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Dear Member

**DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 10 MARCH 2014**

I am now able to enclose, for consideration at the Monday, 10 March 2014 meeting of the Development Management Committee, the following report that was unavailable when the agenda was printed.

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Yours sincerely

Lisa Antrobus  
Clerk

# Agenda Item 9

## Application Number

P/2014/0030

## Site Address

The Pines  
78 St Marychurch Road  
Torquay  
Devon  
TQ1 3HG

## Case Officer

Mrs Ruth Robinson

## Ward

St Marychurch

## Description

Re-submission of P/2013/1070 for a new four storey residential apartment block comprising 14 units with associated car parking St Marychurch Road, Torquay. Amendments comprising relocation of building forwards in the plot and revised roof design.

## Executive Summary/Key Outcomes

The site is now cleared following demolition of the Victorian Villa that formerly occupied the site. It is a complex site due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

Outline approval with all matters reserved was granted in 2011 for 13 flats on the site with 13 car parking spaces.

A revised detailed application for 14 flats was submitted in October 2013. This application, which has now been withdrawn, was for a building that was slightly larger than the outline approval, had moved closer to the rear boundary and was of a design that, in taking a typical villa form produced a bulky and intrusive form of building.

The key issues emerging from consultation in relation to this scheme were the size and design of the proposed building, the impact on neighbours, trees and the level of car parking.

Following negotiation on that application, the scheme was modified in an attempt to overcome some of these concerns. A fresh application has been submitted as it was considered that the changes were such that it was necessary to re-advertise the proposal. The building has moved away from the rear boundary, balconies have been deleted, and a more contemporary approach to design has succeeded in reducing the height and dominance of the roof and delivers a form of building that will sit more comfortably in the street scene.

Parking levels are consistent with the outline approval and are appropriate given the location of the site in relation to local shops and services and public transport links.

The level of S106 contributions is being challenged on the grounds of viability and the outcome of IVA will be reported verbally to the Committee meeting.

### **Recommendation**

Approval: subject to the conclusion of a S106 to secure an agreed level of sustainable development contributions and conditions in relation to large scale details, samples of materials, tree protection, advance boundary planting/ landscape, implementation of bins and bike storage and possibly widening of access (subject to tree investigation). In the event that the s106 agreement is not signed before the 13 week expiry date of the application, that permission be refused for reasons of the lack of a s106 agreement.

### **Statutory Determination Period**

This application should be determined within 13 weeks which expires on the 16th April 2014.

### **Site Details**

Development along this part of St Marychurch Road is largely Victorian in character and comprises either original or redeveloped villas in spacious plots. Building forms become much more tight grained closer to the Local Centre and away from the road frontage.

The site is currently cleared following demolition of the detached Victorian Villa which formerly occupied the site. This was most recently used as a Care Home. It is located on a busy traffic route and is bounded on three sides by residential properties which are located close to the boundaries of the site.

Vehicular access is via a drive entrance from St Marychurch Road. The level of the site slopes away from the road.

The site contains several trees that are protected by a Tree Preservation Order (TPO no. 2002.21 - St. Marychurch Road, Torquay). These occupy the southern boundary of the site, forming a dense screen between the application site and the adjacent residential block of flats, Locksley, on the eastern street frontage and on the extreme NW of the plot.

The large mature Pine and Holm Oak trees occupying the eastern street boundary and are a significant feature in the street scene.

### **Detailed Proposals**

This is a detailed application for the construction of a three and four storey block containing 14 2 bed flats with 14 car parking spaces.

### **Summary Of Consultation Responses**

*Highways:* Suggest that vehicular access might usefully be widened and some visitor parking would be welcome. They request £29,080 sustainable transport contribution to be spent on improved cycle links with the town centre and outbound towards the hospital.

*Trees:* Have no in principle objection subject to matters of detail being secured by condition.

*South West Water:* Point out location of public sewer which will have to be diverted at the applicant's expense.

*Police Architectural Liaison Officer:* Raises the lack of reference to designing out crime in the Design & Access Statement. Suggestions are included in the comments for reducing the potential of crime.

### **Summary Of Representations**

Consultation on the withdrawn application generated many letters of objection from adjacent occupiers. Objections fell into 3 broad categories.

1. Height and bulk of building: particularly the 4 storey elevation facing the rear of properties on Studely Road.
2. Loss of privacy and impact on residential amenity, inclusion of balconies to rear elevation and failure to include details of boundary treatment.
3. Lack of visitor parking.

The revised scheme is currently out for consultation and is likely to yield a similar range of concerns. Any additional points of concern emerging will be reported verbally as the consultation period expires on the 6th February.

These representations have been reproduced and sent electronically for Members consideration.

### **Relevant Planning History**

P/2005/0892: Construction of 33 apartments: Refused 26.07.05

P/2006/0799: Erection of 14 flats: Refused 1.08.06.

P/2006/1217: Erection of 11 flats and 2 houses: Withdrawn following advice that would be refused.

P/2011/0552: Erection of 13 flats (in outline): Approved 18.11.11.

P/2013/1070: Erection of 14 2 bed flats with 14 car parking spaces: Withdrawn.

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

This is a complex site to develop due to the relationship to TPO trees, proximity to neighbours and abrupt changes in level.

There have been a series of applications to redevelop this site. Earlier proposals to redevelop the site for 33, 14 and 13 flats respectively were refused due to the size of the proposed buildings and impact on amenity and on protected trees.

In 2011, outline approval (with all matters reserved) based on a feasibility study was granted for a replacement building containing 13 2 bed flats with 13 car parking spaces. This extended beyond the footprint of the existing villa and achieved three stories to the front of the site and four to the rear.

A revised detailed application for 14 flats was submitted in October 2013. This application, which has now been withdrawn, was for a building that was slightly larger than the outline approval, had moved closer to the rear boundary and was of a design that, in taking a typical villa form produced a bulky and intrusive form of building.

Following negotiation on that application, the scheme was modified in an attempt to overcome some of these concerns. A fresh application has been submitted as it was considered that the changes were such that it was necessary to re-advertise the proposal. The building has moved away from the rear boundary, balconies have been deleted, and a more contemporary approach to design has succeeded in reducing the height and dominance of the roof and delivers a form of building that will sit more comfortably in the street scene.

Consultation on the previous now withdrawn application identified that the key issues were height and size of the proposed building, its design its impact on residential amenity and lack of visitor parking. The revised scheme is currently out for consultation with an expiry date of 6th February and is likely to yield a similar range of concerns. Any new issues of relevance will be reported verbally.

The following matters are so far identified as being key issues.

#### **Height, Size and Design of Building**

The former building on the site was a predominantly two storey villa which sat comfortably in its tree bordered grounds and had little impact on the street scene or on the amenity of neighbouring properties. This building has now been demolished and the site cleared.

This application is for 14 units and is of a broadly similar form to the outline approval.

As originally submitted, the height of the proposed building had grown by around 1.5 m and the footprint by about 10% from the previously approved scheme. The outline approval was, however on the very margins of acceptability in terms of size and height and this further, albeit relatively minor increase in size was a cause for concern in terms of impact on the street scene, on residential amenity and on the health and longevity of

protected trees.

The proposed building had also been moved further back into the site than the outline scheme which meant that it was about 2-3m closer to the residential dwellings to the rear of the site. Whilst this was beneficial in terms of the impact on the street scene and on the mature pines which front the site it exacerbated the impact on amenity particularly on properties on Studley Road which are directly overlooked by the rear elevation of the proposed building.

The inclusion of balconies on the rear elevation was also raised as a specific concern by residents on Studley Road.

In addition, the design of the proposed building was not successful and attempts to replicate the 'villa' character resulted in a bland and bulky building with a dominant roof which would have been intrusive in the street scene.

The applicants were advised of the need to resolve these matters. This required a reduction in height, footprint, some movement of the building towards the front of the site and the inclusion of advance boundary planting that would mitigate the impact on the amenity of adjacent properties.

They were also advised that a more contemporary design, which reduced the dominance of the roof and introduced more interest to the elevations might help absorb the impact of introducing a large mass of building into such a constrained site. They were also asked to delete the balconies to the rear elevation.

A fresh application has now been submitted in response to these concerns.

In terms of design, the dominance of the roof is reduced by a more contemporary approach that involves a series of flat and mono pitch roofs to the building. This has reduced the height and achieves a less 'bulky' form of building. The building has moved closer to the front of the site, and subject to confirmation that this will not unduly impact on the TPO Pine tree, will reduce the impact on the amenity of residents of Studley Road. The balconies have been deleted which will further assist in terms of amenity. A scheme of advance planting to the rear boundary has been requested and the applicants have agreed to this.

It is considered that the scheme is now acceptable in terms of design, size, position in the site and relationship to neighbours. The Council's Arboriculturalist supports, in principle, the movement of the building towards the trees fronting the site and a revised Implications study has been submitted which is currently being assessed. Any concerns emerging will be presented at Committee.

### **Vehicular Access/Parking**

The access to the site is from St Marychurch Road and is not ideal due to the poor

visibility. Officers have indicated a preference for widening the access so that 2 vehicles can pass during access and egress. The impact that this has on the trees will need to be assessed but preliminary investigations suggest that this should be acceptable. Again, confirmation will be available by the Committee date.

In terms of the level of parking, officers have suggested that the inclusion of some visitor parking would be preferable but increasing parking levels will be difficult due to the change in levels across the site and proximity to trees. The outline scheme was approved with 1:1 car parking and circumstances have not changed since that decision was made. It is also the case that the site is well located for public transport and local services so insistence on additional parking is not justified.

### **S106/CIL -**

The SPD 'Planning Contributions and Affordable Housing' indicates that the scheme should yield the following in terms of developer contributions.

Waste Management (Site Acceptability)	£ 700.00	£ 665.00
Sustainable Transport (Sustainable Development)	£26,340.00	£25,023.00
Stronger Communities (Sustainable Development)	£ 0.00	£ 0.00
Lifelong Learning (Sustainable Development)	£ 940.00	£ 893.00
Greenspace & Recreation (Sustainable Development)	£20,340.00	£19,323.00
South Devon Link Road	£10,480.00	£ 9,956.00
<b>Total</b>	<b>£58,800.00</b>	<b>£55,860.00</b>
Administration charge (5%)	£ 2,940.00	£ 2,793.00
<b>Total with Admin Charge</b>	<b>£61,740.00</b>	<b>£58,653.00</b>

The applicants contend that the scheme is not viable with this scale of charge particularly in light of the design changes requested which will increase construction costs. The applicant has submitted an IVA to confirm this position. This suggests that the level of contribution the scheme can afford is £20,000 which would be a discount of around 65%. Progress on this will be reported verbally.

### **Conclusions**

The revisions to the submitted scheme result in a proposal that is acceptable in terms of design, size, position in site and relationship to trees (subject to confirmation) and adjacent occupiers.

The scheme contains an acceptable level of parking that is consistent with the outline approval and satisfactory given its location in relation to public transport and local shops and services.

The applicants contend that the scheme has limited viability and have commissioned an

IVA to substantiate this. Progress on this will be reported verbally.

**Recommendation**

Approval subject to:

A. The conclusion of a S106 at the applicant's expense to secure the agreed level of Sustainable Development Contributions.

B. Conditions to secure large scale details, samples (or specification) of materials, advance boundary planting, landscaping of site, arboricultural method statement, tree protection, implementation of bins and bike storage and possibly widening of access.

**Relevant Policies**

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