

Application Number

P/2014/0634

Site Address59 Rock Road
Torquay
Devon
TQ2 5SR**Case Officer**

Mr Scott Jones

Ward

Tormohun

Description

Demolition of existing bungalow with annexe and erection of 11no. bespoke apartments; associated parking and amenity spaces

Executive Summary/Key Outcomes

The application is to demolish the existing mid 20th Century bungalow on the site, remove the stone outcrop on which it sits (down to the adjacent road level), and construct a modern six-storey building that would provide 11 apartments with 11 parking spaces.

The plot is in a prominent location within the Torquay Harbour Conservation Area and it sits between two Listed Buildings (Delmonte and 55/57 Rock Road). The visual impact of the proposal is a key material consideration, along with any impact upon neighbour amenity and on parking and movement in the area.

The scale and modern form of the building is considered acceptable in the context where large buildings are set informally around the hillside in landscape surrounds. The scheme has been amended since submission by the deletion of a side extension, which it was felt encroached unacceptably on the adjacent listed building 55/57 Rock Road, and by greater use of natural stone to 'encase' the building and assimilate it into its landscape setting. As a result, the visual impact of the building is now considered acceptable within what is a sensitive setting.

In terms of residential amenity the scheme retains acceptable living conditions for the occupants of Delmonte to the south, where the gap between buildings will be approximately 14 metres across rocky sloping gardens and parking. The deletion of the side extension mitigates potential amenity issues in relation to 57 Rock Road to the north.

Parking is proposed at a ratio of 1:1 within a ground floor under-croft. The level of parking is considered acceptable such a central location with good access to facilities and bus, train and cycle links. The scheme also details improvements to the parking facilities for Delmonte which will improve the level of parking for residents.

As the scheme increases the number of dwellings on the site developer contributions would be required to off-set the impact upon social and physical infrastructure. The agent has confirmed that the applicant is willing to enter in to an agreement to secure the necessary funding.

Recommendation

Committee site visit; conditional approval, with conditions as laid out within this report and any further necessary conditions delegated to the Director of Place; subject to completion of a S106 agreement. The S106 agreement is to be completed by 8th January 2015 or the application shall be refused for reasons of a lack of 106 agreement.

Statutory Determination Period

This is a Major Planning Application. The 13 week target date was the 24th September 2014. An agreed extension of time has been fixed until the 8th January 2015 to permit positive changes to the scheme and the s106 to be resolved.

Site Details

The site is located off a private road towards the southern end of Rock Road. A mid 20th Century bungalow set on a rocky outcrop and elevated from the adjacent road occupies the site.

The plot sits on a hillside with a strong residential character with visually prominent and substantial buildings set in the landscape.

The setting of the plot is sensitive, sitting in a prominent location within the Torquay Harbour Conservation Area between the listed buildings of Delmonte to the south and 55/57 Rock Road to the north, both mid 19th Century Victorian Villas.

Behind the building to the west are retaining walls and rock-face that rise to further residential development set on higher ground off Warren Road.

The site overlooks the Fleet Walk shopping arcade and car park and is visible particularly from Torquay Harbour.

Detailed Proposals

The application is for demolition of the existing building and redevelopment of the site with 11 apartments, including the removal of a significant amount of rock to provide level access to the adjacent road.

The proposed building is 35 metres wide and 17 metres high from road level to the flat roof level of the upper penthouse area.

The southern end elevation extends up to the edge of the site to a point approximately 14 metres from Delmonte. The northern end elevation extends to within 8 metres of 57 Rock Road. The lateral proximity of buildings to each other varies in the area and these proposed distances are typical when considering the broader pattern of development.

The building rises from a under-croft parking area, to three principal storeys finished in render, upon which sits a roof storey clad in dark grey. To the south of the central stone column there is a partial sixth storey, which is again clad in dark grey. The side elevations are finished in natural stone. The building steps back within the site as it rises through the floors.

The building will provide three apartments within each of the three principal storeys, with two apartments provided within the roof storey, one of which is supplemented by space within the sixth floor element. The 9 apartments within the three lower floors are all circa 70m² in floor area, with the upper two apartments slightly larger.

The development includes the provision of a shared surface throughout the private drive, which retains existing parking spaces and creates additional parking spaces for the adjacent property (Delmonte).

The potential for supplementary landscaping is limited due to the extent of site coverage. However a submitted landscape plan seeks to retain a landscape setting for the building and specifically the green freeboard to the rear, where there is presently a natural softening of a substantial retaining wall.

A geotechnical report has been submitted. This concludes that the site is capable of supporting the development. A more detailed survey is recommended when ground conditions can be better assessed, following removal of the existing building and outcrop.

Summary Of Consultation Responses

English Heritage: Comments received that pre-date recent amendments cited that the site currently has an open and green quality and due to the extent of development proposed this green sense of setting, particularly on the end adjacent to 57 Rock Road, may be diminished. Comments cited that a decrease in the extent of development, to create a more substantial gap between the development and Number 57, would help retain the green backdrop and reduce the horizontal emphasis of the building.

English Heritage's concluding recommendation is that the above is addressed and determined on the basis of local specialist conservation advice.

The recent changes to the scheme that removes the side extension and

increases the gap to Number 57, together with the change to stone side elevations, is considered to provide a scheme that meets English Heritage requirements.

Conservation And Design Team: Content with the design of the building which is bold and innovative in a highly prominent location.

Initial concern in regard to the setting of the listed building at 57 Rock Road, where the flank wall of the new building sat close to a principle elevation of the listed building, has been addressed by revised plans received 24th September.

The revised treatment of the side elevations, which are now stone, lessen the prominence of the building and successfully draw it into the landscape setting.

The building is now considered acceptable in regard to its impact upon the setting of the adjacent listed buildings and wider Torquay Harbour Conservation Area.

Highways Department: Raise no objection to the principle of the development. The amount of parking (1:1) appears to be an adequate provision when considering the central location. The spaces also accord with size standards and the access is workable in terms manoeuvring in and out of the undercroft.

Strategic Transport : Requests that planning obligations to mitigate the impact of the development should be sought to improve cycle links in the area.

Engineering Department: The geotechnical report is preliminary but shows the site is stable. The report concludes that the precise nature of on-site works should be informed when full geotechnical access is available.

A condition should be attached to any approval of planning permission requiring a detailed report by a suitably qualified professional be submitted and that conclusions and considerations of such a report be recognised by the developer.

South West Water: No objection.

Drainage: No objection.

Summary Of Representations

Ten letters of representation received that raise the following issues;

- Overlooking towards Delmonte and to the rear
- Increased traffic during and after construction
- Too large for the site

- Not in keeping with the surrounding buildings
- Land stability
- Impact upon listed buildings and the Conservation Area
- Overshadowing towards 57 Rock Road
- Noise impact
- Loss of parking for Delmonte residents
- Overdevelopment

Relevant Planning History

Torbay Design Review Panel (DRP) Comments:

A 2010 scheme that showed 12 apartments in a building in 5 floors of accommodation and basement parking received broad support. The comments included suggestions that the massing should be simplified and relate better to the conservation area, that potential other residential uses are explored, such as townhouses, and that any scheme should seek to retain the green cliff space behind. The formal response of the Torbay DRP to this earlier scheme are provided within the representations.

Pre-Application Enquiries:

A 2013 scheme similar to the proposal currently under consideration was seen as a positive response to the Torbay DRP comments and, subject to detail, one which was considered by officers to largely address the previous complex massing. Further detail on the wider visual impact of the proposal was deemed necessary to fully understand its visual impact.

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

Key Issues/Material Considerations

The main issues are:

1. The principle of residential apartments in this location
2. Visual impact, including the impact upon the Torquay Harbour Conservation Area and the setting of adjacent Listed Buildings
3. The quality of the residential environments proposed
4. Amenity impact upon neighbouring plots/occupiers
5. Highway, movement and parking issues
6. Land stability

1. Principle and Planning Policy:

The proposed development would involve the demolition of the existing building and, as the site is in a Conservation Area, it is important to consider the principle of the loss of the existing property. The existing building is a relatively modern bungalow that dates from the mid 20th Century and it is considered to provide little in the way of a positive contribution to the character and qualities of this area

of the Torquay Harbour Conservation Area. The Torquay Harbour Conservation Area Appraisal document does not identify it as a key building or building of architectural merit that makes a significant contribution to the townscape. Consequently the principle of demolition of the building is considered acceptable, subject to demolition taking place following completion of a contract for redevelopment.

The principle of apartments on the site is considered acceptable as it would reflect and sit comfortably with the predominant residential character of the area, which is a mix of large villas, hotels and apartments buildings.

The location is well suited for residential use, being highly sustainable set in a central location close to employment opportunities, social and recreational infrastructure, and transport links.

The principle of providing a larger building (and a greater number of units) on the site is generally supported in Saved Local Plan Policies and emerging Local Plan Policies, both of which seek to maximise the re-use of urban brownfield land, subject to other considerations.

2. Visual impact / including the impact upon adjacent listed buildings and the wider Torquay Harbour Conservation Area:

The proposal is on a prominent site and its affect on the Torquay Harbour Conservation Area and the two adjacent listed buildings that it sits between is a key consideration.

In regard to the design principles, this well designed modern building is considered the correct approach for the site that could bring greater interest to the locality over a pastiche approach.

In regard to the general scale the size of building proposed is considered acceptable. The existing bungalow is rather diminutive in terms of the prevailing scale aside the large villas, terrace blocks and apartment buildings in the locality.

The linear architectural form responds to the tiered approach used in the building lines which seek to relate it to the cliff-face context and harmonise the building with the natural step in levels as you progress up and back in to the site. Although this contrasts with the vertical emphasis of other buildings in the locality it is considered a more successful approach when recognising the topographical challenge presented by the land levels. The tiered approach and move towards a horizontal emphasis was championed by the Torbay DRP.

The materials provide a successful mix that when combined with design elements balance the provision of a modern statement building whilst limiting its visual prominence. The stone plinth grounds the building and the recent

introduction of stone throughout the sides helps soften the building and mask its massing. The use of smooth render as a base material for the three principal storeys relates with the predominant building form and emphasises a mass of building that relates well with the three storey development to either side. The dark grey cladding of the more diminutive upper two floors successfully define the area as roof elements and provide a modern finish to the building that gestures to the slate roofs of the adjacent Victorian buildings.

The changes to the materials to be used in the side elevations, which increase the use of stone and exclude render, have reduced the visual prominence of the building by helping to draw the building into the cliff face.

The redesign of the secondary access from the north, which removes the side extension and increases the gap between properties now provides an acceptable relationship with the adjacent listed building 57 Rock Road.

The present scheme has evolved from a similar iteration that was considered by officers and the Torbay Design Review Panel (DRP) in 2010 and again, through a Pre-Application submission by officers (as a response to the (DRP) comments), in 2013.

The initial Torbay DRP response looked to ensure a balance between natural and built environment, emphasising the value of the largely "green" vertical freeboard behind the building. The panel raised the possible advantages of a tiered approach in section and was not convinced that the vertical emphasis of the initial scheme was a success.

The revised proposal submitted is deemed by officers to be a well considered and successful response to the initial DRP comments from 2010 and acceptable in terms of its visual impact upon the Torquay Harbour Conservation Area and the setting of adjacent listed buildings.

3. Quality of the residential environment -

The proposal will provide 11 apartments, 10 are 2-bed apartments and the 11th apartment (the roof storey apartment) which is a 3-bed unit.

The scale of the units that are proposed is considered acceptable, as they appear to provide a suitable size of rooms and quality of habitable spaces. The internal floor area of the apartments accord with the dwelling size and floor space standards set out in the emerging Local Plan.

The internal arrangement is a good response to a steeply sloping site and provides key habitable space with good aspects and placing the requisite internal circulation/ access and egress, towards the rear of the building.

Outdoor amenity space is provided in the form of balconies or terraces. This

improves the quality of the habitable space for occupants. The absence of substantive garden space or communal outdoor space is not considered critical in such a central location as the character of town centre living often comes with limited personal outdoor space.

With consideration of the scale of units and the quality of the habitable space and broader living environment, the quality of the proposal in habitation terms is considered acceptable and compliant with Saved Local Plan policies and also emerging policies.

4. Impact upon local amenity -

The impact of the additional scale and mass of the proposed building and proposed windows and balconies within it has been considered, along with the raised concerns in regard to overlooking and overshadowing cited in representations.

To the south the building line will extend sideways to be position approximately 14m from the rear corner of Delmonte. The position of the building and the distance involved is considered to maintain the levels of amenity within acceptable parameters, with little loss of outlook, light or privacy.

To the north the building extends close to the joint boundary with 57 Rock Road, however the gap has been increased following recent changes to the scheme. The revised arrangement has overcome previous concerns and the extent of development is now considered to retain suitable levels of amenity when considering the present context and the natural rise in levels, which reduces the bulk of the building when judged experienced from the adjacent plot.

To the rear of the site the residential curtilages of Broadwater and 64&66 Warren Road. The relationship is a detached one due to the cliff face and the considerable rise in levels to these plots and buildings. The proposed building, to its highest point, raises the building height by 5.5m upon that which exists, which rises it to around the level of the lower tiered garden and around 5 metres below the ground floor level of Broadwater. Despite the additional vertical build involved the amenity of occupiers to the rear would remain within acceptable parameters with properties set some distance above and away from the proposed building and garden space also maintaining suitable levels of privacy.

The development is considered to retain suitable levels of residential amenity within adjacent plots.

5. Highway, movement and parking -

The proposal provides 1:1 parking within undercroft facility that also has a designated cycle parking area.

The Highway Department accept the amount of parking, in what is a central

location, and have advised that the arrangement provides a workable access in and out of the undercroft in terms of manoeuvrability.

The Authority's Sustainable Transport Officer has confirmed that the proposal should mitigate its impact and SPD monies should be sought in-line with adopted policy in order to improve cycle facilities in the area. Considering the move from a single dwelling to 11 apartments the level of traffic generated from the proposed development would clearly increase and therefore a sustainable transport contribution is justified in this case.

The proposal appears to provide some further improvement through the increased provision of parking for the occupants of Delmonte to the south.

In the context the proposal provides acceptable development in terms of the parking, movement and highway issues.

6. Land stability -

The proposal seeks to remove the existing building and extract a considerable amount of bedrock, in order to lower the proposed building and provide level access off the adjacent private road.

Land stability and the impact upon properties and curtilage retaining walls above the site off Warren Road have been cited within representations as a point of concern.

The submission includes a geotechnical report that outlines the likely ground conditions and the suitability of the site for the development.

The report concludes that the rock underlying the site is likely to be good and shallow foundations should be suitable. The competency of the limestone will possibly necessitate heavy plant or breakers to excavate. It summarises that there does not appear to be significant engineering constraints to the proposed developed, although intrusive investigations, once the building has been removed and full access is available, should confirm the assumptions and inform design.

The Council's engineers have reviewed the report and concluded that it appears competent and there is agreement with the conclusion that full access to the site should inform detailed design.

S106/CIL -

The application has been assessed against the Council's adopted Planning Contributions and Affordable Housing Supplementary Planning Document and subsequent updates ('the SPD'). In addition, the application has been assessed against the adopted Council Report 'Third Party Contributions towards the South Devon Link Road', which seeks contributions towards funding the South Devon

Link Road (SDLR) where new development impacts on, or contributes to the need for the SDLR.

In this instance the provision of eleven residential units, with mitigation for the current unit, offers that contributions would be necessary. A calculation of the contribution, based on the type and size of development proposed and including the relevant mitigation, is provided below

Planning Contributions Summary:

Waste Management	£ 500.00
Sustainable Transport	£14,910.00
Lifelong Learning	£ 200.00
Greenspace & Recreation	£10,110.00
South Devon Link Road	£ 6,100.00

Total **£31,820.00**

Administration charge (5%) £ 1591.00

Total with Admin Charge £33,411.00

The Agent has confirmed that the applicant is willing to enter in to a S106 legal agreement with the Authority to achieve the above mitigation.

Conclusions

The proposal is considered acceptable on planning merit due to the core considerations summarised below;

The demolition of the building is considered acceptable with the redevelopment.

The proposal is acceptable in design terms and will maintain or enhance the visual qualities of the Torquay Harbour Conservation and the setting of adjacent listed buildings.

Neighbouring amenity is retained at acceptable levels due to the arrangement of buildings and distances between them.

Suitable parking facilities are provided.

Land stability is not considered a constraint to development.

The applicant has confirmed agreement to pay the requisite level of planning obligations.

Condition(s)/Reason(s)

01. The building shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made.

Reason: To ensure that the character and appearance of the area is not prejudiced, in accordance with Policy BES and BE5 of the Saved Torbay Local Plan 1995-2011.

02. Prior to the extraction of sub-rock a detailed geotechnical investigation shall be undertaken by a suitably qualified profession to confirm the ground conditions and inform a detailed design of extraction. The subsequent report shall be submitted to and approved in writing by the Local Planning Permission prior to the commencement of any excavation. The development shall then proceed fully in accordance with the approved detail.

Reason: To protect the amenities of the area in accordance with EPS, EP4 and EP8 of the Saved Torbay Local Plan.

03. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:(1) the parking of vehicles of site operatives and visitors (2) loading and unloading of plant and materials (3) storage of plant and materials used in constructing the development (4) the erection and maintenance of security hoarding (6) measures to control the emission of dust and dirt during construction (7) a scheme for recycling/disposing of waste resulting from construction works.

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on residential amenity and in the interests of the convenience of highway users, in accordance with the aims and objectives of Policies EPS, EP3 and EP4 of the Saved Torbay Local Plan.

04. Prior to the commencement of development details, to a scale no less than 1:10, shall be submitted in regard to the following;- Reveal detail to openings in the ground floor parking court- Reveal details to windows and doors within the habitable floors- Details of balustrade and glazing to terraces and balconies- Frame and cill details- Parapet and coping detail where utilised The development shall then proceed fully in accordance with the approved details.

Reason: To protect EH visual qualities of the area, in accordance with Policies BES, BE1 and BE5 of the Saved Torbay Local Plan.

05. Prior to the commencement of development details of the stone, cladding and roof material shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the area, in accordance with Policies BES, BE1 and BE5 of the Saved Torbay Local Plan.

06. The parking and cycle parking facilities shown on the approved plan shall be provided before the use of the development hereby approved commences and thereafter used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

07. Prior to the commencement of development the integral bin stores shown on the approved plans shall be completed and made available for use. The waste storage facilities shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority. Reason: In order to provide on-site waste storage facilities and in the interests of visual amenity, in accordance with Policies W7, BE1 and BE5 of the Torbay Local Plan 1995-2011.

08. The landscaping details hereby approved shall be implemented in full within the first available planting season following the practical completion of the external fabric of the development. Any trees or shrubs planted as part of the approved landscaping scheme, 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 to accord with policies L10, BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995-2011.

09. The northern extent of the 5th floor roof terrace adjacent to 57 Rock Road shall at all times remain as approved. The area of terrace beyond the inner line of the approved planted bed shall at all times be accessed for maintenance purposes only.

Reason: To protect the amenity of adjacent occupiers, in accordance with Policies H9 and H15 of the Saved Torbay Local Plan.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
BE5 Policy in conservation areas
BE6 Development affecting listed buildings
HS Housing Strategy
H9 Layout, and design and community aspects
LS Landscape strategy
L10 Major development and landscaping
TS Land use transportation strategy
T25 Car parking in new development
T26 Access from development onto the highway
W7 Development and waste recycling facilities
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
EPS Environmental protection strategy
EP3 Control of pollution
EP4 Noise
NPPF National Planning Policy Framework