

**Application Number**

P/2011/0062

**Site Address**Daleside Court  
Lincombe Drive  
Torquay  
Devon  
TQ1 2HH**Case Officer**

Mr Scott Jones

**Ward**

Wellswood

**Description**

Demolition of the existing building (arranged as 5 flats) and formation of 7 new apartments with vehicular and pedestrian access

**Executive Summary/Key Outcomes**

The proposal presents a residential redevelopment scheme that replaces the current 1950s building (which is subdivided into five small flats), with a larger building that has an external form more reflective of Victorian development. The proposal is considered to present an acceptable redevelopment scheme that would bring forward a suitable building that will sit comfortably within an area, which is partly defined by large well-spaced buildings set within comfortable grounds. The scheme is supported by improved access and on site parking provision over the existing arrangements.

**Recommendation**

Site Visit; Conditional Approval; subject to further information in relation to the overlooking impact to the side facing No. 2 Clavering Court and subject to the signing of a s106 legal agreement on terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee.

**Site Details**

The site holds a relatively substantial former dwelling house, built in the 1950s, which has a lawful use as five flats. The building is set within a fairly generous plot, the front of which is largely given up to provide a winding and steeply sloping driveway access. The rear of the plot is open garden, which rises quite steeply to the southern boundary, where the land is higher than the ridge of the existing building.

Due to the sloping local topography the building is set above and is prominent from both Lincombe Drive and from across the valley. The site is located immediately adjacent to the Lincombes Conservation Area and the site is affected by a Tree Preservation Order (Order number 1973.09).

In respect to trees, few specimens remain on the site following unauthorised felling within the past five years. Further to this there have been complaints in the recent past about unauthorised engineering works on land within Channel View in addition to tree felling and the movement of boundaries and the erection of a range of timber fences.

**Detailed Proposals**

Demolition of the existing building and erection of a block containing 7 flats, with revised vehicular access via the adjacent drive serving the property "Hillsborough". The proposal details a largely rendered building sat on a stone plinth, with habitable space also provided within the roof. These arrangements provide living space over four floors with further under-croft parking. The proposal includes details to remove and then landscape the existing access, which supplements wider landscape enhancements throughout the plot.

The proposal returns to committee with greater contextual detail in regard to how the scheme relates to the existing building and surrounding properties, and also how it differs from the refused scheme from 2009. There has also been further detail in respect to the visibility splays from the revised access, along with a response to matters of detail raised within objections in respect to land ownership and covenant restrictions.

### **Summary Of Consultation Responses**

*Highways:* Following the receipt of further information following that which was available leading up to the April committee, and having visited the site again, Highways are satisfied with the visibility in each direction and support the application to remove the old access and use the proposed access as detailed.

*Arboriculturalist:* The scheme is acceptable for approval on arboricultural merit with appropriate conditions, as laid out in memo dated 10th March 2011.

*Conservation Officer:* The proposal is not in a conservation area, but is directly adjacent to the Lincombes Conservation Area. In design terms there is acceptance to the siting and massing of the building. Previous concerns over the fenestration and the treatment of the roof have been allayed, although greater detail of the inset balcony should be submitted to ensure this part of the scheme is right. Concluding opinion is that the proposal will preserve the setting of the Lincombes Conservation Area.

### **Summary Of Representations**

A number of letters both in objection and support to the scheme have been received.

Generally the concerns are:-

- i) overdevelopment;
- ii) increase in size, bulk, domination of plot;
- iii) adverse impact on character and appearance of Conservation Area;
- iv) traffic/highway implications;
- v) felling of trees, excavation, erection of timber fences, blocking of access, impact on landscape character;
- vi) alterations to boundaries/curtilages.

The positive comments received cited the following:-

- i) the proposal is a better, more attractive, building than what exists
- ii) enhances the visual quality of the area
- iii) provides for much needed housing .

These have been reproduced and placed in the Members' Room.

### **Relevant Planning History**

*Applications:*

P/2003/1699	Certificate of Lawfulness for use as 4 self contained flats and self contained owners' flat – Approved
P/1989/0322	Erection of 31 flats – Refused
P/1989/1066	Erection of 18 flats - Refused. Subsequent appeal dismissed
P/2008/0695/PA	Demolition of existing building and erection of 7 flats – Withdrawn
P/2009/0522/PA	Demolition of existing building and erection of 7 flats; formation of vehicular and pedestrian access - Refused

*Pre-Application Enquiries:*

ZP/2009/0670      Erection of 7 flats – Split decision  
ZP/2010/0187      7 flats – Split decision  
ZP/2010/0600      Demolition and rebuild to provide 7 flats – Split decision

**Key Issues/Material Considerations**

**Principle and Planning Policy -**

- i) Visual implications, revolving around the scale, size, bulk and appearance of the proposed development and its impact on the character and amenity of the area, on adjacent properties and on the wider conservation area;
- ii) Neighbour amenity implications
- iii) Highway matters: Adequacy of the access and parking;
- iv) Landscape and arboricultural issues.

Each of these will be addressed in turn:

*Visual implications:*

Firstly in respect to the building's context it is noted that the site is immediately adjacent to the boundary of the Lincombes Conservation Area and as such any development on this prominent site has the potential to affect the character of that area. In addition the adjacent pair of semi-detached Victorian Villas, "Hillsborough" and "Windrift", are defined in the Conservation Area Appraisal document as key buildings of merit and it is therefore considered appropriate that any new proposal is sympathetic to the scale, form, grain and architectural quality of these buildings.

This proposal details a block of 7 flats in a building that has 4 floors and underground parking. There is a basement level set within a stone plinth, two traditional storeys set within rendered elevations, and accommodation in the roof. It is considered that the proposal has responded to previous concerns over the massing and scale not being comparable to the dominant local form of two-storey hillside development. This comes from understanding that the provision of two stories in render, supplemented by habitation within the roof and the provision of a stone plinth, attempts to break down the mass of the building to that of the established scale. The stone treatment of the basement level grounds the building within the plot, reducing its perceived bulk, and is a direct response to previous advice given.

In respect to contextual detail the proposed building is approximately 7 metres wider than the current building and the proposed ridge line is approximately 1.2metres higher than that which exists. The proposed ridge line is also shown as being approximately 1.2metres lower than the ridgeline of the adjacent pair of semi-detached Victorian villas.

In terms of specific detail the proposal has a natural slate roof, within which are a number of flush set aluminium roof lights, two rendered storeys which incorporate aluminium windows and glazed balconies, and a lower stone plinth with deep set openings (200mm reveals). In addition to the front of the building the sweeping drive access is to be supported by a stone retaining wall, which sits inline with the front boundary wall and works to make good the existing access.

*Neighbour amenity issues:*

The scale and bulk of the building is unlikely to result in negative amenity issues in respect to any of the immediate neighbouring properties or enjoyment of their plots, as the scale of the plot and how the

building is sits in to the sloping topography, results in suitable levels of separation. In respect to scale and bulk the relationships to each side are clearly tolerable and reflect those typical in the area, and the relationships to the rear are largely negated by the sloping topography.

In respect to potential overlooking, properties to the rear off Oxlea Road will be largely unaffected due to the distances involved and the distinct level differences. The relationship to the side to Hillsborough is considered acceptable and raises little concern. The relationship to the east is potentially more sensitive due to the position and orientation of the proposed rooftop balcony, as there appears the potential for a degree of overlooking through to the rear elevation of the adjacent building. It is recommended that further information be submitted to establish the potential relationship here, which at present is somewhat unclear.

*Highways/traffic:*

As with the previous proposals in 2009, the existing access point will be closed off and landscaped, with a revised access to be provided off of the access that currently serves "Hillsborough". This remodelled access will provide pedestrian and vehicular access to the building and the undercroft parking that provides 8 spaces. Although this provides a less steep access this means that the proposed joint access will be more intensively used.

Following the receipt of further information in respect to the access and the resultant visibility splays Highways have confirmed that the proposals are considered acceptable and are supported.

*Landscape and arboricultural issues:*

The site features one tree of arboricultural merit, which is a large Fir to north east of the main property. This tree is highly prominent and is considered of local importance and should therefore be maintained. The remainder of the trees on site are not considered a constraint to development.

The landscape plan is considered broadly acceptable in terms of intentions to integrate the proposals into the landscape, but it does require more detail in terms of quantities, size and maintenance.

The redevelopment is considered acceptable on arboricultural merit, with conditions to suitably protect existing trees during the redevelopment and ensure that a robust landscaping scheme is brought forward as part of the scheme.

**S106/CIL -**

The proposal increases both the number and size of residential units within the plot, which is likely to intensify the level of residential occupation on the site and increase the burden on local social and physical infrastructure. It is considered appropriate to seek planning contributions inline with council policy, which from assessment of the existing and proposed units (number and size) is considered to trigger the following levels of contributions;

Sustainable Transport Contributions	£13,110.00
Greenspace and Recreation Contributions	£13,270.00
Lifelong Learning Contributions	£2,070.00
Waste & Recycling Contributions	£100.00

Total contributions triggered £28,550.00

(The figures above include mitigation for the current use of the site and the number and size of units involved.)

The applicant has stated that due to the addition being of only two units, this should not warrant the levying of any contributions, due to the increase in build quality, the location, improved accessibility,

improved greenspace etc.

There appears sound reasoning to seek contributions inline with the adopted SPD and hence it is recommended that a positive resolution is supported by a s106 legal agreement on the terms above.

### **Conclusions**

The scheme is considered acceptable and the application is recommended for approval with appropriate conditions and a s106 legal agreement to secure planning contributions as per council policy.

### **Condition(s)/Reason(s)**

01. No works or development shall take place until there has been submitted to and approved by the Local Planning Authority a full specification of all of the proposed landscape planting, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

02. No site clearance, preparatory work or development shall take place until all appropriate tree and rooting zone protective fencing has been installed in accordance with BS5837 (Trees in Relation to Construction - Recommendations), which shall at all times thereafter be managed as previously approved.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

03. Retained tree T0643 shall not be cut down, uprooted, destroyed, pruned or damaged in any manner without the written consent of the Local Planning Authority for a period of no less than 10 years from the date of the first occupation of the first dwelling, other than in accordance with tree work application substantiated by supporting arboricultural evidence.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

04. If a tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and the tree shall be of a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

05. All trees shall be planted in a accordance with the approved landscaping scheme and in accordance with British Standard (BS4043-Transplanting Root-balled Trees)(BS4428-Code of Practice for General Landscape Operations (excluding hard surfaces)).

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

06. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) it is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same size and

species as that originally planted shall be planted in the same place within the first planting season thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

07. Prior to commencement of works a detailed scheme for the provision of covered, lit and secure cycling parking facilities shall be submitted and approved by the Local Planning Authority, and any approved scheme shall subsequently be implemented in full prior to the first occupation of the first unit, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies TS, T2 and T25 of the Saved Torbay Local Plan 1995-2011.

08. Prior to the first occupation of the building the bin store areas shall be provided and made available for use, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies W7 of the Saved Torbay Local Plan 1995-2011.

09. Prior to the first occupation of the building the access and parking facilities shall be provided in full and made available for use, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies TS, T25 and T26 Of the Saved Torbay Local Plan 1995-2011.

10. All retaining walls to the front of the building shall be faced in stone laid on its natural bed, unless otherwise submitted to and approved in writing to the Local Planning Authority.

Reason: To ensure a suitable form of development, in accordance with Policies BES and BE1 of the Saved Torbay Local Plan 1995-2011.

11. Prior to commencement of works detailed plans, which shall include materials and plans to no less than 1:20, of the roof terrace/balcony shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure an appropriate form of development, in accordance with Policies BES, BE1 and H9 of the Saved Torbay Local Plan 1995-2011.

### **Relevant Policies**

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
HS	Housing Strategy
H9	Layout, and design and community aspects
H10	Housing densities
TS	Land use transportation strategy
T3	Cycling
T25	Car parking in new development

T26 Access from development on to the highway  
LS Landscape strategy  
L9 Planting and retention of trees  
W7 Development and waste recycling facilities  
CF6 Community infrastructure contributions