

Application Number

P/2014/0028

Site Address

Burley Court Apartments
Wheatridge Lane
Torquay
Devon
TQ2 6RA

Case Officer

Mrs Ruth Robinson

Ward

Cockington With Chelston

Description

Change of use of 13 apartments from holiday to residential use; including demolition of existing Victorian bay on NE elevation and replacement with 3 storey bay extension and replacement of second floor vertical hanging tiles with a render finish.

Executive Summary/Key Outcomes

Burley Court Apartments comprises a block of 14 holiday flats with owners accommodation located on Wheatridge Road, Torquay. The application seeks a change of use to 13 residential flats. The area is primarily residential and the change of use is acceptable when judged against the criteria in policy TU7 of the Saved Adopted Local Plan.

The building has been poorly extended over the years and the Adopted SPD 'Revised Guidance on the Interpretation of Policy TU6 and TU7' and paragraphs 6.1.19-21 of the Proposed Submission Version of the Local Plan require improvements to the building. These have been secured and comprise the replacement of the hanging tiles to the Mansard Roof with weatherboarding, remodelling of the Victorian side bay window to a more contemporary appearance, removal and rationalisation of waste/drain pipes and replacement of the existing windows throughout the building on a phased basis with grey UPVC to a consistent pattern.

The property will otherwise be redecorated in line with an agreed schedule of works. Works to improve the appearance of the grounds are also included.

It has been demonstrated through an IVA which has been assessed by the TDA that the improvements to the visual appearance of the building affect the viability of the project to the extent that it cannot deliver the £32,000 S106 Community Infrastructure Contributions required by the adopted SPD 'Planning Contributions and Affordable Housing'.

The applicants have agreed to deferred contributions in the event that sales values are higher than anticipated. Discussions are continuing in relation to the

trigger for this, as the TDA has identified a potentially higher profit margin arising from the scheme than included in the applicant's appraisal.

The change of use is to be implemented on a phased basis as the applicants wish to continue with the holiday business over part of the building in the short term. The window replacements will be carried out on a phased basis in line with the change of each flat to residential use. The rest of the works will be carried out prior to occupation of the top floor flats.

Recommendation

Site Visit: Conditional Approval; subject to conclusion of S106 agreement to secure deferred contributions in the event that the sales value of the flats is greater than anticipated; subject to conditions as detailed at the end of this report to ensure that the works are implemented in a phased manner, that their detailed appearance is satisfactory and that bin and bike storage facilities are in place. S106 to be completed on or before 30 April 2014 or the application be refused for the lack of a s106 agreement.

Statutory Determination Period

This is a major application and should be determined within a 13 week period. This date is the 30th April.

Site Details

Burley Court Apartments comprises a block of 14 holiday flats with owner's accommodation. It is located in an area that is otherwise in residential use. The rear of the building faces Wheatridge Lane and the front overlooks new homes at Broadley Meadow.

The site originally comprised a Victorian Villa but has been extended over the years to the extent that all that remains of the original structure is a 2 storey bay window to the north east elevation.

The building sits centrally in this spacious site. It has landscaped gardens with a pool to the front of the site with extensive car parking areas to the rear. An indoor pool is located adjacent to the southern boundary of the site. The original building has been extended on all sides and is topped by a mansard roof with hanging tiles. It is a particularly unattractive building which looks incongruous in its more sedate residential surroundings.

Detailed Proposals

The proposals are for the change of use of 14 holiday flats to provide 13 residential units and improvements to the appearance of the building.

Summary Of Consultation Responses

Highways: No objection.

Police Architectural Liaison Officer: No objection to the scheme but raises a number of detailed points to improve security.

Summary Of Representations

Concern expressed by a close neighbour regarding the impact of balconies being introduced in terms of loss of privacy and noise nuisance. The design has now been amended to an enclosed window which has satisfied the neighbour.

Relevant Planning History

Most of the major extensions to the building were carried out in the 1950's and 60's. The building was further extended and converted from a hotel to holiday flats in 1991.

Since that time the only applications of relevance are:

P/2002/1198 Works to create new access: Approved 7.11.02

P/2013/0630/VC Variation of tile cladding: Pending

P/2013/0801 Change of use of 4 flats to residential: Withdrawn.

Key Issues/Material Considerations

There are 3 key issues. These are 1, the principle of the change of use, 2, the scale of improvements to the building and 3, the level of community infrastructure contribution delivered by the scheme.

1. Principle of the change of use (loss of the holiday accommodation)

An application was originally submitted for the change of use of the top floor flats only. This was withdrawn following Officer advice that it was not appropriate to consider changes to the building on an incremental basis given the clear policy requirement to deliver enhancements to the appearance of the building as a whole.

An application was subsequently submitted to cover the whole building. The flats are of a reasonable size, are mostly 2 bed and average about 55m². Two of the smaller flats are to be amalgamated to create one larger unit.

The site is not within a PHAA and so policy TU7 applies. This states that such changes of use will be permitted providing the holiday character of the area would not be undermined, the site is of limited significance and the new use would be compatible with the character of the area. Having considered these tests, in this case there are no policy reasons to resist the loss of holiday accommodation.

2. Scale of Improvements to the Appearance of the Building

The SPD, Revised Guidance on the Interpretation of Policies TU6 and TU7,

adopted in 2010, includes at paragraph 4.10 a requirement for the 'removal of unsightly features' such as dormers and large porches and explains that these should be removed and buildings restored to their original character.

This requirement is picked up and expanded in the Proposed Submission Torbay Local Plan which, at paragraph 6.1.2.19-21 explains that the removal of large 20th extensions, which were allowed because of the need to underpin tourism, should be removed or substantially modified to produce a more sympathetic appearance in the event of a change of use being acceptable.

Paragraph 6.1.20 does allow for a relaxation of S106 contributions in the event that the scale of improvements required undermines the viability of the project.

This building is so far removed from its original form that attempts to restore the original villa building would be destined to fail due to the scale of demolition required.

Adaptation of the existing building to produce a more pleasing appearance provides a more sensible route forward.

A number of options have been considered and detailed costings produced to determine what the scheme can reasonably be expected to afford.

The applicants have agreed to replace the hanging tiles to the Mansard Roof with weatherboarding, to remodel the Victorian side bay window to a more contemporary appearance, to remove/ rationalise waste and drain pipes across the rear facade and to replace the existing windows throughout the building on a phased basis with grey UPVC to a consistent pattern. The property will otherwise be redecorated in line with an agreed schedule of works. Works to improve the appearance of the grounds are also included.

The intention is to carry out the works to the building on a phased basis as the applicant wishes to continue with the holiday business in the garden facing apartments. It is likely that the top floor, which comprises 4 flats, will be remodelled first. The new windows will only be installed in line with the progression of the scheme through the building.

Level of Community Infrastructure Contribution Delivered

This scheme comprises the change of use of 14 holiday flats to 13 residential units and should deliver a S106 contribution of £32,000 in accordance with the SPD 'Planning Contributions and Affordable Housing'.

The applicant contends that the scheme cannot afford to deliver improvements to the building and meet the full SPD contribution.

For this reason the applicants have asked for the S106 contributions to be set aside in the first instance but they have agreed to deferred contributions in the event that higher values are achieved on sales than anticipated.

An IVA has been submitted which has been assessed by the TDA. This confirms that the scale of works, particularly the costs of replacing all the windows with a more appropriate style does affect the profit margin and undermine the schemes viability if required to meet the full S106 contribution.

The TDA has identified the possibility of a higher profit margin than that identified in the applicants assessment and has suggested that a trigger for deferred contributions is set at a lower level than the applicants originally suggested. A response on this is awaited and progress will be reported verbally.

As the change of use is likely to be implemented on a phased basis, this presents some difficulties in terms of monitoring sales values and costs in order to establish at what point the scheme should be re-assessed and the mechanism for deferred contributions should be triggered. This requires some further discussion with the applicant and it would seem appropriate to include a sum for monitoring in the S106 agreement.

Conclusions

The change of use of these holiday flats to residential use complies with Local Plan policy TU7. The adopted SPD 'Revised Guidance on the Interpretation of policies TU6 and TU7' and the Proposed Submission Version of the Torbay Local Plan paragraphs 6.1.19-21 is satisfied in that improvements to the building are secured. An IVA has been submitted and assessed which confirms that this scale of improvement is only affordable if the level of developer contribution required by the adopted SPD 'Planning Contributions and Affordable Housing' is initially set aside. The applicants have agreed to deferred contributions in the event that sales values exceed that anticipated. Discussions continue in relation to the trigger for this and how it is to be monitored. Progress will be reported verbally.

Recommendation

Site Visit: Conditional Approval; subject to conclusion of S106 agreement to secure deferred contributions in the event that the sales value of the flats is greater than anticipated; subject to conditions, as detailed below to ensure that the works are implemented in a phased manner, that their detailed appearance is satisfactory and that bike and bin storage facilities are provided.

1. Prior to the commencement of development on site, a schedule of works shall be submitted to and agreed in writing by the LPA which incorporates all the works agreed as part of this application and as itemised in the applicants letter of the [date to be inserted when final document received] These works shall all be complete prior to occupation of any of the proposed flats for residential purposes.

2. Prior to the commencement of development on site, a window schedule shall be submitted to and agreed in writing by the LPA which includes details at a scale of 1:5 and 1:20 of all the proposed replacement windows. This shall show glazing bars, profiles, relationship to the façade, colour and means of opening. The new windows shall be installed in each flat prior to occupation of that dwelling unit for residential purposes.

3. Prior to the commencement of development, details of the proposed weatherboarding shall be submitted to and agreed in writing by the LPA. It shall be in place prior to occupation of any of the proposed flats for residential purposes.

4. Notwithstanding the detail shown on Plan No BC 001 and as illustrated in the Design and Access Statement, full details of the proposed bin store and bike storage facilities shall be submitted to and agreed in writing by the LPA prior to the commencement of development on site. Thereafter the facilities shall be constructed in accordance with the agreed details prior to occupation of any of the proposed flats for residential purposes.

5. Notwithstanding the detail shown on Plan No. BC 009, details at a scale of 1:50 shall be submitted to and approved in writing by the LPA of the proposed bay extension prior to the commencement of construction of this part of the scheme. Thereafter, the extension shall be implemented in accordance with the agreed detail prior to occupation of any of the proposed flats for residential purposes.

6. Implementation of landscape scheme.

Relevant Policies

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