

Application Number

P/2013/1202

Site AddressCraig
Ilsham Marine Drive
Torquay
Devon
TQ1 2HT**Case Officer**

Mr Scott Jones

Ward

Wellswood

Description

Formation of 5 no. apartments with vehicular parking (Re-Submission of P/2013/0258)

Executive Summary/Key Outcomes

The proposal is for five apartments in a modern marine styled building set centrally within the plot. The proposal includes 11 car parking spaces in a lower ground floor, with two flats provided on the ground and first floors and a further flat provided on a partial second floor.

A similarly scaled marine style building, to provide two houses, was approved in 2008. A subsequent proposal for five apartments, accommodated within a comparably sized building, was refused by the Authority. This was due to the likely impact upon the character of the area, uncertainty over the accuracy of the plans in regard to levels and scales, and also uncertainty over the impact upon trees. A subsequent appeal was dismissed. However the Inspector concluded that whilst a development of five apartments would intensify the use of the site, over a housing scheme, there is no reason to believe that this alone would be harmful to the character of the area, subject to suitable on-site parking arrangements.

The current proposal is set lower in the site than previous schemes. This requires considerable excavation but permits a simpler, less steep and more direct access through the site. The parking area that it serves is lower and visually more recessive than previous schemes. The area in front of the apartments will be a soft landscaped garden.

The reduced height of the building within the site, to a height below that previously approved, will ensure the development is acceptable in the streetscene and sits comfortably within the local environment, which notably contains a number of plots that have been redeveloped to offer larger modern marine styled buildings.

The site includes TPO'd trees, which will be retained.

The proposal is considered a positive response to the Council's concerns and the Inspector's comments on previous proposals.

Recommendation

Approval; Subject to; (i) securing planning contributions as outlined within this report within 3 months of the date of the Committee and, (ii) appropriate planning conditions delegated to the Executive Head Of Spatial Planning, to include those laid out in this report.

Statutory Determination Period

8 weeks / 3 January 2014.

Site Details

The site is a cleared residential plot that previously accommodated a single dwelling known as 'Craig'. The former building was a detached single-storey chalet style bungalow set in spacious grounds and orientated to overlook the coast to the South, which is a sensitive landscape area. To the rear of the plot are mature Scots Pines, which are protected by a Tree Preservation Order (no. 1971.11).

The site includes a number of trees, which screen the site from the north, east and west. There are large two/three storey properties in the area, with adjoining properties located some distance away from application site. These properties are set back from Ilsham Marine Drive and are served by drives / parking areas.

Detailed Proposals

The application proposes the formation of a modern marine style building, cut back into the slope of the site and containing five apartments. The accommodation is to be distributed over 3 storeys, with additional lower ground floor space offering underground parking to accommodate 11 spaces and cycle parking. The building is 9.8 metres high, from ground floor level, with approximately 2.8 metres of height to the lower ground floor, which is partially underground.

Access is provided via a drive to the east side of the plot that rises to a "double" garage door to the parking court.

The building is finished in clean render with areas of cladding, broken up by large elements of glazing with terraces and balconies off the principle elevation offering coastal views. Pedestrian access in to the building is provided either via steps to the ground floor or via a lift / stairs from the parking area.

The ground floor and first floors would each contain two apartments, containing 2 bedrooms per flat, with a single, three bedroom apartment occupying the

recessed second floor. Each apartment has a terrace or balcony as well as access to shared garden space.

Summary Of Consultation Responses

Arboricultural Officer: The scheme is suitable for approval on arboricultural merit subject to pre-commencement conditions to cover the submission of a detailed landscape plan prior to commencement, and that the arboricultural reports methodologies and plans are enacted in their entirety.

Highway Officer: Iterated previous comments offered, that the parking spaces should be 4.8m x 2.4m with at least 6m manoeuvring space between opposing spaces and that the gradient of the access should not exceed 1-in-8.

Sustainable Transport Officer: If considered acceptable apply the SPD to secure infrastructure improvements in the vicinity.

Summary Of Representations

Four letters of representation have been received with the key points raised as follows;

- Appose apartment blocks in this area
- Previous applications for apartments refused
- Information supplied is sparse
- Scale, form out of character
- Overdevelopment
- Impact on privacy
- Impact on sea views
- Impact on trees
- Precedent
- Traffic impact

The Chair of Development Management Committee has requested that the proposal is considered by the Committee rather than be treated as delegated matter.

The above representations have been sent electronically for Members consideration.

Relevant Planning History

P/2006/084	Erection of two dwellings - Refused 11/01/2007
P/2007/0119	Demolish House and erection of 2 new houses with vehicular/pedestrian access (revised scheme) - Refused 22/3/2007. Appeal dismissed 15/06/2007
P/2007/1444	Demolition of dwelling and erection of 2 new dwellings - Approved 12/12/2007

P/2008/0966	Demolition of dwelling and construction of 2 new dwellings with pedestrian access (revision of P/2007/1444) - Approved 30/10/2008
P/2011/0086	Erection of 5 flats - Refused 06/04/2011
P/2011/1343	Erection of 5 flats - Refused 24/05/2012 / Appeal dismissed
P/2013/0258	Formation of 5 apartments WDN - 23/10/2013

Key Issues/Material Considerations

The key issues in determining this application are (i) whether the principle of flats in this location is acceptable, (ii) the visual implications, (iii) amenity concerns, (iv) highway and access matters, and (v) implications upon trees.

1. Principle of flats

The Council has previously resisted the development of flats on this site, with concerns about the impact on the character of this part of Ilsham Marine Drive, which is defined by spacious houses in large plots. This preceded the Inspector's comments in December 2012 following the refusal to grant permission for a five apartment scheme under planning reference P/2011/1343. The Inspector's comments are a material consideration in determining this application and carry reasonable weight.

The Inspector considered that there was no policy support for an in principle objection to the development of flats in this area. The Inspector also offered that concern over precedent (set by an approval of flats) is not binding on future decisions, as each case is considered on its own merit. The Inspector specifically drew attention to the fact that it is the physical differences between developments of flats and houses, rather than the use, that could impact on the character and appearance of the area. i.e. occupation of similar buildings, whether houses or flats, would not necessarily alter that character of the area, but the divergence in detail, such as the necessity for and visual impact of additional levels of parking and access, that may raise concerns.

Development of the site for flats is supported by Policies H2, H9, H10, BES and BE1 of the existing Local Plan.

Given the Inspector's comments, and policy support in the Local Plan and NPPF, the principle of development of flats on the site is acceptable.

2. Visual impact / size and design

The previous planning permission, for two houses within a large contemporary building set centrally within the site, has established the parameters of an acceptable solution for development. The height of the proposed development, for five flats, is lower than that previously approved and the building will be the same width as previously approved. The quantum of development area is acceptable for the size of the plot and in relation to the character of the area.

The form and design maintains that previously considered acceptable, that of a modern marine style building finished with large elements of glazing and areas of terrace and balconies.

The extent of under-build parking has been reduced by lowering its level and re-orientating it 90 degrees, which hunkers it further into the plot and reduces the exposes levels of retaining walls necessary. In addition the side access offers a more domestic approach to the parking area and removes large areas of hard surface and retaining walls that featured to the south of the previously unsuccessful flatted scheme.

The proposal sits comfortably in the site and manages to access and supply parking for the multiple units without compromising the spacious and verdant character of the site and area.

3. Amenity impact

The proposed building, which will sit centrally within the site, will not have a negative impact on the amenities currently enjoyed by residents of adjoining properties. Those properties are more than 30 metres away from the proposed flats and are, in any case, screened by trees. It is important to note that the Council has approved a larger building on this site than is now proposed.

There is extensive glazing and numerous areas of raised outdoor amenity space (balconies and terracing) to the proposed building. However, in addition to existing trees and distance from adjoining houses, obscure glazing and privacy screens will be used in the new development. Consequently, there will be no loss of privacy or increased overlooking to adjoin properties.

4. Highway and access matters

With the scale of excavation, which results in a reduced ground floor level, the access can now be provided at a gradient not exceeding 1:8, which meets the required Highway standards.

The level of parking is considered acceptable for the number and size of units proposed. The size of the parking bays, and the manoeuvring space available, accords with Highway standards, which require 2.4m by 4.8m parking spaces and 6m for manoeuvring.

5. Trees

Given the attractive landscaped nature of the site, and the presence of TPO'd and specimen trees within the site, it is important for the proposed development to retain as many trees as possible. The Council's arboricultural officer is satisfied with the detail supplied in respect of the protected trees on the site and has advised that the proposal is acceptable, subject to conditions relating to protection of trees during construction and the submission of a more detailed

landscape plan prior to commencement of development.

S106/CIL -

The proposal would attract new occupants who would make use of local services and facilities. Therefore the developer must make a contribution, via a s.106 legal agreement, towards meeting these additional demands. The Council's SPD and Update Paper 3 set out how these should be calculated and the amounts are as follows for 5 flats:

Sustainable Transport	£10,366.67
Green Space	£ 8,066.67
Lifelong Learning	£ 76.67
Waste Management	£ 200.00
South Devon Link Road	£ 4,355.00
Administration fee	£ 1,153.25
TOTAL	£24,218.25 + Legal Fees

The Sustainable Transport Contribution would be used towards the provision of improvements to the walking and cycling infrastructure serving the area, helping to discourage car trips and promote alternatives for local trips.

The Greenspace and Recreation Contribution would be used towards the enhancement and improvement of the nearby section of the South West Coast Path and other routes in the vicinity where in accordance with the Public Rights of Way Improvement Plan.

The Lifelong Learning Contribution would be used to subsidise the local library service and improve self service kiosk technology.

The Waste Management Contribution would subsidise the costs of additional physical property and the rerouting of services, required because the proposed development would necessitate certain change in the provision of the waste collection and recycling service.

The applicant has confirmed that they are willing to enter into a S106 Agreement subject to a positive resolution.

Conclusions

The proposal provides a suitable form of development for the site, having overcome previous concerns in respect to how the building would sit on a sloping site, and having overcome concerns in respect to the visual impact of the parking under-build necessary to provide an appropriate degree of parking.

The proposed building is lower in height than that previously approved and its design is acceptable. The provision of flats, rather than houses, is supported by

Local Plan policies and by the NPPF. There would be no negative impact on the character of the area.

Trees within the site will be protected during the construction period and are protected thereafter.

Consequently the application is recommended for approval.

Conditions:-

- Submission of a detailed landscape plan
- All recommendations within the arboricultural report enacted in full
- Parking provided prior to occupation and maintained as such at all times thereafter
- All obscure glazing and screening enacted prior to occupation and maintained as such at all times thereafter
- Details of all external finishes to the building submitted prior to commencement
- Details of the following submitted prior to commencement;
 - Windows
 - Doors
 - Reveals
 - Fascias

Relevant Policies

BES Built environment strategy
BE1 Design of new development
HS Housing Strategy
H9 Layout, and design and community aspects
H10 Housing densities
T25 Car parking in new development
T26 Access from development onto the highway
LS Landscape strategy
L9 Planting and retention of trees
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
LDD6 Affordable Housing Contributions