

Minor development with limited impact on economic benefits. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

#### **The Social Role**

The principal social benefit of the proposed development would be the improvement of the existing facilities. On balance, the social impacts of the development weigh in favour of the development.

#### **The Environmental role**

With respect to the environmental role of sustainable development, the elements that are considered to be relevant to the proposed development are impacts on the streetscene and Conservation Area, ecology, drainage and low carbon development. These matters have been considered above. The proposed development is considered in terms of the environmental element of sustainable development to weigh in favour of the development.

### **Sustainability Conclusion**

Having regard to the above assessment, the proposed development is considered to represent sustainable development when considered in the round.

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

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

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.



## **Local Finance Considerations**

CIL – Not applicable.

S106 - Not applicable.

## **EIA/HRA**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development. The development does not meet the thresholds for screening and is not in a sensitive area.

## **BNG**

The application is not liable for Biodiversity Net Gain (BNG) due to the de minimis exemption.

## **Proactive Working**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

## **Conclusions and Reasons for Decision**

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area; will conserve the Conservation Area; will have an acceptable impact on neighbour amenity; would provide acceptable arrangements in relation to flood risk and ecological constraints and is acceptable from a low carbon development perspective. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

## **Officer Recommendation**

Approval: subject to;

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

## **Planning Conditions**

1. Ecology

The recommendations and mitigation given in the Bat Survey Report dated November 2024, shall be followed, including precautions to prevent threat of harm during construction works, timings of works, and the installation of one integrated and/or standalone bat box. The bat box shall be installed prior to first use of the development hereby approved and shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

### **Relevant Policies**

#### **Development Plan Relevant Policies**

SS10 - Conservation and the Historic Environment  
SS14 - Low Carbon Development and Adaption to Climate Change  
DE1 - Design  
DE3 - Development Amenity  
ER1 - Flood Risk  
ES1 - Energy  
NC1 - Biodiversity and Geodiversity  
SC3 - Education, skills and local labour  
SC5 - Child poverty  
TH8 - Established Architecture

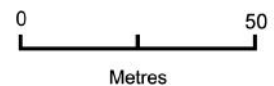
## TORBAY COUNCIL

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|---|---|
| Application Site Address                  | Brampton Court Hotel,<br>St Lukes Road South,<br>Torquay,<br>TQ2 5NZ  |
| Proposal                                  | Conversion of building to 14 x Class C3 class self-contained dwellings with associated parking and amenity space. Demolition and rebuild of single-storey side extension.   |
| Application Number                        | P/2023/0738   |
| Applicant                                 | Bramcourt Ltd   |
| Agent                                     | Co Create Architects  |
| Date Application Valid                    | 15.11.2024  |
| Decision Due date                         | 14.02.2025  |
| Extension of Time Date                    | n/a   |
| Recommendation                            | Approval subject to:<br>1. The planning conditions outlined below, with the final drafting of planning conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency.<br><br>2. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations. |
| Reason for Referral to Planning Committee | The application has been referred to Planning Committee because it is a major development, and the application has received objections from neighbours. The Council's constitution requires that the application be referred to the Planning Committee for determination.   |
| Planning Case Officer                     | June Pagdin   |

Location Plan



490937v1



### **Site Details**

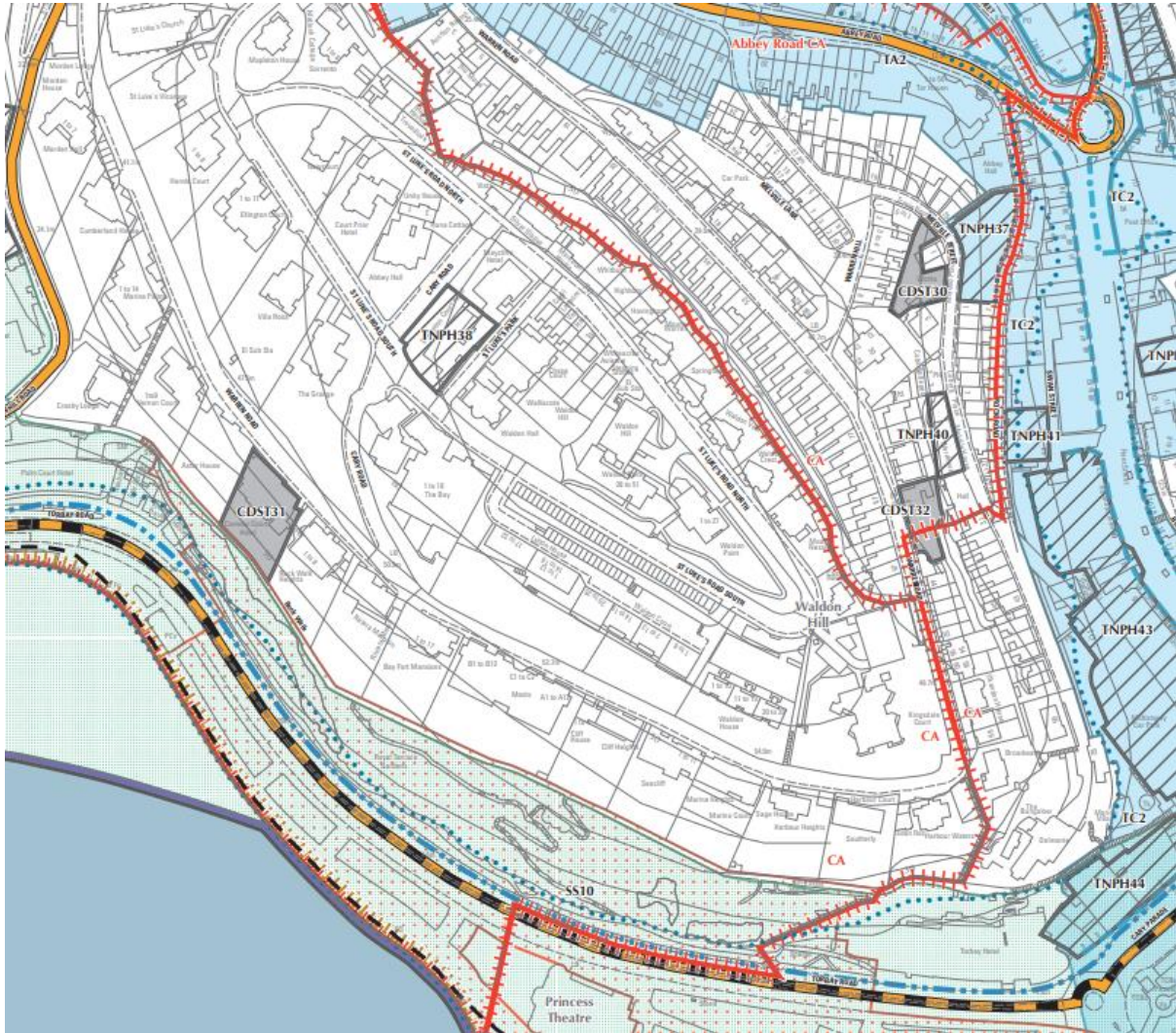
The application site, Brampton Court Hotel, St Lukes Road South, comprises a three-storey Victorian villa with a forecourt accessed from the junction of St Lukes Road South, St Lukes Road North (also known as St Lukes Park) and Cary Road. The property has been extended over time with two-storey and single-storey additions including a conservatory on the south elevation.

It is surrounded on three sides by roads and on the north-west side, shares a boundary with and adjoins Maycliffe Hotel (in use as an HMO) at the rear. The grounds include an amenity area on the south end of the site with grass and shrub planting. The site is elevated above the level of Cary Road and rises approximately half-a-storey in height towards the rear (east). The site boundaries are marked with stone walls.

The site was used as a hotel for many years and more recently as temporary student accommodation. The use as temporary student accommodation has since lapsed. Planning permission was granted for use as 14 supported-living accommodation units (P/2021/0749).

The site is located within the Belgravia Conservation Area and is covered by an Area Tree Preservation Order (TPO). It forms part of the built-up area. It is not subject to any other designations within the Torbay Local Plan.

The site is designated in the Torquay Neighbourhood Plan as a housing site.



Extract from Torbay Local Plan 2012-2030 Proposals Map (Torquay Town Centre Inset)

### **Description of Development**

Full planning permission is sought for the following:

- i) change of use to Class C3
- ii) subdivision into 14 self-contained market housing units (10 x 1-bedroom and 4 x 2 bedroom)
- iii) demolition of existing conservatory and replacement with a single-storey extension (render walls, slate tiled roof, timber windows)
- iv) seven car parking spaces on the forecourt
- v) amenity space, bin stores and cycle stores

### **Pre-Application Enquiry**

None

### **Relevant Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")
- The Torquay Neighbourhood Plan ("The Neighbourhood Plan")
- Belgravia Conservation Area Appraisal

#### Material Considerations

- National Planning Policy Framework (NPPF 2021)
- Planning Practice Guidance (PPG)
- Published Standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

#### **Relevant Planning History**

P/2018/0492: Change of use from C1 (hotels) to Sui Generis (Student Residence) (retrospective) (proposal /description amended 24 May 2018). Approved 15.08.2018.

CN/2018/0085: Discharge of conditions in relation to application P/2018/0492: Conditions: 2 - Management Plan, 5 - Travel Plan. Discharged in part 26.11.2018.

CN/2019/0008: Discharge of conditions application in relation to P/2018/0492 - Cond 04 - Cycle storage & Cond 05 - Travel plan. Refusal 28.02.2020.

CN/2019/0060: Discharge of conditions relating to P/2018/0492. Conditions: 2 Management Plan. Approved 08.08.2019.

P/2020/0711: Variations/Removal of Conditions relating to application P/2018/0492. Conditions: 1 - Temporary PP for two years, 2 - Management Plan, 3 - Personal PP (Specific Registered Provider Only). Variations sought: Removal of Condition 1 to ensure permanent use. Revised management plan (Condition 2) to satisfy removal of Condition 3. Removal of Condition 3 to open facility to other registered student providers. Case Closed.

P/2021/0749: Change of use from student residence (Sui generis) to form 14 supported living accommodation units. Demolition of conservatory and replacement with single storey extension. Approved 07.01.2022.

#### **Summary of Representations**

Neighbour letters were sent out on 25<sup>th</sup> November 2024. A site notice and newspaper advertisement were displayed on 27<sup>th</sup> November 2024.

Eight responses were received, six of which were objections, including one from St Luke's Road Residents' Association. Two were neutral. The comments can be summarised as:

#### Objections

- Object to under-provision of car parking spaces on the site
- On-street parking pressure from residents and tourists
- Traffic congestion and emergency access could be compromised
- Need more usable green space and amenity spaces in local area
- Bin and bike stores remove outdoor recreation space
- Lack of shops and amenities - need to access town and there are few buses (3 per week)-
- steep hill – difficult for people with restricted mobility
- cycles not practical on steep hill
- need to control occupation – not suitable for some types of use
- is the site for affordable accommodation ?
- not sufficient engagement with local community
- site next door has changed to HMO use
- two/three-bedroom flats more suited to the area.

#### Neutral comments

- site allocated for housing in Torquay Neighbourhood Plan
- welcome the brown field site being used
- much need residential use

### **Summary of Consultation Responses**

**Community Safety** (11.12.2024): No objections.

**Drainage** (10.12.2024): The development is located in Flood Zone 1, not in an area susceptible to surface water flooding and the change of use will not alter the vulnerability of the building and not increase the impermeable area. I have no objections on drainage grounds to planning permission being granted for this development.

**Waste** (05.12.2024): Request a waste management plan for refuse and recycling for this development. Area for waste and recycling storage will be required for either communal or individual bins. Request a waste contribution (either through planning section 106 or directly from SWISCo when development is brought into use).

**Police** (06.12.2024): Recommends communal doors have visitor door entry systems to prevent unauthorised access and enable oversight of security of the building. Electronic access cards or key fobs to be encrypted and robust. System should have 30day+ memory storage, be programmable and allow voice and vision and remotely operable locking device direct from relevant dwelling.

Appropriate mail and parcel delivery facilities should be installed. Clarity requested over security of bin and cycle stores.

**Devon County Council Ecology:** (04.12.2024) Request an ecological assessment by an ecological consultant. The proposal makes no ecological enhancements contrary to NC1 of Local Plan.

The applicant submitted a Preliminary Ecological Assessment and DC Ecology was reconsulted 24 Jan 2025.

11.02.2025: The ecological information provided is sufficient and the following condition will be needed: the development to be carried out in accordance with the recommendations of the PEA.

**South West Water** (17.12.2024): The developer is encouraged to contact SW Water to confirm which sewer system is acceptable for surface water run-off. SW Water can provide potable water and foul sewerage services . Developer can contact SW Water regarding points of connection.

**Highways** (07.01.2025): The site is situated in a sustainable location. Requested visibility splays and turning space/swept paths provided within the site for cars and delivery vehicles. Regarding car parking, one space per flat is required by the Torbay Local Plan. Seven are provided on-site, with a shortfall of seven spaces. However, given the location, the provision is suitable. The submitted Lambeth Parking Survey from November 2024 concludes that there is sufficient on-street space to accommodate overspill from the development. The Highway Authority are satisfied with the findings of this survey. EV charging and disability parking will be required. Request a Construction Traffic Management Plan. Consideration of pedestrian and disability access advised.

**Torquay Neighbourhood Plan Forum** (10.12.2024): Supports the application. The site is allocated for housing in the Torquay Neighbourhood Plan and will make use of a redundant hotel building and develop a brownfield site. Concerns over parking provision – only seven on-site parking spaces which is below the Local Plan guideline of one per flat. Consider the parking survey provides an unrealistic assessment of available on-street parking. Recommend review parking survey and provide mitigation to address the parking deficit.

The holiday character of the area would not be undermined and there is no reasonable prospect of the site being used for tourism/tourism-related purposes. However, plans should be scrutinised to ensure compliance with Policy TO2's requirement for restoration, removal of clutter, provision of amenity space and restoring character and appearance in conservation areas.

Seek clarification on whether the proposal would be market housing or socially affordable housing.

**Historic Environment Officer** (19.02.2025): No objections from an historic environment perspective as the works would result in a minor enhancement to the character and appearance of the conservation area. I suggest that samples of the slate for the single-storey replacement extension be secured through condition.

### **Planning Officer Assessment**



## Key Issues/Material Considerations

1. Principle of development
2. Housing Supply
3. Design and Visual Impact (including Heritage Impact)
4. Residential Amenity
5. Highways and Movement
6. Ecology & Biodiversity
7. Flood Risk and Drainage
8. Sustainability
9. Secure Design

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

The Local Plan aims to achieve balanced and sustainable growth providing for job creation and delivery of new housing in accordance with the National Planning Policy Framework (NPPF).

The NPPF (paragraphs 125 and 129) promotes the effective use of land in meeting the need for homes and other uses and also guides that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements to meet the need for homes. The NPPF promotes support for the development of under-utilised land and buildings, especially where it would help to meet identified needs for housing where land supply is constrained. The proposal is in accordance with these policies.

### Change of use from Hotel use Class C1)

Tourism is a key sector of Torbay's economy providing a range of employment opportunities and contributing to 20% of the jobs in the area.

Policies TO1 and TO2 support the tourism sector. Policy TO1 supports the retention of tourist accommodation in sustainable locations with a focus on the Core Tourism Investment Areas (CTIAs). The site is outside the CTIA. Policy TO2 states that outside CTIAs the change of use of holiday accommodation will be allowed where the holiday character and range of facilities are not undermined and one or more of the following apply:

1. the site is of limited significance in term of its holiday setting, views and facilities  
OR
2. there is no prospect of the site being used for tourism or related purposes  
OR
3. the change of use would bring regeneration or other benefits that outweigh the loss of holiday accommodation.

The Policy goes on to say that proposals for small apartments or HMO's will not be permitted where they would conflict with the tourism character and offer of the Bay.

The proposal meets the first criterion of Policy TO2 in having limited significance in terms of its holiday setting, views and facilities (see Policy TT1 below) particularly given the termination of the hotel use over two years ago.

With regards to the second criterion, the hotel use ended over five years ago. The temporary use for student accommodation has lapsed and an application to amend the use to permanent has not been progressed by the applicants. The condition of the building has not been well-maintained.

The current application is for fourteen self-contained residential units and the change of use would bring benefits in terms of providing a use for existing brown field land within the built-up area of Torquay and refurbishing the building for the future. As such, the proposal is considered to meet criterion 3. This is subject to restriction over the use to prevent change under permitted development rights to an HMO to prevent the overconcentration of HMO's in the vicinity. As such the proposal is in accordance with Policy TO2.

Policy TT1 of the Torquay Neighbourhood Plan 2019 states that the change of use to residential dwellings from tourism properties outside the CTIA's will be supported subject to

- the site being of limited significance to the tourism setting (typically 10 letting rooms or less of serviced holiday accommodation) OR
- there is a lack of viability for tourism (including that it can be demonstrated that the current business has been marketed on realistic terms for 12 months without sale) OR
- at least half of the units within the property are already of Class C3 residential status.

The most recent use is as student accommodation for over two years (since 2018). While the temporary permission lapsed in August 2020, the building has not returned to a tourism use for several years. The change of use of this property, despite its size, (10-20 rooms) has a limited significance to the overall tourism offer and character in this part of Torquay. In addition, there has been a lapse of five years between the last use as hotel despite the property having been on the market at intervals. The proposal is considered to be in accordance with is Policy.

Policy TT2 of the Torquay Neighbourhood Plan 2019 states that, within Conservation Areas, change of use from tourism will be supported in principle to ensure a sound future for heritage assets and to ensure that unsympathetic development of the past is removed to enhance the environment. The proposal would meet this criterion (see section 3 of this report (Design & Visual and Heritage impact)).

For the reasons above the principle of the change of use is considered to be comfortably aligned with national guidance contained within the NPPF and aligned with the aspirations of the Development Plan, specifically in regard to the aims and ambitions of Policies TO1 and TO2 of the Torbay Local plan and Policies TT1 and TT2 of the Torquay Neighbourhood Plan. In summary, the principle of the proposed change of use to residential is in accordance with the policies of the Development Plan and the Torquay Neighbourhood Plan.

## 2. Housing Supply

The Council is currently falling short of a 3 and 5-year housing land supply and that the proposal would make a moderate contribution to this shortfall being addressed as a windfall brownfield development. Torbay's most recent housing land supply (April 2023) is that there is 2.17 years, which is a significant shortfall. This housing supply context means that Torbay must apply the and presumption in favour of sustainable development and the 'tilted balance' as required by Paragraph 11 of the NPPF.

The 'tilted balance' guides towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. However, as previously stated within Section 1 of this report, the principle of residential is supported for the reasons given.

Paragraph 11 of the NPPF (Dec 2024) states the following:

"Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [see Footnote 7]; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (Footnote 9). "

The site does not fall within any of the protected areas listed in Footnote 7 of the NPPF. Footnote 9 identifies key policies against which proposal should be assessed (paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9 sustainable transport; 129 of chapter 11; and 135 and 139 of chapter 12) and the relevant ones [underlined] are considered in the remainder of this report.

Having regard to the NPPF and the 'tilted balance' there is a clearly stated government objective of boosting the supply of housing. There is also a pressing need for housing in Torbay. In addition, in accordance with Section 1 of this report, there is also broad policy support for the principle of housing in this location. All these matters weigh in favour of the development.

As concluded within this report, neither of the above positions are breached in order to signify the proposal should be refused. The provision of housing and the local housing supply context weighs substantially in favour of the grant of planning permission.

Policy H1 of the Local Plan states that proposals for new homes within the built-up areas will be supported subject to consistency with other policies of the Plan and

subject to consistency with the other Policies of the Local Plan and Neighbourhood Plan in order to provide a range of homes to meet the objectively assessed needs and maintain a rolling 5-year supply of deliverable sites. The Torquay Neighbourhood Plan 2019 (TNP), under Policy TH1, identifies the site as a housing site (TNPH34) and is shown on the Policies Maps and I Table 1 of the Plan. Although the TNP expired in summer of 2024 it can still be afforded some weight in decision making.

Subject to consistency with the other policies of the development plan and other material considerations the proposed use for residential is acceptable with regard to Policy H1 of the Torbay Local plan, Policy TH1 of the Torquay Neighbourhood Plan and paragraph 11 of the NPPF.

### Affordable Housing

Paragraph 66 of the NPPF seeks a mix of affordable housing to meet identified local needs. Further to Policy H2 (Affordable Housing) of the Torbay Local Plan and the Planning Contributions and Affordable Housing SPD 2022, the development of 14 units does not trigger the requirement for affordable housing provisions from this development.

The proposal is for 14 market housing units and the affordable housing threshold (15 units) is not reached. Affordable Housing is not specified as part of this application. The Council may wish to pursue affordable homes provisions through mechanisms other than a planning permission and related s106 agreement. It should be noted that the amenity and other standards for affordable housing are the same as for market housing. The scheme is therefore, assessed as a market housing proposal.

### **3. Visual and Heritage Impact**

Achieving good design runs through national guidance where the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development (Paragraph 131). Guidance furthers that developments should be visually attractive, be sympathetic to local character (whilst not preventing or discouraging innovation) and maintain a strong sense of place (Paragraph 135). Paragraph 139 advises that developments that are not well-designed should be refused and conversely significant weight can be given to good design that reflects local design policies and government guidance on design. Paragraph 129 supports efficient use of land, taking into account an area's character and setting

Similar design expectations are engrained within the Development Plan through Policies SS10, SS11 and DE1 of the Torbay Local Plan, and through TH8 (Established Architecture) of the Torquay Neighbourhood Plan, which requires development to be of quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

The building sits within a designated heritage asset, the Belgravia Conservation Area and is identified as a key building which is part of an important building group within the Conservation Character Appraisal. Therefore, heritage policy guidance is

relevant in terms of the proposals impact upon both the building (as a non-designated heritage asset) and the Torquay Conservation Area (as a designated heritage asset). The general thrust of policy guidance within the Development Plan and NPPF is for development to sustain and enhance character, to take opportunities to remove deleterious features, and to give great weight to the conservation of assets within the decision-making process.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The building is a three-storey early 19<sup>th</sup> century villa with several single and two storey additions dating from the late 19<sup>th</sup> and early to mid-20<sup>th</sup> centuries. It has rendered walls and slate roofing, except for the conservatory which has felt roofing. The original timber sash windows have been replaced over the years with white UPVC frames with top-lights. The south facing rooms on the upper floors of the building have a views over the main bay. The extensions are set around a narrow central courtyard which is accessed by a gate at the north end of the site.

The building is part of an important group of similarly aged villas on Walden Hill known as the St Lukes area. The boundary walls are stone from locally quarried limestone.

The main impact of the proposals on visual appearance would be to replace the conservatory with a single-storey extension with rendered walls and roof. This would be very similar in size and form to the existing conservatory and be in keeping with the shape and dimensions of the original building.

The proposal also involves retention of the distinctive arched front door and entrance steps but removal of the slightly dilapidated front canopy. Also removed would be a large extractor vent on the rear of the building and a upvc roof in the courtyard area. A light tunnel to the kitchen of Unit 3 would be set within the new extension roof. This would be discreetly located and not easily seen from either within the site or outside the site. The roof over the extension would be tiled with slate. The Applicant has confirmed that any new windows would have timber frames (e.g. in the single storey extension) This can be secured via a condition and this is recommended. Other window frames would be retained for the present.

Details of an appropriate design and location for a bin store can be secured through a condition to enhance the appearance of the front of the site. A covered cycle store would be provided within the private courtyard area. Details can be secured by condition. A rationalisation of the forecourt into a parking area with planting strip in front of the building is also proposed; this would neaten the appearance of the site in the Conservation Area.

Overall, the changes to the external appearance would be minor in scale and represent an enhancement of the key building within the designated heritage asset of Belgravia Conservation Area.

The proposals are considered to be in accord with national guidance contained within the NPPF (Chapter 12) and the Development Plan, specifically in regard to Policies SS10 and TO2 of the Torbay Local plan and Policies TH8 and TT2 of the Torquay Neighbourhood Plan.

#### 4. Residential Amenity

Paragraph 135.f) of the NPPF requires developments to create places that have a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity for future residents and should not unduly impact upon the amenity of neighbouring properties and surrounding uses.

#### Future Occupants

Each self-contained unit will have its own lounge, bedroom, kitchen with cooking facilities and bathroom and their own entrance doors. With regard to the floor areas of the self-contained units, on average they meet the Nationally Described Space Standards as echoed in the Torbay Local Plan (supporting text for Policy DE3).

The Gross Internal Area of each unit is set out in the Table below.

| Unit No      | Internal GIA sqm | No of bedrooms | No of persons | NDSS sqm | Difference sqm                                   |
|--------------|------------------|----------------|---------------|----------|--|
| Ground Floor |                  |                |               |          |  |
| 1            | 56               | 2              | 3             | 60       | - 4<br>potential for storage within ceiling void |
| 2            | 59               | 2              | 3             | 60       | -1   |
| 3            | 61               | 2              | 3             | 60       | +1   |
| 4            | 50               | 1              | 2             | 50       | 0  |
| 5            | 69               | 2              | 4             | 70       | -1   |
| 6            | 53               | 1              | 2             | 50       | +3   |
| First Floor  |                  |                |               |          |  |
| 7            | 47               | 1              | 2             | 50       | -3<br>Original villa                             |
| 8            | 43               | 1              | 1             | 37       | +5<br>Original villa                             |
| 9            | 61               | 2              | 3             | 60       | +1   |
| 10           | 45               | 1              | 1             | 37       | +8   |
| 11           | 43               | 1              | 1             | 37       | +6   |
| 12           | 46               | 1              | 2             | 50       | -4   |
| Second Floor |                  |                |               |          |  |

|    |    |   |   |    |    |
|----|----|---|---|----|----|
| 13 | 49 | 1 | 2 | 50 | -1 |
| 14 | 44 | 1 | 1 | 37 | +7 |

The proposal has made use of the existing spaces as far as possible especially those in the original key building. While this results in some units being larger than the NDSS and some marginally smaller but the net floorspace for all units is +3sqm overall. The variation in sizes must be balanced with the heritage considerations and the benefit of the building being brought back into use and made fit for the future. The main walls and room sizes in the original key building are retained wherever possible with partitions added where necessary to meet required amenity and safety standards. The proposal also makes few alterations to the existing window openings in the original main building – with the exception of closing off one French door behind the single storey extension. The other window proportions are retained, which minimises the external impact of the development on the character and appearance of the key building in the Conservation Area.

Every habitable room is considered to provide adequate natural light for its residents. A light tunnel will be installed to provide natural light to the kitchen of Unit 3 (SW Elevation drawing No 24129-02007 P07). Details of this can be secured by condition and this is recommended.

Intervisibility between the apartments around the courtyard has been minimised through the positioning of rooms so that the habitable rooms in the eastern wing face west while the rooms facing them are non-habitable rooms (bath/shower/stores) or secondary windows. The use of obscure glazing in the relevant non-habitable or secondary windows can be secured by a planning condition.

Consultation responses include comment about the need for amenity space. The proposal retains the existing outdoor amenity area on the south part of the site, which consists of a lawn and shrubs. In total, the area comes to approximately 195sqm, excluding car parking and manoeuvring space. Separate spaces are allocated to Units 1 and 2 (21 sqm and 24sqm respectively) and a communal area of 122sqm would serve the remaining 12 units. (This calculation excludes the semi-private central courtyard and the access paths to Units 4, 10, 11 and 12.) The proposal would provide adequate space on site to meet the required 10sqm set out in Policy TWH4 of the Torbay NP and para 6.4.2.14 of the Torbay Local Plan. A landscaping scheme for the amenity area and its implementation and retention can be secured by condition and this is recommended

#### Neighbouring Occupiers

The proposal does not include any new extensions beyond the existing built form on the site. Consequently, there would be no increase in overbearing impacts, overshadowing or loss of daylight to neighbouring properties.

Nor does the proposal introduce new window openings, although some windows would be converted to doors. As a result, there would be no significant increase in

overlooking or intervisibility between the proposed units and the neighbouring occupiers over and above the existing situation.

The change of use to residential is not likely to increase the amount of noise or disturbance to the local environment.

As such, the proposal is in accordance with Policy DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and Paragraph 135.f) of the NPPF with regards to neighbour amenity and living standards.

## **5. Highways and Movement**

Policy TA2 of the Toray Local Plan requires development proposals to ensure an adequate level of accessibility and safety and to satisfy the transport needs of the development. It also requires a good standard of access for walking, cycling and public and private transport in major development schemes and make high quality provision for sustainable transport modes and adequate turning/manoeuvring space on site.

Policy TA3 and Appendix F of the Local Plan states that flats should be provided with 1 on-site parking spaces for motor vehicles, cycle storage, and provisions for the storage of refuse bins and recycling boxes. Policy TH9 of the Neighbourhood Plan states that the parking requirements set out in the Local Plan must be complied with, and that applications for additional residential accommodation should be assessed for their parking demand.

The NPPF, in paragraph 162, states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

### Sustainable Location

The site is within the built-up area of Torquay and is close to Torquay Town Centre. Pedestrian links provide a route of approximately 700m into Fleet Street and approximately 400m to convenience stores on Abbey Road. The area is also served by a bus route, albeit infrequent; the bus stops are within 200m of the site. The area is characterised by several large villas converted into flats for residential use and the current proposal is in keeping with those and would not have additional accessibility needs over and above average residential units.

### Access

The existing site access off Cary Road/St Lukes Road South would be retained for use of pedestrians, cycles and motor vehicles. This arrangement would be retained.

With regards to visibility splays, the boundary wall to Cary Road is low enough for car drivers to be able to see vehicles on Cary Road and pedestrians on the shared ramp. The existing curved wall to the east allows visibility eastwards along St Luke's Road South for vehicles and pedestrians exiting the site.



There is no footway around the site boundaries and this current situation would continue. However, there are footways on the opposite sides of Cary Road and St Luke's Road South with low kerbs at the junctions to enable prams/wheelchairs/mobility buggies to cross. The main entrance to the site is ramped giving access to most of the units. The pedestrian access to Unit 4 would be from a separate gateway off St Lukes Road and Units 10, 11 and 12 would be accessed via steps up from St Luke's Park (a shared surface at the rear of the site).

The pedestrian entrances to Units 4, 10, 11 and 12 would be via separate gated paths opening off St Luke's Road South and St Luke's Walk

These arrangements, which retain the existing stone walls and openings, are considered acceptable in the setting of the conservation area.

### Car Parking

The proposal is for 14 self-contained flats which under Appendix F of the Torbay Local Plan would require fourteen on-site parking spaces. The supporting text states that the on-site provisions are intended to relieve on-street parking. In this area there are few Traffic Regulation Orders and vehicles can park unrestricted on the nearby roads. The Appendix states that where there is greater choice of transport the standard may be reduced.

There is space for seven car parking spaces on the site forecourt. This area would be retained and laid out to provide seven parking spaces and enable turning within the site for cars and delivery/emergency vehicles. This provision can be secured through a condition and this is recommended.

The car parking standard in Appendix F seeks one space per flat to be provided on-site. However, given the existing layout and built form on the site and its historic setting there is not potential to provide more on-site spaces.

The development would be likely to result in some demand for on-street parking. The applicants have undertaken a survey (standard Lambeth Parking Survey methodology) to establish whether the surrounding roads have capacity for the likely demand for seven additional on-street parking spaces. The survey was undertaken over-night (between 00.30 and 05.30 hours) on Tuesday 12th and Wednesday 13<sup>th</sup> November 2024 (avoiding school holidays). The survey results demonstrate a 64% occupancy of the 197 unrestricted on-street spaces (71 were vacant). It concludes that there is sufficient car parking capacity along the adjacent roads within 200m of the application site (Cary Road, St Luke's Park, St Lukes Road (North and South and Waren Road) to accommodate overspill for the development. The Highway Authority was consulted on this application and is satisfied with the findings of the survey. Therefore, the proposal is considered to be acceptable with respect to the car parking provisions of the development with regards to the Torbay Local Plan and the NPPF.

### Electric Vehicle Charging Points (EVCPs)

The Highway Authority seeks 20% of on-site parking spaces for flats to be provided with EVCPs. For seven spaces this amounts to one EVCP. This can be secured via a planning condition and this is recommended.

#### Cycle storage

Appendix F of the Torbay Local Plan 2012-2030 requires residential developments to provide cycle storage for one cycle per flat and this should be weatherproof and secure. The development intends to provide an on-site cycle store for 14 cycles.

A location for the cycle store is indicated in the enclosed courtyard. This area is walled and gated and part of the entrance route to units in the west wing extension: Units 5 and 6 at Ground Floor and Unit 9 at 1<sup>st</sup> Floor.

The store will need to be designed to be convenient to use as well as secure and weatherproof and should avoid creating a narrow passage to the courtyard. A suitable design can be secured through a condition and this is recommended.

#### Waste and Bin Storage

The site most recently used communal bins store next to the north western boundary with Mayfield. The original site plan submitted for this application showed bin storage located near the top of the access ramp on the site frontage. This was positioned in a highly visible location on the open forecourt where it would interrupt views of the key building. It would also have impeded and/or obstructed turning manoeuvres for delivery/emergency vehicles.

Therefore, despite the distance being further than the recommended 25m from the back of the highway (it is approximately 31m), the preferred location for the bin store has been amended back to the existing location. Here it would not impede views of the key building or obstruct vehicle manoeuvres. The detailed design can be secured by condition and this is recommended.

### **6. Ecology & Biodiversity**

The NPPF requires planning decisions to contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 187). The Development Plan frames similar aspirations principally through Policy NC1 of the Local Plan and Policy TE5 of the Torquay Neighbourhood Plan, the latter in terms of impacts upon any existing protected species or habitats. Policy C4 of the Local Plan states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features wherever possible, particularly where they serve an important biodiversity role.

At present there is a grassed area with ornamental shrubs in the southern end of the site. There is a mature street tree on St Lukes Road adjacent to the site, which would not be affected by the proposals.

As described above in this report, the works consist primarily of internal subdivision of the existing building. Changes to the external areas include replacement of the conservatory with a single storey extension and laying out of the amenity area. There would be no net increase or change in the dimensions of the building footprint on the site.

A Preliminary Ecological Appraisal (PEA) prepared by a qualified Ecologist was submitted. The site (conservatory and surrounds) was surveyed in January 2025 and was found to present no potential to support protected species. There was no direct evidence of bats, birds or reptiles being present and no further survey was required.

### **BNG**

In England Biodiversity Net Gain (BNG) has been mandatory from 12 February 2024 under the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). This means that, subject to certain exemptions, development must deliver a 10% gain in biodiversity. The application was supported by a Biodiversity Net Gain (BNG) statement that due to the nature of the development (no increase in footprint and no loss of habitats) is not liable for BNG.

However, the PEA recommends an artificial bat roost feature and a bird nesting feature should be fitted to the existing two/three storey building:

- a bat box at eaves level on the south west elevation (suitable for pipistrelles) and
- a bird nest box at eaves height on the north west elevation (suitable for swifts).

These are shown on the revised elevation drawings. It is recommended that the provision of the specified types of box is secured by a condition.

It is recommended that a landscaping scheme for the site is secured through a condition to ensure planting is either retained or replaced.

Subject to the recommended conditions, the proposal is considered to be in accordance with Policies NC1 and C4 of the Local Plan and Policy TE5 of the Torquay Neighbourhood Plan,

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

Policy ER1 of the Local Plan states that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The site is located within the Critical Drainage Area and the application is accompanied by a Flood Risk Assessment and drainage strategy for the proposed development. The proposed change of use would not introduce a more vulnerable use to the site. The existing drainage arrangements would be retained i.e. all surface water run-off from the development to be discharged to a surface water drain or drained at a controlled discharge rate to the combined sewer system.

The Council's Drainage Engineer has reviewed the Flood Risk Assessment and drainage strategy and has no objections. The proposal is therefore, in accordance with Policy ER1 of the Torbay Local Plan

### **8. Low Carbon**

Paragraph 166 of the NPPF states that Local Planning Authorities should expect new development to:

- a. Comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b. Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policies SS14 and ES1 of the Local Plan seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials.

The proposal is for reusing the existing structure: a key building in a Conservation Area. The fabric of the building will be brought up-to-date as far as is possible. The single storey extension will be built to current BR standards and will use timber frames in the windows. Although no low-carbon energy sources are identified in the submission there is scope for PV panels to be installed in the future and National Grid electricity is partly supplied from low-carbon sources.

### **9. Secure Design**

Policy SS11 of the Local Plan seeks that development proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, antisocial behaviour, disorder and community conflict.

The Police Designing Out Crime Officer was consulted and commented upon the application with regard to the entry system and security of bin and cycle stores.

The submitted proposal has not included a detailed scheme of designing-out crime measures. A planning condition is recommended to secure such prior to the occupation of the development.

### **10. Local Finance Considerations**

The proposal would be CIL liable unless exemptions apply.

### **Sustainability**

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

### **The Economic Role**

The loss of the hotel use is considered acceptable, given the adjacent and surrounding uses are residential. Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the residential units are occupied there would be an increase in the level of disposable income from the occupants some which would be likely to be spent in the local area and an increase in the demand for local goods and services.

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

### **The Social Role**

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

The provision of housing would provide an appropriate use and offer units within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

### **The Environmental Role**

With respect to the environmental role of sustainable development, for reasons set out in this report the changes to the external appearance would be minor in scale and represent an enhancement of the key building within the designated heritage asset of Belgravia Conservation Area. Together with the benefit of bringing the asset into use and removing old signage and vents, this weighs in favour of the proposal.

Other elements that are considered to be especially relevant to the proposed development are impacts on trees, biodiversity and drainage. An outline landscaping scheme and ecological report have been submitted and the development would not result in a net loss of biodiversity. These matters have been considered in detail above and weigh in favour of the proposal.

The proposed development is in a sustainable location within close proximity to local amenities and public transportation links. This weighs in favour of the proposal.

It is concluded that the environmental impacts of the development are balanced and weigh in favour.

### **Sustainability Conclusion**

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

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

Human Rights Act - The development has been assessed against the provisions of the Act, and in particular Article 1 of the First Protocol and Article 8 of the Act. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **Conclusions and Reasons for Decision**

The proposed use for residential is acceptable in principle with regard to Policies TO1, TO2 and H1 of the Torbay Local plan, Policies TT1, TT2 and TH1 of the Torquay Neighbourhood Plan and paragraph 11 of the NPPF. This is subject to consistency with the other policies of the development plan and other material considerations.

The proposal has been found to be acceptable subject to the imposition of conditions which are necessary to achieve a development appropriate to the Conservation Area setting and to achieve good levels of amenity for future and neighbouring occupiers.

### **Officer Recommendation**

Approval subject to:

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

### **Conditions**

#### **1. Construction Traffic management Plan**

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

The plan should include, but not be limited to:

- o The parking of vehicles of site operatives and visitors
- o Procedures for maintaining good neighbour relations including complaint management.

o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

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

o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

o Control measures for dust and other air-borne pollutants.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policies TA2 and DE3 of the Torbay Local Plan 2012-2030.

## 2. Materials/finishes to be agreed

Details of the external finishes of the extension development hereby permitted including samples of the slates to be used on the roof shall be submitted to and agreed in writing by the LPA prior to the above ground commencement of the extension. The windows and frames in the single-storey extension hereby permitted shall be of timber construction.

The external finishes of the development shall be implemented prior to the occupation of the respective unit. The approved materials shall be retained thereafter unless otherwise agreed in writing by the LPA..

Reason: To ensure a satisfactory form of development in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012, Policy TH8 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

## 3. Removal of canopy/stores

Prior to the first occupation of the new residential units in the development hereby approved the canopy over the main entrance door and any associated signage shall be removed from the site. The storage units shall be removed from the rear service and access areas of the site prior to occupation of the respective Units relying on those areas for access.

Reason: To ensure a satisfactory form of development in accordance with Policies DE1 and SS10 of the Torbay Local Plan 2012, Policies TH8 and TT1 of Torquay Neighbourhood Plan 2019 and the National Planning Policy Framework.

4. Details of light tunnel

Prior to the above ground construction of the single storey extension hereby permitted details of the light tunnel to serve the kitchen of Unit Three shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details and the light tunnel installed and be in full working order prior to occupation of Units One and Three. The light tunnel shall be retained in that condition for the lifetime of the development.

Reason: To ensure a satisfactory completion of development and adequate amenity for future occupants in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

5. Provision of parking as per site plan

The seven car parking spaces on the site, as shown on the site layout plan (Drawing No 24129 -09002- P07) shall be retained and provided for the free use of occupants and visitors to the site prior to its first occupation for the use hereby permitted.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of Torquay Neighbourhood Plan 2019.

6. EVCP - one on-site

Prior to the first occupation of the development hereby permitted details of an electric vehicle charging point (EVCP) shall be submitted and agreed in writing by the Local Planning Authority. The EVCP shall be provided in full working order in accordance with the approved details prior to first occupation and retained in that condition thereafter.

Reason: In the interests of carbon reduction and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

7. Landscaping scheme (and implementation)

Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species.



The approved hard landscaping details shall be provided within 8 weeks of the development being brought into use and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030 and Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030.

8. Ecological Mitigation Measures

The development hereby permitted shall be implemented in accordance with recommendations of the Preliminary Ecological Appraisal Report (S. Geary, Ecology Services, dated January 2025 referenced P2024-0738-8). This includes provision of a bat (pipistrelle) box and bird (swift) nesting box on the building. This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented. The measures shall be maintained thereafter.

Reason: In the interests of enhancing biodiversity in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, Policy TE5 of the Torquay Neighbourhood Plan and the guidance contained in the NPPF.

9. Entry system

Prior to the first occupation of the development a scheme detailing security measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of entry control systems for shared entrance doors and gates (ie those serving more than one dwelling). The development shall take place in accordance with the approved details and shall be fully implemented prior to the occupation of the unit to which it relates. The scheme shall be retained and maintained for the lifetime of the development.

Reason: To ensure the safety and security of persons and property and to minimise opportunities for crime, fear of crime and antisocial behaviour in accordance with Policies SS11, DE1 and DE3 of the Torbay Local Plan 2012-2030.

10. Bin Stores

Prior to the first occupation of the development hereby permitted details of the proposed refuse and recycling bin enclosure and their locations on the site shall be submitted to and agreed in writing by the Local Planning Authority. The bin enclosure shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: To ensure a satisfactory completion of development and protect the amenity of future and neighbouring occupants and the appearance in the Conservation Area in accordance with Policies DE3 and SS10 of the Torbay Local Plan 2012-2030.

11. Cycle storage

Prior to the first occupation of the development hereby permitted details of secure and weatherproof bicycle storage facility/ies for fourteen cycles shall be submitted and agreed in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details prior to first occupation and retained thereafter.

Reason: In the interests of reduction of carbon fuel usage and residential amenity, and in accordance with Policies DE3, TA2 and TA3 of the Adopted Torbay Local Plan 2012-2030 and Policy TH9 of the Adopted Torquay Neighbourhood Plan 2012-2030.

#### 12. Obscure glazing

The windows to all bath/shower/WC rooms in the development and the secondary windows in the southeastern courtyard elevation of Units Five, Six and Nine shall be fitted with obscure glazing to Pilkington Level 4 to a height no lower than 1.7m above the internal floor level. The windows shall be fixed unless opening parts are located higher than 1.7m above finished floor level or they are fitted with a 100mm opening restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: To ensure a satisfactory completion of development and protect the privacy of future and neighbouring occupants in accordance with Policy DE3 of the Torbay Local Plan 2012-2030.

#### 13. Remove PD Rights to change to HMO

Notwithstanding the provisions of Class L of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the residential use hereby granted shall not be changed to a House in Multiple Occupation, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual and local amenity and the living environment conditions in this locality in accordance with Policies DE1, DE3, H4 and SS11 of the Adopted Torbay Local Plan 2012-2030.

#### Informatives

##### 1. Article 35 (2)

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

##### 2. Bats Precautionary

If the presence of protected species (e.g. bats) is detected during construction of the development, work must stop immediately and a qualified ecologist or Natural England (0300 060 3900) contacted and consulted as to necessary measures and mitigation.

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed.

Nesting birds are legally protected from disturbance under the Wildlife & Countryside Act 1981 (as amended). Works involving cutting and clearance of vegetation, demolition, and modifications to roofs and roof spaces of buildings, which may form nesting sites for birds, should be carried out at a time other than in the bird breeding season (which lasts between March - September inclusive in any year). If works must take place within the bird breeding season, appropriate measures must be taken, such as a suitable survey, to ensure that there is no threat of disturbance nor harm to nesting birds. If any nesting birds are discovered in vegetation and/or the roof space, eaves or soffits during the course of the development, works should cease until breeding has finished and fledglings have departed nests. Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

### **Development Plan Relevant Policies**

#### Torbay Local Plan

- SS10 – Conservation and Historic Environment
- SS11 - Sustainable Communities
- SS12 - Housing
- SS14 - Low Carbon Development and Adaption to Climate Change
- TA2 - Development Access
- TA3 - Parking Requirements
- C4 - Trees, Hedgerows and Natural Landscape Features
- TO1 – Tourism, Events and Culture
- TO2 – Change of Use of Tourism Accommodation
- H1 - Applications for New Homes
- H2 – Affordable Housing
- DE1 - Design
- DE3 - Development Amenity
- ER1 - Flood Risk
- ES1 - Energy
- W1 - Waste Hierarchy
- NC1 - Biodiversity and Geodiversity

#### Torquay Neighbourhood Plan 2019

- TT1 – Change of Use Within and Outside a CTIA
- TT2 – Change of Use in Conservation Areas
- TH1 – Housing Allocations
- TH8 - Established Architecture

TH9 - Parking facilities

TE5 - Protected species habitats and biodiversity

THW4 - Outside Space Provision