

Application Number

P/2011/1257

Site AddressFlat 9 Basement
64 Windsor Road
Torquay
Devon
TQ1 1SZ**Case Officer**

Mr John Burton

Ward

Ellacombe

Description

Conversion of basement to 1 number flat with 2 bedrooms - retrospective.

Executive Summary/Key Outcomes

The space as residential accommodation already exists. However, following a recent refusal of planning permission on appeal, the accommodation is not currently authorised for use as a separate unit. The Council's Planning Investigation Team have used negotiation and persuasion to ensure that the space is part of the unit on the ground floor, linked by a set of stairs. Thus the number of units at the property has not been increased. Following a recent decision by Members in relation to a HiMO two doors up (November's Committee), it is considered difficult to justify refusal of this application for one more unit. Although the Highway Authority raises concerns about the shortfall of parking that would result, no specific objections are raised.

Recommendation

Approval.

Site Details

No. 64 Windsor Road is a former guest house (12 beds) set at the western end of a terrace of 4 properties. The current accommodation is provided over four storeys in the main building (basement, ground, 1st and 2nd floors) with a rear extension comprising 2 floors (ground and 1st). The front garden is partly taken up by a single garage and planted areas, with a single width drive to the west side of the building leading to an area at the rear for further parking. This part of Windsor Road is predominantly characterised by similar buildings, used as single residences, or split into flats. The land slopes downhill quite steeply towards the west.

Detailed Proposals

Planning permission is sought for an extra unit of residential at 64 Windsor Road. The property is currently authorised for use as 7 residential flats and this extra unit would take the total to 8. The accommodation already exists, but is not

currently authorised for use as a separate unit of accommodation.

Retrospective planning permission for use of this space as a separate unit of residential accommodation was applied for in May 2009. During the course of negotiations, the applicant appealed against non-determination and the application was determined at appeal. The appeal decision issued in December 2009 refused to grant planning permission for this extra self contained unit based on the lack of off-street parking that would have resulted at the premises. However, in the light of recent considerations and resolution to approve by Members in respect the use of 68 Windsor Road as a HiMO without any off-street parking, the applicant considers that a precedent has been set which should influence the reconsideration of his application for a further unit at no. 64.

The accommodation proposed shows a 2 bedroom flat within the basement of no. 64 Windsor Road. Accommodation also comprises a separate kitchen, bathroom and lounge. Access into the flat is gained via a door at the side of the property. No extra parking space is, or can be, provided for to serve this extra unit.

Summary Of Consultation Responses

Highways Authority: Whilst their formal observations have yet to be received, it is known that they will raise concerns about the lack of parking without specifically raising an objection. Their formal response will be reported to Members.

Summary Of Representations

One letter of representation has been received and is reproduced at page T.200. This letter expresses concern about the impact of the proposal (based upon the past experience of use of this accommodation), particularly in respect of overlooking, loss of privacy and loss of amenity.

Relevant Planning History

- | | |
|-----------|---|
| 2000/0943 | Planning permission granted in August 2000 for the change of use from guest house to residential house. |
| 2005/0390 | Single storey extension, approved 5th May 2005. |
| 2006/0149 | Conversion to form 9 one bed roomed flats and 1 two-bedroomed flat with parking. Refused March 2006. |
| 2006/0463 | Conversion to form 3 bedroom flat and 3 one-bed flats (first and second floors). Approved 10/5/2006 following Committee site visit. The ground floor and basement were indicated as being owners' accommodation. Parking for 5 vehicles was to be provided at the rear with a single garage to the front of the site. |

2006/1418 Conversion to 3 one-bed flats approved 5th March 2007.

2009/0432 Conversion of former owners basement accommodation to owners self contained 2-bed flat (retrospective) - application not determined, but dismissed on appeal.

Relevant Policies

PPG3 "Housing"

PPG13 "Transport"

Torbay Local Plan 1995-2011 -

HS Housing strategy

H2 New housing on unidentified sites

H4 Conversion and sub-division into flats

H6 Affordable housing on unidentified sites

H10 Housing densities

CF6 Community infrastructure contributions

T25 Car parking in new development

Key Issues/Material Considerations

The 2009 appeal decision

The relevant appeal decision in relation to the use of the basement as a separate unit of residential accommodation, is reproduced at page T.200. The main gist of the Inspector's reasoning is as follows. He considered the main issue to be the effect of the scheme on road safety given that the proposal would result in extra parking on the public highway. He noted that the site would be short on parking by 6 spaces if the scheme was to have been approved. He noted the traffic speed permissible on Windsor Road (30mph), concluded that extra parked cars on street would obstruct the flow and would lead to danger where pedestrians tried to cross the road. He considered that this would set an unfortunate precedent. He also noted that the locality was too hilly to promote cycling, and the nearest bus stop was too far away down the hill to encourage use of public transport. He considered the hilly nature of the surrounding road network made it unlikely that people would want to walk to the town centre. He also noted that one extra flat would not have any significant impact on local housing shortages and would be outweighed by road safety concerns. None of these circumstances have really changed over the intervening two years.

Principle and Planning Policy -

The primary relevant planning policy considerations are Planning Policy Guidance note no. 13 - 'Transport' - (January 2011), Planning Policy Statement no. 3 - 'Housing' - (November 2006) and the Department for Transport's Manual for Streets (which gives advice on design and safety issues for residential roads). On a more local level, the relevant policy within the saved adopted Torbay Local Plan is policy T25 (car parking standards). There would

clearly be a shortfall on off-street parking to the Council's adopted standards, which could result in a reason for refusal. However, these standards set a maximum and not a minimum threshold and have been relaxed in similar circumstances due to location and other relevant factors. Notwithstanding the inspector's findings in 2009, the opinions espoused by officers in relation to the HiMo application at number 68 Windsor Road are relevant and determine that the site has relatively good access and connectivity.

Precedent

Despite the issues raised above, Members must take into account the precedent that has been set by their decision to approve a HiMO, two doors up from this current development site. That permission granted in November 2011, granted planning permission for a HiMO at no 68 in accordance with the licence under Environmental Health Legislation, and as such authorised up to 14 residents. This was done despite there being no off-street parking available. It is likely that this would constitute a significant consideration on any subsequent appeal were this current application to be refused.

Size of residential accommodation

This Council is trying to encourage larger accommodation and family units because there is an over-supply of small one bed flats within the Bay and particularly in Ellacombe. This proposal meets the requirements that the Council is aiming to encourage because it is a two bed unit of sufficient size. On this basis there are no issues surrounding the quality of the accommodation being proposed.

S106/CIL -

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. This is made quite clear in policy CF6 of the Saved Adopted Torbay Local Plan. In line with Central Government legislation and advice from the Government Office for the South West, the Council has now adopted a Supplementary Planning Document which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). This was originally adopted in May 2008, but has now been examined again and re-interpreted in the light of the current severe economic problems faced by this country, in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The 'Planning contributions and affordable housing supplementary document, update 3: Economic recovery measures', was adopted by the Council in April 2011. It is therefore appropriate to evaluate the amount of the required 'developer contribution' in line with this adopted revision to the policy. The amount of contribution due would be based upon the floor space to be created in

each unit. The unit measures approx. 68 metres square and so it would fit within the second category for contributions. In this instance, it is considered appropriate for contributions to be sought for the following criteria:-

Waste Management	£ 50.00
Sustainable Transport	£1720.00
Lifelong learning	£ 220.00
Green space	£1120.00
TOTAL	£3110.00

Conclusions

Although the scheme does not provide the recommended level of off-street parking to serve the total number of 8 units as set out in Local Plan policy T25, the site is reasonably well located to the town centre. Furthermore, although the inspector dealing with the 2009 appeal determined that the lack of off street parking should lead to the appeal being dismissed, the precedent set by the recent decision at no. 68 is a material and significant consideration. It is also relevant that the proposal would create a residential unit of reasonable size. The question is therefore whether or not the provision of a good quality unit can outweigh the potential impact on parking. Given the location, the limited impact of one additional unit and the precedent set two doors up for a HiMo, Officers are of the opinion that it would and as such the recommendation is one of approval.

However, any resolution to approve should be subject to a planning obligation under s106 of The Act, particular to ensure that the sustainable Transportation element is provided to assist non car movement in the area. The Applicant has indicated his willingness to enter into a Planning Obligation.

Informative(s)

01. This application is the subject of a Planning Obligation under s106 of the Town and Country Planning Act 1990.

Relevant Policies