

**P/2011/0249/MPA**

**Cockington With Chelston Ward**

**South Sands Apartments, Torbay Road, Torquay**

**Demolition of 19 flats and formation of 11 town houses with vehicular and pedestrian access**

### **Site Details**

South Sands is an existing 2 storey building located on the north west side of Torbay Road, south of the junction with Cliff Road. The site is bound to the rear by the railway tracks and Woodleys Meadow beyond, to the north by The Corbyn and to the south by the Lee Hotel. Residential properties characterise the east side of the road with the Livermead Cliff Hotel north east of the site. There are no site specific constraints covering the site.

In policy terms the site is within the Torbay Road Seafront PHAA. The site backs on to a local wildlife area, alongside the railway tracks. Torbay Road is a District Distributor Road.

### **Relevant Planning History**

P/1987/1221 – Alterations and formation of additional flat – PER – 24/8/87

P/1990/1039 – Variation of conditions to allow holiday flats to be occupied for 12 months instead of 10 months in each year – PER – 24/7/90

P/2003/0868 – Replacement UPVC windows – PER – 9/7/03

P/2004/1334 – Installation of 56 windows and 6 doors in white UPVC double glazing – PER – 1/10/04

P/2008/1250 – Demolition of 19 flats, formation of 24 flat (10 holiday and 14 residential) – WDN – 20/10/08

P/2009/0917 – Demolition of 19 flats formation of 24 flats (10 holiday and 14 residential) – WDN – 14/3/11

P/2011/0043 – Removal of condition 1 on application 90/1039 to allow residential use – WDN – 4/3/11

### **Relevant Policies**

*Saved Adopted Torbay Local Plan 1995-2011*

HS	Housing Strategy
H2	New Housing on unidentified sites
H9	Layout, design and community aspects
TUS	Tourism Strategy
TU6	Principle Holiday Accommodation Areas
CF6	Community infrastructure contributions
W7	Development and waste recycling facilities
NC3	Protected Sites – locally important sites
BES	Built environment Strategy
BE1	Design of new development
T19	District Distributor Road Network
T25	Car Parking in new development
T26	Access from development on to the highway

### **Proposals**

This application proposes the demolition of the existing building and its replacement with 11 town houses. The buildings would be primarily 3 storeys although the two end sections, entailing the two properties on either end of the terrace would also have penthouse style level of accommodation, these houses would have garaging on the ground floor. The remainder of the properties would have parking spaces (total of 14) at the front of the site. Each dwelling has a small garden area at the rear.

### **Consultations**

*Highways* – The development provides sufficient levels of parking, the existing access is suitable and

the new access offers good visibility and therefore would be acceptable. Therefore Highways raise no objections. A request has been received from highways for a contribution towards footway improvements.

*South West Water* – No objections. A public rising main sewer is located within the site, however, SWW has been in discussions with the applicant and a detailed agreement has been recorded for building close to the sewer. Alternatively, should the developer request for the sewer to be diverted, SWW will also be able to support this.

### **Representations**

7 comments in support and 3 objections have been received, the comments raised have been summarised as below:

#### *Support:*

- Good Design
- Improvement to the site
- Happy if building is no higher than neighbours
- Easy access to main road
- More appropriate than previous scheme

#### *Object:*

- Out of place
- Should be three storeys/too tall
- Not enough parking spaces
- Un-neighbourly
- Impact on privacy
- Impact on congestion on Torbay Road
- Does not provide much needed family housing
- Design is not in keeping/too modern

In response to the initial objections which were received Linden Homes have engaged in some additional consultation including an event at the Grand Hotel and have submitted a statement of community involvement.

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

The key issues in determining the application are considered to be (1) Principle, (2) Visual impact, (3) Neighbour amenity, (4) Highways, (5) S.106.

#### *Principle*

The site is within a Principle Holiday Accommodation Area (PHAA) the policy which relates to these areas states that applications for changes of use away from holiday accommodation purposes will generally be resisted unless it can be shown that certain criteria apply. The first of these is that the facility lacks a basic range of facilities and does not offer scope for improvement. The flats are relatively small and the premises do not have any additional ancillary facilities. There is limited scope for the upgrading of these facilities given that the building has been previously extended. The second criterion is where the premises have a limited number of bedspaces. The existing facility has 19 holiday flats, however, as mentioned above there are limited ancillary facilities. The third criterion is where the loss of the facility would not have a significant impact on the holiday character of the area. The facility does not make a significant contribution to the holiday character of the area and it is considered that the visual improvements which would arise from this proposal will make a more attractive approach to Torquay sea front when approaching from Paignton. The fourth criterion is that the proposed use would be compatible with the area. The area does comprise a mix of holiday accommodation and residential and as such the proposed use is considered to be compatible.

It should also be noted that the business has been struggling for some time and financial information on this point has been submitted with the application.

Furthermore in March 2010 a document detailing a revised interpretation of this policy was issued and approved by the Council for planning purposes. This paper subdivides the PHAAs into colour coded sub-sections. South Sands is in an amber area. The guidance explains that holiday apartments within amber areas are likely to be allowed to have their restrictions removed. The guidance seeks to ensure that the type of use or development which replaces holiday apartments secures visual improvements where necessary and provides a good standard of accommodation. The merits of the design will be discussed below.

The proposal provides family sized units of accommodation, which have either 3 or 4 bedrooms and all have access to private amenity space. The site is bound by the railway line sidings and as such there is scope for disturbance to residents through train noise, however there are numerous properties in the area at equal distance to the train line and this tends to be the sort of noise which occupants acclimatise to. As such it is considered that the proposal provides a good standard of accommodation and that the principle is acceptable.

### *Visual Impact*

This proposal follows a number of applications which were withdrawn due to concerns about the size and design of the replacement building which extended to 7 storeys high and had been criticised by the Design Review Panel. The approach which has now come forward; to provide fewer, larger properties is considered to be appropriate. The height of the proposal is now much more in keeping with the prevailing heights of buildings in the area, with the taller 'bookends' of the building defining the site and breaking up the mass of the building, as well as providing some visual interest. Amendments have been made to the scheme following its submission through the articulation of the end elevations and the amendment to the treatment of the penthouse to soften the change in heights, primarily between the southern-most dwelling and the Lee Hotel. Therefore the height is considered to be appropriate and in line with the guidance within the Building Heights Strategy.

The Building Heights Strategy characterises this area as a coastal zone where development is predominantly 3 storeys to eaves. And there is a presumption that development will be constructed to the prevailing height of the area. It also goes on to say that marginal deviations from this can add to the richness and variety in the townscape. This proposal is predominately 3 storeys and therefore in line with guidance. The fourth storey could be considered as the equivalent of a roof space on a traditionally designed building, these taller 'book end' elements are also considered to add interest to the building. The building is therefore not considered to constitute a 'tall building' against the criteria of the strategy.

In terms of comparative sizes the building is 11.5m wider than the existing building and between 1.8m and 3.3m higher than the existing building. The proposed building is over 5m narrower in plot depth than the existing building.

The building is linear and does come relatively close to the side boundaries of the site. To the north this is ameliorated by the presence of the access lane between the application site and The Corbyn. The gap between the building and The Lee hotel is narrower, however the treatment of the penthouse assists in creating the illusion of space between the properties on the approach to the site.

The possibility of reducing the amount of development on the site, or narrowing the width of the buildings has been discussed with the architect and has been shown to be unviable and unfeasible. Therefore on balance the visual impact is considered to be acceptable, given the overall improvement to the visual amenities of the area when compared to the over extended building which currently exists.

The design approach is relatively modern and nautical, which is considered to be appropriate for one of the main approaches to Torquay. The site is not in a conservation area and there is no prevailing style of architecture in the immediate area from which to take substantive reference.

### *Neighbour Amenity*

Neighbour amenity was a concern in the consideration of the earlier schemes put forward for the site, mainly in terms of the outlook of the buildings of Woodleys Meadow to the rear. This was of particular concern given the size and scale of the buildings that were previously proposed and the amount of glazing which was proposed on the rear elevation. The current proposal is a much more neighbourly form of development. The dwellings proposed are over 25m away from the nearest property in Woodleys Meadow which is sufficient to avoid overlooking. The glazing on the rear elevation is not excessive and the scale of the development is akin to that around it. These properties are also separated from the site by the railway line and as such there is a degree of separation between them in any event. Therefore the impact on properties in Woodleys Meadow is acceptable.

The dwellings which face the site, on the south east side of Torbay Road have a normal residential relationship. They are over 20m from the boundary of the site.

### *Highways*

The application proposes a new vehicular access to the south of the site, a shared access drive running between the two accesses and shared parking spaces. This arrangement is considered to be acceptable by the highways officers. Sufficient parking spaces have been provided with a total of 14 communal spaces with the four 4 storey dwellings having garaging which provides at least 2 spaces for each of these dwellings. Therefore there is sufficient parking for the development.

### *S.106*

The proposal attracts the following S.106 requirements, following mitigation:

- Waste Management	£ 500
- Sustainable Transport	£15,760
- Stronger Communities	£ 2,000
- Lifelong Learning	£ 4,100
- Green Space	£18,750

**TOTAL** **£41,110**

These sums have been agreed with the developer. The recommendation of approval is therefore subject to a s.106 agreement, securing these sums, being signed.

**Sustainability** – The information submitted with the application explains that the buildings will be insulated to a high standard in excess of current building regulations requirements. Surface water will be discharged via soakaways and low energy lighting will be used.

**Crime and Disorder** – No issues. The development results in natural surveillance of the areas surrounding the buildings.

**Disability Issues** - Building Regs only.

### **Conclusions**

The proposal is considered to be an appropriate form of development in this location. It has an acceptable impact on both visual and neighbour amenity and provides an appropriate highways arrangement. Therefore, subject to the signing of a s.106 agreement within 3 months of the date of this committee, the application is recommended for conditional approval.

### **Recommendation:**

Conditional Approval

### **Condition(s):**

01. Prior to the first occupation of any of the dwellings hereby approved the parking areas shown

on drawing no. 3329-01 rev. A, including the integral garages shall be provided and laid out in accordance with that drawing. The parking spaces, including the integral garages shall be kept permanently available for parking purposes thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking is available for future residents, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the first use or occupation of the development hereby approved details of a management company which will maintain communal landscaped areas, access road and parking areas shall be submitted to and approved in writing along with details of their proposed duties and frequency of maintenance. The arrangements therein shall remain in force unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the future maintenance of these areas in the interests of visual amenity and in accordance with policy BES and L9 of the Saved Torbay Local Plan 1995 – 2011.

03. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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, implementation programme.

Reason: In the interests of visual amenity and to comply with the objectives of policies H9, L9 and BE2 of the saved adopted saved Torbay Local Plan 1995-2011.

04. The development hereby approved shall not be commenced until details of all proposed boundary walls and fences have been submitted to and approved by the Local Planning Authority. The dwelling(s) shall not be occupied until these have been provided in accordance with the approved details.

Reason: In the interests of the amenities of the area in accordance with policy BE1 of the Saved Torbay Local Plan 1995 - 2011.

05. Prior to the commencement of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Materials to be used externally in the development
- Hard surfacing materials
- Meter Boxes
- Windows and doors
- Rainwater goods

The proposal shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with policies BES and BE1 of the Saved Torbay Local Plan 1995 – 2011.