

Application Site Address	Quintaville Residential Home 1 Quinta Road Torquay TQ1 3RJ
Proposal	Demolition of former care home and replacement with block of 14 apartments with associated parking (readvertised following the receipt of revised plans on 9 October 2023).
Application Number	P/2023/0327
Applicant	Harmony Homes 2020 Ltd
Agent	Kay Elliott Architects
Date Application Valid	31.05.2023
Decision Due Date	30.08.2023
Extension of Time	31.01.2024
Recommendation	Approval: Subject to; <ul style="list-style-type: none"> <li>1. The conditions as outlined, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency.</li> <li>2. Legal agreement to secure a Sustainable Transport Obligation of £3,440.</li> <li>3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.</li> </ul>
Reason for Referral to Planning Committee	Major Development
Planning Case Officer	Scott Jones



## **Site Details**

The site sits on the junction of Quinta Road and Reddenhill Road and holds a three-storey building that was previously in use as a care home. The use ceased approximately 5 years ago.

The existing building is L-shaped and addresses the two adjacent public highways, set behind a low stone wall with the small intervening area of landscaping to the front. The lower two floors are rendered with casement windows, the third floor has a mansard roof inset with several windows.

The building is attached to the southwest to Number 37 Reddenhill Road via a two-storey flat-roofed element that intersects the adjacent pitched roof of this two-storey pitched roof end-terraced property. To the southeast the plot has a vehicular access to a small section of hardstand. Adjacent to the southeast is a private lane which also provides pedestrian access to a small courtyard area to the rear of the building.

In terms of wider context the area has a largely residential character, there are allotments to the south and east in walkable distance, and various public parks are accessible, along with shopping areas to the northwest (Plainmoor) and northeast (Reddenhill Road).

In terms of site specific designations the site is identified within the Torquay Neighbourhood Plan as a potential housing site under Policy TH1 (Housing Allocations), site reference TNPH10.

## **Description of Development**

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

The accommodation will present 1 x 3-bed apartment, 9 x 2-bed apartments and 4 x 1-bed apartments, with 5 units within the ground floor and first floor, and 4 units within the second floor. Internal access is served by stairs and a lift.

The building form is flat roofed, bricked finished, with staggered building lines to the two main elevations that present infill terraces or balconies to 11 of the 14 apartments, and a recessed connection with adjacent attached dwelling. Windows are presented uniformly and with a vertical emphasis. Integrated cycle parking is provided to the side adjacent to the communal entrance into the building. To the rear of the building a forecourt presents 10 car parking spaces and waste storage area. The front boundary wall to the plot is retained and landscaping is proposed between the building and the plots boundary to Quinta Road and Reddenhill Road.

## **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

## **Relevant Planning History**

P/2003/1712/OA: Outline: Demolition of existing residential care home and erection of 15 self-contained flats with vehicular & pedestrian access. Approved.

P/2006/1374: Reserved Matters: Demolition of residential care home and erection of 15 self-contained flats with vehicular/pedestrian access. Approved.

## **Summary of Representations**

6 objections received all citing concern on the current pressure on street parking in the area and the lack of adequate parking within the scheme, with only 10 spaces for 14 apartments. There was also comment on the lack of detail on electric charging facilities. One comment includes support for the redevelopment of the empty site subject to policy compliant parking being provided.

## **Summary of Consultation Responses**

### **Torquay Neighbourhood Forum**

No comments.

### **Torbay Council Adult Social Care Strategic Commissioning Team**

No objections or concerns regarding the loss of this former care home and the subsequent redevelopment of the site for housing.

## **Strategic Planning**

There is a significant housing need in Torbay and there is a general need to use brownfield land efficiently and to maximise the housing yield from sustainably located urban sites. The use of this site for housing is supported in principle, and the tilted balance in terms of Paragraph 11 of the NPPF is applicable.

The site is allocated for 10 homes as part of Torquay Neighbourhood Plan allocation, which is an approximate number of homes that can be delivered on the site and not a maximum, and hence 14 apartments itself does not conflict with Policy TH1.

The loss of the care facility is considered to accord with Policy H6 given that (i) the site is allocated for housing in the Torquay Neighbourhood Plan, (ii) the care home at the site ceased operating some time ago, and that (iii) the Housing LIN study on housing for later life in Torbay identified an oversupply of substandard care accommodation and a need to provide better, purpose-built accommodation that offers specialist facilities.

The proposal includes 10 on-site car parking spaces for 14 apartments, which is below policy expectations. The site is located in an area with pressure on on-street parking. In order to mitigate the impacts of this under-provision, sustainable transport obligations should be sought as a site deliverability matter in terms of the Planning Contributions and Affordable Housing SPD 2022. In accordance with Table 4.2, an amount of  $4 \times \text{£}860 = \text{£}3,440$  should be sought to fund infrastructure improvements to the sustainable transport network.

The site is in CIL Charging Zone 2 and is therefore CIL liable at £70 per sq. m.

In order to ensure an appropriate level of amenity for future residents and for neighbouring occupiers, it is recommended that, if the application is supported, a condition of approval be included removing permitted development rights for change of use of the apartments to Class C4 HMOs.

### **Highway Authority (SWISCo)**

The submitted parking survey satisfactorily shows that there is sufficient available street parking in the area and demonstrates that the deficiency in parking facilities on site can be sufficiently accommodated within the surrounding road network. Recent public comment regarding certain detail in the survey does not alter this position.

The additional information provided by the applicant has resolved the previously raised concerns regarding the provision of an accessible car parking space, cycle parking and appropriately located bin stores (Revised comments 11.12.2023).

Having reviewed the revised parking layout and swept path analysis the design for the proposed car parking layout provided by the applicant is now satisfactory (Addendum comments 20.12.2023).

All highway matters can now be considered resolved.

### **Drainage Engineer (Torbay Development Agency)**

Further to the email dated 11th September 2023 attaching revised details for the surface water drainage at the above development, I can confirm that providing the surface water drainage is constructed in accordance with the submitted hydraulic design and drawings, I have no objections on drainage grounds to planning permission being granted.

### **Devon County Council Ecologist**

No objections following the receipt of further information on the lighting. Conditions recommended in respect to accordance with the submitted ecology report, including bird nesting and bat box provision, no clearance or demolition within the bird nesting season unless advised by a qualified ecologist, and low transmission glazing.

### **Torbay Council Community Safety Officer**

No objection, subject to the inclusion of a Construction/Demolition Management Plan condition.

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

From a designing out crime, fear of crime and anti-social behaviour perspective respectfully ask that conditions are considered regarding the development following the practices and principles of Secured By Design Homes guide 2023, a visitor door entry system being installed (that allows for residents to clearly identify visitors prior to granting access from their own property), an access control system be installed which allows for residents to gain entry into their property via an electronic key or similar.

In addition, any cycle parking should be lockable, and it is offered that vertical bicycle racks may be difficult to use. Suggest further detail of the cycle provision is shared. Waste areas should be lockable to prevent anti-social behaviour. Boundary fencing should be designed and located to prevent climbing/access opportunities.

The limited amount of vehicle parking is a concern for the property given it appears that there will be 10 spaces for 14 properties. Consideration will need to be given on how these will be allocated to prevent conflict over parking, with the limited spaces this may mean that residents have to park elsewhere, which could cause conflict.

## **South West Water**

The applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

## **Planning Officer Assessment**

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

1. Principle of Development
2. Design and Visual Impact
3. Residential Amenity
4. Highways and Movement
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 the established urban area of Torquay, sitting in an area where there is a strong residential character, whilst being relatively close to designated local centres offering 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 principle of residential development is supported considering the sites brownfield character and its well-located urban location. Central 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) and 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 site-specific policy guidance relevant to the principle of redevelopment the site is identified within the Torquay Neighbourhood Plan as a potential housing site under Policy TH1 (Housing Allocations), site reference TNPH10. This presents clear support for the principle of housing on the site.

In terms of the loss of the site/building as a care facility Policy H6 of the Local Plan provides the central policy steer, which guides that proposals will be supported where the facilities are not needed, or it does not represent the most appropriate way of delivering care. The policy furthers that where such a change of use is agreed, the creation of family homes will be encouraged. The care facility has been closed for 5 years and previously presented a 23-bed facility within a very restricted site with no demonstrable grounds or outdoor space for occupants. Considering that the site is allocated for housing in the Torquay Neighbourhood Plan and the proposal delivers (small) family homes, that the care home has not operated for a significant amount of time, and that there is an identified oversupply of substandard care accommodation in Torbay, the loss of the care use is considered acceptable and in accordance with the ambitions of Policy H6. It is noted that Adult Social

Care Strategic Commissioning Team do not object to the loss of this former care home and Strategic Planning Team consider the loss compliant with Policy H6, which supports the conclusions offered above.

For the reasons above the principle of the change of use is considered to be comfortably aligned with national guidance contained within the NPPF and aligned with the aspirations of the Development Plan, specifically in regard to the aims and ambitions of Policies SS3, SS12, H1 and H6 of the Torbay Local Plan and Policies TS4 and TH1 of the Torquay Neighbourhood Plan.

It is also relevant to note that the Council is currently falling short of a 3 and 5-year housing land supply and that the proposal would make a moderate contribution to this shortfall being addressed as a windfall brownfield development. The application of the 'tilted balance' in favour of sustainable development is a material policy consideration as identified by the NPPF in this circumstance (Paragraph 11). However, as cited above, the principle of residential is supported for the reasons stated. The 'tilted balance' guides towards granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

## **2. Design and Visual Impact**

Achieving good design runs through national guidance where the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development (Paragraph 131). Guidance furthers that developments should be visually attractive, by sympathetic to local character (whilst not preventing or discouraging innovation) and maintain a strong sense of place (Paragraph 135). Similar design expectations are engrained within the Development Plan through Policies SS11, DE1 and DE4 of the Torbay Local Plan and TH8 of the Torquay Neighbourhood Plan.

The existing building frames a busy and prominent junction which is positive in urban design terms. However, beyond this the building offers little value to the local built environment due to its general form, the existence of deleterious extensions and attachments, which include a very awkward forward junction of the two-storey flat-roofed element with the adjacent terrace and an unfortunate utilitarian staircasing forward of the main building line to Quinta Road, and through the buildings deteriorated state. The demolition of the building is supported where it presents opportunity for enhancement of the local built environment as the building itself holds little value.

Turning to the proposal the redevelopment seeks to replace the existing building with a modern apartment building of a broadly similar size. The building lines to Quinta Road and Reddenhill Road draw closer to the public highway whilst seeking a set-back distance that suitably reflects the adjacent attached terrace. The revised building lines are considered acceptable in the context. In terms of scale and height the proposed 3-storey building broadly reflects the existing building, which itself is predominantly 3-storeys. The proposed building is 0.3m higher than the existing but presents a uniform height, compared to the existing building which steps down to 2-storeys where it links to the terrace on Reddenhill Road. This presents an additional height of 2.75m in the area of the existing flat roof, however the additional scale is mitigated by a significant step-back in the upper floor of 2.6m. This softens the transition in building heights when viewed from either approach along Reddenhill Road and presents a satisfactory arrangement with the terrace. In terms of form and detailed design a modern flat-roofed building is supported in principle notwithstanding the predominantly pitched roof character, where it offers the opportunity to present a bold statement building on a corner plot, and where there are interspersed flat roofed buildings more widely that generally integrate comfortably with the more predominant pitched

character. In terms of elevation detail the two principal elevations present staggered building lines and a pleasantly uniform vertical glazing arrangement, which combine to break up the scale of the building and offer a good level of visual interest. The building lines and vertical glazing echo the bay detail and glazing of the adjacent terraces, which is deemed a positive reflection of local context. The material finish has been amended from render to brick which will present a more robust material that is less likely to visually degrade on what is a prominent corner plot. The choice of brick echoes the stone found locally within larger public buildings, some terraces, and prevalent within boundary treatments, and is considered acceptable.

In terms of layout and landscaping the parking is suitably screened from the public realm by being located to the rear of the building. As the rear of the plot is currently a hard landscape, and as there is rear garages as part of the immediate context accessed via the adjacent lane, the positioning of the parking is considered a suitable design outcome. Landscaping within the plot is currently limited to a linear wraparound element, which will be reproduced within the proposed layout. A planning condition to secure an appropriate planting detail should be attached to any grant of planning permission.

All matters considered the form and overall character of the building is considered positive, where it would present a suitably scaled and well-detailed building for its context, one that is uncluttered yet attractive, and one which adequately acknowledges local character. When considering policy guidance, the proposal is deemed to be in accordance with Policies DE1, DE4 and SS11 of the Torbay Local Plan, TH8 of the Torquay Neighbourhood Plan, and is aligned with the guidance contained in the NPPF in terms of good design.

### **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.

In terms of location the suburban setting is close to the shopping areas of Plainmoor and Reddenhill Road is considered positive for the future use and well suited to a residential occupancy moving forward, presenting good opportunities for future occupants in terms of access to services, facilities and sustainable transport options, which is all positive.

In terms of the proposed units the proposed building will deliver 1x3-bed, 9x2-bed and 4x1-bed apartments ranging in size from 50sqm for the smaller units to 98sqm 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 offered good levels of natural lighting. 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 within the scheme (11 out of 14) would benefit from some degree of outdoor space, either from access to the front landscaping area and private terraces, or private

balconies, albeit where the private areas are not to the scale expected by the Development Plan Policies. Most balconies and terraces being circa 3sqm in size however these elements are however positive and would enhance the good quality internal residential environments. When considering the proximity to a number of public open spaces (open space and urban woodland to the southeast at the end of Quinta Road, Walls Hill and Babbacombe Downs close by to the northeast, and the Cary Park greenspaces to the north), the provision is considered acceptable in this particular context. 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 parking, which has been enhanced through revised plans, is to be provided in a safe and secure facility to the side of the building near to the entrance at a level in accordance with policy guidance (1 space per apartment) and visitor cycle parking is proposed opposite the entrance to the building aside the boundary wall. The revised cycle parking is considered adequate. In terms of waste there is an assigned storage area within the car park court that presents sufficient storage space for the necessary bins within adequate distance for occupiers to use.

In terms of impacts upon adjacent occupiers the proposed use is comfortably aligned with the established 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 would not be unduly impacted as the development generally replicates the existing building in terms of footprint and scale. There is some change to the building's element adjacent to the attached terraced property, however impacts are reduced through a staggered building line and when appreciating that the adjacent side-facing window is a secondary window that is of lesser sensitivity. In terms of privacy there would no undue impacts on wider neighbours due to the distances between windows and an arrangement that broadly replicates the existing context.

Having regard to the amenities provided within the proposal for future occupants and the future relationship of the development with adjacent plots and neighbouring occupants, the scheme is considered sufficiently aligned with the aims and objectives of Policies SS11, DE1 and DE3 of the Torbay Local Plan, Policy THW4 of the Torquay Neighbourhood Plan and guidance contained within the NPPF.

#### **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 suburban 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 23-bed care home (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 a single vehicular access point off Quinta Road at the eastern edge of the site furthest away from the junction of Quinta Road with Reddenhill Road, which 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 guidance notes also 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 10 parking spaces which falls short of 14 expected in policies TA3 and TH9, with the 4 1-bed apartments not being assigned a parking space on site. In mitigation the site has relatively good connections to services for a non-town centre location, being close to both Plainmoor and Reddenhill shopping Areas. In addition, following a request from the Highway Authority the application is supported by a parking survey that has positively demonstrated that there is sufficient street parking capacity within close proximity of the site in order to not present an undue impact from additional pressures. That said there is public concern over the lack of parking and the likely impact on what are stated as already congested roads. In terms of mitigation the Council's Strategic Planning Officer has requested a Sustainable Transport financial obligation to fund improvements to non-car movement infrastructure in the area, which has been agreed in principle with the applicant. Finally, it is also a material consideration that the current use appears absent of any form of parking facility for staff or visitors with what appears to be a small single-space pull-in off Quinta Road present. It is hence reasonable to consider that the former use would have presented some form of parking pressure locally and that would be true of the development was retained and re-opened.

With all matters considered it is deemed that the development would not present undue impact upon street parking in the area and the level of parking is deemed acceptable within this particular context for the reasons above. In terms of the layout and provision within the parking area there is one assigned disabled space, which is deemed an acceptable provision and supported by the Highway Authority. Electric charging facilities are not identified but it is noted within the submitted Energy Statement that electric vehicle charging points to promote sustainable transport options will be engrained within the development. It is deemed satisfactory to use a planning condition to establish and secure an acceptable provision. In terms of the parking court layout minor amendment and tracking information has established that cars can pass through the access route, which is positive for safety reasons. Tracking has also been submitted and assessed to establish that the spaces are duly accessible, and the arrangement has been recently amended, including a minor reduction in the footprint of the building, in order to provide 3.2m wide spaces aside walls and with a 6m central manoeuvring space the parking dimensions accord with Torbay Council standing advice for communal parking courts. Officers consider the provision acceptable updated comments from the Highway Authority now offer support with all matters resolved.

In terms of cycle parking facilities as detailed within Section 3 of the Officer Assessment the revised facility is now considered to present a good quality policy compliant provision in terms of both occupier and visitor cycle parking.

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, subject to a financial obligation toward sustainable transport, 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. To the side and rear of the building hardstanding is present, and landscaping is limited to the narrow area forward of the buildings two public-facing elevations, within which there has been a diminishing of its value through tree and shrub removal over recent years.

The application is supported by an ecology report and more recently an ecological external lighting plan.

The submitted ecology report concludes that bats are not present and that the building holds little roosting potential. It also details that bird nesting has been present and that there is the potential for future nesting, but beyond this there is low potential for any other protected species. The report concludes that there are no ecological constraints to the granting of planning permission subject to conditions regarding repeat bat surveys in the event of a significant time delay in demolishing the building, the provision of bat and bird boxes within the development (five in-built swift nest boxes and four in-built bat boxes), a landscaping scheme that includes a variety of horizontal and vertical plants suitable for shelter and foraging by garden bird species (recommends this includes a minimum of 5 x small trees specimens, e.g. slender trunked and upright varieties such as birch, rowan and some cherry forms adjacent to the northwest boundary, and a minimum of 3 small tree or shrub specimens plus planting of a minimum of 3 vertical climbers on wall trellis, e.g. honeysuckle, jasmine, etc. to the northeast boundary). It also states that no demolition within the nesting season should be undertaken unless previously surveyed to confirm the absence of nesting birds. The report also highlighted the requirement for a lighting scheme pre-decision, which has been submitted.

The ecology report and lighting strategy 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 vegetation clearance or building work within the nesting season unless surveyed, and adherence to the submitted lighting strategy.

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 at a greenfield run off rate with supporting attenuation to manage up to the 1-in-100 flood event plus climate change. The provision of a controlled discharge will significantly reduce the rate of run-off into the public sewer network compared to the existing uncontrolled discharge. This presents the redevelopment offering a clear betterment in terms of the public drainage system in terms of the replacement, controlled, discharge. In terms of the detailed design of the controlled discharge system following the submission of additional detail the Council's drainage engineer is content that the system accords with policy guidance and is acceptable on flood risk grounds and offers no objections on drainage grounds to planning permission being granted.

South West Water have confirmed that they can serve the development with clean potable water and manage foul waters within their infrastructure. They offer no objection to planning permission being granted.

With the proposal providing betterment by replacing the existing uncontrolled discharge to the public sewer with a controlled discharge mimicking greenfield run-off rates and designed to account for climate change, the proposal is considered acceptable on drainage and flood risk grounds. The proposal is considered comfortably aligned with the aims and objectives of Policies ER1 of the Torbay Local Plan and the NPPF.

## **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 Statement. This sits as initial feasibility work with stated expectations that the outline strategy is captured through conditions or other means should planning permission be granted.

The Energy Statement cites that the development will look to reduce demand for energy consumption based on an energy hierarchy of “Be Lean, Be Clean, Be Green”. Be Lean is linked to passive design measures, Be Clean is linked to the use of clean energy source technologies, and Be Green is based on considering the potential for renewable energy sources. The statement cites that the first two are expected to significant CO2 savings, with the third having the potential to maximise CO2 reduction.

The concepts are detailed out in terms of the following measures being implemented. The apartment block will incorporate high-performance insulation materials, double-glazed windows with low-emissivity and thermally efficient frames will be used, energy-efficient LED lighting will be used throughout the building, including motion sensors and daylight controls, and efficient HVAC systems, including heat recovery ventilation (HRV) units, will be used. The proposal also details that an energy management plan could be implemented to monitor and manage energy consumption within the development and furthers that water-efficient fixtures and fittings will be used. The Statement also details that the development will aim for an EPC rating of B or higher, demonstrating a high level of energy efficiency.

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

The development is, for the reasons above and subject to the detailed condition, considered suitable for approval, 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 to the development’s passive surveillance benefits. In the context it is deemed necessary to secure detail that establishes measures to reduce the developments susceptibility to crime and measure to positively influence reducing crime and disorder. It is deemed that these measures can be secured by a planning condition, which is supported by the comments provided by the Police Design Out Crime Officer which express a desire for planning conditions to be considered.

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 Policies 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. Aside the longer-term economic benefits of local spend from occupants the construction phase would also create jobs within the local economy. There are no adverse economic impacts that would arise from this development. The building has not been used for 5 years and the provision of 14 households in a sustainable location will help local centre vitality and viability. In respect of the economic element of sustainable development the balance is in favour of the development.

### **The Social Role**

The principle social benefit of the proposed development is that it would help deliver good-sized units, largely 2-bed, that could be occupied by singles, couples or small families, helping aspirations towards mixed and balanced communities. This would be in an area that would be well located for shops, services and job opportunities for occupants. In respect of the social element of sustainable development the balance is in favour of the development.

### **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. The ecological mitigation measures will present enhanced bat and bird nesting facilities where the present building does not, which together with potential landscaping would present minor improvements ecologically.

### **Sustainability Conclusion**

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

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

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

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

### **Local Finance Considerations**

#### **CIL**

The land is situated in Charging Zone 2 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 £70/sqm unless exempt.

Based on the submitted CIL form, which provides an indication, subject to formal determination, that the proposal would deliver 1,116sqm of CIL liable floorspace without exceptions, thus it is likely to deliver circa £78,120 in CIL payments.

### **S106**

Site Acceptability Matters: Sustainable Transport obligation of £3,440 towards improvements to sustainable transport infrastructure in the area.

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

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

### **EIA/HRA**

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

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

### **Planning Balance**

The planning assessment considers the policy and material considerations in detail. It is considered that the scheme in terms of addressing the Development Plan aspiration to promote reuse brownfield sites and provide housing would produce a positive impact overall and is in accordance with the development plan as a whole. It is also noted that it will also trigger CIL payment of approximately £78,120.

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

The loss of the disused care facility is considered acceptable, where it is not considered harmful to the wider provision of specialist housing in Torbay.

The proposed use of the site for residential purposes is considered acceptable, where it will provide much needed housing in a sustainable location, compatible with the wider residential character of the area.

The proposal will provide an acceptable standard of accommodation that is in a sustainable location with good local access to shops, facilities, schools, sustainable transport modes, and local parks.

The amount of parking is considered acceptable when considering the evidence scrutinised on the availability of street parking and through the provision of financial mitigation towards sustainable transport enhancements, and with consideration that the existing development/use is principally absent of parking as a material consideration.

The scale and design of the building is considered acceptable and will present an enhanced building form on a prominent corner plot.

Due to the above and subject to appropriate conditions and the stated financial obligation, the proposal is recommended for approval.

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

Consideration of the application of the presumption in favour of sustainable development (NPPF Paragraph 11) offers that developments proposals that accord with an up-to-date development plan should be approved without delay. Where out-of-date planning permission should be granted unless policies within the NPPF regarding protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There is no impact or harm to protected areas or assets of particular importance, and there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

### **Officer Recommendation**

Approval: Subject to;

1. The conditions as outlined, with final drafting delegated to the Divisional Director of Planning, Housing and Climate Emergency.
2. Legal agreement to secure a Sustainable Transport Obligation of £3,440.
3. The resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Divisional Director of Planning, Housing and Climate Emergency, including the addition of any necessary further planning conditions or obligations.

### **Conditions**

#### **Construction Management Plan**

Prior to the commencement of development including site preparation and vegetation clearance works, a site specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include, but not be limited to:

- a) Procedures for maintaining good neighbour relations including complaint management.
- b) The parking of vehicles of site operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- f) Wheel washing facilities.
- g) The adoption and use of the best practicable means to reduce and control the emission of dust and other airborne pollutants and dirt during construction.
- h) 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.
- i) The adoption and use of the best practicable means to reduce and control noise.
- j) Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- k) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 14:00 on Saturdays and at no time at weekends or bank holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

The approved Construction Management Plan shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of surrounding occupiers during the construction of the development, in accordance with Policy DE3 of the Torbay Local Plan 2012-2030. These details are required pre-commencement as specified to ensure that highway safety and neighbouring amenity is not harmed by building operations or site preparation.

### **Flood Risk**

The development shall not be occupied until the surface water drainage system detailed on plan references 1655 0500 P4 (Drainage Strategy) and 1655 0512 P1 (Manhole Area Plan) has been completed in accordance with the submitted plans. The surface water drainage system as detailed on these plans shall then be retained and maintained for the lifetime of the development.

Reason: As Torbay is designated as a Critical Drainage Area and to ensure that the development does not increase flood risk elsewhere in accordance with policies ER1 and ER2 of the Torbay Local Plan 2012-2030.

### **Detailed Design**

Prior to their installation within the development details of the following shall be submitted to and approved in writing by the Local Planning Authority;

1. Windows and Doors: Cross-sections, profiles, reveals and head detail.
2. Guttering: Location, form and material.
3. Balcony Metalwork: Form.

Plans and sections shall be to a scale between 1:1 and 1:5 where submitted.

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

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

### **Nesting Season**

No vegetation clearance or demolition works shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the works will not disturb nesting birds and a record of this kept.

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

### **Ecology: biodiversity enhancement**

Development shall be carried out in accordance with the actions set out in the Preliminary Ecological Assessment: Bats and Nesting Bird Survey Report (George Bemment Associates, dated May 2023).

Prior to the first use of the proposed development a minimum of five in-built swift nest boxes and four in-built bat boxes shall be provided, in accordance with the submitted ecology report, and the provision of low light transmission glazing within the 9 corridor windows within the southeast elevation.



The approved measures shall be delivered in full prior to the first occupation of the development and maintained for their purpose thereafter through the life of the development.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF.

### **External Lighting**

All external lighting shall accord with the submitted and approved lighting assessment (Kosnic Lighting Limited: dated 09.06.2023) without variation throughout the lifetime of the development and no additional external lighting shall be provided within the development.

Reason: In the interests of biodiversity in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and Policy TE5 of the Torquay Neighbourhood Plan.

### **Landscaping**

Notwithstanding submitted detail, including reference to laurel box hedging on the approved plans, prior to the first occupation of the development a detailed landscaping scheme, including planting detail and maintenance, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall seek to positively address the recommendations of the submitted and approved Preliminary Ecological Assessment: Bats and Nesting Bird Survey Report (George Bemment Associates, dated May 2023), and secure a variety of horizontal and vertical plants suitable for shelter and foraging by garden bird species.

The approved landscaping shall be delivered in full prior to the first occupation of the development and maintained thereafter. Should any planting be removed, or die, within 5 years of completion of the planting scheme replanting, to a similar size and specification, shall be completed within the first available planting season.

Reason: To ensure the development positively incorporates biodiversity features proportionate to its scale, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030 and advice contained within the NPPF

### **Landscape and Ecological Management Plan (LEMP)**

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

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

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

Reason: To secure a satisfactory form of development in accordance with Policies DE3, SS8, C4 and NC1 of the Torbay Local Plan 2012-2030 and THW4 of the Torquay Neighbourhood Plan.

### **Parking provision**

Prior to the first occupation of the development the parking facilities hereby approved shall have been provided and demarked for the use by the 2 and 3 bed units on a 1 space per unit basis, in full. These elements shall thereafter be retained in full as parking facilities to serve the development for the life of the development.

Reason: To secure an appropriate form of development in accordance with Policies DE1 and TA3 of the Torbay Local Plan 2012-2030 and Policies TH8 and TH9 of the Torquay Neighbourhood Plan.

### **Electric charging facilities**

Prior to the first occupation of the development details of the location and form of electric car charging facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The provision shall serve no less than 20% of the development.

The charging facilities shall be implemented in full and made available for use prior to the first use of the building and shall be always maintained and available for use thereafter to serve the development.

Reason: To secure an appropriate form of development in accordance with Policies TA3 and SS14 of the Torbay Local Plan 2012-2030 and Policy TH9 of the Torquay Neighbourhood Plan.

### **Cycle parking provision**

Prior to the first use of the development the approved cycle parking facilities shall be completed and made available for the purpose of cycle parking to serve the development. Once provided, the cycle parking facilities shall be retained for the life of the development for such purposes.

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

### **Waste provision**

Prior to the first occupation of the development the waste and recycling storage facilities shall be completed and made available for the purposes of waste storage to serve the development. The approved waste storage arrangements shall thereafter be retained for the life of the development.

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

### **Secured by Design**

Prior to the commencement of development above damp proof course level, excluding demolition, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable.

The approved measures shall be incorporated within the development in full prior to occupation of the development and thereafter be maintained and operational.

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

### **Energy / Low Carbon**

Prior to the first use of the development the following energy efficiency measures and sustainability and climate change measures, as stated within the submitted Energy Statement (contained within the Design and Access Statement), shall be implemented in full:

- High-performance insulation materials for walls, floors, and roofs.
- Double-glazed windows with low-emissivity and thermally efficient frames.
- Energy-efficient LED lighting throughout the building, including motion sensors and daylight controls.
- Efficient HVAC systems, including heat recovery ventilation (HRV) units.
- Water-efficient fixtures and appliances.

Prior to the first occupation of the development an Energy Management Plan shall be submitted to and approved in writing by the Local Planning Authority to establish measures to monitor and manage energy consumption within the development, which shall include review mechanisms. The approved Plan shall be implemented throughout the life of the development.

Unless otherwise submitted and approved in writing the development shall achieve EPC rating of B or higher. Confirmation of the EPC rating B or higher shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: In the interests of sustainable development and to minimise carbon emissions in accordance with Policy SS14 and ES1 of the adopted Torbay Local Plan 2012-2030.

### **Boundary treatments / Means of enclosure**

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no means of enclosure, other than those detailed within the plans hereby approved, including gates, fences, walls or other means of enclosure, shall be erected/installed within the development between the building and the adjacent public highways.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policies SS10 and DE1 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood Plan and advice contained within the NPPF.

### **Ancillary equipment**

No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted (other than those indicated on the approved plans) unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual and general amenities of the area and in accordance with Policy DE1 and DE3 of the Torbay Local Plan 2012-2030 and Policy TH8 of the Torquay Neighbourhood 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**

### **Development Plan Relevant Policies**

SS1 - Growth Strategy for a prosperous Torbay  
SS3 - Presumption in favour of sustainable dev  
SS11 – Sustainable communities  
SS12 – Housing  
SS13 – Five-year housing land supply  
TA1 - Transport and accessibility  
TA2 - Development access  
TA3 – Parking requirements  
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