

Application Number

P/2014/0827

Site Address5-7 Ilsham Road
Torquay
Devon
TQ1 2JG**Case Officer**

Mr Robert Pierce

Ward

Wellswood

Description

2 new Dwellings and Change of use from A3 (Restaurants & Cafes) to A1 (Shop) and also from part,C3 (Dwelling house) to A1 (Shop)

Executive Summary/Key Outcomes

5 and 7 Ilsham Road comprise an adjoining Restaurant (A3) and Shop (A1) within an established Local Shopping Centre with a flat and small office suite above.

They both have subservient rear service wings which connect into two rear buildings that front onto Kents Lane. The majority of the buildings are used for residential purposes comprising 5 existing flats. The small suite of offices has approval for residential use under the 'Prior Approval' notification process.

The application involves the change of use of parts of the ground floors of 5 and 7 to A1 (retail) use, the redevelopment of the dilapidated rear buildings fronting Kents Lane to provide two cottages and the reconstruction of the rear service wing which will provide at first floor level additional bedroom space for the 4 dwellings to be provided as part of this scheme (2 flats above the shop units and 2 cottages to the rear of the site). It will also provide revised covered pedestrian access facilities to serve the flats.

The application has been amended since submission to reduce the scale of the cottages fronting Kents Lane and to secure the retention/reconstruction of the rear service wings at first floor level in place of the single storey flat roofed extension previously included.

These amendments were secured to ensure that the character and appearance of the buildings and the wider Conservation Area are preserved.

The main concern from local residents relates to the change of use of parts of the ground floors of both 5 and 7 to retail use to provide one larger retail unit of around 350m². This is due to fears that the new unit is to be taken by a supermarket.

However, in planning terms this raises little concern; the amalgamation of the 2 units does not qualify as development, the A3 use in No.5 can revert to A1 as 'permitted development' and so all that is in need of planning permission in respect of the future use of the ground floor units is the change of use of the 2 internal covered courtyards to the rear of 5 and 7 and the one bed ground floor flat in the rear service wing of No.7.

This amounts to about 120m² of additional retail floor space which given its location in a Local Centre where the retention and creation of retail floor space is positively encouraged is wholly in line with Local Plan expectations and the requirements of the NPPF .

Recommendation

Conditional Approval, subject to the possible payment of a Unilateral Undertaking to fund modifications to the Traffic Regulation Orders to allow the introduction of a loading bay, receipt of additional revised plans which confirm that the rear service wing is to be rebuilt to fully accord with the existing structure and further detail in respect of the proposed 'plant' at first floor level to ensure that it does not impact on residential amenity. Conditions required as detailed in the conclusion to this report.

Statutory Determination Period

The 8 week determination date is 15.09.2014. An extension of time has been agreed.

Site Details

Numbers 5 and 7 Ilsham Road are identified as key buildings within the Lincombes Conservation Area and form part of a building group of architectural importance which make a significant contribution to townscape. The individual buildings within the terrace consistently step down the street in line with the local topography and, importantly, scale down in height from the principal building facing Ilsham Road to a rear service wing and in the majority of cases to a single storey garage/ancillary storage unit facing Kents Lane. This is a strongly consistent pattern.

No5 Ilsham Road comprises an A3 Restaurant use across the majority of the ground floor with a storage use in the ground floor of the unit facing Kents Lane. There are 2, 2 bed flats included within the building; one above the shop unit and one spanning the first floor rear service wing and ancillary building fronting Kents Lane.

No 7 Ilsham Road comprises an A1 retail use on a majority of the ground floor with an office use above. This has agreement under the 'Prior Approval' process to change to a residential use. It also includes two one bed flats in the rear service wing and a two bed flat in the ancillary building fronting Kents Lane.

Both buildings are designated as being part of the Wellswood Local Shopping Centre (Policy S10).

Both 5 and 7 Ilsham Road have distinctive ground floor entrance doors off Ilsham Road to serve the upper floor flats.

There are residential properties to the rear along Kents Lane. Ilsham Primary school is located opposite.

Detailed Proposals

There are three broad elements to the revised scheme:

- 1) The amalgamation of the ground floors of the two units fronting Ilsham Road, which are at slightly different levels into one larger A1 retail unit. This will incorporate the two inner courtyards and the ground floor flat.
- 2) The redevelopment of the two rear buildings fronting Kents Lane to provide a pair of semi-detached cottages with integral garages.
- 3) The retention/reconstruction of the two existing rear service wings. This will be used to provide additional bedrooms to the first floor flats and new cottages and to provide a covered access to the flats. Small patio areas will also be created within this central area to serve the flats and the new cottages. It also includes provision for a covered plant area.

Summary Of Consultation Responses

Highways and Strategic Transportation Officer. Whilst a Transport Statement / Assessment (TA) could be requested, given its location directly opposite a primary school, a condition could be applied to both shop units prohibiting servicing including deliveries / collections during school peak times, specifically 08:00 - 09:00 and 14:30 - 15:30 would mitigate the need for this document. A contribution towards funding the modification of the Traffic Regulation Order to allow the introduction of a loading bay is also requested, this could be secured via a Unilateral Undertaking.

Highways and Strategic Transportation Have no objection to the residential aspect of the application.

Summary Of Representations

Numerous public representations have been received (60 plus) in respect of the proposal. The majority oppose the development but there are 5 in support.

The main issues raised in respect of the retail element include:

- 1) Limited Parking
- 2) Impact on Village ambience
- 3) Highway Safety
- 4) A convenience store would take away trade from the other shops.
- 5) Conflict with existing parking
- 6) Need for a loading bay
- 7) No Transport Statement
- 8) Highway Safety (conflict with deliveries/parking during school hours and safety of children.
- 9) Disposal of asbestos.

The main issues raised in respect of the residential element include:

- 1) Height of the two new cottages
- 2) Overlooking from cottages into house opposite
- 3) Concerns about creating access to first floor flats from Kents Lane

These representations have been reproduced and sent electronically for Members consideration.

Relevant Planning History

P/2014/0328: Change of use of the upper floor of No 7 Ilsham Road from B1 to Residential: Prior Notification Not required 29.5.2014

DE/2014/2081: 2 new dwellings and formation of larger Retail Unit Supported in principle 10.7.2014.

Key Issues/Material Considerations

The key issues are:

1. The use of the ground floors of both 5 and 7 Ilsham Road for retail purposes.
2. The design and amenity implications of the conversion/adaptation of the remainder of the premises to provide 'new' residential development.
3. Highways requirements.

Each will be addressed in turn:

1. The Use of 5 and 7 Ilsham Road for retail purposes.

It is this aspect of the proposal which has caused most controversy amid fears that the potential occupier may be a supermarket operator. However, from a planning point of view there are no reasons to oppose the application.

The combination of the 2 units to form one larger retail unit does not of itself require planning permission. The A3 use in No 5 Ilsham Road could revert to an A1 use as permitted development. What therefore requires consent is the change of use of the one bed flat in the rear service wing of No 7 Ilsham Road plus the incorporation of the 2 covered courtyards.

This amounts to a relatively minimal area of 120 M2 which requires the benefit of planning permission for a change of use to A1. The application site is within a Local Centre where the retention/creation of shopping floorspace is positively encouraged in order to help reinforce the shopping function of the designated centre. The minor increase in floorspace arising from the proposed change of use is thus fully compliant with local plan policies, specifically policy S10 of the Adopted Torbay Local Plan and the relevant provisions of the NPPF which seeks to ensure that existing centres are supported by the provision of retail floorspace in such sustainable locations.

What is of relevance from a planning perspective, is any modifications to the appearance of the buildings arising from the combination of the 2 units. In this respect it is important to consider the strong vertical division of the terraced units which is reinforced by the typical 'stepping' down of the units in line with the topography.

It is important that this is retained and any change in level accommodated within the building. It is also important that the character of the paired shopfronts is retained along with their attractive entrance doors to the upper floor flats with their attractive architectural detailing. These are important features within the street scene and are typical of the Wellswood Village shops. Whilst the scheme does result in the loss of the internal separate access to the upper floors the applicant has agreed to retain and refurbish these external features restoring lost detail. A condition can be worded to ensure that the visual separation of the units is preserved along with restoration of the key features described as currently changes to the shopfronts do not form part of the application.

2. The Design and Amenity Implications of the Conversion/Adaption of the remainder of the buildings to Residential Use.

Currently there are 5 existing residential units within the scheme (2 within No 5 and 3 within No7) plus a 'Prior Approval' office to residential change of use in

No7 which has not yet been implemented. As a result of this application, there will be 4 residential units (one of these being the 'Prior Approval' dwelling) resulting in a net decrease of 2 dwellings. Thus there are no concerns relating to the scale or intensity of use on the site.

The main objections in relation to this aspect of the scheme relate to the height of the 'cottages', the impact on privacy particularly arising from the use of the flat roof included in the original submission, and the proposed access to the flats from the rear.

As originally submitted, the application included cottages with a steeply pitched roof with dormer windows which attained a height in excess of the principal building on the site. Given the subsidiarity of the buildings as they range from the front of the site to the rear, this lack of subservience was considered a serious design failure. The application also involved the demolition of the two storey rear service wing and its replacement with a single storey full width flat roofed extension. This was at odds with the consistent character of the remainder of the terrace and was visible from several public vantage points.

The applicant was advised that these aspects of the proposal had an adverse effect on the character and appearance of the Lincombes Conservation Area and that the cottages should be scaled down to achieve a more subservient relationship to the remainder of the property and that the characteristic rear service wing should be retained. He was also advised that the provision of a flat roof area over which access was gained to flats was an erosion of the existing residential environment and likely to create amenity concerns through overlooking/noise nuisance.

In response the applicant has agreed to reduce the scale of the cottages by deleting the accommodation in the roof and reducing the pitch and to retain the service wing albeit that it may have to be largely rebuilt due to its poor structural condition. The deleted bedrooms from the cottages have been relocated to occupy the retained/rebuilt service wing and this space is also used to provide the existing flats facing Ilsham Road with an additional bedroom each.

The concerns that the residents of the residential buildings opposite have in relation to overlooking from the cottages needs to be considered in the context that this overlooking takes place across a public space and that residential uses already exist in the existing buildings.

It should also be borne in mind that the exiting ancillary buildings fronting Kents Lane are an eyesore and that this development will lead to a significant improvement in their appearance; they will sit quite comfortably within the street scene and will now make a positive contribution to the character and appearance of the Conservation Area.

3. Highways Requirements

Highways have requested the imposition of a condition to control servicing in order to avoid peak school times. In a busy shopping parade this may be difficult to manage and enforce. Further, Highways have suggested that money be sought from the applicant to fund the provision of a loading bay. This could be secured through a Unilateral Undertaking. However it would be subject to consultation and the loss of car parking if a loading bay were introduced could be of concern to residents. Given the scale of the proposal, further advice from Highways will be sought about the nature of the scheme and the likely mitigation needed in terms of highway safety. An update will be provided at the Committee Meeting.

S106/CIL -

Due to the net reduction in the number of residential units on the site from 5 (potentially 6 if the prior approval flat was implemented) to 4 (including the prior approval unit) there is no need for any community infrastructure contributions to mitigate the impact of the development on the local area. A contribution via a Unilateral Undertaking may be needed to fund the TRO to allow the introduction of a loading bay.

Conclusions

The main reason for the level of objection relates to the provision of an enlarged retail unit and the fear that a supermarket operator may take up the unit. Whilst the concerns about competition, impact on existing shops, parking and servicing are all understood, it is necessary to be clear about what actually needs planning permission and the policy implications of this. The amalgamation of the 2 ground floors does not qualify as development; the A3 use in No 5 can revert to A1 as 'permitted development'. This leaves a relatively discrete level of increase in retail floor space in the order of 120m² comprised of covered internal courtyards and a one bed ground floor flat.

The site is within an identified Local Centre and the thrust of the relevant policies is to maintain the vitality and viability of the parade for shopping purposes. This application is thus fully compliant with relevant local plan policies and the NPPF which promotes the creation of sustainably located retail opportunities within existing centres.

In terms of the residential element of the scheme, there is a net reduction in the number of residential units on the site and concerns about the height and dominance of the cottages have been addressed. The adverse impact of the flat roofed extension particularly in design terms has been mitigated by the retention of the characteristic rear service wing. Whilst this may require extensive

reconstruction due to its poor condition, revised plans have been requested to ensure that it is carried out sympathetically and in a manner that matches the rest of the terrace. Additional information is required about the nature of the covered plant room and data in relation to possible noise nuisance given its proximity to new residential accommodation.

Subject to this, the proposal is now considered acceptable, it secures the vitality and viability of an identified local centre, delivers a smaller number of larger residential units, and will achieve improvements to the quality of the townscape and thus to the character and appearance of the wider conservation area.

Appropriately worded conditions are needed to secure large scale detail of the proposed changes to the building, the restoration of architectural detail in relation to the shopfronts, clarity about retaining the 'stepped' changes and verticality in any shopfront or signage application and securing functional requirements in relation to adequate bin and cycle storage and in relation to plant provision.

Condition(s)/Reason(s)

01. No servicing including deliveries and collections to Nos 5 and 7 Ilsham Road shall take place during school peak times specifically between 8am and 9am and between 2.30pm and 3.30pm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety during school hours, in accordance with Policy S10 of the saved Torbay Local Plan 1995-2011.

02. Prior to the commencement of development details of the type, specification and the location of any necessary extraction and ventilation system shall be submitted to and approved by the Local Planning Authority, which shall also include an operational statement that outlines the food processes that the system seeks to manage. The approved system shall be installed and permanently maintained to the agreed specification thereafter whilst the operation is in use.

Reason: In the interest of the amenity of the surrounding area and in accordance with requirements of policies EP3 and EP4 of the Saved Adopted Torbay Local Plan 1995-2011.k

03. No deliveries or collections to the retail unit at Nos 5 and 7 Ilsham Road shall be carried out from the rear access lane (Kents Lane) unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of residential amenity, in accordance with Policy S10 of the saved Torbay Local Plan 1995-2011.

04. Before any plant and machinery is used on the premises, it shall be enclosed with sound insulating material in accordance with a scheme to be

approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with Policy S10 of the saved Torbay Local Plan 1995-2011.

Relevant Policies

- S10 Local Centres
- SS Shopping strategy
- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- T25 Car parking in new development
- T26 Access from development onto the highway
- T27 Servicing