

P/2011/0356/MPA

St Marychurch Ward

Suite Dreams, Steep Hill, Torquay

Extend time limit - redevelopment to form 10 flats - application P/2008/0832/MPA

Site Details

The site lies close to the heart of the rural hamlet of Maidencombe and currently holds a mid-sized former hotel building that dates from the 1930s, which was further extended quite significantly in the 1960s. The building is set towards the rear of the plot backing onto open fields, with parking to the front between the building and the access point off Steep Hill. Due to sloping local topography the hotel sits above and below the adjacent properties, with an open aspect towards the coast. The wider urban form of the area is somewhat mixed, as although historically there has been development within the area dating back as early as the 8th Century, development has been largely piecemeal throughout the 18th and 19th Centuries, before more sizeable development occurred right the way through the 20th Century. In regard to specific local designation the plot lies within the Maidencombe Conservation Area, an Area of Great Landscape Value, the Coastal Preservation Area and the Countryside Zone.

Relevant Planning History

The most pertinent piece of planning history is that of the most recent approval for the redevelopment to provide 10 flats (P/2008/0832/MPA), which was passed with planning conditions and a legal agreement that formalised associated planning obligations.

More widely there is broad history to this site, which most notably includes:-

- P/2006/1183 Alterations, Extensions And Change Of Use To 10 Residential Apartments. Refused (Appeal allowed).
- P/2007/0130 Alterations, Extensions And Change Of Use To 9 Residential Apartments (Resubmission Of P/2006/1183). Refused.
- P/1980/3130 Extension to 2 bedrooms, lounges and dining room. Approved.
- P/1989/0675 Erection of double garage. Approved.
- P/1989/1876 Alterations and extensions to form additional accommodation. Approved.
- P/1990/0120 Alterations and extensions to hotel. Refused.
- P/1990/1902 Patio, ornamental garden works and landscaping. Approval.

Relevant Policies

Saved Torbay Local Plan 1995-2011 -

- BES Built Environment Strategy
- BE1 Design of New Development
- BE2 Landscaping and Design
- BE5 Policy in Conservation Areas
- HS Housing Strategy
- H2 New Housing on Unidentified Sites
- H4 Conversion and Sub-Division into Flats
- H9 Layout, Design and Community Aspects
- H10 Housing Densities
- TU7 Change Of Use or Redevelopment of Holiday Accommodation Outside Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- CF7 Educational Contributions
- W7 Development and Waste Recycling Facilities
- LS Landscape Strategy
- L2 Areas of Great Landscape Value
- L3 Coastal Preservation Areas

- L4 Countryside Zone
- EP1 Energy Efficient Design
- TS Land Use Transportation Strategy
- T1 Development Accessibility
- T2 Transport Hierarchy
- T3 Cycling
- T25 Car Parking in New Development
- T26 Access From Development onto the Highway
- T27 Servicing

The Urban Design Guide SPD

Planning Contributions and Affordable Housing: Priorities and Delivery SPD and the associated update guidance.

PPS3 Housing

PPS5 Planning for the Historic Environment

Proposals

The current proposal is to extend the time limit for the implementation of the previous application for the redevelopment of the site in order to provide a new residential building, which will deliver ten 2-bed flat units with associated vehicular parking.

For the purpose of clarity, the scheme that seeks an extension of time is to provide a three-storey structure that is modern in form, which possesses staggered elevations and a mixed palette of materials including render, stone and timber. The parking for the scheme is retained between the building and the access, which leaves largely hardscaped gardens to the southern section of the site. The building is shown to loosely cover a similar development footprint to that of the current structure. Eleven parking spaces, ten of which function individually, are proposed and there are designated areas for bin storage and cycle parking.

In regard to the detailed design the building is shown to supply four flats at ground level, with three further flats on each of the first and second floors. Balconies are present within the scheme to exploit the sea views that are on offer. The southern elevation features a large amount glass, which is arranged with a vertical emphasis, however the openings within the sides and rear elevations of the building are in the main far more classically scaled.

Consultations

None received, however previous comments were as follows;

Highways Engineer: There is likely to be a reduction in traffic brought about by the proposal and therefore no highways objection were raised.

Conservation Officer/Design Team: The existing property is not considered to contribute significantly to the conservation area, however any replacement should accord with the established urban design principles set out by CABI, which are detailed within the Adopted Urban Design Guide SPD. Through discussion within the platform of the Design Team Meeting the proposal is considered acceptable in terms of its built form and impact upon the character and appearance of the area. This judgement of acceptability was with the caveats on two further issues, which were firstly the importance of the front boundary of the site, as there is a fear that a wide entrance may amplify the impact of the car parking area. It was detailed that this could easily be overcome by retaining a tight entrance in order to maintain a village 'feel'. Secondly it was raised that attention must be made to the relationship with the adjacent cottage due to the topography and distances involved.

Transport Planner: A commuted sum should be sought inline with guidance and the development should also require installation of secure and covered cycle parking.

Senior Historic Environment Officer: Suite Dreams occupies the former location of the farmhouse of Card's Maidencombe, present on the Stokeinteignhead title map of 1843, the OS County Series of 1889, and 1904, but removed by 1933. Card's may be directly related to the Cade family who were farming here in the 1520s. As Maidencombe is a Domesday manor continuity on the site may be pushed back further. The application proposes the demolition of the present building and redevelopment on a similar footprint; it is not known to what extent the archaeological deposits, if any, survive beneath the footprint of the current building, or in the area between the building and the road. As assessment will not inform us of the extent of survival, only evaluation after demolition. In this instance I request the following Condition be applied to any approval: *No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme investigation submitted by the applicant and approved by the Local Planning Authority.*

English Heritage: No comments, the application should be decided in accordance with national and local policy guidance, and on the basis of our local specialist conservation advice.

Waste Officer: Concerns raised in regard to the accessibility of the site due to the width of the entrance, in regard to refuse vehicles manoeuvring and reversing in from Steep Hill, along with the accessibility of the bin storage area, particularly if a communal system is requested.

Representations

None received.

Key Issues/Material Considerations

There is an assumption with applications to extend time limits that permissions will be likely to be renewed unless there has been a change in the intervening period to either planning policy or other acknowledged material consideration. The main issue in consideration of the proposal is therefore whether or not any material circumstance has changed since the last approval that would indicate that this proposal should not be allowed a further period of time for implementation, as the principle and detail of the development has already been established.

Previously the key issues in determining this application were considered to be 1) whether the principle of the development is acceptable, 2) whether the visual impact of the proposal is acceptable, 3) whether the impact on neighbours is acceptable, 4) whether the parking and access arrangements are acceptable.

The following is a brief outline of these key issues;

- 1) The principal of residential accommodation on the site was considered valid following the Planning Inspectorate's previous decision that allowed on appeal a scheme to convert and extend the current hotel in to ten apartments.
- 2) The general scale and mass of the building was considered similar to the already approved conversion and the modernity of the building was considered contextually acceptable as Maidecombe shows a mixed form that expresses the evolving nature to the area.
- 3) Amenity issues were considered acceptable when assessed against the relationships that would have been present within an approved conversion scheme.
- 4) The general arrangement within the plot was considered to provide a development that functioned appropriately, with certain aspects dealt with under planning conditions.

The key material considerations, in respect to the issues cited above, are deemed to have remained largely unaltered and hence the general principle of the development is considered to remain

established. Notwithstanding this it is pertinent to identify that there has been a material change in respect to the matter of planning obligations, whereby updated direction alters two aspects of the guidance, firstly that the floor area of units should take precedence over the number of bedrooms when defining the actual size category of each unit, and secondly that education contributions are not currently sought for Torquay applications due to the existence of capacity within the current school provision. The proposal to extend the time limit should therefore reflect these material changes in policy.

Previous level of obligations sought;

Education Contributions:	£5,490.07 (10x£1549.07)
Green Space and Recreation Contributions:	£11,210.00 (10x£1121)
Lifelong Learning Contributions:	£2964.00 (10x£296.40)
Waste and Recycling Contribution:	£510.00 (10x£51)
Street Wardens Contributions:	£1258.00 (10x125.80)
TOTAL	£31,432.07

Revised level of contributions under current policy;

Education Contributions:	Zero
Green Space and Recreation Contributions:	£6,490.00
Lifelong Learning Contributions:	£2820.00
Waste and Recycling Contribution:	£500.00
Street Wardens Contributions:	£560.00
REVISED TOTAL:	£21370.00

As there would appear to be a change in the level of contributions triggered by the development it is considered essential that a revised Section 106 Legal Agreement should accompany any forthcoming extension of time.

Sustainability - No new issues.

Crime and Disorder - No new issues.

Disability Issues - No new issues, an internal lift is to be provided, giving access to all levels of the building.

Conclusions

The principle of the development has been established through the previous approval and the relevant material considerations that determined this remain in place. There has been amended guidance on the provision of planning obligations and hence a revised Section 106 Legal Agreement should be agreed in order to maintain the proposal being acceptable on merit. Should one not be forthcoming the proposal should be refused over the lack of such.

Recommendation:

Conditional Approval; subject to a Section 106 Legal Agreement relating to the appropriate planning obligations being signed by 01/07/2010, with conditions as laid out within the previous approval.

Condition(s):

01. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in

the course of development.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

02. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development., whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

03. The development shall not be used/occupied until the vehicle parking areas shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the Saved Torbay Local Plan 1995-2011

04. No development shall be commenced until a sample of the proposed sloping roofing material, along with a palette of all external finishes, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with policies BES, BE1 and BE5 of the Saved Torbay Local Plan 1995 - 2011.

05. Prior to the commencement of works the bin storage arrangements and site access width shall be means tested in regard to the practicality of use, and once accepted be completed and made available for use prior to the first occupation of any of the residential units hereby permitted, and shall be so retained for the duration of any residential occupation of the building.

Reason: To secure appropriate service facilities for the development, in accordance with the terms and objectives of policy W7 of the Saved Torbay Local Plan 1995-2011.

06. Prior to the commencement of any works of demolition associated with the development hereby permitted, details of measures to minimise and mitigate the effects of waste material production from the development on the site shall be submitted to and approved in writing by the Local Planning Authority, and the development hereby permitted shall be effected in strict accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the implementation of an appropriate regime of sustainable waste management for the site, in accordance with the terms and objectives of policies W6 and W7 of the Saved Torbay Local Plan 1995- 2011.

07. Prior to the occupation of any of the residential units hereby approved, the allocated cycle parking provision shown on the approved plans shall be completed and made available for use, and shall be so retained for the duration of the residential occupation of the flats for which the provision is made.

Reason: To secure the appropriate provision of cycle parking facilities to serve the development, to promote and enable the use of sustainable methods of transportation, in accordance with the terms

and objectives of policy TS, T1, T2 and T25 of the Saved Torbay Local Plan 1995-2011.

08. No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.

Reason: In order to ensure that any archaeological remains that are unearthed through the redevelopment of this site are suitably recorded and/or preserved, in accordance with Policies BE9 and BE10 of the Saved Torbay Local Plan 1995-2011.