

**P/2011/0505/MPA**

**TormohunWard**

**Fairlawns Hall, 27 St Michaels Road, Torquay**

**Extend time limit - formation of 3 storey block to form 14 two/three bedroom apartments - application P/2008/0356**

### **Site Details**

The application site is a large detached Victorian Villa situated on the east side of St Michaels Road, located within a large plot of 0.37 hectares. It has previously been in use as holiday flats and is currently used for residential purposes. The property is set back from the road and is at a higher level than St Michaels Road. It comprises three elements; being the main villa, an extension to the eastern side of the property and the converted stables at the rear. There is an extensive stone wall along the boundary with St Michaels Road. The ground levels along St Michaels Road slope steeply in a northerly direction. There are a number of mature trees on the site.

The surrounding area is in residential use. Properties in Barton Road and Rooklands Avenue back onto the site. There is a footpath from the site that extends onto Barton Road. In the Torbay Local Plan 1995-2011 there is no specific designation relating to the site. It is noted that the site is not within a conservation area or within a Principal Holiday Accommodation Area.

### **Relevant Planning History**

P/2008/0356 Formation of 2/3 storey block to form 14 no 2 and 3 bedroom apartments. Approved. 06/06/2008

P/1983/1223 Use As Residential Flats. Approved. 18/07/1983

P/1981/2639 Conv Outbldg As A Hol Flat. Approved. 03/11/1981

The following application relating to a property at the rear is also considered relevant;

2009/1170 Detached dwelling, 46 Barton Road, approved 22.2.10

### **Relevant Policies**

*In the Torbay Local Plan 1995-2011 the following policies are relevant;*

- BES requires new development to conserve or enhance the built environment.
- BE1 requires design of new development to take account of the wider context.
- BE2 proposals for new buildings should incorporate landscaping as an integral part of the design.
- H2 promotes sustainable forms of new development
- H9 requires a high standard of design, taking into account characteristics of existing environment.
- H10 supports development at maximum densities
- H11 open space requirements for new housing
- CF2 Encourages development proposals to address the need to reduce crime without unduly affecting amenities.
- CF6 requires appropriate contributions to provide social, physical or environmental infrastructure.
- CF7 educational contributions
- TS promotes a sustainable land use transportation system
- T1 non residential development will only be permitted where more than 50% of users can gain access by foot, cycle or public transport.
- T2 sets out a transport hierarchy for all new development.
- T3 needs of cyclists should be taken into account
- T25 maximum car parking standards are set out in the schedule.
- T26 requires a safe standard of access
- TU7 sets out criteria for change of use of hotels/guest houses and holiday apartments outside PHAAs
- LS Landscape Strategy- development of sites within areas of landscape importance only permitted

where there is no harm to local character or distinctiveness.

- L8 protection of hedgerows, woodlands and other natural landscape features.
- L9 development will only be permitted where trees will not be harmed.
- L10 major development and landscaping

### **Detailed Proposals**

This application is to renew the planning permission granted under application reference 2008/0356MPA. This permission was to demolish the existing property and to construct a three storey building, with the second floor accommodation within the roof space, comprising 14 two and three bedroomed apartments with amenity space, car parking and cycle storage. The proposed building would be sited in a similar position to the existing building. Twenty six car parking would be provided to the east of the main building on a similar site to the existing parking provision. (A revised plan showing the provision of 22 spaces on the site was submitted during processing the application, however the layout with 26 spaces was the approved plan). A separate cycle store would also be provided at the north of the site. It is noted that under application reference 2008/0356 the agent agreed that the proposed position of the cycle store could be moved further from the boundary with the adjoining property. This was addressed by condition 4 on the grant of planning permission.

The proposed building would be between 0.3m and 1 metre higher than the existing building. In the design and access statement it is advised that the design is based on a classic Georgian building. This would incorporate large windows to ground floor and smaller windows above. The use of hipped roofs and chimneys are typical of Georgian features. The architect notes that there is no common form of development in the surrounding area. Materials would be white render walls with rainwater goods finished in black. Windows would be grey aluminium with slate style tiles on the roof and rolled lead to flat roofed areas and dormers will be used.

An arboricultural appraisal was submitted in support of the application. This proposes that six trees on the site are felled. All of these trees are classified in the 'C' poor category. An updated tree survey has been received in support of the current application.

### **Consultations**

Arboricultural Officer- That the application be suitable for approval on arboricultural merit if the suggested tree protection measures included within the updated tree report is conditioned to be discharged prior to any commencement of works on site.

Highways Officer – as long as the existing conditions are carried over highways raise no objection.

Strategic Transport Officer- consultation response awaited

### **Representations**

Letters of objection received and reproduced at T.203

The following issues are raised;

- \* As trees will be reduced in height neighbouring properties will have a view of the apartments.
- \* Not clear where boundaries of site are
- \* Adequate on site parking should be provided
- \* Increase in noise
- \* Where would play equipment be sited?
- \* It was previously agreed that the cycle shed would be re sited
- \* Site area includes land in the adjoining occupiers registered title and a right of way is affected.
- \* Conditions should be imposed to restrict further development of the site.
- \* Cycle store should be relocated
- \* There is an anti social problem with the access to Barton Road
- \* Loss of sea views
- \* Restrictions should be placed on the height of new tree planting

## **Key Issues / Material Considerations**

This application is a renewal of application reference 2008/0356MPA. As such the Authority needs to consider whether there have been any changes in material circumstance since the previous decision was made. In this case there has been a material change following the granting of consent for a dwelling to the rear of the site within the grounds of 46 Barton Road. Notwithstanding, that the consent at 46 Barton Road was granted after the original grant of consent that this application is seeking to extend.

The proposed development raises the following issues; loss of holiday accommodation, design, size and height of proposal, highways, impact on residential amenity, trees, and S106 contributions.

### *Loss of holiday accommodation*

Since the previous decision the Council has issued 'Revised guidance on the interpretation of Policies TU6 (PHAAs) and TU7 (Holiday Accommodation elsewhere)'. As the site is not within a PHAA this guidance would not materially affect the decision that the loss of holiday accommodation would be appropriate in this location and would accord with Policy TU7. The proposal accords with the objectives of Policy TU7 because the site is within a residential area and some distance from holiday facilities. There is no distinct holiday character in the area. The loss of 14 holiday flats in this location would not have a significant impact on the tourism industry due to the scale of the existing use. The proposed residential use of the site would be compatible with the character and other uses in the area. As the principle of the loss of holiday accommodation on the site has previously been agreed by the Council there would need to be very strong case to change this decision, which does not appear to be the case in this instance.

### *Demolition of building*

The principle of the demolition of the building has previously been accepted on the basis that it is not within a Conservation Area and is not of significant architectural merit to warrant listing. This has not changed and the loss of the building is considered to be acceptable.

### *Design of building*

The scale, height and design of the proposed building has previously been agreed by the Council, and is considered to be acceptable in this location. The footprint of the proposal would be similar to the existing property. The existing floorspace measures 1692 sq m and the proposed floorspace would be 1815sqm which is an increase of 123sqm. There would be a reasonably sized area on the site for amenity space. The height of the building would be appropriate in this location, and would be marginally higher than the existing building. The design and appearance would to an extent reflect the appearance of the existing building. The principle of a building based on a Georgian design is not necessarily characteristic of Torquay which has a strong Victorian character. However the design is not unattractive and would comply with the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011.

### *Highways*

The highways officer has not raised an objection to the proposed development. The proposal would provide 26 off street parking spaces which would provide a proportionally high level of on site parking provision. In addition a covered cycle store is also proposed on the site. A neighbour has raised an issue about the location of the cycle store. A condition on the previous grant of planning permission required this to be resited in comparison with the submitted plan. This condition can again be imposed on any grant of permission in respect of the current application.

### *Impact on residential amenity*

The closest neighbouring property is 46 Barton Road. This is at a higher level than the application site.

The proposed building would be sited slightly further away than the existing building on the site. The proposed development adjacent to this property would be higher than the existing building on this part of the site and would result in a window at roof level and the end of a balcony facing towards the

property at the rear. It is also noted that planning permission has been granted for a detached dwelling within the curtilage of 46 Barton Road which will directly face the proposed development. Further information has been requested from the applicant to clarify the relationship of buildings on the east boundary.

#### *Trees*

There are a number of mature trees on the site the majority of which will be retained under the proposal. The Council's arboricultural officer has advised that he has no objections to the proposal subject appropriate conditions.

#### *S106 Contributions*

Under application reference 2008/0356PA the S106 agreement required contributions of £75,349.28 to off set the impact of the development on local infrastructure. In accordance with the SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" the following contributions are required;

Waste management	£ 700
Sustainable Transport	£23500
Stronger Communities	£ 2800
Lifelong Learning	£ 6340
Greenspace	£16590
<b>Total</b>	<b>£49,930</b>

Clearly this total is lower than that previously agreed. It does accord with the Council's current guidance which is intended to reflect the current economic climate.

As the proposal is for 14 flats it falls below the threshold for affordable housing which is applicable for developments of 15 or more units. Due to the proximity of residential properties around the site and the steep access it would be appropriate to develop the site with 14 units rather than to seek additional units on the site. In addition the proposal is consistent with the objective to provide good quality housing stock rather than large numbers of smaller units. In order to ensure that in the future the flats are not subdivided and additional units provided on site without payment of an affordable housing contribution an appropriate control can be included in the S106 agreement.

*Economic regeneration outcomes* - The proposal would result in the loss of 14 holiday flats. The applicant advises that they were only used for holiday purposes between July and September and are let on a short term basis at other times. The site is in a peripheral location in relation to the main tourism area. The character of the surrounding area is residential and the loss of a holiday use would not affect the holiday character of the area. The proposal would represent an investment in the provision of good sized residential accommodation in a sustainable location.

**Sustainability** - The site is brownfield and located within walking distance of public transport.

**Crime and Disorder** - the proposal would not increase the risk of crime in the area.

**Disability Issues** - There are 5 apartments proposed at ground floor level which could provide disabled access.

#### **Conclusions**

In conclusion the proposal constitutes an appropriate form of development in this location. The design and external appearance of the building would make a positive contribution to the visual amenity of the area in accordance with Policies BES and BE1 in the Torbay Local Plan 1995-2011. It would provide an improved standard of residential accommodation on the site and would therefore constitute an investment in upgrading the housing stock in the area.

**Recommendations:**

Site Visit: Subject to the receipt of satisfactory further information and signing of a S106 Legal Agreement in terms acceptable to the Executive Head of Spatial Planning, within 3 months of the date of this committee meeting, Conditional Approval

**Condition(s):**

01. No development shall take place until a detailed schedule of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:5 indicating the following details have been submitted to and approved by the Local Planning Authority:

- a) reveals to window/door openings;
- b) glazing bars;
- c) sub-cills;
- d) eaves overhang.

The building shall not be occupied in accordance with these details.

Reason: To ensure that the architectural detailing of development is completed to a satisfactory standard in accordance with Policies BES, BE1 and H9 of the Torbay Local Plan 1995-2011.

03. Prior to the commencement of any works of demolition associated with the development hereby approved, details of the 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 of the terms and objectives of W6 and W7 of the Torbay Local Plan 1995-2011.

04. Notwithstanding the location of the cycle store shown on plan reference 100-7689 prior to the occupation of any of the residential units hereby approved, detailed plans showing the location, size and design of a secure allocated cycle parking store shall be submitted to and approved by the Local Planning Authority and completed and made available for use. The cycle store shall then be 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 Policies TS, T1, T2 and T25 of the Torbay Local Plan 1995-2011.

05. The development shall not be used/occupied until the vehicle parking areas shown on the approved detailed plans have been provided and made available for use. The area 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 Torbay Local Plan 1995-2011.

06. The waste and recycling materials storage facility shown on the approved plans shall 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 serve facilities for the development, in accordance with the terms and objectives of Policy W7 of the Torbay Local Plan 1995-2011.

07. No development or other operations shall commence on the site until the existing trees and/or hedgerows to be retained have been pollarded and protected in accordance with the arboricultural appraisal dated March 2008 and reference BRS1573. All works of demolition shall be carried out strictly in accordance with these details. This provides for the erection of fencing for the protection of any retained tree or hedge before any equipment or machinery or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surface materials have been removed from the site. If the fencing is damaged all operations shall cease until this is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To safeguard the existing trees and hedges in accordance with Policy L9 of the Torbay Local Plan 1995-2011.

08. Before any development is commenced, details of the existing and proposed levels of all buildings or structures and the levels of the site and any changes proposed to the site shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall then be constructed in accordance with the approved level details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of visual and residential amenity, in accordance with Policies BE1 and H9 of the Torbay Local Plan 1995-2011.

09. Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a sustainable urban drainage system, in accordance with construction industry research and information association document 522 for surface water disposal, (clean surface and roof water should be kept separate from the foul drainage system) shall be installed and the system should be maintained effect at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run-off and to accord with the requirement of PPS25 "Development and Flood Risk" in respect of sustainable drainage.

10. 10. Prior to the commencement of the development and in accordance with the plans submitted with the application hereby approved the following details for the development shall be submitted for the written approval of the Local Planning Authority:

- \* a detailed landscape plan including size, type and species of all planting, details of all grassed areas, walls, fences and other boundary treatments
- \* a phasing plan including specific timescales to demonstrate the sequence of work and ensure a suitable timescale for implementation
- \* a detailed landscape management plan
- \* a detailed tree protection plan and arboricultural method statement (AMS) according to the principles and recommendations of BS 5837:2005 and shall

include details of the methods of protection; a site plan showing the location of protective fencing and ground protection as well as materials storage areas, mixing and washing out areas, site huts, welfare facilities; how the tree protection is to be monitored (Site Monitoring Log) and ; how problems or departures from the agreed method statement are to be reported and resolved  
\* drainage details, including a plan of drainage and service runs, and methods and location of surface water attenuation

Reason: To ensure appropriate arboricultural works are undertaken together with long term management to ensure that the development is appropriate for the context appearance and character of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011. (The applicant is reminded that the Development Control Committee has requested that in preparing the landscaping proposals due regard is taken in respect of maintaining views through the site currently enjoyed by adjoining occupiers.)

11. 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 a 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, in accordance with Policy BE2 of the saved Torbay Local Plan 1995-2011.

12. This permission is related to an Agreement entered into by the applicant and the Torbay Council, under Section 106 of the Town and Country Planning Act 1990.

Reason; For the avoidance of doubt and to ensure a satisfactory standard of development.