

Application Number

P/2016/0348

Site AddressTor Manor
11 Tor Church Road
Torquay
TQ2 5UR**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Formation of 9 dwellings comprising one four bed, five three bed and three two bed units in a two to three storey terrace building with 9 car parking spaces (variation of P/2012/1093)

Executive Summary/Key Outcomes

The scheme is for 9 dwellings on a site at the junction of Tor Church Road and St Elfrides Road which is prominent within the Tormohun Conservation Area.

Currently cleared of buildings and in use on an unauthorised basis for car parking, the site is sensitively located in relation to listed buildings. The Grade II* Greek Orthodox Church is on the opposite side of St Elfrides Road and the neighbouring buildings along Tor Church Road are Grade II listed. The site is also key in strategic views along Lucius Street and from Croft Road.

The design, comprising a more domestic terraced form addressing St Elfrides Road with a grander more pronounced villa form facing Tor Church Road is similar to that agreed pursuant to P/2012/1093 which is now time expired.

This design approach was achieved after a considerable history of negotiation and input from the Design Review Panel and Historic England.

The main changes to the original approval are:

1. The deletion of flats from the scheme which reduces the number of units from 11 to 9.
2. Modifications to the design of the villa form fronting Tor Church Road.
3. Modifications to the design and appearance of the corner feature which is key in views from Lucius Street.

The main issues are design, highways, landscape/biodiversity, flood risk and compliance with local plan parking and garden standards. Advice from the Councils Drainage Engineer is awaited.

Subject to a satisfactory response on outstanding matters the scheme is considered acceptable and in line with national and local guidance.

There is a long planning history to this site and a there is a need to achieve a good quality and viable scheme that will help to re knit the street scene and deliver much needed family homes.

The applicant states an intention to proceed quickly with this scheme and has included detailed information to satisfy anticipated conditions and intends to meet developer contributions via a Unilateral Undertaking.

It is proposed to impose a condition limiting the permission to two years to encourage this implementation.

This is justified by the need to secure new homes, the need to repair the street scene in such a prominent and sensitive location in the conservation area, the significant delay in development taking place following an initial approval in 2008 and the continued use of the land on an unauthorised basis for car parking which is damaging to the character of the Conservation Area and the setting of adjacent listed buildings.

Recommendation

Approval: Subject to revised plans/information to satisfy any outstanding design, landscape, flood risk and access issues, to conditions as detailed below (including a two year period for implementation) and to the conclusion of either a Unilateral Undertaking or S278 Notice to secure the specified highway works which comprise improvements to the zebra crossing and measures to prevent coach parking opposite the access to the site.

Statutory Determination Period

This application should be determined within a 13 week period expiring on the 29th June 2016. The applicant has indicated that he wishes to commence work quickly will provide the community infrastructure contributions via a Unilateral Undertaking so it should be possible to issue the decision within time.

Site Details

This cleared site, currently in use on an unauthorised basis as a car park is located at the junction of St Elfrides Road and Tor Church Road. It is prominent within the Tormohun Conservation Area and in local views. The most important of these are from St Lucius Street and Tor Church Road and on the approach from Croft Road.

The Greek Orthodox Church, which is Grade II* listed sits on the opposite side of St Elfrides Road with its grounds providing significant softening in the street scene. The adjacent Villas on Tor Church Road, which rise with the lie of the land are Grade II Listed.

To the south of the site are a series of former grand villas now in use as hotels.

To the north of the site are the more domestically scaled terraced properties of St Elfrides Road.

The site is slightly elevated and retained by a natural limestone wall which contains a redundant drinking fountain. The site is backed by a rocky outcrop with tree planting.

Vehicular access currently operates on a gyratory system with access from Tor Church Road and egress from St Elfrides Road.

The site was formerly occupied by the Tor Social Club which was demolished some years ago.

A lawful start on site was carried out and confirmed via a Certificate of Lawful Development [P/2012/0632] for 10 flats as approved under P/2008/0705.

Detailed Proposals

This is a detailed application for the construction of 9 dwellings comprising one 4 bed dwelling, five 3 bed dwellings and three 2 bed dwellings with 8 car parking spaces in a communal car park sited to the rear of the building and with access to and from Tor Church Road. Two further spaces serving units 1 and 2 are accommodated in a car port with access to St Elfrides Road.

Summary Of Consultation Responses

Historic England have been consulted as the scheme is over 1000m² but do not wish to comment.

Highways: Consider that the visibility from the Tor Church Road access is not shown correctly and should be rectified. There is concern about the lack of visibility from the car ports proposed for Units 1 and 2 which utilise the St Elfrides Road entrance.

Measures to improve pedestrian movement/accessibility are recommended from any sustainable transport contributions.

Arboriculturalist: Considers that whilst the proposed landscaping is adequate it offers little in the way of a wider visual contribution to the landscape character of the Conservation Area.

Suggests that the opportunities that exist for more substantial tree planting should be exploited. More details of maintenance/tree pits and watering required.

Green Infrastructure Coordinator: Considers the ecological appraisal to be a fair assessment of the ecological impacts of the development and the proposed mitigation, bird and bat boxes should be secured by condition. A Greenspace contribution is required towards replacement fitness equipment in Upton Park.

Archaeologist: requires a condition regarding a watching brief and site investigation.

RSPB: Have requested nesting boxes incorporated into building design.

Drainage Engineer: In response to the previous application on the site the Drainage Engineer made it clear that there should be no increase in surface water discharge due to the risk of flooding in the Town Centre and requested a sustainable drainage system to deal with any surplus. Since that time, Torbay has been designated a critical drainage area which includes more rigorous approach. A FRA has been submitted and comments are awaited.

Summary Of Representations

None received at the time of writing.

Relevant Planning History

The site has a long planning history:

- P/2004/0243/PA Conversion of Social Club and extension to provide 8 units. Approved 08/10/04.
- P/2005/1490/PA Part demolition of Social Club. Approved 17/10/05.
- P/2005/1491/PA Erection of two flats. Approved 17/10/05.
- P/2007/0676/PA Demolition of façade. Approved 19/06/07.
- P/2007/0677/PA Erection of 8 flats with vehicular/pedestrian access.
- P/2008/0705/PA Construction of 10 residential units and 12 car parking spaces: Approved 30/06/09.
- P/2008/1004/CA Demolition of remaining façade. Approved 11/08/08
- P/2012/0632/CE Implementation of material operation to preserve consent for 10 residential dwellings.
- P/2012/1093 Erection of 8 houses and three flats: Approved.

The site has also most recently been used as a car park on an unauthorised basis.

Key Issues/Material Considerations

The key issues are design and its impact on the character of the Conservation Area, highways, impact on biodiversity and compliance with local plan parking, landscaping and garden standards. Each will be addressed in turn.

Principle and Planning Policy -

The relevant policies are SS10 and HE2 in respect of the relationship to the character of the Conservation Area and to adjacent listed buildings, DE1 DE2 and DE3 in terms of design, quality of the residential environment created and local amenity, TA1 TA2 and TA3 in respect of the accessibility of the site, the acceptability of the proposed access and parking levels. Policies in relation to

flood risk (ER1), biodiversity (NC1), community infrastructure contributions (SS8) and archaeology are also relevant

Impact on the Character of the Conservation Area

The site was originally occupied by a formal, quite grand villa which was significantly extended over time and subsequently became used as a Social Club.

Earlier approvals on the site had sought to retain what remained of the villa and through a substantial rear extension to the retained building achieved a scheme of 10 dwellings on the site in a 'pastiche' style.

The attempts to retain the building were not successful and the remaining façade was finally demolished 7 years ago. Permission was subsequently granted for a replica villa with large rear extension which accommodated 10 flats. A lawful start on site was made in respect of this application and confirmed via a CLEUD.

The most recent approval on the site adopted a more contemporary approach to design and sought to move away from the centrally sited villa response and looked for more contextual rather than historic references. Significant input from the DRP and Historic England resulted in a more linear layout that responded more closely to the established form, character and grain of Tor Church Road and St Elfrides Road.

This scheme was carefully designed to reflect the transition of building form around the site through the use of more substantial villa forms facing Tor Church Road, while having more domestic scale terraced units wrapping around the corner onto St Elfrides Road.

The terrace element was set back from the retaining wall with front gardens to pick up on the southerly aspect, to reflect the garden layout of St Elfrides Road, to achieve a reasonable garden setting to the building, to soften the street scene and to relate to the church yard opposite.

The broad principles of this design are repeated in the current application.

Design modifications have been introduced to achieve a viable scheme and the principle changes are to the form and design of the 'villa' or tower feature which originally sought to create a transition from the grander villas of Tor Church Road and to the design of the building as it turns the corner into St Elfrides Road where it forms a focal point for views from Lucius Street.

This largely arises due to the deletion of the flats from the scheme. The move towards a smaller number of larger units on the site makes the delivery of a 'grand statement' building facing Tor Church Road more difficult to achieve. It has led to a reduction in the scale and a change in the composition of this part of

the building. Whilst this diminishes the 'transitional villa' effect included in the original scheme it is still an acceptable design response and is in keeping with the established character of buildings along Tor Church Road.

The use of natural stone for the façade of the building as it turns the corner to St Elfrides Road is now scaled back and replaced with dark coloured composite boarding. Whilst the samples suggest a good quality appearance can be achieved it does not punctuate the corner as effectively as in the original approval.

However, it is still considered to represent an acceptable standard in terms of design quality.

In terms of detail, it was considered that the balcony treatment was capable of improvement and that the fenestration throughout the revised scheme lacked consistency and further diminished the overall quality of the scheme.

Since submission there have been discussions to try and reintroduce some of the earlier quality to the design and amended plans have been received which, whilst needing some minor tweaking, have addressed these concerns. It has been agreed that this minor detail and the exact palette of materials can be subject to a condition for resolution on site.

The applicant contends that marginal viability has prevented the site coming forward and given it is important to achieve redevelopment of this site it may be that a slight reduction in quality is compensated for the delivery of new homes and reknitting of the street scene.

Highways

Currently the site is accessed on a gyratory system with access in from Tor Church Road and out from St Elfrides Road. This means of accessing the site has prevailed since the site was used as a Social Club.

The most recent approval (P/2012/1093) changed this configuration with access and egress confined to the Tor Church Road entrance and the St Elfrides access adapted to provide two car ports.

Highways have stated that the visibility from the Tor Church Road entrance has not been shown from the centre of the access and is potentially misleading and they continue to be concerned about visibility from the car ports on St Elfrides Road.

However, whilst the accuracy of the visibility distances will be rectified, the access arrangements are in line with previously approved plans and in relation to the car ports, the road is quiet, one way and there are similar parking/garaging arrangements elsewhere on the street.

Whilst maintaining the current access and egress within a housing layout would better overcome highway concerns it would make it difficult to achieve an acceptable design solution and would reduce the amount of development that could be accommodated thus seriously compromising viability.

Highways have requested that the sustainable transport contributions be used to improve pedestrian movement in the immediate area by upgrading footpaths, the pedestrian crossing on Tor Church Road and a RTO to prevent coaches parking opposite the Tor Church Road entrance.

The more accurate information regarding visibility is awaited and any further Highway response will be reported verbally.

Compliance with local plan parking and garden standards.

The individual dwellings are in excess of the minimum space standards laid out in the local plan.

Garden space is available to each of the dwellings and comprises a mix of outdoor space and balcony/terrace areas.

There is also an amenity/landscape contribution arising from the rocky outcrop which borders the site and which is to be improved to create a wildlife habitat and to provide an attractive outlook for residents.

Whilst there is not full compliance with the minimum garden size standard of 55m² per dwelling as specified in the newly Adopted Local Plan it is not considered that the minor shortfall justifies a request for a green space contribution.

This is because the recent change in the law clarifies that tariff style contributions should not be sought from schemes of 10 units or less and that any contribution should meet the tests laid down in Reg 122 of the CIL Regulations in that they are necessary, directly related to the development and fairly and reasonably related in scale and kind.

Whilst it has been suggested by the Green Infrastructure Coordinator that fitness equipment at Upton Park should be funded through this contribution, it is not considered that such a request would meet the tests of acceptability .

In terms of parking, the provision is 1:1 with 1 visitor space. This is below the current standard of 2 spaces per dwelling plus visitor spaces. Given the location of the site close to the town centre and to public transport links this shortfall is not fatal particularly in view of the design difficulties in accommodating any additional parking on the site.

However, it is legitimate to secure the improvements requested by the Highways Officer to improve the adjacent Zebra Crossing and to serve a Road Traffic Order to prevent coaches parking opposite the access to the site. It is unclear at this stage whether this is best secured via a Unilateral Undertaking or via a S278 Notice. Members will be updated at the meeting.

Landscape/Biodiversity

In terms of landscaping of the site, the Councils Arboriculturalist has suggested some changes to the submitted scheme to secure a benefit to the wider landscape character of the Conservation Area. This has been requested and agreed. More detail is required in relation to tree pits and maintenance which will be secured by condition.

An Ecological Appraisal has been submitted which is assessed as being a fair appraisal of the capacity of the site. Mitigation measures are suggested in relation to lighting, bird and bat boxes which are included in the submitted scheme. Conditions will be needed to secure compliance. More robust native tree planting will also boost the biodiversity of the site which will be beneficial.

Whilst not specifically recommended in the ecological appraisal, the previous consent included a condition requiring a 'Method Statement' detailing how construction can be carried out without unduly impacting on the use of the site by bats. This should be repeated.

Other benefits of the proposal comprise reinstatement of the drinking fountain situated in the stone retaining wall bordering the site and a schedule of works to secure repair and refurbishment of the stone walls bordering the site.

Drainage

Since the previous approval on the site, Torbay has been designated a critical drainage area with a more rigorous surface water disposal strategy required in order to ensure that brownfield sites achieve much reduced rates of run off. Whilst a Flood risk Assessment has been submitted, a response from the Councils Drainage Engineer has not, at the time of writing, been received. This matter will be progressed and Members updated at the meeting.

Archaeology

The site is of significance from an archaeological perspective and a Watching Brief has been agreed with the Councils Archaeologist. A condition is included to secure compliance with this.

Land

Advice is awaited from the EHO regarding any potential contamination and the outcome of this will dictate whether mitigation should be secured by condition.

S106/CIL

Government advice has confirmed that contributions relating to schemes of less than 10 units cannot be pooled and must be related to a specific project which is directly related to the development in question. It is not considered that a Green space contribution would meet the tests bearing in mind in the recent changes to the legislation.

The nature of the site and the concerns relating to visibility however do justify the implementation of the highway improvements requested although it is unclear whether this is best achieved via a Unilateral Undertaking or via a S278 Notice.

Members will be updated on this at the meeting.

Conclusions

There is a long planning history to this site and there is a need to achieve a good quality and viable scheme that will help to re knit the street scene and deliver much needed family homes. This is a brownfield site in a sustainable location close to the town centre, which provides a good opportunity for redevelopment. Para. 111 in the NPPF encourages the effective use of land by re-using land that has previously been developed.

The main issues are design, highways, landscape/biodiversity, flood risk and compliance with local plan parking and garden standards.

Improved design details have been submitted and slight amendments to the landscape scheme requested which should enhance the setting of the site. More accurate information relating to visibility have been requested and advice is awaited from the Councils Drainage Engineer. Progress on these matters will be reported verbally.

Improvements to the highway network are required which will be secured either via a Unilateral Undertaking or S278 Notice.

Subject to this, the scheme is considered to be acceptable and meets the policy guidelines laid out in the NPPF and the Adopted Local Plan.

The applicant states an intention to proceed quickly with this scheme and has included detailed information to satisfy anticipated conditions and intends to meet developer contributions via a Unilateral Undertaking.

It is proposed to impose a condition limiting the permission to two years to encourage this implementation. This is justified by the need to secure new homes, the need to repair the street scene in such a prominent and sensitive location in the conservation area, the significant delay in development taking place following an initial approval in 2008 and the continued use of the land on an unauthorised basis for car parking which is damaging to the character of the

Conservation Area and the setting of adjacent listed buildings.

Recommendation

Approval: Subject to revised plans/information to satisfy any outstanding design, landscape, flood risk and access issues, to conditions as detailed below (including a two year period for implementation) and to the conclusion of either a Unilateral Undertaking or S278 Notice to secure the specified highway works which comprise improvements to the zebra crossing and measures to prevent coach parking opposite the access to the site.

Suggested Conditions

1. Two year limit.
2. Samples of materials and colours of render
3. Specification of natural stone details
4. Implementation of schedule of repairs in relation to boundary walls.
5. Implementation of Landscape scheme
6. Details of tree pits/maintenance regime.
7. Refurbishment of drinking fountain/boundary walls
8. Archaeology: implementation of brief.
9. Method statement re construction and bats
10. Sustainable Drainage
11. No PD
12. Provision of nesting/bat boxes
13. Implementation of car parking, bin storage/bike stands.

Relevant Policies

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