

Friday, 23 February 2024

PLANNING COMMITTEE

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

Monday, 4 March 2024

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 Maddison (Chairwoman)

Councillor Billings (Vice-Chair)

Councillor Strang

Councillor Mandy Darling

Councillor Tolchard

Councillor Fox

Councillor Virdee

Councillor Pentney

Conservative Vacancy

Together Torbay will thrive

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, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - 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 consider the revised officer recommendation and to confirm as a correct record the Minutes of the meeting of this Committee held on 15 January 2024.

(Pages 4 - 7)

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 Chairwoman decides are urgent.

5. **Singleton Gardens, Meadfoot Sea Road, Torquay (P/2023/0994)**

Extensions and alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works.

(Pages 8 - 35)

6. **36 Dunstone Park Road, Paignton (P/2022/0091)**

Demolition of house and garage. Formation of three storey detached dwelling, including garage and vehicular access.

(Pages 36 - 57)

7. **Hotel Virginia, Falkland Road, Torquay (P/2023/0868)**
Demolition of vacant hotel and construction of 14 apartments with associated landscaping works.

(Pages 58 - 81)

Public Speaking

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

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, 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, 28 February 2024. 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 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.

Minutes of the Planning Committee

15 January 2024

-: Present :-

Councillor Maddison (Chairwoman)

Councillors Billings (Vice-Chair), Mandy Darling, Fox, Virdee, Barbara Lewis, Brook and Tyerman

(Also in attendance: Councillors David Thomas and Chris Lewis)

38. Apologies for absence

Apologies for absence were received from Councillors Pentney and Tolchard.

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Committee was amended to include Councillor Brook in place of Councillor Tolchard and Councillor Barbara Lewis and Councillor Alan Tyerman in respect of the two Conservative vacancies for this meeting only.

39. Minutes

The minutes of the meeting of the Committee held on 13 November 2023 were confirmed as a correct record and signed by the Chairwoman.

40. Former Dairy Crest Depot, Parkfield Road, Torquay (P/2023/0131)

The Committee considered an application for redevelopment of part of the former depot to form 44 apartments with associated parking and landscaping (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 Mr Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application.

At the meeting the Planning Officer advised, that since the report had been published, the Council's drainage engineer had reviewed the recently submitted modelling detail of the amended surface water drainage system and had confirmed in writing that the proposal was suitable for approval on drainage grounds.

The Committee was advised that the Section 106 agreement would contain the formula by which any deferred affordable housing contribution would be determined

based on the increase in the value of the development (as the developer required certainty as to how this was calculated) – there was an existing agreement for the previous scheme. The Committee was advised that in general the developer would submit their calculation and if this was disputed then the matter would generally be referred to arbitration.

Resolved (unanimously):

Approved subject to:

1. the following additional condition:
 - (a) that the affordable housing viability assessment be submitted to the Planning Committee prior to a decision being reached on the affordable housing obligation;

Reason: to promote transparency and public confidence in the decision making process.
2. the conditions as outlined in the submitted report with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. the completion of a Section 106 Legal Agreement to secure deferred obligations as identified in the submitted report; and
4. 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.

41. Quintaville Residential Home, 1 Quinta Road, Torquay (P/2023/0327)

The Committee considered an application for demolition of the former care home and replacement with block of 14 apartments with associated parking (readvertised following the receipt of revised plans on 9 October 2023).

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 Horder addressed the Committee on behalf of the Torquay Neighbourhood Forum in support of the application. Mr Richard Crook and Mr Jan Tribble addressed the Committee in support of the application.

Resolved (unanimously):

Approved subject to:

1. the following additional conditions:
 - (a) amendment to the condition in relation to the Construction Management Plan ("CMP") to require the CMP to be approved by officers;

Reason: to address the issues highlighted by the Committee.
 - (b) the decision notice to have a time period for commencement of the development of two years from the date of the decision;

Reason: to expedite site development.
 - (c) removal of permitted development rights in relation to Class 4 HMO usage;

Reason: to address residential amenity in the local area and pressures on parking and local services.
2. the conditions as outlined in the submitted report, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency;
3. the completion of a Section 106 Legal Agreement to secure a Sustainable Transport Obligation of £3,440; and
4. 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.

Chairwoman

Minutes of the Planning Committee – 15 January 2024 – Revised Officer Recommendation

That the Minutes of the meeting of the Planning Committee held on 15 January 2024 be approved as a correct record, subject to:

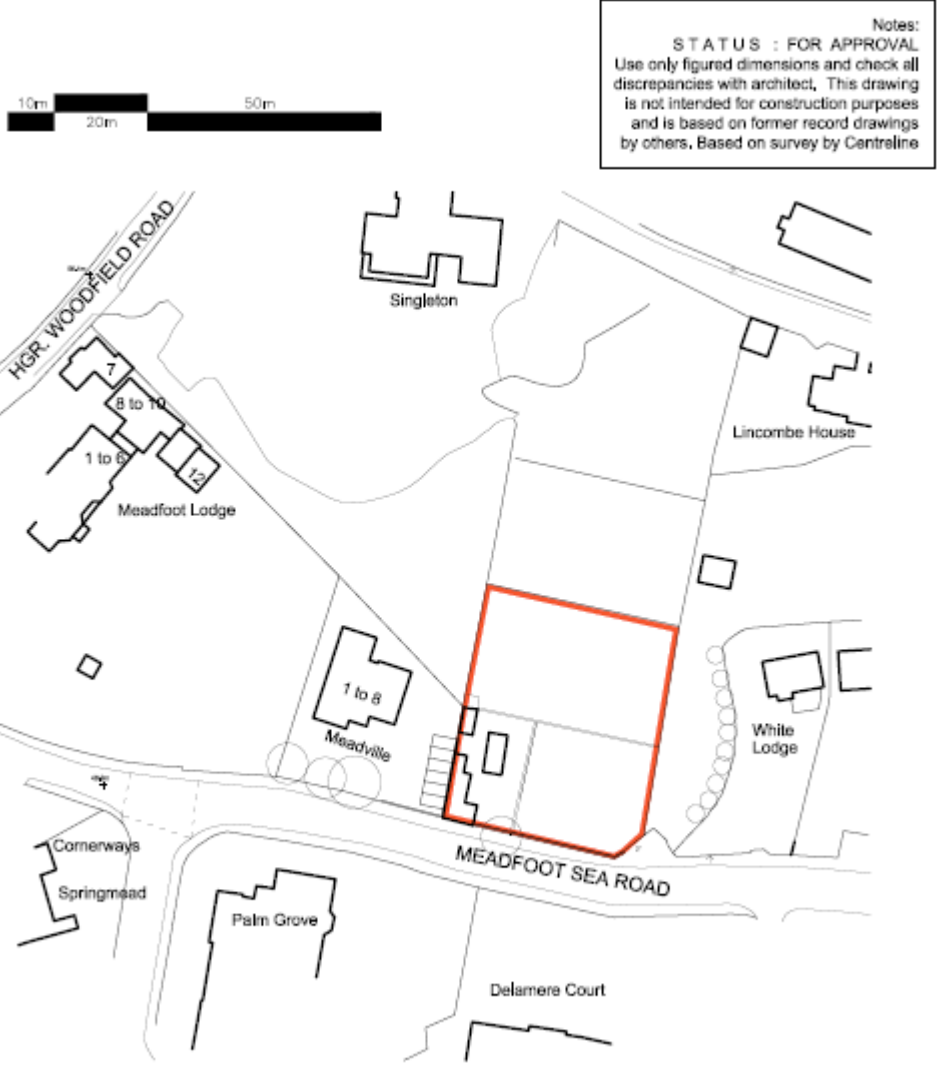
The requested additional condition (1.a) in Minute 40/1/24 to be delivered through additional wording within the accompanying section 106 legal agreement in place of a planning condition.

Reason: The legal agreement is the mechanism that secures further viability reassessment of the affordable housing obligation, including the terms of submission and potential agreement. Request additional wording within the clause that any future viability assessment regarding this matter are submitted and agreed in consultation with the Planning Committee.

TORBAY COUNCIL

Application Site Address	Singleton Gardens Meadfoot Sea Road Torquay TQ1 2LQ
Proposal	Extensions & alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of greenhouse & outbuilding, landscaping and associated works.
Application Number	P/2023/0994
Applicant	Mr R Bishop - O.J. Developments Ltd.
Agent	Mr D Metcalfe
Date Application Valid	16/11/2023
Decision Due date	11/01/2024
Extension of Time Date	08/03/2024
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by the Chairman on the Planning Committee, Cllr Maddison due to the history of the site and public interest.
Planning Case Officer	Verity Clark

Location Plan



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Site Details

The site, Singleton Gardens, is a residential dwelling with land on the northern edge of Meadfoot Sea Road. The residential dwelling is modest in scale within a large plot. The site is enclosed by stone and rendered boundary walls. The land rises to the north towards Lincombe Drive, with a copse of trees set above the northern extremity of the site boundary. To the north-west of the site are two large villas (Singleton and Meadfoot Lodge) with extensive grounds and directly to the north west is Meadville which is a modern building in use as flats. To the east lies an array of private houses of varying ages and types. To the south of the site, on the opposing side of Meadfoot Sea Road are large villas with extensive grounds.

The site is located within an existing residential area, is designated as Flood Zone 1, is situated within the Lincombes Conservation Area and is subject to Area Tree Protection Order (1973.001). Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed.

Description of Development

The application seeks permission for extensions and alterations to the existing dwelling including demolition of existing extensions, formation of two storey and single storey extensions, roof alterations and replacement fenestration. Demolition of an existing greenhouse and outbuilding, landscaping and associated works.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Lincombes Conservation Area and sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The following development plan policies and material considerations are relevant to this application:

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

- Planning Practice Guidance (PPG)
- Lincombes Conservation Area Map
- 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:

Summary of Consultation Responses

Principal Historic Environment Officer:

It is considered that the proposed works would overall have a positive impact on the identified heritage assets and the local historic environment.

Conclusions:

The removal of the identified outbuildings, modern flat felt roofs and UPVC glazing frames with a design of window of a more traditional design will help to improve the appearance of the building and remove poor quality or unsightly 20th century extensions.

The use of aluminium window frames is considered to be an improvement on the existing uPVC windows in this particular case and it is recommended that joinery details are secured should the application be approved.

The development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the conservation area.

Should you be minded to approve the application I would suggest the use of conditions relating to:

- External Materials
- Joinery details of the proposed fenestration including frame materials, colour and depth of reveals

These will ensure that appropriate details are secured to allow the significance of the identified heritage assets to be preserved.

DCC Ecology:

Ok, subject to the following conditions:

- External lighting details
- Adherence to ecology report actions
- Timing of vegetation clearance and building works to avoid bird nesting season

Senior Tree Officer:

Response dated 14/12/23:

I've just assessed this application and have no objections in principle to the development. However, I would like to see a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for the proposed resurfacing works in the root protection area of T7.

The TPP should identify any trees which are to be removed and or methods of protection for those which are retained. Within the TPP, I would expect to see the text 'prior to commencement' applied to the fencing element.

The AIA can either be detailed or at this stage just set out the principles for any works within the root protection area of T7 – e.g. manual removal of existing surfacing, arboricultural watching brief, porous load-spreading surfacing etc and tie in with site phasing to avoid opening up the roots to damage through the construction phase.

If this level of detail can be provided, it would give me greater confidence in supporting the application rather than applying conditions. I appreciate the applicant may not wish to incur additional expense at this stage, but it will make the decision process easier to have this resolved up front.

Response dated 10/01/24 following the submission of additional information:

The Tree protection Plan helps to address all of my concerns. The tree removal and surfacing (T7) replacement has been clearly set out.

On this basis a planning condition will need to be attached to any grant of planning permission to secure the implementation of the tree protection as per Plan 818-TPP.

Drainage Engineer:

The proposed development must comply with the hierarchy for dealing with the surface water drainage even though there is a net reduction in impermeable area for the development. The reason for this is that once the existing buildings have been demolished the existing impermeable area of the development is the impermeable area remaining. Any new extension will increase this impermeable area and if this is above 20m² then the developer must comply with the hierarchy.

Looking at this site, it is clear that there is no room on the site for infiltration drainage to be installed and as a result the developer must discharge his surface water run-off from the extensions via a controlled discharge to the combined sewer system.

As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the combined sewer must be limited to Greenfield run off rate from the proposed

impermeable area of the extensions for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 50% for climate change. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec.

Providing the developer proposes to discharge the surface water run-off from the extensions at a controlled discharge rate I would be happy for you to use the recently agreed standing advice for this planning application.

South West Water:

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Surface Water Services

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

1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only) Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

Torquay Neighbourhood Plan Forum:

This is the third planning application made for the Singleton Gardens site by the owner/developer OJ DEVELOPMENTS in as many years. When the previous planning application reference P/2022/1186 was rightly refused, David Edmondson clearly stated in the Decision Notice dated 31.8.23 that:

“4:12 The proposal will result in the development of the existing garden which provides an open aspect within the Conservation Area to the detriment of this designated heritage asset.”

There is concern that the developer will seek to use this new application as a vehicle to reinstate the previously refused application P/2022/1186 (Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling). This earlier application included the refurbishment and modification of the very same building that is the subject of this new application. The Neighbourhood Forum is adamant that this application shall not in any way pre-determine consideration of any subsequent planning appeal or re-application for the construction of a block of flats on this site. This application shall not be seen as the "starter phase" for the other development.

Having reviewed the information that has been provided, the Forum considers that this application should be refused because:

1. The Application was validated on 16th November but not listed in the weekly summary until 11th December, even though it has been “live” on planning portal since Tuesday 5th December.
2. Only “selected” people who have requested planning alerts for Wellswood actually received information on this one on 5th December. Notable exceptions were Chairman of Wellswood Community Partnership and Chairman of the Torquay Neighbourhood Forum.
3. There has been a failure to display “yellow signage” until 12th December.
4. No letters advising of this new application have been sent to near neighbours.
5. The Consultation period is far too short, due to the above delays and proximity of Christmas holidays, effectively limiting the consultation period up to 3rd January 2024. This is a familiar technique deployed by developers every year to minimise the time available to the public to review an application, and the Council should stop facilitating such practice.
6. No heritage statement has been requested by the Planning Department despite buildings on the site subject to this application being shown as non-designated heritage assets within the Lincombes Conservation Area. One of the three “key buildings of architectural importance” identified on the Lincombes Conservation Area map will be demolished by this proposal and the implications of this should be assessed by a person suitably qualified and experienced in heritage and conservation matters.
7. In the Design and Access Statement the applicant states:

“Because the site has no designated status, permitted development rights remain and the house may hence be altered at will to the limits imposed by GPDO legislation.”

However Historic England has advised that any alterations to non-designated heritage assets such as the buildings in question should preserve and enhance the Conservation Area in which they are situated. Under the terms of the Council’s own Planning Enforcement Policy no work should be carried out on buildings [whether listed or not] without permission being granted first.

The “historic” information provided by the applicant is also incorrect re the relationship with Singleton Manor, the adjoining Grade II listed property.

Historic England has not been invited to comment on the application although it does involve demolition of non-designated heritage assets.

8. The developer has already started the building work without planning permission. The attached Policy Checklist shows a number of non-compliances with Development Policies. In view of this and the comments above, the Neighbourhood Forum cannot support this Application, and asks that it be Refused.

Summary of Representations

At the time of writing approximately 42 letters of objection and 6 letters of support have been received. The following provides a summary of the main issues identified:

Objections include:

- Out of character/ not inkeeping
- Overdevelopment
- High density housing
- Removal of house sign
- Works already commenced
- No heritage statement from consultee
- Attempt to facilitate previous proposal
- Sets a precedent
- Inappropriate development
- Potential to enhance local area if future use as working garden
- Car parking and amenity space inadequate
- Timing of application and advertisement
- Garden should be restored to former use for community
- Biodiversity and ecology
- Increased traffic
- Design and access statement misleading/ inaccurate
- Development should be brownfield first and not greenfield
- Impact on Conservation Area
- Loss of light
- Impact on historic streetscene and context
- Loss of openness

- Impact on tourism
- Asset of community value
- Historic use
- Does not comply with Local and National Policy
- Lack of affordable housing
- Loss of privacy
- Inadequate legal advice
- Lack of heritage statement
- Impact on listed buildings
- Materials
- Garden grabbing
- Impact on heritage assets
- Impact on trees
- Noise
- Previous decision/ planning history
- light survey needed in respect of tree
- Lack of conservation area appraisal
- Alternative use of site

Comments in support include:

- Stimulate growth
- Improvement to the current flat roof in place
- Development inkeeping
- Careful consideration to tree planting needed
- Very little, if any negative impact on local environment
- Limited visibility
- Sympathetic extension
- Improvement to current building
- No public access to garden

Relevant Planning History

Pre-application enquiry DE/2019/0015: Development of 8 apartments with parking. Summary – The principle of residential development in this location is considered acceptable however, as discussed, there are a number of concerns relating to the proposal’s design and layout; impact on neighbours; along with a workable parking and manoeuvring area. Should a planning application be submitted, planning officers are unlikely to support a proposal along the lines indicated in your submission. It is likely that the matters raised could be addressed if the scale and bulk of the proposed development was reduced in line with comments provided by the Council’s Interim Heritage Advisor, which would decrease the amount of residential units and parking required, and subject to acceptable impacts on neighbours.

Pre-application enquiry DE/2020/0042: Construction of six dwellings. Summary – The principle of residential development in this location is considered broadly acceptable

subject to wider policy considerations. As discussed, there are a number of concerns relating to the proposal's design and layout; impact on neighbours; along with a workable parking and manoeuvring area. Should a planning application be submitted, planning officers are unlikely to support a proposal along the lines indicated in your submission. It is likely that the matters raised could be addressed if the design was sensitive to the heritage assets, along with decreasing the amount of parking proposed, and ensuring that the scheme has an acceptable impact on adjacent occupiers.

P/2021/0802: Formation of 9 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side. Refused 18/03/2022 for the following reasons:

- Given the siting, scale and design of the proposal, it is considered the proposal would fail to reflect local distinctiveness as well as failing to relate acceptably to the heritage assets. The proposed siting, scale and design of the semi-detached dwellings is suburban in character and would be dominant in the street scene. As such they would be inappropriate and out of character with the context of the site and surrounding area and fail to respect the local character and would lead to less than substantial harm to the setting of the "Palm Grove" listed building. The proposed scale and design of the apartment block fails to provide a quality design, respect the local character in terms of design, scale and bulk, and in terms of reflecting the identity of its surroundings. It would present itself as an overtly dominant mass within the locality that would be highly visible within the Lincombes Conservation Area. The proposal in its totality would result in an incongruous addition that would cause demonstrable harm to the heritage assets that is not outweighed by sufficient public benefit. The proposal is considered to fail to conserve or enhance the distinctive character and appearance of the Lincombes Conservation Area and would lead to less than substantial harm to the heritage asset. The proposal is considered to be contrary to Policies DE1 and SS10 of the Adopted Local Plan 2012-2030, Policy TH8 of the Adopted Torquay Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF, in particular Paragraphs 130, 134, 199 and 202.

- The proposed development would provide a poor quality residential environment by reason of the trees adjacent to the western boundary in relation to the proposed apartment block, in particular apartments 3, 6 and 8, some of the habitable rooms would have limited access to natural light given the trees, which would result in the creation of an environment injurious to the amenity of future residents, contrary to Policy DE3 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraph 130.

- The proposed works are in close proximity to a protected tree within the Lincombes Conservation Area. As insufficient information has been provided it cannot be confirmed that the proposal would have an acceptable impact on the protected tree and the contribution it makes to the surrounding streetscene, and therefore whether

the proposal would be in accordance with Policy C4 of the Adopted Torbay Local Plan 2012-2030.

- The proposal, in the absence of a completed S106 Legal Agreement, fails to secure the necessary provision of affordable housing, contrary to Policy H2 of the Adopted Torbay Local Plan 2012-2030 and the National Planning Policy Framework, in particular Paragraphs 63 and 65.

Pre-application enquiry DE/2022/0068: Formation of 7 apartments & 2 semi-detached dwellings with access, garages & parking. Demolition of existing outbuildings. Alterations & extensions to existing dwelling to include 2 storey extension to side. Summary - The principle of residential development in this location is considered broadly acceptable subject to wider policy considerations. The design presented is considered to represent a positive design solution to the concerns previously raised. From the floor plans presented it appears that the apartments on this side of the building feature multiple openings on different elevations and the siting has been moved away from this boundary. This has likely addressed the second reason for refusal. We would expect arboricultural information to be submitted in support of the application to address the third reason for refusal. The last reason for refusal related to affordable housing provision. Policy H2 seeks affordable housing contributions on greenfield sites of three dwellings or more. For nine dwellings it would have an affordable housing target of 15% which is usually sought through a commuted sum. Should a planning application be submitted detailing the proposed apartment building, semi-detached coach houses and extension to the existing dwelling, planning officers are likely to support a proposal.

P/2022/1186 Erection of 7 apartments, 2 attached dwellings and extensions/refurbishments to an existing dwelling; plus associated landscaping and access work. Refused 31/08/2023 for the following reasons:

- The proposal, in the absence of a completed S106 Legal Agreement, fails to secure the necessary provision of affordable housing, contrary to Policy H2 of the Adopted Torbay Local Plan 2012-2030 and the guidance contained within the NPPF. The applicant's offer of a contribution of £65,000 towards off-site affordable housing is inadequate and fails to comply with Policy H2.
- Given the siting, scale, massing and design of the proposal as a whole, the development would fail to reflect local distinctiveness as well as fail to relate acceptably to the Lincombes Conservation Area. The proposal will result in the development of the existing garden which provides an open aspect within the Conservation Area to the detriment of this designated heritage asset. Overall the proposal is considered to fail to conserve or enhance the distinctive character and appearance of the Lincombes Conservation Area and would lead to harm to the designated heritage asset which is not outweighed by public benefit. The proposal is therefore contrary to Policies DE1 and SS10 of the Adopted Local Plan 2012-2030, Policy TH8 of the Adopted Torquay

Neighbourhood Plan 2012-2030 and the guidance contained within the NPPF, in particular Paragraphs 130, 134, 199 and 202.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of development
2. Design, Visual Appearance and the Character of the Area
3. Heritage
4. Amenity
5. Flood Risk and Drainage
6. Ecology
7. Trees
8. Loss of A Community Facility and Potential Use of Site for Horticulture

1. Principle of Development

The proposal seeks permission for works to an existing dwelling. In the context of householder development 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, Visual Appearance and the Character of the Area

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 whilst Policy DE5 of the Local Plan states that extensions to domestic dwellings should not dominate or have other adverse effects on the character or appearance of the original dwelling or any neighbouring dwellings or on the street scene in general. 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.

The application site includes a modest, two storey, residential dwelling with large grounds including a dilapidated greenhouse and a disused outbuilding. The dwelling has uPVC openings and poor quality extensions. The grounds of the plot gradually

raise up from south to north forming terraces separated by stone walls. The natural stone walls define the site due east, west and north, whilst the southern boundary, along Meadfoot Sea Road, is a rendered wall. The existing dwelling occupies the south-western corner of the site. The building is built in the boundary walls and has an existing vehicular access at the south-east corner off Meadfoot Sea Road.

This part of Meadfoot Sea Road is characterised by the most significant buildings being 'Italianate' in their architectural language, with complex accretive massing, heavy articulated eaves detailing and multiple localised symmetries. The plot to building relationships and ratios are noteworthy with large villas set back from the main frontage and sitting within generous gardens, visible verdant landscape and orientated somewhat to gain sea views. The streetscene and locality benefits from mature trees, including an off-site tree (T7 London Plane) owned by Torbay Council.

The proposal includes alterations and extensions to the existing dwelling 'Singleton Gardens' to include a two storey extension to the northern side elevation and a single storey extension to the eastern front elevation of the dwelling, including a new pitched roof which will replace a section of existing flat roof. The proposal includes a render finish, slate roofs and powder coated aluminium openings to the existing dwelling.

The application follows on from refused application P/2022/1186 which proposed the erection of 7 apartments, 2 dwellings and works to the existing dwelling. One of the reasons for refusal related to the siting, scale, massing and design of the proposal as a whole, the failure to reflect local distinctiveness and the impact on the Conservation Area. This refused application included similar works to the existing dwelling, although the roof design on the current proposal has been modified to a hipped roof, the single storey extension on the eastern front elevation of the dwelling now spans the full elevation and the fenestration detailed differs.

Objectors have raised concerns, including on matters such as the proposal would represent overdevelopment, not be in keeping with the local area, set a precedent, would constitute inappropriate development and have raised concerns about the materials. The supporters have stated that the proposal would be inkeeping, be of limited visibility, result in an improvement to the current building and would have very little, if any negative impact on the local environment.

The alterations and extensions to the existing dwelling 'Singleton Gardens' are considered to result in an acceptable size, scale and visual appearance. The existing two storey flat roof element is considered to result in a poor visual appearance and the alteration and extension of this existing element to form a pitched roof is considered to appear visually coherent. Whilst the extension will result in a higher ridge height, in this instance given the flat roof sits above the eaves level of the existing pitched roof, and the pitched roof sits adjacent to Meadfoot Sea Road, a stepping up of height further into the plot is considered to be an acceptable design rationale. The existing single storey flat roof element on the eastern front elevation will be rebuilt and extended with a single storey pitched roof extension. This appears subordinate to the

main two storey elements of the building and the design as a whole is considered to result in an acceptable visual appearance.

The proposal also includes landscaping works which will include the removal of an existing low wall and area of concrete adjacent to the dwelling, which will be replaced by flagstone slabs and a larger area of lawn. This change is considered to be visually acceptable and will improve the existing appearance of the landscaping.

The development as a whole is not considered to be overly dominant or visually intrusive and the overall size, scale, massing and visual appearance is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the area. The development as a whole is considered to accord with Policy DE1 of the Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

Whilst P/2022/1186 was refused and included similar works to the existing dwelling, in isolation the development put forward as part of this planning application is considered to be acceptable in terms of siting, scale massing and design. Impacts on designated and non designated heritage assets from the proposal are considered in depth later in the report but are concluded to be acceptable. Whilst it is noted that concerns have been raised about the proposal setting a precedent, and how this would impact on the previously refused scheme, it is considered that this element of the scheme in isolation from other previously proposed works on the site are acceptable.

3. Heritage

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) sets out the general duty as respects Conservation Areas, which requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of the 1990 Act sets out the general duty as respects listed buildings, which requires Local Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is situated within the Lincombes Conservation Area. Within the Lincombes Conservation Area map, the dwelling, greenhouse and an outbuilding are noted as other key buildings of architectural importance which make a significant contribution to the townscape. The site is adjacent to 'Singleton' (Grade II listed) and 'Palm Grove' (Grade II listed) is located on the opposite side of Meadfoot Sea Road and to the north west the nearby Meadfoot Lodge and wall and gate piers to the west of Meadfoot Lodge are Grade II listed. The buildings listed as 'other key buildings of architectural importance which make a significant contribution to the townscape' within the Lincombes Conservation Area map are considered to constitute non designated heritage assets due to their contribution to the Conservation Area and these include, but are not limited to, Osbourne House, Delamere Court and Marstan Hotel. The application has been supported by a Design, Access and Heritage Significance Statement which analyses the site, the historic environment records, the heritage

value and significance of the site and assess and discusses the design response put forward, with reference to policy and heritage considerations.

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.

Historic England were previously approached with a request to add the site to the Register of Parks and Gardens of Special Historic Interest in England. A decision was made on the 26th January 2023 not to list the site. Historic England in their consideration confirmed:

The walled garden at Singleton Gardens historically had some connection to one of the grand mid-C19 villas nearby, most probably the house known as Singleton. The walled gardens would have yielded vegetables and top-fruits for the owners, and the historic presence of glasshouses perhaps suggests a desire to impress through the cultivation of tropical crops. This connection is of some local interest, and the surviving boundary walls and open spaces expressed through their former use contribute to the appearance and interest of the Lincombes Conservation Area. However, the layout and features shown on mapping from the C19 to the post-war period have largely been lost. The garden structures in the south-west corner of the southern garden have been altered and converted to a modern house. The 'icehouse' has some architectural merit, but it has also been altered and alongside vagaries about its purpose, it cannot itself have any claims to special interest. Additionally, the separation in ownership in the post-war years has divorced the garden of any contextual connection to Singleton. Any natural or biodiverse interest which the gardens have is not relevant to this listing assessment. Therefore, judged against the criteria for listing the walled garden and its associated structures at Singleton Gardens, Torquay do not merit listing for the following principal reasons:

Lack of architectural interest:

- * most of the garden features and structures, which would have been standard in a small walled garden such as this, have been lost or altered;*
- * the 'icehouse' has some architectural merit, but alterations and uncertainty of use reduces any claims to special interest.*

Lack of historic interest:

- * any historic association and connection with Singleton has been lost;*
- * the contribution of the garden to this area of Torquay and its villa residences is of local rather than national interest.*

CONCLUSION The walled garden and its associated structures at Singleton Gardens, Torquay, dating to the mid-C19 with alterations and losses, do not meet the criteria for listing in a national context.

Following this decision, a further request was made to Historic England to reconsider listing the site. A decision was made on the 11th July 2023 not to list the site with the following comments made:

Singleton Gardens is understood to have been constructed between 1836 and 1861 and is therefore part of the initial period of villa development in Torquay. Other villas on the Palk estate with walled gardens, such as at the neighbouring Osborne Villa, and at Vomero (1838) in the Warberries area, are shown on the 1880 OS map but they were not of a comparable size. These and other smaller walled gardens have largely been lost to development pressures, so the survival of the boundary walls to two of the three compartments of the walled garden for Singleton is a rarity for the area.

However, any significance of the walled garden as a surviving C19 walled garden needs to be carefully balanced against its surviving fabric and layout. The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric. The layout of the walled garden and its inter-relationship with its immediate surroundings has also largely been lost reducing the impact of the walled garden within its marine landscape and therefore any claims to interest for this. It does not survive as a particularly good or well preserved example of a walled garden.

Claims have been made for the significance of Torquay's mid-C19 planned suburban villa landscape as part of the national trend in the development of seaside resorts in the C18 and C19, and that the construction and survival of the walled garden at Singleton contributes to this significance. It is clear that the scale and quality of the villa developments in the Warberries and Lincombes areas of Torquay over a short period of time is notable, and this interest is reflected in those areas being designated as separate conservation areas, within which many of the C19 villas and their associated boundary walls and gate piers are listed. Smaller details such as street signs, granite kerbs, cobbled surfaces all contribute to the history and character of the conservation area, as do the boundary walls and open spaces of the walled garden at Singleton. Torquay's place within the contextual history of suburban coastal and urban villa developments of the time is undeniably of importance, but it is not considered that this was uniquely innovative, particularly at the level as is claimed. The recognition of this at conservation area level is regarded as being an appropriate designation.

Claims for historic association have also been made for the walled garden. The only known significant figure associated with Singleton and its walled garden is Reverend Canon Alan Campbell Don KCVO (1885-1963), who, with his brother was put in trust of Singleton in the early 1940s, selling the garden in 1945. At no point did the Dons live at Singleton and therefore no claims to special associative historic interest can be made. Wider claims have been made for the town with various notable visitors and

personalities attached but none of these relate directly to Singleton or its walled garden.

In terms of the significance of the suburban villa landscape in Torquay, this interest is recognised by many of the villas being listed at Grade II, and the designation of conservation areas. The history of the walled garden associated with Singleton adds an important layer to the understanding of the area, although little specific documentation is currently known to survive. Whilst it is recognised that Singleton Gardens is an unusual survivor, any claims to rarity or uniqueness are rather unaccomplished. With this in mind, and considering the considerable losses to its historic fabric, associated structures and layout, the walled garden known as Singleton Gardens is not considered to meet the criteria for Registration.

CONCLUSION

After examining all the records and other relevant information and having carefully considered the historic interest of the case, the criteria for the registration of the walled garden associated with the property known as Singleton Gardens, Torquay, Devon are not fulfilled.

REASONS FOR DESIGNATION DECISION

The walled garden associated with the property known as Singleton Gardens, Torquay, Devon is not recommended for inclusion on the Register of Historic Parks and Gardens for the following principal reasons:

Historic interest:

** the features of the walled garden are modest for this type of structure and gardens of the period and it does not survive as a notable example of a particularly important phase of garden development;*

** Singleton and its walled garden contribute to an understanding of the early-C19 development of Torquay and the walled garden is recognised as being an uncommon survivor, however this is not sufficient to raise the level of interest to that required for national designation.*

Degree of survival:

** the fabric of the walled garden has been significantly eroded by cumulative post-war changes and loss;*

** the loss of the pathway layout within the walled garden and removal of the access from Singleton has reduced the understanding of the patterns of movement around the garden.*

The Council has assessed if the site should be considered curtilage listed and has considered the detailed representations currently and previously received, including the comments made by Historic England.

Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of a listed building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building. The object or structure is considered to be part of the listed building and is listed (these structures are often called "curtilage listed"). This only applies to objects or structures ancillary and subordinate to the listed building itself (*Debenhams plc v Westminster City Council* (1987) AC 396).

In the case of *Methuen-Campbell v Walters* [1979] QB 525 the court held that property will be within the curtilage of another property if it is so intimately associated as to form part and parcel of it and this will depend on the circumstances of every case. The curtilage may be confined to a small area around the principal property but not necessarily so and again this will depend on all the circumstances, including the nature and location of the properties.

In *Attorney-General, ex rel Sutcliffe, Rouse and Hughes v Calderdale Borough Council* [1983] JPL 310, the Court of Appeal concluded that the following factors should be taken into account in determining whether or not a structure or object was within the curtilage of the principal listed building:

- The physical layout of the listed building and the structure or object.
- The ownership of the listed building and the structure or object, both past and present.
- The use or function of the listed building and the structure or object, both past and present.

In *Hampshire CC v Blackbushe Airport Limited* [2021] EWCA Civ 398, the court held that the land must be so intimately connected with the building as to lead to the conclusion that the former is in truth part and parcel of the latter.

The question is whether the structures within the application site were within the curtilage of any listed building when that building was listed.

Singleton was Listed Grade II on 10 January 1975. The listing states that it preserves its C19 garden plot. Meadfoot Lodge was listed Grade II on 2 May 1974. The listing entry states that the building was already in use as holiday flats.

Singleton Gardens consists of 2 parcels of land, forming a series of 4 smaller walled areas set between a number of historic villas, north of Meadfoot Sea Road. On the basis of the evidence we have, our conclusions on the curtilage listing of the site are as follows:

Meadfoot Lodge:

Singleton Gardens does not appear to be within the curtilage of Meadfoot Lodge. Meadfoot Lodge is recorded as being in use as flats when it was listed. There is no known connection between Singleton Gardens and Meadfoot Lodge on the basis of ownership, physical layout or use/function. As noted below it appears that Singleton Gardens was sold off from Singleton in 1945.

Singleton:

- Physical layout: Reviewing the available historic documents, the title plan to Singleton indicates that it has laid out gardens and appears unconnected with Singleton Gardens. It is also separated by a belt of mature trees indicating the length of time this separation has been in place. There is a linear common boundary running from Lincombe Drive to Meadfoot Sea Road which would also appear to show separation. The issue is whether the layout means Singleton Gardens is so intimately associated as to form part and parcel of Singleton. Reviewing the layout of both sites (whether or not used together or in common ownership) it appears that the layout does not demonstrate intimate association. The listing of Singleton refers to the retention of its garden plot. It does not refer to any walled garden greenhouses or market garden. Whilst not conclusive this strongly indicates that Singleton Gardens was not considered to be part of the listing of Singleton.

- Ownership: The title to Singleton contains the following entry: The land has the benefit of the following rights reserved by a Conveyance of Singleton Gardens adjoining the south-east corner of the land in this title dated 14 September 1945. The title to Singleton Gardens contains a corresponding entry that the land is subject to the provisions of the 1945 conveyance. This shows that Singleton Gardens was sold off in 1945 prior to Singleton being listed.

- Use or function. Historic mapping appears to show some smaller structures, likely glasshouses/greenhouses, within the sites although the number of these appears to have fluctuated over time, with many being removed or demolished as the site has evolved. The use of site as a whole following its sale in 1945, appears to have been walled gardens completely separate to Singleton.

Only ancillary structures would be curtilage listed. As mentioned above the use as a walled garden appears to be independent of any listed building. In addition, Singleton Gardens itself is an independent dwelling. If the use commenced prior to the listing of Singleton then it would not be curtilage listed in any event.

On the basis of the evidence we have, we consider that the structures in Singleton Gardens are not curtilage listed.

The outbuildings proposed for demolition include a single storey outbuilding with a shallow pitched roof with modern windows and openings and a greenhouse. The heritage assessment of application P/2022/1186 stated that the greenhouse dates to the period between 1933 and 1953. The timbers do not suggest anything like the kind

of quality that one might expect of Victorian glasshouses and its orientation and juxtaposition with the cottage suggest a more modern use. It is of limited heritage value and has been badly repaired and altered over the course of the 20th century. Within the wider grounds, a number of brick and stone outbuildings appear to be late 19th-early 20th century in date, extended and altered with modern roofs and in various states of dilapidation. Historic England in their consideration of the listing note that 'The structures that do survive (walls and bothy structure) do not display particularly interesting or unusual elements of construction or function. Other elements including the glasshouse bases and gardener's cottage are now fragmentary, as successive changes have been made to their rather modest historic fabric.

Objectors have raised concerns, including on matters of the impact of the proposal on the Conservation Area, listed buildings and designated and non designated heritage assets and the impact on the historic streetscene and context, including the loss of openness.

The Council's Principal Historic Environment Officer notes within their consultation response that the outbuildings within the site include the greenhouse, which is believed to date to the period between 1933 and 1953 and has been badly repaired and altered over the course of the 20th century is of limited heritage value. They consider that the demolition of the greenhouse will have a neutral impact on the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and the Grade II listed Palm Grove. The demolition of the ancillary outbuilding is considered to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove.

The Council's Principal Historic Environment Officer considers the demolition and replacement of the modern extensions and the replacement fenestration to result in an enhancement to the non designated heritage asset of Singleton Gardens, the Lincombes Conservation Area and Palm Grove. Overall, the proposal is considered to have a positive impact on the identified heritage assets and the local historic environment. The Officer concludes that the removal of the identified outbuildings, modern flat felt roofs and UPVC glazing frames with a design of window of a more traditional design will help to improve the appearance of the building and remove poor quality or unsightly 20th century extensions. The use of aluminium window frames is considered to be an improvement on the existing uPVC windows in this particular case, and the development will not be dominant and visually intrusive and is considered to result in an acceptable visual appearance that retains local distinctiveness and sense of place and is in keeping with the character and appearance of the Conservation Area. The officer recommends conditions relating to external materials and joinery details of the fenestration to ensure that appropriate details are secured to allow the significance of the identified heritage assets to be preserved. In terms of external materials, the Officer has verbally confirmed that the slate detailed within the materials samples sheet is acceptable and further details of external materials are not required. A compliance condition is therefore recommended

to ensure the use of the slate detailed. A condition requiring joinery detail is recommended to ensure a good quality scheme is achieved.

The proposal will remove existing extensions on the dwelling, an ancillary outbuilding and greenhouse. The proposed extensions to the dwelling are sited adjacent to the existing western boundary wall and to the east of the existing dwelling. Given the siting adjacent to the boundary wall and existing dwelling, the size and scale of these extensions in addition to the removal of existing elements, the open aspect of the existing gardens is considered to be retained, conserving their character and quality, in addition to the contribution they make to the Conservation Area.

Overall, with the addition of the recommended conditions, the proposal is considered to result in an enhancement to the designated and non designated heritage assets and will retain the character and quality of the existing garden which provides an open aspect within the Conservation Area. The proposal therefore accords with Policy SS10 of the Local Plan and the NPPF.

4. Amenity

Policy DE3 Development Amenity of the Local Plan states that development proposals should be designed to ensure an acceptable level of amenity.

Objectors have raised concerns including on matters of noise, loss of light and privacy/overlooking.

At present the dwelling at Singleton Gardens has a width from south to north of approximately 15m. The adjacent garages at Meadville have a width of approximately 15.2m. With the proposed extension the dwelling will have a width of approximately 16.3m. The garages will still extend around 1.35m further to the north than the extended dwelling. The height of the highest part of Singleton Gardens (the two storey flat roof element which will be removed) is approximately 6.1m. The ridge of the roof of the two storey extension will feature an approximate height of 6.3m.

The extension to the existing dwelling will extend the dwelling along the shared west boundary with Meadville and the ridge height of the extension will be higher than the adjacent wall and garages. Given the extension will sit adjacent to the existing block of garages with hardstanding parking area to the west of the garages, combined with the separation distance to the nearest habitable room within Meadville, the extension and alterations to the dwelling are not considered to result in a loss of amenity to the occupiers of the flats and the associated grounds.

Given the separation distance from the proposed extensions and works to all other surrounding properties, the proposal is not considered to result in a negative impact on neighbouring amenity.

The proposal is therefore considered to be in accordance with Policy DE3 of the Local Plan.

5. Flood Risk and Drainage

Policy ER1 Flood Risk 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 is accompanied by a Flood Risk Assessment. The flood risk assessment states that the proposal results in a reduction in net hard surface and surface water will continue to be discharge to the SWW sewer.

The Council's Drainage Engineer has considered the proposal and has confirmed that the proposed development must comply with the hierarchy for dealing with the surface water drainage even though there is a net reduction in impermeable area for the development. The reason for this is that once the existing buildings have been demolished the existing impermeable area of the development is the impermeable area remaining. Any new extension will increase this impermeable area and if this is above 20m² then the developer must comply with the hierarchy.

As per the drainage standing advice, a condition is recommended which will require the submission of full details of the drainage if infiltration using a soakaway or other sustainable drainage system is not utilised. With the addition of this condition the proposal is considered to be in accordance with Policy ER1 of the Local Plan.

6. Ecology

The application has been accompanied by a preliminary ecological appraisal update and a bat emergence/activity survey. The ecology reports consider the works put forward, in addition to works proposed via a previous application.

Objectors have raised concerns relating to biodiversity and ecology.

The DCC Ecologist has considered the proposal and has confirmed that the proposal is acceptable from an ecological standpoint subject to the imposition of conditions. They confirm that a single Common pipistrelle was observed foraging intermittently within the curtilage for the entire bat emergence survey. Foraging and commuting bats may be negatively impacted by this development although it is noted by the DCC Ecologist that the species recorded utilising the site are common, light tolerant species. A condition is recommended requiring details of external lighting. A preliminary roost assessment of buildings was undertaken in April 2021 with an external inspection of all buildings on site. The assessment identified two buildings onsite; an existing two storey property and a stone built outbuilding which has a pitched slate roof covering in part as well as a flat roof. Both buildings were deemed by the consultant ecologist to offer 'low-medium' bat roost potential due to the presence of gaps and potential roosting features. A single bat emergence survey was recommended for each building to ascertain bat presence/likely absence and this survey was undertaken on 10th May 2021. A follow up bat survey was undertaken in

May 2023 to update the 2021 survey results. No bats were observed emerging from either building during either survey. It is noted that the Bat Conservation Trust Bat Survey Guidelines are indeed guidelines, and it is left to experience of the bat ecologist as to the amount of survey effort required to determine the presence/likely absence of bats (as per Section 1.1.3 of the guidelines). The DCC Ecologist is satisfied that the consultant ecologist has provided sufficient ecological rationale for the deviation away from published guidance in this instance. It is also noted that the site temperatures during the survey (as detailed in Page 6 of the submitted ecology report) were 13C at the time of survey, which is deemed suitable and in line with guidance. A condition is recommended requiring adherence to the actions set out in the bat emergence/activity survey. A condition is also recommended which requires vegetation clearance and building work to take place outside of bird nesting season unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds.

With the addition of the recommended conditions the proposal is considered to comply with Policy NC1 of the Torbay Local Plan.

7. Trees

Policy C4 of the Local Plan states that development will not be permitted when it would seriously harm, either directly or indirectly, protected trees or veteran trees, hedgerows, ancient woodlands or other natural features of significant landscape, historic or nature conservation value. Policy C4 goes on to state 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.

The site is protected by 1973.01 Area TPO and lies within the Lincombes Conservation Area. Both the TPO and Conservation Area provide statutory protection to the trees impacted by the development.

Objectors have raised concerns relating to the impact of the proposal on trees.

The Council's Senior Tree Officer originally confirmed that they had no objection in principle to the development. They would however require the submission of a Tree Protection Plan and Arboricultural Method Statement for the proposed resurfacing works in the root protection area of T7. Following receipt of this comment a tree protection plan was submitted for review. The Officer has confirmed that the plan has addressed all of their concerns, and the tree removal and surfacing (T7) replacement has been clearly set out. A planning condition is recommended to secure the implementation of the tree protection as per Plan 818-TTP. With the addition of this condition the proposal is considered to accord with Policy C4 of the Local Plan.

8. Loss Of A Community Facility And Potential Use of Site For Horticulture

Paragraph 97 of the NPPF states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

(a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

(b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

(c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

(d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

(e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

An application to register Singleton Gardens as an Asset of Community Value has been rejected by the Council but it is still necessary to consider the objections that have been received related to the loss of potential use as a community garden, and for associated community projects, that the proposal will not add to the local community and that the site should be restored for use for horticulture or as a community garden.

The site is privately owned and is not currently in use for community purposes or for horticulture. The planning history shows that development proposals have been promoted since 2019. It is unclear when any substantive community or horticultural use ended before 2019. Singleton Gardens has been a private house with a large garden for some time. Both the horticultural use and any community use appear to have been minor. Reference has been made to fruit and vegetables being able to be purchased from a shelf behind the door on Meadfoot Sea Road (no doubt like many proprietors selling surplus produce by the roadside). Any community use appears to have ended many years ago. There is no policy requirement for a community use or horticultural use in the area. There does not appear to be a realistic prospect of the site being used for community purposes or for a horticultural use in the future.

Statement on Human Rights and Equalities Issues

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

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

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

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is concluded that the proposal in terms of addressing the Development Plan would enhance the designated and non designated heritage assets, would be in keeping with the existing streetscene and would not have an adverse impact on the surrounding area in terms of its size, scale, design and impact on neighbouring amenity. Matters of trees, ecology and drainage are adequately addressed. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Torquay Neighbourhood Plan, and all other material considerations.

Conclusions and Reasons for Decision

The proposal is acceptable in principle and would result in an enhancement to the character of the area and designated and non designated heritage assets. Matters relating to amenity, ecology, trees and drainage are acceptable. 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;

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

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

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Drainage

Prior to any development above slab or ground level or creation of any new hardsurface taking place, details of the proposed means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

The details of the means of surface water drainage shall include evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. As Torbay is a Critical Drainage Area the submitted means of surface water drainage shall ensure that all off site surface water discharges from the development must be limited to the "Greenfield" run off rate for the 1 in 10 year rainfall event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus a 50% allowance for climate change. On site all surface water shall be safely managed up to the "1 in 100 year critical rainfall event plus 50% allowance for climate change" conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream. To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations.

The development shall not be utilised until the approved surface water drainage system has been completed as approved and it shall be continually retained and maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan

2. Joinery and Fenestration Details

Notwithstanding the details of the approved plans, prior to the installation of new/replacement external joinery, full details of that joinery shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

3. Tree protection measures

The development hereby approved shall be carried out in full accordance with the approved Tree Protection Plan reference '818.TPP'.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Policies NC1 and C4 of the Torbay Local Plan.

4. Materials

The roof material shall be carried out in accordance with the details contained within approved plan '818-EM1' and shall be retained as such thereafter.

Reason: In the interests of the appearance of the development and the surrounding area within the Conservation Area in accordance with Policies DE1 and SS10 of the Torbay Local Plan and Policy TH8 of the Torquay Neighbourhood Plan.

5. Bird nesting season

No vegetation removal including hedgerows, trees or shrubs or building work shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan.

6. Ecology Report

The conclusions and recommendations given in the 'Bat Emergence/Activity Survey #04623/GLE' dated May 2023, shall be followed, including precautions to prevent threat of harm during construction works and timings of works.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

7. External lighting

Prior to the installation of any external lighting within the site, full details including their design, siting and levels/type of illumination shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed in full accordance with the approved details. No further external lighting shall be provided within the site.

Reason: To safeguard protected and/or priority species in accordance with Policy NC1 of the Torbay Local Plan.

Informative(s)

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

Relevant Policies

C4 – Trees, Hedgerows and Natural Landscape Features

DE1 – Design

DE3 – Development Amenity

DE5 - Domestic Extensions

ER1 – Flood Risk

ER2 – Water Management

NC1 – Biodiversity and Geodiversity

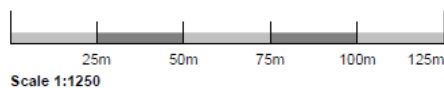
SS10 – Conservation and the Historic Environment

TH8 – Established Architecture

TORBAY COUNCIL

Application Site Address	36 Dunstone Park Road Paignton TQ3 3NG
Proposal	Demolition of house and garage. Formation of three storey detached dwelling, including garage and vehicular access.
Application Number	P/2022/0091
Applicant	Mr Daniel
Agent	Mr Stan Pomian-Srzednicki
Date Application Valid	29/03/2022
Decision Due date	24/05/2022
Extension of Time Date	22/03/2024
Recommendation	<p>Approval: Subject to;</p> <p>The conditions as outlined below with the final drafting of conditions delegated to the Divisional Director of Planning, Housing and Climate Emergency;</p> <p>The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</p> <p>If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.</p>
Reason for Referral to Planning Committee	The application has been referred to Planning Committee by Cllr Twelves following the SRM procedure.
Planning Case Officer	Verity Clark

Location Plan



Site Details

The site, 36 Dunstone Park Road, Paignton, comprises of a detached bungalow, located on the northern side of Dunstone Park Road. The topography of Dunstone Park Road varies significantly, with dwellings on the northern side of Dunstone Park Road being set up from the existing street scene and on substantial higher ground compared to those dwellings on the southern side being set down from the existing street scene. The site currently has an area of hardstanding and a garage with pedestrian access to the dwelling. The site forms part of the built up area but is not otherwise subject to any designations within the Torbay Local Plan.

Description of Development

The application seeks permission to demolish the existing house and garage and form a three storey detached dwelling, with a new garage and vehicular access.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

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

Summary of Consultation Responses

Paignton Neighbourhood Forum:

No response received.

Green Infrastructure Manager:

No arboricultural objections are raised to the proposed development. Any approved development should have a landscape condition attached.

Highways:

Standing advice applies.

Environmental Health:

I would confirm that I have no objections subject to the inclusion of a construction management plan condition.

Devon County Council Ecology:

Acceptable, subject to conditions:

- Vegetation and clearance works and enabling/demolition works to be undertaken outside of bird nesting season unless inspected by an ecologist.
- Construction environmental management plan.
- Adherence to ecology report and enhancement measures.

Summary of Representations

At the time of writing a total of approximately 23 objections have been received (from 5 households and 1 from an agent on behalf of one of the households) and 4 letters of support (from 3 households) have been received. A number of these representations relate to previous iterations of the proposal as the scheme has been modified and re-advertised during the course of the application. Issues raised:

Objections:

- Plan discrepancies

- Land ownership
- Impact on neighbours solar panels
- Overlooking and loss of privacy
- Loss of light and overshadowing
- Noise
- Design
- Height
- Subterranean ground floor out of keeping with streetscene
- Massing
- Overbearing impact
- Sets precedent
- Size and bulk
- Impact on foundations
- Impact on views
- Overdevelopment
- Building line
- Covenants
- Not in-keeping
- Planning history of site
- Drainage
- Impact from swimming pool
- Construction impacts
- Height of garden wall
- Impact on attached garage
- Light pollution
- Ecology
- Loss of a bungalow

Support:

- Requires party wall agreement
- Variety of design in road
- Design not out of keeping
- Will replace an eye sore

Relevant Planning History

P/2007/0350 Extend Living Accommodation At Rear; Extend Single Garage Into Double Garage At Front. Approved 03/01/2008

P/2019/0689 Extension on South elevation. Raised ridge height and new roof design to accommodate loft rooms with balcony to South. Insertion of a driveway. (Revised plans received 05/01/20). Withdrawn 19/02/2020

P/2023/1107 Formation of single storey front and side extension and the formation of a dormer extension at rear and associated works. Certificate of lawfulness application under consideration at the time of writing.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Ecology
5. Flood Risk and Drainage
6. Highways, Movement and Parking
7. Sustainability

1. Principle of Development

The proposal is for the demolition of the existing detached dwelling and the construction of a replacement dwelling.

In the context of development 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

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 Torbay 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 PNP1(c) of the Paignton Neighbourhood Plan states that development proposals should where possible and appropriate to the scale and size of the proposal to be in keeping with the surroundings respecting scale, design, height, density, landscaping, use and colour of local materials.

The proposal seeks to demolish the existing detached dwelling and construct a replacement dwelling. The site is located to the north of Dunstone Park Road and the existing dwelling is a detached, single-storey dwelling with a tiled roof and UPVC openings. The site benefits from a garage and parking area located adjacent to the road.

The replacement dwelling will be set over three floors and will include excavation to form the ground floor level which will be built into the slope of the land resulting in the appearance of a three storey dwelling from the front and a two storey dwelling at the rear. The width of the replacement dwelling will be approximately 1.89m smaller than the existing dwelling with a width of 10.82m, however the depth will be increased with the replacement dwelling extending approximately 2.73m closer to the rear northern boundary. The replacement dwelling will extend further to the south than the existing dwelling and will include front balconies at first and second floor level. The dwelling will feature a modern design with the ground floor clad in stone and a mixture of render and vertical cladding at first and second floor level. The dwelling will feature large areas of glazing on the front, southern elevation, and the dwelling will include timber doors at ground floor level and grey window openings. The roof will feature two monopitch roofs of different pitches finished in single ply membrane with feature standing seams in grey. A driveway, carport and manoeuvring area would be formed within the front garden and the existing garage will be demolished with a new detached garage formed alongside a new area of hardstanding, general landscaping works and boundary features.

The replacement dwelling will include an increased ridge height approximately 1.75m higher than the existing dwelling at the central highest section of the proposed roof. The proposed ridge height will sit approximately 1.3m lower than the ridge height of No. 36A Dunstone Park Road to the west and approximately 1.7m higher than No. 34 Dunstone Park Road to the east at its highest point.

Objectors have raised concerns that the proposal would represent overdevelopment; not be in keeping with the local area; set a precedent, and have a negative impact on the local area. The supporter has stated that the proposal would have a positive impact on the local area.

When considering the proposed development in the context of the existing streetscene, it is considered to be sufficiently set back from the highway. The main bulk of the building is set roughly in line with the frontage of No.36A Dunstone Park Road and behind No. 34 Dunstone Park Road. The projecting balcony at first floor level, although extending further south than both the adjacent dwellings is angular therefore reducing its size and scale. The proposal involves excavation of areas of the site including the existing front patio area. As a result of the excavation, the height of the first floor balcony does not exceed the height of the existing patio area. The west elevation of the first floor balcony will feature a rendered wall which will extend down to ground floor level and the south elevation of the balconies at first and second floor level will feature glass balustrading. It is considered that the siting of the replacement dwelling will not have an immediately overbearing or overly dominant visual effect in the streetscene given the relationship with the adjacent dwellings and the set back location of the development.

In terms of the building footprint within the plot, the proposal will result in an increase over the existing. The increased footprint proposed is considered to retain a suitable

level of garden and outside space and is not considered to appear as an overdevelopment of the plot. The proposal is not considered to be out of character with the local urban grain and ratio of building footprints to plot areas, as the other existing dwellings within the locality have a sufficiently diverse and wide range of footprints.

Whilst the proposal will result in a three storey dwelling, the excavation of the site to form the ground floor level in addition to the use of stone to break up the visual massing and bulk of the dwelling reduces the dominance of the design and visual appearance. In the immediate streetscene there are examples of single storey and two storey dwellings, and a block of flats set over three floors. There is no uniform characteristics in the streetscene and ridge heights, design and roof forms all greatly vary. The replacement dwelling will not exceed the height of No.36A Dunstone Park Road and whilst set over three floors and modern in its design rationale, the use of two monopitch roofs is considered to acknowledge the local character of pitched roofs in the area, including that of No. 32 and No.34 Dunstone Park Road. It is considered that the proposal positively addresses the topography of the site and provides a dwelling of an acceptable size, scale, massing and visual appearance for its context. A planning condition is recommended to secure the details of the external materials to ensure an acceptable visual appearance.

The replacement single storey flat roof garage, hardstanding parking area, new gate, walls and landscaping at the front of the site are considered to result in an acceptable visual appearance for the context of the site. The new garden wall and gate adjacent to no.36A Dunstone Park Road's shared boundary and garage will feature an approximate height of 1.89m with the wall finished in stone to match the ground floor of the dwelling. The new garage will be single storey with a flat roof and an approximate height of 2.7m, finished in render with a timber garage door and single ply membrane with feature standing seam roof. The garage is considered to appear subservient in scale, appearing as a small scale garage similar to the garage which it will replace and the existing garage of the neighbouring dwelling; 36A Dunstone Park Road.

Given the extent of the landscaping and engineering works proposed, a landscaping condition is recommended to ensure the replacement dwelling successfully assimilates into the surrounding streetscene and acceptable boundary treatments are installed.

Given the proposal's siting, form, scale, and visual appearance, it is considered to be acceptable and without unacceptable detriment to the character and appearance of the locality or street scene in accordance with Policy DE1 of the Local Plan, Policy PNP1(c) of the Paignton Neighbourhood Plan and the guidance contained with the NPPF. In terms of precedent each application has to be considered on its merits and as the development is considered acceptable it is not considered that this would warrant the refusal of the application.

During the course of the application the occupiers of 34 Dunstone Park Road have installed solar panels on the eastern and western roof of their dwelling. They have subsequently raised a concern that the replacement dwelling will result in reduced efficiency to their solar panels. The applicant has submitted a plan detailing the relationship of the solar PV with the replacement dwelling and this indicates that the replacement dwelling will not impede a clearance of 45 degrees.

The optimum position for solar panels is on a south facing roof angled at approximately 30 to 35 degrees from horizontal. At summer solstice the maximum charging period is long. The sun sets in the west/north west and so some solar generation to west facing panels may be reduced in the evening. Whether this is increased over the existing situation by the proposed replacement dwelling depends on the increased ridge height, the increase forward projection and the height and angle of nearby dwellings.

At the equinoxes the sun sets directly west and may breach the line of sunlight to part of the west-facing panels late in the afternoon, however that is when the strength of the sun is reducing. The low angle of the neighbouring roof where the panels are located reduces the efficiency of the panels when the sun is low in the sky.

At winter solstice the sun falls below the horizon in the afternoon in the west/south west. Given the angles of the sun at this time, the proposed replacement dwelling would be unlikely to breach the line of sunlight to the neighbour's solar panels in winter.

At present the existing dwelling would likely block an element of light in the late afternoon/evening due to the existing siting and height. Given the siting of the replacement dwelling in comparison to the existing dwelling, as the solar PV are located to the front of the roof slope and given the angle clearance of the replacement dwelling, it is considered that the replacement dwelling would be unlikely to result in any significant detriment to the operational capacity of the solar panels in comparison to the existing dwelling and this is therefore not considered to constitute a reason for refusal.

3. Residential Amenity

The NPPF guides (Paragraph 135) that decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DE3 of the Local Plan states that development proposals should be designed to ensure a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring and surrounding uses.

Quality of living accommodation for future occupiers:

The submitted plans indicate that the proposed replacement dwelling would be three-bedrooms with six bed-spaces set over three-storeys. Policy DE3 of the Torbay Local Plan provides a table which sets out the minimum internal floor space standards for all new residential units. Table 23 of the Torbay Local Plan 2012-2030 sets the

dwelling space standards for Torbay which are taken from the Government's Nationally Described Space Standard which states for a three bedroom, six bed-space dwelling, set over three storeys, the dwelling should have the minimum gross internal floorspace area of 108 square metres. The submitted proposed floorplans, indicate that the dwelling would have approximately 213 square metres of internal floorspace. The replacement dwelling is considered to provide an adequate and suitable environment for future occupiers in terms of floor area, outlook and natural light levels. Therefore, it is considered that the proposal would comply with this criterion of Policy DE3 of the Local Plan.

Policy DE3 of the Local Plan also states that new dwellings should provide 55 square metres of outdoor amenity space. The dwelling would have sufficient outdoor amenity space and exceeds this requirement.

Adjacent neighbouring amenity:

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

Objectors have raised concerns including on matters of noise, loss of light, overbearing impact and privacy/overlooking.

The replacement dwelling includes one window and a rooflight on the western side elevation of the dwelling. Both openings serve stairs and given their siting on the dwelling and height from internal floor levels they would not allow overlooking into the adjacent dwelling; No. 36A Dunstone Park Road.

The eastern side elevation features two windows and a rooflight. The rooflight is high level and would not allow any views out. The two windows are listed as obscure glazed to remove any potential overlooking towards the adjacent dwelling; No. 34 Dunstone Park Road which includes two clear glass windows facing this side elevation. It is considered reasonable to require the obscure glazing via a planning condition alongside the fitting of a 100mm restrictor on the windows to ensure that overlooking and intervisibility cannot be achieved.

The site faces No.31 Dunstone Park Road which is set at a substantially lower level due to the prevailing topography. The intervening un-adopted road and siting of the dwellings provides a substantial separation distance between the two dwellings and the other dwellings on the south of Dunstone Park Road and therefore it is considered that the proposed development would not result in a loss of privacy of the occupants of No.31 Dunstone Park Road or other dwellings opposite the application site.

To the rear (north) of the site is No.11 Dixon Close. The rear northern elevation of the dwelling will feature windows and openings at first floor level. This level is comparable with the ground floor level of the existing dwelling and the windows and door are not considered to result in overlooking to any adjacent dwelling given the land levels and

existing boundary screening. At second floor level the rear elevation will include one high level bathroom window and one central clear window serving a bedroom. There is an approximate separation distance of 19.53m between the new rear window and the rear elevation of 11 Dixon Close. The rear garden slopes from south to north and the existing levels will be retained as part of the proposal. The rear boundary currently features a hedge. The site section on plan reference '4637-KE-XX-XX-DR-A-(32)000-D5-P4' details the relationship between the rear garden and shared rear boundary with the height of the replacement dwelling and the location of the rear window. This section demonstrates that given the height of the window in relation to levels, providing there is boundary treatment at the rear, overlooking from the window will be minimal. The site levels, topography, separation distance and existing screening is considered to result in an acceptable relationship between the replacement dwelling and 11 Dixon Close. Concerns have been raised that the rear window will result in unacceptable overlooking to No. 34 and 36A Dunstone Park Road. Whilst indirect views could be achieved towards the adjacent dwelling's gardens, views will primarily be focused towards the application site's rear garden space. It is considered that the proposal will not have such a significant impact on neighbouring amenity with regards to overlooking from this rear window to warrant refusing the application.

The proposal includes a new balcony at first floor level which sits roughly at the same level as the existing front patio area. The west elevation of this balcony is enclosed by a rendered wall which restricts any intervisibility towards No.36A. Given the shape of this proposed balcony and the height, in addition to the existing boundary screening, the proposal is not considered to result in any additional overlooking to No.34 Dunstone Park Road nor is the new rendered wall considered to result in an overbearing impact. Two balconies are proposed at second floor level on the southern front elevation. These balconies will be enclosed with rendered walls thereby not allowing direct views to the side and focusing views to the south. These balconies are not considered to result in any unacceptable overlooking to adjacent dwellings.

In terms of the concerns regarding noise, the existing use is residential accommodation and the proposal maintains this use. The proposal will result in additional balconies at second floor level however these are relatively small in scale and located at the front of the dwelling with rendered walls on the side elevations. The new first floor level balcony will replace the existing ground floor patio area and at ground floor level a new carport and parking area will be formed in addition to a new garage and parking space. Given the levels, boundary screening and domestic use, it is considered that the proposed replacement dwelling would have no further detrimental impact on neighbouring occupiers with regards to noise than the existing dwelling.

A construction method statement will be recommended as a condition to ensure that the construction works are undertaken in a manner that is not injurious to local amenity, this will mitigate any concerns raised regarding noise.

With regards to the concerns about the loss of light the proposed development would cause, it should be noted that No.34 Dunstone Park Road has two openings on its western side elevation that faces the eastern side elevation of the site. On the side elevation, one window serves as a secondary window to a living room area and the other serves a kitchen. The habitable rooms of No.34 Dunstone Park Road are also served by windows on the northern and southern elevations. These two existing side windows primarily sit adjacent to the side wall of the existing dwelling. The existing set in design at the front of the existing dwelling does allow for angled views with greater outlook towards the front of the dwelling and the front of the application site from the neighbouring window sited closer to the front of their dwelling. The replacement dwelling will be sited approximately 1.35m further away from the shared boundary thereby increasing the separation distance between the dwellings, although the existing dwelling includes a set in section further from the shared boundary. The replacement dwelling will not feature a set in element thereby siting the dwelling closer to the side boundary in this location. The overall height of the replacement dwelling will increase however the proposal utilises two monopitch roofs of different heights and pitches thereby resulting in varying heights. The monopitch roof closest to No. 34 Dunstone Park Road features a shallower pitch and the overall height increase from the existing roof varies on this roof slope from approximately 0.88m to 1.34m higher than the existing roof. Whilst the proposal will result in an increase in the ridge height, given the siting of the dwelling in relation to the shared boundary and as No.34 Dunstone Park Road's windows currently face the side wall of the existing dwelling, the relationship of the replacement dwelling with the windows on No.34 Dunstone Park Road, when considering the existing arrangement, is not considered to result in any significant loss of light or outlook which would warrant the refusal of the application.

The replacement dwelling will extend approximately 0.92m beyond the main rear elevation of No.34 Dunstone Park Road, not including the rear single storey element present on this dwelling which extends approximately 3m beyond the rear elevation. Given the siting of the dwellings, modest increase in ridge height and the boundary treatment present, the replacement dwelling is not considered to result in a loss of light to the rear garden of this dwelling, nor the opening at the rear, nor is the proposal considered to result in an overbearing impact. It is therefore considered that the proposed development would not have a detrimental impact on the occupiers of No.34 Dunstone Park Road.

With regards to No.36A Dunstone Park Road, in terms of their eastern side elevation facing the western side elevation of the dwelling, there is a door to the ground floor which provides access into the dwelling and two windows to the first floor. The central window is the only window serving a bedroom and the window closest to the rear of the dwelling is a window serving a bedroom which is also served by a window at the rear. Whilst the proposal will result in the replacement dwelling extending in front of No.36A Dunstone Park Road's window which is closest to the rear of their dwelling, given this is a secondary window and the bedroom is also served by a large rear window, the proposal is not considered to result in an unacceptable loss of light and outlook to this habitable room. The central window solely serving a bedroom currently

faces out onto the roof of the application site's dwelling. The monopitch roof of the replacement dwelling adjacent to 36A Dunstone Park Road matches the pitch and location of the existing roof and therefore does not alter the direct outlook achieved. The monopitch roof will result in a higher overall ridge height however this is not considered to result in an unacceptable impact on light levels given the angle of the roof in relation to this neighbouring dwelling and the location of the window. Given the siting of the dwellings, modest increase in ridge height and the boundary treatment, the replacement dwelling is not considered to result in a loss of light to the rear garden of this dwelling, nor the opening at the rear, nor is the proposal considered to result in an overbearing impact. It is therefore considered that the proposed development would not have a detrimental impact on the occupiers of No.36A Dunstone Park Road.

Issues relating to impacts on foundations and stability are matters to be considered by Building Control rather than at the planning application stage.

Subject to the use of aforementioned planning conditions, given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

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 is supported by an ecology report. During the course of the application an updated ecology report was submitted to provide updated findings. The updated report found no evidence of bats or breeding birds. The report states that no further surveys or assessment is required. The report recommends the installation of two sparrow nest boxes to provide biodiversity enhancement.

Comments from objectors have criticised that the site has been cleared of vegetation prior to the update report. Images from the planning officer's site visit prior to any clearance works were provided to the DCC Ecologist and they have reviewed the photos and ecology reports. The DCC Ecologist has confirmed their support of the proposal subject to conditions. They have confirmed that the ecology report makes no reference to the potential presence of reptiles, but it appears that the habitat onsite has the potential to support common reptile species such as slow worm. They therefore recommend that a Construction Environmental Management Plan condition is added to ensure vegetation removal is undertaken in a sensitive manner. Further conditions relating to works taking place outside of bird nesting season and adherence to the biodiversity enhancement measures are also recommended.

Subject to the addition of the planning conditions recommended by the DCC Ecologist, the proposal is considered acceptable with regard to 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. Policy PNP1(i) Surface Water of the Paignton Neighbourhood Plan states that developments will be required to comply with all relevant drainage and flood risk policy.

The site is located within the Critical Drainage Area and is accompanied by a Flood Risk Assessment which confirms adherence to the drainage hierarchy in terms of prioritising the use of a soakaway and permeable driveway. Given the nature of the proposal this is considered acceptable having regard to the adopted Standing Advice and the means of drainage will be secured by a planning condition. The proposal is considered to accord with Policies ER1 and ER2 of the Local Plan and Policy PNP1(i) of the Paignton Neighbourhood Plan.

6. Highways, Movement and Parking

Policy TA1 sets out promoting improvements to road safety. Policy TA2 of the Local Plan states all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 of the Local Plan details that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development.

Policy TA3 of the Local Plan states that new dwellings should be served by two car parking spaces. The parking space size requirements are set out in Policy TA3 and Appendix F of the Local Plan with off-street parking spaces abutting the public highway requiring 3.2 metres width by 5.5 metres depth as a minimum, to prevent an obstruction to the public footway and/or public highway. The Council's Highways Engineer was consulted on the proposal and stated that the Highways Standing Advice applies. The proposal provides for the required minimum of two full size parking spaces in the front hardstanding area and larger parking area and carport thereby meeting the requirements. Whilst the garage falls below the required standard to count as a parking space it is indicated to be used for bikes and storage which is considered acceptable. The proposal is considered to provide an adequate level of visibility onto the road and will improve the existing parking provision.

Appendix F of the Local Plan states that new dwellings should provide 2 secure and covered bicycle spaces. Bicycle storage has been indicated as within the garage and this is considered to be acceptable. Appendix F also notes the requirement of one electric vehicle charging point for new dwellings and this has not been detailed. A planning condition requiring the installation of a charging point is therefore recommended.

Policy W1 of the Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should

provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. Details of bin storage have not been provided and a planning condition is therefore recommended to secure such details prior to occupation.

Subject to the conditions recommended above in addition to a suitably worded planning condition requiring the parking provision to be made before the dwelling is re-occupied in its enlarged form, it is considered that the proposed development complies with Policies TA1, TA2 and TA3 of the Local Plan.

7. Sustainability

Policy SS14 of the Local Plan relates to 'low carbon development and adaptation to climate change' and states that commensurate with their scale and nature, development proposals will be required to minimise carbon emissions and the use of natural resources expected to arise during the lifetime of the development. 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.

A supporting statement has been provided confirming:

The existing property is a 2-bedroom house in poor condition built c1960. It has a very poor thermal envelope and, due to its single storey layout, has an extremely high form factor - the ratio of enclosed floor area to external surface area - which further compounds the issue of heat loss. The ground floor level is set some 5m above the street below making stepped access unavoidable and restricting access to many visitors.

Previous proposals for extensions have met with objection and withdrawal of the planning application. A comprehensive new build project has now been submitted to address the above issues, facilitating level access for all guests, and providing high levels of thermal comfort and airtightness. The 2.5 storey design helps optimise the form factor – significantly reducing heat loss and low energy fittings along with efficient heating systems will significantly reduce in operation emissions.

It is anticipated that a detailed demolition/construction management plan will be submitted under a planning condition providing details of the extent of re-use of existing material (eg concrete blocks re-used as hardcore), and avoidance of landfill – minimizing the loss of embodied carbon within the existing structure.

A recycling hierarchy will also be applied wherever practical, and the appropriate local infrastructure is available:

1. Reuse (ie roof tiles as architectural salvage)
2. Recycle (ie wood chipped for biomass or blocks used as hardcore)

The sustainability measures outlined above are considered reasonable and in accordance with Policy SS14 and ES1 of the Torbay Local Plan and advice 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

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The development would see the re-development of an existing dwelling to provide a larger dwelling.

There are no adverse economic impacts that would arise from this development. In respect of the economic element of sustainable development the balance is considered to be in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of a replacement dwelling which provides a good quality form of accommodation.

The use of the site for a replacement dwelling would provide an appropriate use and the site is within a sustainable location. On balance, the social impacts of the development weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered especially relevant to the proposed development are impacts on the built environment, making effective use of the land, ecology and drainage. These matters have been considered in detail above.

The environmental benefits identified are marginal in the case of any biodiversity net gain, where it is proposed to require enhancement measures through condition. The proposal will include bicycle storage and an EV charging point and sustainable drainage will be required by condition.

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

Sustainability Conclusion

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

Statement on Human Rights and Equalities Issues

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

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

Local Finance Considerations

Affordable Housing:

Not applicable.

S106:

Not Applicable.

CIL:

The CIL liability for this development is Nil.

EIA/HRA

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

HRA:

Not applicable.

Planning Balance

The planning assessment considers the policy and material considerations in detail. It is considered that the Development Plan policy supports the principle of the development. The report gives consideration to the objections raised and concludes

that these issues are not of weight to warrant the refusal of the application and as such it is concluded that the planning balance is in favour of supporting this proposal.

Conclusions and Reasons for Decision

The proposal is acceptable in principle; would not result in unacceptable harm to the character of the area or neighbouring living conditions; would provide acceptable arrangements in relation to highway safety, flood risk, and ecological constraints. The proposed development is considered acceptable, having regard to the Torbay Local Plan, the Paignton Neighbourhood Plan, and all other material considerations.

Officer Recommendation

Approval: Subject to;

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

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

If Members of Planning Committee are minded to refuse the application against officer recommendation, final drafting of the reason(s) will be delegated to the Divisional Director of Planning, Housing and Climate Emergency and in consultation with the chairperson.

Conditions

1. Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.

- g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
- h) Measures to minimise noise nuisance to neighbours from plant and machinery.
- i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: This information is required prior to the commencement of the development as it will confirm how the construction process will be managed in the interests of highway safety and local amenity in accordance with policies TA1, TA2 and DE3 of the Torbay Local Plan 2012-2030.

2. Construction Ecological Environmental Management Plan (CEEMP)

Prior to the commencement of development including ground works or vegetation clearance a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site shall be submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works.
- b) Identification of "biodiversity protection zones".
- c) Details of working hours; Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM); Details of temporary lighting used in construction of for security reasons.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of biodiversity and to minimise impacts on protected species in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030, and the NPPF. These details are required pre-commencement as specified to ensure that

biodiversity and protected species are not harmed by building operations or vegetation removal.

3. Landscaping and Boundary Treatments

Prior to the first occupation of the replacement dwelling hereby approved, full details of the hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority.

Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments and vehicle and pedestrian/cyclist circulation.

All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the first occupation of the replacement dwelling hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

All boundary treatments or means of enclosure shall be carried out and installed prior to the first occupation of the replacement dwelling and shall be retained for the life of the development.

The approved landscaping scheme shall be carried out in its entirety and shall accord with the approved details and timetable.

Reason: In the interests of visual amenity and biodiversity in accordance with Policy DE1 and NC1 of the Adopted Torbay Local Plan 2012-2030 and Policy PNP1(c) of the Adopted Paignton Neighbourhood Plan 2012-2030.

4. External Materials

Prior to their installation, technical details and/or samples of the proposed exterior materials including wall finishes, roofing materials, eaves, fascias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policies DE1 of the Torbay Local Plan and Policy PNP1(c) of the Paignton Neighbourhood Plan.

5. EV Charging Point

Prior to the occupation of the replacement dwelling hereby approved, a scheme for the insertion of one electrical vehicle charging point to be located within the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include design, location, specification and a timescale for insertion prior to occupation. The approved electrical vehicle charging point shall be thereafter available for use, maintained and retained for the lifetime of the development for the associated dwelling.

Reason: To ensure the parking provision of the new residential units in accordance with the requirements of Policy TA3 of the Torbay Local Plan and Policy PNP1(d) of the Paignton Neighbourhood Plan.

6. Bin Storage

Prior to the first occupation of the replacement dwelling hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

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

7. Drainage

Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 50% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation or occupation of the replacement dwelling (whichever is sooner). To adhere to current best practice and take account of urban creep, the impermeable area of the proposed development must be increased by 10% in surface water drainage calculations. The agreed drainage scheme shall be installed prior to the first occupation of the replacement dwelling and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with Policies ER1 and ER2 of the Torbay Local Plan 2012-2030 and Policy PNP1(i) of the Paignton Neighbourhood Plan and the guidance contained in the NPPF.

8. Adherence to Ecology Report

The recommendations and mitigation given in the 'Ecology Report – SWE 963' dated October 2023 shall be followed, including precautions to prevent threat of harm during construction works and timings of works. Two sparrow nest boxes shall be installed prior to the first occupation of the replacement dwelling hereby approved and the nest boxes 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.

9. Obscure Glazing and Restricted Opening

The two second floor windows on the east elevation serving a bathroom shall include obscure glazing to Pilkington level 4 or equivalent over the entirety of the windows with no clear areas and shall be fitted with a 100mm restrictor. The windows shall be permanently retained in accordance with the requirements of this condition thereafter.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy DE3 of the Adopted Torbay Local Plan 2012-2030.

10. Parking Provision

The replacement dwelling hereby approved shall not be occupied or brought into use until the hardstanding parking areas/ carport detailed on approved plan '4637-KE-XX-ZZ-DR-A-(22)000-D5-P5' has been provided in full. The parking areas/carport shall thereafter be permanently retained for the use of parking for the associated dwelling thereafter. The parking arrangements shall be retained for the life of the development.

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

11. Bird Nesting Season

No vegetation removal including hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan.

Relevant Policies

- DE1 – Design
- DE3 – Development Amenity
- ER1 – Flood Risk
- ER2 – Water Management
- NC1 – Biodiversity and Geodiversity

TA1 – Transport and Accessibility

TA2 – Development Access

TA3 – Parking Requirements

W1 – Waste Hierarchy

SS14 – Low Carbon Development and Adaptation to Climate Change

ES1 - Energy

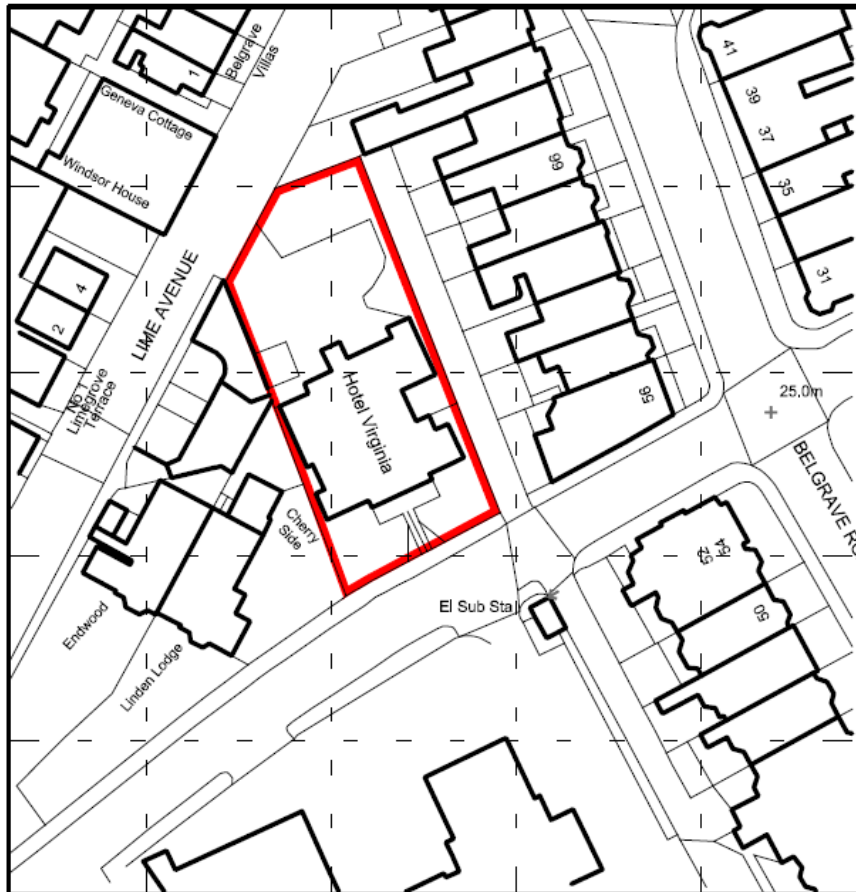
PNP1(c) – Design Principles

PNP1(d) – Residential development

PNP1(i) – Surface Water

TORBAY COUNCIL

Application Address	Hotel Virginia, Falkland Road, Torquay. TQ2 5JH.
Proposal	Demolition of vacant hotel and construction of 14 apartments with associated landscaping works.
Application Number	P/2023/0868.
Applicant	Powis Hotels Limited.
Agent	DJMA Limited.
Date Valid	05.10.2023.
Decision Due Date	04.01.2024.
Extension of Time	08.03.2024.
Recommendation	<p>Refusal; for reasons of;</p> <ol style="list-style-type: none"> 1. The development, by reason of the demolition of the existing building and the layout, height, massing, and detailed design of the proposed development, would fail to preserve or enhance the character and appearance of the Torre Conservation Area, which would result in harm to this designated heritage asset, would harm the setting of the Belgravia Conservation Area and Tormohun Conservation Area, and would lead to the total loss of the current buildings significance as a non-designated heritage asset. As such the development is considered contrary to Paragraphs 135, 139, 195, 203, 205, 208, 209 and 212 of the NPPF and Policies SS10, SS11 and DE1 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan, and the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 2. The development, by reason of the addition height and massing of the proposed building adjacent to the western boundary with 'Cherrytrees', would adversely impact the amenities of adjacent residents, resulting in an undue loss of outlook and light to the property's amenity space and internal accommodation. As such the development is considered contrary to Paragraph 135 of the NPPF and Policies SS11, DE1 and DE3 of the Torbay Local Plan.
Reason for Referral to Planning Committee	Major Development.
Planning Case Officer	Scott Jones.



Site Details

The site sits between Falkland Road and Lime Avenue, 35m west of the junction of Falkland Road with Belgrave Road. It holds a single building, previously in use as a hotel, which fronts Falkland Road. The building is set behind a stone wall and there is a moderate sized landscaped and paved frontage, with pedestrian access. To the rear there is a large expanse of parking accessed off Lime Avenue.

The hotel accommodation in the building comprises of 25 rooms (16 double and 9 single), together with an owners' flat at lower ground floor and communal space at ground floor (reception/bar and dining room (including kitchen)). The building is not currently operating as a hotel, which ceased in September 2022.

The building dates from the late Victorian period and was originally a pair of semi-detached dwellings set between earlier Victorian development to the West (Linden Lodge) and the east (the terraced properties off Belgrave Road). Its' scale is 2/3 storeys, with two storeys predominantly rendered and the upper floor set within the slate tiled (turnerised) multi-gabled roof. Tile hanging is also present at first floor directly below a prominent tile-hung double gabled roof feature.

In terms of context the site borders residential properties to the west, to the east there is a rear service lane that serves the terraced buildings off Belgrave, which appear to be within holiday use. To the north across Lime Avenue lies residential properties, and to the south across Falkland Road sits a large hotel.

In terms of additional context, the site sits within the Torre Conservation Area and is identified as a part of an 'Important Building Group' and also as a 'Key Building' within the Torre Conservation Area Character Appraisal. It also sits within an identified Community Investment Area under the Local Plan. Local Shopping Centres sit the east (Lucius Street) and north (Belgrave Road), and the designated Torquay Town Centre begins within 500m to the east of the site. To the south across Belgrave Road is the northern extent of a designated Core Tourism Investment Area (Harbourside, waterfront and Belgrave Road) and the northern border of the Belgravia Conservation Area. To the east the boundary of the site is the western border of the Tormohun Conservation Area.

Description of Development

The proposal is for the demolition of the existing building and redevelopment of the site to provide 14 apartments within a 4-storey building, with parking to the rear providing 14 spaces, and integrated waste storage and cycle storage within the building.

The accommodation proposed is 8x 2-bed units and 6x 1-bed units, with four units arranged on floors 1-3 and 2 units within the uppermost floor. Cycle storage is provided at ground floor level off the main entrance and waste storage and plant space is to be provided within a partial lower ground floor. Internal circulation is provided through stairs and a lift.

The proposed building is flat roofed and modern in general form with a mixed palette of materials. The ground floor (and partial lower ground floor) is finished in stone, above which there are two floors of painted render, with grey cladding used within the uppermost floor. Windows and doors are to be grey powder-coated aluminium, and parapet cappings and rainwater goods are also to be grey. To the front frameless glass encloses the first floor terraces and second floor Juliet balconies. To the rear a metal framed balcony system is attached that provided first and second floor balconies. Roof terraces are present to the front and rear of the uppermost floor.

The proposal includes works to the rear boundary and access, together with works to reframe the front pedestrian access within the stone boundary wall.

Relevant Planning Policy Context

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

Development Plan

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

Material Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Published standing Advice
- Heritage setting, within a Conservation Area (Torre) and within the setting of the Tormohun and Belgravia Conservation Areas.
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990: Section 72: The local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Relevant Planning History

Recent Pre-Application Enquiry:

DE/2022/0079: Demolition and replacement of hotel with 14 flats with parking, ancillary spaces and gardens: Summary advice: The move away from a tourism use on the plot is not of great concern. The building should however be retained when considering heritage context and would support a revised strategy regarding an appropriate renovation scheme, or one containing suitable enabling development to achieve this outcome.

Summary of Representations

18 representations with 8 submissions of support and 10 submission citing objections, five of which are from a single contact (Torbay Heritage Trust).

Key points raised for:

- Support the principle.
- Provides housing.
- Removes an eyesore.
- Appropriate design for a historic area.
- Support as long as there is adequate parking.
- Will remove anti-social behaviour.
- Current building doesn't hold much heritage value.

Key points raised against:

- Not in keeping with the area.
- Loss of historic building and impact upon character and tourism experience.
- Proposed design similar to other proposals in Torbay refused consent.
- insufficient parking.
- impact of construction phase on Lime Avenue.
- Fails various heritage policies and duties required within the Planning (Listed Buildings and Conservation Areas) Act.
- Isn't informed by an independent heritage-based design review panel.
- Hasn't responded to the pre-application advice.

Summary of Consultation Responses

Torquay Neighbourhood Forum: Objection.

The Forum recognises the need to address this building and the site in which it sits given that it is currently unoccupied, has been the source of significant anti-social behaviour, and is in a significant state of disrepair. However, concerns are noted regarding the proposal being a full demolition and modern replacement for the site.

The Forum recognises that this scheme would provide housing on a brownfield site, within easy reach of many amenities, aligning it with some policies in both the Local Plan and Torquay Neighbourhood Plan, and supports the provision of outside space and balconies for the properties.

However, both the Local Plan and the Torquay Neighbourhood Plan policy guidance makes it clear, in policies, TO2 and TT2, that there will be resistance to the demolition of heritage buildings and a preference for restoration to preserve and enhance our historic environment and Conservation Areas. The Forum also finds that the scheme is non-compliant with Torquay Neighbourhood Plan Policy TH8 relating to established architecture.

Policies that relate to heritage, conservation and design must be given due consideration.

On balance the Forum recommends refusal of this planning application and a request that the developer comes up with a revised scheme that reflects the raised concerns and those given in the comprehensive and independent advice by Historic England.

Historic England: Objection.

Taking into account the arguments raised in the Design & Access Statement, and the contents of the condition survey and Heritage Statement, Historic England finds the total demolition of the Hotel Virginia and its replacement with the development proposed would result in unjustified and unnecessary harm to the Torre Conservation Area, and to the building itself.

The proposals would result in the total loss of the Hotel Virginia, a building that is identified by Torbay as one which merits non-designated heritage asset status and inclusion within the boundary of the conservation area. The harm caused would be substantial as the building would be entirely lost.

Harm would also be caused to the Torre Conservation Area, a designated heritage asset. This harm would fall within the less than substantial category, but this does not imply that the harm is acceptable.

The harm would be further exacerbated by the introduction of a new building which does not reflect the local distinctiveness, character, or appearance of the conservation area. The conservation area would be neither preserved nor enhanced.

Historic England objects to this application as it would result in high levels of harm being caused to the Torre Conservation Area, and the application building (a non-designated heritage asset). This harm is unjustified as alternative options are available that would avoid or minimise that harm.

Recommend that the application is refused as it does not meet the requirements of the NPPF, in particular paragraph numbers 134, 195, 196, 199, 200, 202, 203 or 206 (NPPF2021).

In determining this application the authority should consider in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas; and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Torbay Council Principal Historic Environment Officer: Objection.

The proposed development would cause clear harm to a number of identified heritage assets and in its current form the proposal would neither preserve nor enhance the character or appearance of the identified conservation areas. The proposal is hence considered to be contrary to Policy SS10 of the Torbay Local Plan.

In line with the requirements of the NPPF, permission should be refused, unless it can be demonstrated that the harm caused can be outweighed by associated public benefits, whilst being mindful of the great weight which should be given to the conservation of heritage assets. This would be a matter for the overall planning assessment of the proposals.

The application proposes that a new landscaping scheme for the site would deliver a heritage benefit. This is considered to be a very minor benefit which would not outweigh the identified harm. There are no other heritage benefits associated with the proposals.

Victorian Society: Objection.

Hotel Virginia is a former pair of late C19 dwellings. The building has undergone significant alteration since construction and is not listed, but it is identified as a key building within the Torre Conservation Area. Furthermore, Hotel Virginia borders both the Belgravia and Tormohun Conservation Areas, characterised by their C19 buildings. Although these buildings are not uniform in design, they are of similar scales and utilise similar details, this gives the Conservation Areas a strong cohesion. The proposed redevelopment of the Hotel Virginia site would see the demolition of the existing building and its replacement with no14 dwellings. The proposed building is of undistinguished design that makes little reference to the character of its surroundings. As such it cannot be considered to enhance the significance of the Conservation Area or contribute to the setting of nearby Conservation Areas. The restoration of the existing building would offer clear enhancement to the significance of the Torre Conservation Area, and enhancement to the settings of the Belgravia and Tormohun Conservation Areas, this should be considered the preferable option for redevelopment of the site.

The NPPF states: '206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.' The application as proposed does not align with the NPPF and should be refused.

Torbay Council Strategic Planning: No objection in principle.

Updated summary comments considering the amended NPPF and Written Ministerial Statement dated 19th December 2023 as below.

No objection to the loss of the hotel principally due to its location is not within a Core Tourism Investment Area. There is some conflict with the Neighbourhood Plan due to its scale being over 10 bedrooms and limited detail on marketing, however the English Riviera Destination Management Plan has identified an oversupply of low-grade tourism accommodation in Torbay. The site has become run down and adds little to the tourism industry, and higher quality accommodation and facilities are available elsewhere in the area.

The provision of housing must be given significant weight in the planning balance. The proposal scores very well as a sustainably located housing site in relation to Policy H1. It is very close to Belgrave Road Local Centre and within moderate walking distance of a full range of facilities, including the town centre, 2 train stations, as well as public open space and tourism amenities. In terms of meeting Torbay's need for housing, it is very important that brownfield opportunities are seized upon, and that densities are increased.

Heritage impacts are likely to be a key consideration with the main issue is likely to be the impact of the proposal on the character and appearance of the Torre Conservation Area and other heritage assets in the area, including the nearby Tormohum and Belgravia Conservation Areas. The demolition of the building is likely to result in "less than substantial harm" to the conservation area as a whole, and should be weighed against the public benefits (NPPF 208). NPPF 210 also requires Local Planning Authorities to take reasonable steps to ensure that new development will proceed if consent is granted for the demolition of the building.

The Presumption in Favour of Sustainable Development is applicable. Torbay is extremely short of developable greenfield opportunities and a large amount of its housing will need to come from urban sites. The proposal is below the threshold for affordable housing, but will help urban regeneration. The proposal is CIL liable for a small amount of additional floorspace, but the CIL liability is unlikely to be a significant consideration.

Weighing up the planning balance the benefits will need to be weighed against heritage and design considerations. Impact on heritage assets is a "footnote 7" matter that can constitute a clear reason for refusal under paragraph 11(d)(i), in addition to the separate legal status that Conservation Areas enjoy. If a tilted balance is made under paragraph 11(d)ii, then the design and heritage polices noted above remain relevant as does the added protection afforded the TNP until June 2023 (and retains weight after that date).

If supported recommend that a condition be imposed removing permitted development rights for Class C4 HMO use, given that the area is within a Community Investment Area as defined by Policy SS11 of the Local Plan.

Highway Authority (SWISCo): No objection.

The previously raised concerns relating to visibility at the access junction of the site have now been alleviated.

Waste & Recycling Officer (SWISCo): No objection.

Confirm that an objection is not raised to this development. Support the incorporation of the points previously raised. Support the provision of a sink in the bin store area, which is not common but improves hygiene, which is one of the main barriers to recycling where shared arrangements are in place.

Note that operational staff have confirmed that collections already take place on service lane and that the distance is acceptable to pull communal bins. It seems the access is flat and level with no steps or kerbs between the bin store and the highway. It would be good to confirm this with the developer.

Regarding refuse capacity it is noted that capacity has been added.

Regarding recycling it is noted that capacity has been added. However, in the revised plan the bins are not stored so that they can be used easily by residents. A way to increase the area for the storage of recycling bins may be to ensure that in any agreements with residents' garden waste is stored in the garden or car park areas.

A management company should be established to present a point of contact for recycling and waste collections.

Coded entry now proposed is supported.

Request waste management contributions for this development in line with the table below from the Planning Contributions and Affordable Housing SPD, as a communal arrangement is proposed, the higher rate would apply.

Drainage Engineer (Torbay Development Agency): No objection.

Further to the email dated 5th February 2024 the revised surface water drainage design is considered acceptable, there is no objection on drainage grounds to planning permission being granted for this development.

Devon County Council Ecologist: No objection.

Suitable for approval on ecology grounds subject to conditions restricting external lighting, compliance with the submitted Ecological Impact Assessment, demolition/clearance works to be undertaken outside the nesting season unless surveyed and found absent, submission and approval of a Construction Ecological Management Plan.

Tree Officer (SWISCo): No objection.

The application property does not currently contain any trees or hedges, the proposal includes a soft landscaping scheme with structural tree elements that will deliver amenity and enhancement of the property frontage and street scene. Recommend drawings 923-M1 & 923-M2, that set out the landscape schedule and nursery stock specification, should be secured by planning condition if planning permission is granted.

Torbay Council Community Safety Officer: No objection.

Police Designing Out Crime Officer: No objection.

From May 2023 Police have received seven calls about the hotel building which are mainly regarding persons breaking into the unoccupied building, or about drugs use at the premises. If the building is left in its current state that the problems will continue and will increase demand to police whilst potentially impacting the local community.

Crime, fear of crime, anti-social behaviour and conflict are less likely to occur if attributes of Crime Prevention through Environmental Design (CPTED) are considered in the design and layout of the proposed scheme:

It is recommended that an internal door is installed to create a lobby area which prevents onward movement into the building, an access control system is installed, consideration be given to CCTV and security lighting, ground floor window restrictors be considered along with self-closing external doors, and management of communal areas be formalised, in part to aid security. Security arrangements around the waste store should also be considered.

Planning Officer Assessment

Key Issues/Material Considerations

1. Principle of Development
2. Heritage, Design and Visual Impact
3. Residential Amenity
4. Highways, Movement and Parking
5. Ecology
6. Flood Risk and Drainage
7. Low Carbon / Climate Change
8. Secure Design

1. Principle of Development

The site is a disused brownfield site located in a central urban area of Torquay that has a mixed residential and holiday character, is close to designated local centres and the town centre, and offers good access to shops, services and transport options.

National guidance contained within the NPPF presents clear support for the principle of using land effectively to meet the need for homes and guides that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. It also promotes support for the development of under-utilised land and buildings, especially where proposal would help to meet identified needs for housing (Paragraph 124).

In terms of the local Development Plan the broad principle of residential development is supported considering the brownfield character of the site and its central urban location. Core guidance is offered in Policies SS3, SS12 and H1 of the Torbay Local Plan, supporting proposals for new homes in the built-up area (subject to wider policy consistency), promoting the re-use of brownfield land, and the need to provide homes

and meet housing needs. In terms of the Torquay Neighbourhood Plan Policy TS4 also offers broad support for development proposals for brownfield sites, providing there are no significant adverse impacts, again having regard to other policies in the plan.

In terms of the site-specific context and matters of principle, the buildings current holiday use and the resultant loss of this as a tourism facility is a material consideration, notwithstanding that it does not sit within a Core Tourism Investment Area (CTIA). In terms of Development Plan guidance Policy TO2 of the Torbay Local Plan allows the change of use of holiday accommodation outside of CTIAs where the quality and range of facilities are not undermined, and where either the site is of limited significance, or demonstrated that there is no reasonable prospect of the being used for tourism purposes, or regeneration or other benefits that outweigh the loss of tourism accommodation or facilities. The hotel is not considered minor or insignificant as a 25-bedroom business, but in turn it is not major when considering other influencing factors aside simply its scale. There is for example no locational factors or on-site facilities that make this medium sized hotel special to, in turn, move it into the category of it presenting a 'major' contribution to tourism in the area. All matters considered it is concluded that the loss of the holiday use is acceptable under Policy TO2, as the holiday character of the area would not be undermined and that the site is of limited significance in terms of its tourism offer/facilities.

In terms of the Torquay Neighbourhood Plan Policy TT1 offers that outside CTIAs the change of use to residential dwellings from tourism properties will be supported subject to the site being of limited significance to the tourism setting. The policy states this would be 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 (C)3 residential status. The hotel has 25 bedrooms however the general quality of rooms and facilities appear, from the submitted details, to be of relatively limited and poor quality. It is not evident that marketing details compliant with the policy expectations have been submitted and hence there is some conflict with Policy TT1. However, this conflict is considered limited when considering the quality and quantity of accommodation offered, and such conflict should be weighed in the round and against the benefits of housing where there is a pressing local need, and where the site is very sustainable in terms of its central location.

The presumption in favour of sustainable development applies considering that the Council's 4-year housing supply shortfall and, as a matter of principle, the loss of tourism use does not present any adverse impacts that would significantly and demonstrably outweigh the benefit of granting permission.

For the reasons above the principle of the change of use through the sites redevelopment from the current tourism use to residential 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 SS3, SS12, H1 and TO2 of the Torbay Local Plan and Policies TS4 and TT1 of the Torquay Neighbourhood Plan.

2. Heritage, Design and Visual Impact

The site holds a building that dates from the late Victorian period which was originally a pair of semi-detached properties. The site sits within the boundary of the Torre Conservation Area and forms part of the setting to two adjacent conservation areas, Belgravia Conservation Area to the south across Falkland Road and Tormohun Conservation Area to the east, which sits across the boundary of the site. These conservation areas are designated heritage assets and the building itself, which is identified as an 'Important Building Group' and as a 'Key Building' within the Torre Conservation Area Character Appraisal, is considered a positive element within the conservation area and a non-designated heritage asset. It is relevant to note that the building suffers from some decay and harmful extensions, largely to the rear, are present. The expanse of hardstand to the rear is also an incongruous element. For context the adjacent buildings to the south and east are similarly considered to be non-designated heritage assets contributing positively to their respective conservation areas.

For proposals affecting heritage assets the NPPF (Paragraph 203) guides that decision making should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF further outlines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Paragraph 206), and that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 208). Important context is also provided within Paragraph 205 of the NPPF, which outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It is also incumbent on the Authority, in exercising its duties, under the provisions of The Planning (Listed Buildings and Conservation Areas) Act 1990 (S72(1)), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The application seeks to demolish the existing building and replace it with a modern apartment block, 4-storeys in height, finished in stone, render and metal cladding. The proposed building will present a broadly similar width and depth of building and the uppermost height of the proposed will be broadly similar, with the top of the flat roof being only 0.8m higher than the central fronting gable element of the existing

building. However, notwithstanding these broad parameters, the overall massing of the proposed building will present a considerable larger form of development when considering the stepped and pitched form of the existing development. Notably the proposed 'eaves' of the principal elevation, offered by the parapet, will be 3.4m higher than the existing eaves of the gabled roof. In addition, although the uppermost rise in height is less than 1m the rise is much greater away from the central gabled feature, with the building height increase being 2.7m to the side ridge heights parallel to Falkland Road and 3.7m higher than the ridge heights of the rear wings. This presents a significant increase in mass and bulk of building to that which exists.

The submission is supported by a Design and Access Statement, Heritage Assessment, and Conditions Survey, which accumulatively present supportive detail for the removal of the existing building, including reasoning of its limited heritage value and viability concerns on reinvention of the holiday use or conversion to residential use. The detail also outlines the design ethos for the replacement building.

Objections and concerns have been raised regarding the demolition of the existing building and the form of the proposed replacement building by Historic England, The Victorian Society, and the Council's Principal Historic Environment Officer. There is also noted concern from the Torquay Neighbourhood Forum and within public representations. Summary guidance from the consultees cited are generally aligned, concluding that the building is a positive element within the designated heritage asset of the Conservation Area, and its' loss and replacement with the form of development proposed would be harmful, which would be counter to policy guidance.

Considering the comments received from 3rd parties, and having visited the site and immediate area, the existing building is deemed a positive element within the Conservation Area, with a distinctive form and intrinsic historic materials and characteristics apparent. This is notwithstanding deleterious extensions and incongruous expanse of handstand to the rear.

Whilst the replacement building offers a footprint and height loosely comparable to the existing building the pitched roof form and stepped building form of the existing building will present a substantial increase in the overall height and massing of the built form on the site through the proposed redevelopment. The resultant height and mass of building will be unduly dominant within the plot, fails to respond positively to the historic character, and the sites constraints. The proposal will present a notable crowding of the western boundary where the height and depth of building will remove the sense of spaciousness between buildings.

In terms of design and materiality the buildings stone plinth is considered to sit awkwardly within the historical context and within what is a largely level site, and the extent and form of the 'roof' element is somewhat underdefined and would sit uncomfortably as a finishing upper floor 'roof' element. The balcony system set of the rear elevation is also considered an underdeveloped solution to a secondary but prominent elevation facing the proposed parking area and Lime Avenue.

To the rear of the plot the redevelopment presents little softening of the plot with 450sqm of hardstand for the parking of cars and manoeuvring, which will dominate the rear of the plot. The existing hardstand is a harmful and incongruous element of

the current plot, and the proposal fails to respond positively in terms of the NPPFs aspirations for development to seek to better reveal the significance of heritage assets (in this case the conservation area as the designated heritage asset and the building as a non-designated heritage asset). The proposal will secure, for the life of the development, an unsatisfactory and dominant hard character to the plot and doesn't address a clearly deleterious parking layout serving the plots more recent holiday use.

All matters considered the summary position is that the current building is a positive element within the Torre Conservation Area and the proposed development, by reason of the removal of this building and its replacement presenting a height and mass of building that would be unduly dominant within the plot, which would present a detailed design that would be harmful to the character and appearance of the area, with this said harm exacerbated by overly dominant parking to the rear of the plot.

In the circumstance the development would lead to less than substantial harm to the Torre Conservation, and less than substantial harm to the setting of the adjacent Belgravia Conservation Area and Tormohun Conservation Area, all designated heritage assets. The loss of the existing building would also lead to the total loss of its significance as a non-designated heritage asset, and this should be taken into account within the balancing exercise in accordance with Paragraph 209 of the NPPF.

In light of the above context it is relevant to note that when considering a proposal involving a number of heritage assets, if less than substantial harm is found in respect of a number of assets, more weight can reasonably be attached in the overall planning balance to a number of "less than substantial" harms than would be the case if only one asset were (less than substantially) harmed.

In such a circumstance where a proposal will lead to less than substantial harm to the significance of a designated heritage asset/s, Paragraph 208 of the NPPF requires the harm be weighed against the public benefits of the proposal. The main public benefits of the scheme would result from the provision 14 apartments in a sustainable location. In this instance the benefits that are offered by the development do not outweigh the harm to the designated heritage assets and the loss of the non-designated heritage asset, the building. This conclusion has regard to the duties within the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

For the reasons above the development is considered contrary to Paragraphs 135, 139, 195, 203, 205, 208, 209 and 212 of the NPPF and Policies SS10, SS11 and DE1 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan. Support for the proposal would also conflict with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Residential Amenity

The NPPF guides that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder,

and the fear of crime, do not undermine the quality of life or community cohesion and resilience (Paragraph 135).

The Torbay Local Plan contains policy guidance aligned with the aspirations of the NPPF, principally through policies SS11, H1 and DE3, towards ensuring that residential development produces high-quality living environments that present a good level of amenity for future users and neighbouring occupiers. Policy DE3 also identifies size standards for self-contained units, which reflect national space standards.

The site's central location close to local shopping areas and the town centre, as well as its relatively close proximity to bus routes and two train stations is considered positive, presenting a sustainable location for the future users, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options.

In terms of the proposed units the proposed building will deliver 6x 1-bed units and 8x 2-bed units, ranging in size from 60sqm to 85sqm for the largest unit. All units meet or exceed the minimum National Space Standards, which are also engrained within Policy DE3 of the Torbay Local Plan, and key living spaces are also generally well scaled and proportioned and offer adequate outlooks and levels of natural light. These aspects are positive influences in terms of future amenity levels for occupiers.

In terms of outdoor amenity space guidance is offered in Policy THW4 of the Torquay Neighbourhood Plan and Policy DE3 of the Torbay Local Plan, with a consistent expectation that flats or apartments should no less than 10sqm per unit either privately or communally. Most apartments will have some form of outdoor space in the form of access to the ground floor gardens, or via terraces or balconies. 2 units will be absent of private outdoor space and 4 units will be served with balconies below the Development Plan expectation. The provision of outdoor space will be positive and would enhance the quality of the internal residential environments. The absence of provision for some units and the provision below 10sqm for others is not considered overly harmful to the quality of the residential environments for occupants considering the central location and ease of access to public parks and beaches. Hence, notwithstanding policy guidance on size of spaces within the Development Plan, the provision is considered acceptable within the wider assessment of the expected future occupier amenity levels achieved.

In terms of key ancillary elements cycle and mobility scooter parking is to be provided in a safe and secure facility within the entrance area of the building, at a level in accordance with policy guidance (1 space per apartment). The cycle parking is considered acceptable. In terms of waste there is an assigned storage area at lower ground floor level to the side with access to the adjacent service lane. The area is deemed to present sufficient storage space for the necessary bins within adequate distance for occupiers to use and acceptable collection-wise, where the lane is used by the local authority collection services.

In terms of impacts upon adjacent occupiers the proposed use is comfortably aligned with the mixed residential character of the area and such a use would generally not impact adjacent buildings and occupiers. In terms of light and outlook adjacent

properties and uses to the north and south would not be unduly impacted due to the generous distances across land and public highways. To the east the relationship is considered acceptable to what appears largely holiday accommodation, with 14m-16m to the staggered upper building lines. To the west residential uses exist and the additional height and bulk of the development, in close proximity to the boundary of the plot, will present an unduly dominant and enclosing form of development, which would impact the amenity of occupiers of 'Cherryside', affecting the quality of the outdoor amenity space, outlook of an adjacent room within 10m of the development, and present potential overlooking. It is however noted that the loss of privacy could be addressed by amending the obscure glazing proposed by the applicant to include the first-floor windows on this side.

The proposal is considered acceptable having regard to the amenity levels afforded future occupiers of the development. However, in regard to the amenity afforded adjacent occupiers, the proposal is considered to present undue harm on the living conditions and external environment of 'Cherrytrees' to the west, by reason of loss of outlook and light to a facing first floor room and loss of outlook and light to the outdoor amenity space. For these reasons the proposal is considered contrary to the aims and objectives of Policies SS11, DE1 and DE3 of the Torbay Local Plan and guidance contained within the NPPF, including that contained with Paragraph 135, where development should ensure to create spaces with a high standard of amenity for existing and future users.

4. Highways and Movement

The NPPF guides that appropriate opportunities to promote sustainable transport modes should be ensured, and that safe and suitable access to the site should be achieved for all users (Paragraph 114). It also furthers that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 115).

Development Plan objectives align with the aspirations of national guidance with principal guidance within Policies TA1, TA2 and TA3 of the Torbay Local Plan encompassing outcomes for developing a sustainable model of transport, providing a good standard of access for walking, cycling, public and private transport modes, standard for parking and cycling facilities. The Torquay Neighbourhood Plan reinforces the guideline parking requirements contained in the Local Plan through Policy TH9 and more broadly offers support for new development proposals where they are located on or near to public transport routes wherever possible and appropriate through Policy THW5.

The site's central location is considered a good location for residential development and one that could meet the travel needs for occupiers equally, not just car owners, whilst also presenting options for sustainable modes of local travel for all. The development of the site for housing presents a basis for development that accords with the broad policy direction of supporting proposals that can offer or promote sustainable travel patterns.

In terms of impact on the general road network there are deemed to be no significant impacts from 14 apartments on a site that currently holds a 25-bed hotel (albeit currently closed) in terms of capacity or congestion in the general area. Bringing the site back into a purposeful use will increase movement however any residual or accumulative impacts on the network would not be significant.

In terms of access the proposal presents an enhanced single vehicular access point off Lime Avenue, which is a short road that is not heavily trafficked due to it providing no through route. The access and residential car use is deemed safe and suitable and is supported by the Highway Authority.

In terms of the provision of car parking and cycle parking facilities Policy TA3 and Appendix F of the Torbay Local Plan provides the policy context, which is supported by Policy TH9 of the Torquay Neighbourhood Plan. Appendix F identifies an expected requirement of 1 car parking space per apartment and appropriate visitor parking. The development provides 1:1 parking with 14 spaces but does not provide visitor parking. In the context of the site's central location the parking provision, which is compliant except for the absence of visitor parking, is considered to be acceptable. there is unrestricted parking along Lime Avenue that can provide visitor parking, and the site is accessible for non-car modes.

In terms of the form of parking guidance notes state that in flatted developments 20% of available spaces should have electric charging points and that there should be 10% of spaces suitable for disabled users. The proposal delivers 100% of spaces served with electric charging, which is a positive overprovision to the policy guide, and provides 2 accessible car spaces, which is considered acceptable.

Cycle parking is provided to a policy compliant level of 1:1 within a safe and accessible location, and mobility scooter storage is also provided.

With all matters considered it is deemed that the development would not present undue impact due to the absence of visitor parking on site and the level of parking is deemed acceptable within this particular context for the reasons above. The proposal is considered acceptable on highway and movement grounds, as the development is in a sustainable location with adequate car and cycle parking facilities, in accordance with Policies TA1, TA3 and DE1 of the Torbay Local Plan, Policies TH9 and TTR2 of the Torquay Neighbourhood Plan, and the NPPF.

5. Ecology

NPPF provides guidance in that planning decisions should contribute to and enhance the natural and local environment and includes guidance towards minimising impacts on and providing net gains for biodiversity (Paragraph 180). 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.

There is limited ecological value within the site, which is a heavily developed urban plot dominated by the building and hardstanding, with landscaping limited.

The application is supported by an ecology report that concluded that the site is of relatively low ecological interest, but that enhancements should be included within the scheme, in line with local and national policy. These included 2 x self-contained, self-cleaning crevice type bat boxes installed behind cladding or hanging tile finishes on each elevation of the new building (8 total), and 4 x sparrow terraces installed behind cladding or hanging tile finishes on north and east elevation of the new building (8 total). The report confirmed that absence of bats but the presence of pigeons.

The ecology report has been reviewed by a county ecologist at Devon County Council and it has been confirmed that the proposal is suitable for approval on ecology grounds subject to conditions to implement the recommendations for enhancement within the ecology report, no external lighting, no vegetation clearance or building work within the nesting season unless surveyed, and the submission of a Construction and Ecological Management Plan.

Subject to conditions the proposals are considered in accordance with the aspirations of Policies SS8, DE1 and NC1 of The Torbay Local Plan, Policy TE5 of the Torquay Neighbourhood Plan, and advice contained within the NPPF.

6. Flood Risk and Drainage

The NPPF provides guidance towards avoiding inappropriate development in areas of flood risk by directing development away from areas at higher risk (Paragraph 165), and when determining applications seeks local planning authorities to ensure that flood risk is not increased elsewhere (Paragraph 173). The local Development Plan offers similar expectations for ensuring the risk of flooding is not increased, together with expectations that proposals should maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, through Policy ER1. ER1 also outlines a hierarchy for water-flow management within new development, with similar guidance is contained within the Environment Agency's Critical Drainage Area Advice Note for Torbay.

The site is in a low-risk flood zone (Flood Zone 1) and is not in an area susceptible to surface water flooding. From this it is concluded that a change of use to residential is not sensitive in terms of flood risk, subject to ensuring that the risk of flooding is not increased within the site or to land or buildings adjacent, including the public sewer network.

The submitted drainage information details a controlled discharge to the public sewer. Initial concerns were raised by the Council's Drainage Engineer, and these concerns remained notwithstanding positive and proactive working with the agent to secure further detail on this matter. However following the recent submission of further detail, the Council's Drainage Engineer is now satisfied that the proposal will not increase the risk of flooding within the site or to land or buildings adjacent and is thus suitable for approval on drainage grounds. This is based on the information now demonstrating that the surface water drainage has been designed for the critical 1 in 100-year storm event plus 50% for climate change.

The proposal is now considered acceptable on drainage and flood risk grounds, in accordance with Policy ER1 of the Torbay Local Plan and guidance contained within the NPPF, notably Paragraph 173.

7. Low Carbon / Climate Change

The NPPF guides that the planning system should support the transition to a low carbon future in a changing climate, including helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, and support renewable and low carbon energy and associated infrastructure (Paragraph 157).

Policy SS14 of the Torbay Local Plan supports national guidance and seeks major development to minimise carbon emissions and the use of natural resources, which includes the consideration of construction methods and materials. Policy ES1 seeks that all major development proposals should make it clear how low-carbon design has been achieved, and that proposals should identify ways in which the development will maximise opportunities.

The Design and Access Statement submitted in support of the proposal includes an Energy Section, and there is also a sustainability checklist supplied as supporting information.

The submission states the current building fabric is very poor which presents a very high energy demand for the hotel. The development in turn would present aim to meet or exceed the stringent criteria of 2022 Building Regulation Part L1 and thus would yield a significant carbon reduction in lifetime use relative to the present building.

The methods stated to reduce energy demand include:

- Minimum walls thickness of 350mm with insulation.
- Thermal bridging to be reduced.
- Junctions will be air sealed to ensure better than required air tightness, monitored on site through pre-completion pressure testing.
- Air source heat pumps for heating & hot water demand within the plant room.
- Solar PV on the roof and battery storage in the plant room.
- The loss of embodied carbon through demolition would be partly mitigated by large parts of the building possibly requiring demolition due to (i) dilapidations or structural failures, (ii) for layout improvements, (iii) to restore elements of the early facades, (iv) to remove asbestos and other health hazards from the building.

The sustainability checklist submitted cites positive outcomes in terms of the sites central location and potential non-reliance on cars, the provision of electric charging points over-and-above the policy level, the re-use of materials where possible within the build and the use of green roofs, positive outcomes for ecology, and use of renewable energy forms.

The ambitions of the energy section and sustainably statement are supported and should be secured by a detailed planning condition if consented.

The development is, for the reasons above and subject to the detailed condition, considered in accordance with Policies SS14 and ES1 of the Torbay Local Plan and guidance contained within the NPPF.

8. Secure Design

The NPPF guides that decisions should aim to achieve buildings and places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion (Paragraph 96). Policy TH2 of the Torquay Neighbourhood Plan is aligned with the NPPF, promoting that new development should provide for a safe environment and consider opportunities to prevent crime or the fear of crime from undermining quality of life or community cohesion. Similarly, Policies SS11 and DE1 of the Torbay Local Plan includes reference that schemes should help prevent and/or design out opportunities for crime and disorder.

The application package is absent of specific detail on security, crime and disorder beyond passing note on the sites current issues with crime and antisocial behaviour, and the development's passive surveillance benefits if delivered.

In the context it would be deemed necessary to secure detail that establishes measures to reduce the developments susceptibility to crime and measure to positively influence reducing crime and disorder if approved. It is deemed that these measures can be secured by a planning condition, which would seek to respond positively to the comments provided by the Police Design Out Crime Officer.

In the context the proposal is considered suitable for approved in terms of security of design subject to a planning condition for details to be submitted and approved prior to the commencement of development above ground level (excluding demolition), to secure development in accordance with Polices SS11 and DE1 of the Torbay Local Plan, Policy TH2 of the Torquay Neighbourhood Plan and 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

Housing provision is a driver of economic growth and there would be economic benefits of bringing the site into use and into a residential use. However, counter to this, the sites current use as a hotel would present economic benefits if the current use commenced. In light of this the economic benefits of redeveloping are unclear.

The Social Role

The principle social benefit of the proposed development is that it would help deliver 14 units of good standard within a central location. However, counter to this it is not clear whether similar benefits could not be delivered without the heritage harm cited within this report. Considering the social value of heritage assets and the potential

that similar housing benefits could possibly be delivered without the concluded harm to heritage assets, the social role is considered negative. This judgement includes the social harm on the amenity of the adjacent occupiers of 'Cherrytrees'.

The Environmental role

The environmental benefits are considered neutral. The loss of the building doesn't utilise the embodied energy of the structure which weighs negatively against the scheme. However, the new building will present improved construction methods and heightened levels of energy efficiency compared to the existing building which will present ongoing benefits for the lifetime of the development in terms of reduced energy usage. There are also benefits in terms of improved surface water management and ecological enhancements, but harm in terms of heritage assets.

Sustainability Conclusion

Having regard to the above assessment the proposed development is considered to represent a broadly sustainable form of development when considered in the round but presents harm to heritage assets and impacts neighbour amenity.

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

The land is situated in Charging Zone 1 in the Council's CIL Charging Schedule and residential units is chargeable development, this means that all new floorspace will be charged at a rate of £30/sqm unless exempt.

Based on the submitted CIL form, which provides an indication, subject to formal determination, the proposal would deliver 996sqm of CIL liable floorspace and seeks 735sqm of exemption for the existing floor space, which has been within use for more than 6 months within the last 3 years. This is likely to present a CIL payment of £7,830.

S106

Site Acceptability Matters: None.

Affordable Housing: N/A for this scale of development on a brownfield site.

Sustainable Development Matters: N/A as CIL liable development.

As such no S106 legal agreement is considered necessary were planning permission granted.

EIA/HRA

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

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

Planning Balance

The relevant legislation requires that the application be determined in accordance with the statutory development plan unless material considerations indicate otherwise. As concluded within this report there is substantial conflict with the Development Plan, and the NPPF, in terms of heritage impacts and matters of neighbour amenity, and hence consideration needs to be given as to whether material considerations indicate that the application should be approved.

The Government published the most recent Housing Delivery Test in December 2023. Torbay's result is 55% (i.e. between 2019-22 there were only 55% as many completions as the number of homes required). Torbay's most recent housing land supply (April 2023) is that there is 2.17 years, which is a significant shortfall.

In terms of benefits 14 apartments, providing 1 and 2 bed accommodation, would make a moderate contribution to local housing supply. This would be consistent with national guidance that seeks to significantly boost the supply of homes. The proposal does not include any affordable housing which would have boosted the public benefit. In addition, social, economic and environmental benefits associated with building and occupying homes weigh in favour of the development, and there is also some minor benefit from the discounted CIL payment.

The development will present acceptable residential environments that principally accord with development plan expectations and National Space Standards. This compliance weighs neutrally in the decision making. However, the development will present undue harm to the living conditions of adjacent occupiers, as identified within this report, which weighs negatively against the development.

Due consideration should be is given to the NPPFs recognition towards support for the development of windfall sites, where great weight to the benefits of using suitable sites within existing settlements for homes should be given.

However, the NPPF also seeks to conserve the historic environment so that it can be enjoyed for its contribution to the quality of life of existing and future generation,

furthering that heritage assets are an irreplaceable support and should be conserved in a manner appropriate to the significance of the asset (Paragraph 195). The NPPF furthers that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Paragraph 205). Heritage harm has been identified by Historic England, The Victorian Society, and the Council's Principal Historic Environment Officer. It is also a stated concern from the Torquay Neighbourhood Forum. These comments in combination are deemed to hold substantial weight regarding the matter of the development's heritage impacts.

Finally, weight must also be afforded the duties within the Planning (Listed Buildings and Conservation Areas) Act 1990, S72(1), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Drawing matters together the harm to the historic environment and the amenity of adjacent occupiers, conflict with policies within the Development Plan, which are consistent with aims within the NPPF. These are important factors that weigh against the proposal. Housing need is itself an important factor but must be balanced with other considerations to inform whether development is sustainable development in the round.

The public benefits in this case do not provide a clear and convincing justification to outweigh the identified harm. In addition, by virtue of the identified heritage harm, which provides a clear reason for refusing the proposed development, the presumption in favour of sustainable development has been considered in this recommendation.

Conclusions and Reasons for Recommendation

With all matters considered, as detailed within this report, it is concluded that the proposal would harm the significance of heritage assets. The NPPF guides that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is concluded that the public benefits of the proposal do not outweigh the less than substantial harm that would result to the heritage asset, and the harm to neighbour amenity. For these reasons the application is recommended for refusal, as detailed below.

Officer Recommendation

Refusal; for reasons of;

1. The development, by reason of the demolition of the existing building and the layout, height, massing, and detailed design of the proposed development, would fail to preserve or enhance the character and appearance of the Torre Conservation Area, which would result in harm to this designated heritage asset, would harm the setting of the Belgravia Conservation Area and Tormohun Conservation Area, and would lead to the total loss of the current buildings significance as a non-designated heritage asset. As such the development is considered contrary to Paragraphs 135, 139, 195, 203, 205, 208, 209 and 212 of

the NPPF and Policies SS10, SS11 and DE1 of the Torbay Local Plan, and Policy TH8 of the Torquay Neighbourhood Plan, and the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development, by reason of the addition height and massing of the proposed building adjacent to the western boundary with 'Cherrytrees', would adversely impact the amenities of adjacent residents, resulting in an undue loss of outlook and light to the property's amenity space and internal accommodation. As such the development is considered contrary to Paragraph 135 of the NPPF and Policies SS11, DE1 and DE3 of the Torbay Local Plan.

Informative(s)

In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant so that where possible relevant planning concerns have been appropriately resolved. In this instance not all matters could be resolved and thus the Council has concluded that this application is unacceptable.

Relevant Policies

Development Plan Relevant Policies

SS1 - Growth Strategy for a prosperous Torbay
SS3 - Presumption in favour of sustainable dev
SS10 – Conservation and the historic environment
SS11 – Sustainable communities
SS12 – Housing
SS13 – Five-year housing land supply
TO2 - Change of use of tourism accommodation and facilities
TA1 - Transport and accessibility
TA2 - Development access
TA3 – Parking requirements
H1 - Applications for new homes
DE1 - Design
DE3 - Development Amenity
DE4 - Building heights
ER1 - Flood Risk
ER2 - Water Management
ES1 – Energy
W1 - Waste management facilities
W2 – Waste audit for major development and significant waste generating developments
NC1 - Biodiversity and geodiversity
C4 – Trees, hedgerows and natural landscape features

TS1 - Sustainable Development
TS4 - Support for Brownfield and Greenfield development
TH8 - Established architecture

TH9 – Parking facilities
THW4 – Outside space provision
THW5 - Access to sustainable transport
TH2 - Designing out crime
TE5 - Protected species habitats and biodiversity
TTR2 – Sustainable communities
TT2 - Change of Use in Conservation Areas and Listed Buildings