

Application Number

P/2016/0599

Site AddressLand Rear Of 107 Teignmouth Road
Torquay
TQ1 4HA**Case Officer**

Carly Perkins

Ward

Tormohun

Description

Formation of 12 flats and associated parking (revised plans received 26.10.2016)

Executive Summary/Key Outcomes:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site. The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood. The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

The proposals consist of the erection of two residential apartment blocks consisting of 12 two bed residential units.

The materials proposed include grey and off white render, cedar wood cladding, grey upvc windows and doors and black upvc rainwater goods.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin storage is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. Further details are expected and the Members will be updated at the Development Management Committee.

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes. As such the principle of the proposal in terms of design, amenity and functional requirements would be largely consistent with Policies DE1 and DE3 in the Torbay Local Plan.

The additional landscaping provided on the site is considered favourably both in

terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst the level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. Further comment on the design of the proposal is awaited from the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage and land stability the proposal is recommended for approval.

Recommendation:

Conditional approval subject to the conclusion of a section 106 agreement to secure financial contributions, the expiry of the consultation period (30th November 2016) and no public representations raising new issues which have not previously been dealt with within this report, consultations responses from consultees confirming the acceptability of the scheme, the submission of drainage details and details relating to land stability. Conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Head of Business Services.

Statutory Determination Period:

13 weeks, the determination date was the 29th October 2016. This has been exceeded to allow the submission of revised plans and a further consultation period, drainage and stability details and for the proposal to be considered by the Development Management Committee. The applicant has agreed to extend the determination period until 18th November 2016. A further extension will be sought from the applicant to take in to account the need for further public consultation and advertisement.

Site Details:

The application site is a redundant piece of land situated to the rear of 107 Teignmouth Road and 15-20 Daison Cottages. The site is accessed via an existing road that serves the retail units to the north of the site and an existing residential dwelling to the south of the site.

The site has previously been subject to planning permission for three industrial units in 2008 and 2011.

The site is not covered by any designations within the Torbay Local Plan 2012-2030. However to the east of the site is an Other Site of Wildlife Interest and an Urban Landscape Protection Area, Daison Wood.

The site is also located within Flood Zone 1 within the Critical Drainage Area as designated by the Environment Agency.

Detailed Proposals:

The proposals consist of the erection of two apartment blocks consisting of 12 two bed residential units. Block A is located to the north of the site alongside the

existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finishes are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor apartments serving lounge areas.

The two blocks of residential accommodation are separated by a parking court. The parking court includes 13 parking spaces (1 space per unit plus 1 additional visitor space). The parking provision includes one electric car charging space. A cycle store and bin store is incorporated into the car parking area, positioned fairly centrally between the two blocks of accommodation. An on-site landscaping scheme is proposed as part of the wider development. The landscaping scheme includes paved paths to provide pedestrian access to the units from the parking court and incorporate communal seating and amenity areas.

Summary Of Consultation Responses:

Senior Project and Strategy Officer: The proposal has one parking space per unit plus a single space for visitors. This level of provision is at the lower end of the requirement noted within Policy TO3 and associated appendix F of the Torbay Local Plan. Additional spaces would be beneficial but should not be at the expense of cycle parking provision. In order to address the shortfall in parking, it is appropriate to seek planning contributions to encourage improved walking and cycling links between the site and Torquay Coach Station or Hele Local Centre. A travel plan should be requested by planning condition, to maximise the use of walking, cycling and public transport.

Urban Design Consultant: The original proposal is considered to be contrary to Policy DE1, DE2 and DE3. Further comments are awaited on the revised submission.

A revised sketch scheme was submitted in order to try and overcome the concerns raised by the Consultant. The Consultant noted that the provision of car parking and other shared amenities towards the centre of the site where they can be overlooked in a better arrangement. The orientation of the site allowing primary windows to be located facing north or south to avoid direct overlooking is noted. The massing of the blocks is much improved.

Green Infrastructure Co-ordinator: Conditions should be imposed if approved, relating to the clearance of vegetation and bird nesting season, the submission of a bat roost survey should any trees in the adjacent woodland require felling in the future and the submission of a method statement should any clearance of the site to the west of the site be required in the future. A lighting scheme should be

requested by condition prior to installation and the landscaping scheme should include native species of benefit to wildlife.

Additional residents will increase pressure on existing local greenspace and recreation facilities and thus a financial contribution should be sought in line with the Planning Contributions and Affordable Housing SPD 2008 and 2011 update. Contributions would be used towards the enhancement and management of facilities at Windmill Hill Public Open Space and Playing Fields which is in close proximity to the site.

Engineer: The proposed development site is located in close proximity to a disused quarry face of potential of uncertain stability. Further information is required to consider the stability of the quarry face and any measures for mitigation for the safety of users of the site and the preservation of structures both during the construction phase and through the life of the development.

Further information on the stability of the quarry face is expected and the Members will be updated at the Development Management Committee meeting.

Environmental Health: The site appears to have been subject to infilling and historical maps indicate a low level contaminative use. A full contaminated land condition is therefore required.

Environmental Safety: No comments to make on the application.

Arboricultural Officer: The only potential arboricultural constraints are the tree group to the rear of the site along the cliff face; this is an important part of the green landscape in the immediate area and is to be retained. The proposed development as shown in the proposed layout lies within an area of existing hard standing with limited rooting potential and therefore of little to no impact on the trees other than a requirement for periodic safety inspections post construction. The scheme is suitable in principle however a detailed landscaping plan including more robust and appropriate tree planting together with a planting methodology and schedule of planting is required before full recommendation on arboricultural merit can be given.

A revised landscaping scheme has been submitted and the Arboricultural Officer has offered the following comments:

The revised layout and landscaping represents a clear improvement in the quality of landscaping with far greater emphasis placed on the provision of amenity spaces for the residents. At present no fixed planting is proposed however feature trees are generally small trees which should be in part substituted for species such as Liquidambar, fastigate Beech/Oak or possibly Turkish Hazel which have narrow form but of wider amenity value. The revised layout includes the buildings being situated closer to Tree Group 1 however the quality of the

vegetation is low and therefore on arboricultural merit there is no concern to the revised layout. Further detail is required in terms of implementation and maintenance. This however can be dealt with via a condition.

Drainage: Further information relating to drainage is required prior to determination. Surface water drainage is proposed to discharge to the combined sewer as the site is not viable for soakaways. As Torbay is a Critical Drainage Area any surface water discharge rate from the site to the combined sewer must be limited to Greenfield run off rate for the 1 in 10 year storm event with attenuation designed so as there is no risk of flooding to properties or increased risk of flooding to adjacent land for the critical 1 in 100 year storm event plus 30% for climate change. It should be noted that where the Greenfield run-off rate for the site is below 1.5l/sec we would accept a discharge rate of 1.5l/sec. The applicant must demonstrate that his surface water drainage design will not result in any increased risk of flooding to properties or land adjacent to his development for the critical 1 in 100 year storm event plus 30% for climate change.

Further information is expected, however this unlikely to be submitted prior to the Development Management Committee meeting. This will however be sought prior to determination should the proposal be considered suitable for approval.

Designing Out Crime Officer: Comments have been made in relation to security and safety. These have been provided to the agent for consideration. The scheme has been revised taking into account these comments.

Summary Of Representations:

2 representations have been received. Issues raised:

- o Concerns regarding privacy and light
- o Concerns regarding increased pedestrian traffic
- o Concerns regarding the unsuitability of the site for this type of development due to the surrounding uses
- o Concerns regarding stability
- o Concerns regarding access over right of way
- o Concerns regarding wildlife
- o Concerns regarding level of parking provision

Relevant Planning History:

P/2008/0281 3 industrial units. Approved.

P/2011/1313 3 industrial units. Approved.

Key Issues/Material Considerations:

The relevant considerations are the principle of residential accommodation in this location, the impact of the proposals on residential amenity, highways, drainage, biodiversity, and landscaping and the design of the proposal.

Principle of residential accommodation:

The application site is within the established urban area of Torquay. Policy H1 of the Torbay Local Plan states that proposals for new homes within Strategic Delivery Areas and elsewhere within the built environment will be supported subject to consistency with other policies within the plan. One of the specific criteria of this policy notes the objective to maximise the re-use of urban brownfield land and promote urban regeneration, whilst creating prosperous and liveable urban areas. Policy SDT1 of the Torbay Local Plan which relates to the Torquay Strategic Policy Area states that the urban area will be improved and renewed, with strong support for family homes. Similarly it notes that around 3,955 new homes will be provided within Torquay over the plan period.

The site has been vacant for some time, whilst planning permission has been granted in the past for industrial units on this site; these have not been delivered despite a period of 6 years being available to deliver the development. The re-use of this brownfield site to provide dwelling units reflects the aims outlined within policies SDT1 and H1 of the Torbay Local Plan. In line with these policies, the principle of residential accommodation on this site is considered acceptable.

Policy H2 of the Torbay Local Plan states that developments of 11-14 dwellings on brownfield sites are not required to include the provision of affordable units.

Representations regarding the appropriateness of this use in this location are noted taking into account the surrounding uses. There are various uses in the locality including commercial, retail and residential uses. Whilst the concerns are noted, the residential use of this site is considered broadly compatible with surrounding uses.

Design:

The proposal has been revised since the original submission to respond to comments from the Council's Urban Design Consultant. The proposal has been amended to separate the development into two separate blocks accommodating 6 residential units in each. Block A is located to the north of the site alongside the existing retail units and Block B is located to the south of the site. The two blocks are separated by a parking court to serve the 12 units. Each block is three storey and of a modern appearance with a flat roof and parapet walls to the perimeter. External wall finished are a combination of grey and off-white smooth rendered panels with cedar wood cladding elements. Windows are anthracite grey upvc and doors are anthracite grey aluminium. Juliet balconies in the north and south elevations of each of the blocks are proposed to first and second floor flats serving lounge areas.

Within the locality there are various building designs with two storey terraces to the west and large scale flat roof commercial buildings to the north and west. The proposal is a higher scale and density than the immediate area and due to

the change in land levels will be visible in views from Teignmouth Road. However due to the topography of the site and the land to the east which slopes steeply upwards to the east, the three storey nature of the proposal is considered to sit comfortably in this location without undue impact on the character of the surrounding area.

In terms of the street scene, the proposal would follow the topography of the site with the height of the buildings stepping up from north to south providing visual interest whilst breaking up the mass of the development. The form of development in two blocks would continue to allow views of Daison Woods to the east of the site from Teignmouth Road. Due to the separation of the two blocks, which helps to break up the mass of the building together with the topography of the adjacent land to the east, the scale of development is considered to assimilate well with its surroundings. In addition it is noted that much of the development nearby is largely commercial and lacking architectural merit. The design of the building together with the associated landscaping scheme improves upon this predominant building form in this area which is large scale, hard landscaped and stark in appearance.

The contemporary form of the building is considered suitable in this location. The form of the building being flat roofed and large scale is comparable with nearby commercial buildings however the overall design much improves upon the design of these nearby buildings in terms of quality of materials and design details which add interest to the elevations of the proposals. The increase in soft landscaping and communal amenity areas for residents creates a softer appearance to the site and would improve the appearance of the site in views from Teignmouth Road.

Revised comments from the Urban Design Consultant have been sought and the Members will be updated at the Committee meeting.

Impact on highway safety and parking provision:

The proposal includes 13 parking spaces, which results in 1 parking space per unit plus 1 additional visitor space. One parking space with an electrical charging point and cycle storage provision are also proposed. The parking provision and communal facilities are located centrally within the site between the two apartment blocks. The area is visible from units 2, 4, 6, 7, 9 and 11 and therefore is well overlooked in terms of surveillance and security. Being centrally positioned is easily accessible for each of the units and therefore is likely to be well used and deter unneighbourly parking arrangements.

The parking provision proposed is policy compliant in terms of the number of spaces being provided per unit. However the scheme only provides one visitor space. Whilst appendix F does not specify a level of visitor provision per flat, one parking space is noted as being a low level of provision. Whilst there may be opportunities to increase visitor provision within the site, this is likely to be at the

expense of cycle storage and/or soft landscaping which would not be acceptable. In line with comments from the Senior Project and Strategy Officer, it would be reasonable to request contributions in order to mitigate the lower level of visitor parking provision. Such contributions would be used to improve sustainable transport links between the site and the coach station or Hele local centre. Should the application be approved, a travel plan will also be requested by condition.

Representations in relation to the level of parking provision are noted. However on balance and subject to the submission of a travel plan and contributions to improve sustainable transport links the level of parking provision on site is considered acceptable and would not warrant the refusal of the application.

In terms of access, the proposal utilises an existing access to the site. The existing access currently serves a single residential dwelling and two existing retail units. Prior to the submission of this application, through the pre-application enquiry service, advice was sought from the Council's Highways Engineer which confirmed that the visibility at the access was suitable for the intensified use of the site. The access is considered compliant with policy TA2 of the Torbay Local Plan.

Impact on residential amenity:

The proposals are separated from neighbouring residential dwellings to the west by a minimum of approximately 15m. The application site is located at a higher level than existing dwellings to the west such that views from the proposed units will largely be above and beyond those to the west. The position of the proposals is such that direct views are offset and where the distance and orientation may allow for inter-visibility between plots there are opportunities to adopt obscure glazing to prevent overlooking. Obscure glazing can be secured by condition and would be imposed upon the secondary west facing lounge windows to units 2, 4, and 6. Other west facing windows are separated from neighbouring dwellings to the west by a minimum of 23m which is considered sufficient to avoid loss of amenity through overlooking between plots.

The proposals are located alongside a quarry which slopes up steeply from west to east. The proposals are separated from neighbouring buildings by a minimum of 14m and a significant change in land levels with the application site being positioned higher than existing properties on Teignmouth Road. Whilst there is likely to be an impact on light levels as a result of the development of this site, due to the existing situation on site specifically the quarry and existing vegetation, the separation distances between the existing units to the west of the proposal and the orientation of the site, the proposal is not considered to result in serious detriment to residential amenity by reason of loss of light for neighbouring occupiers to the west.

Whilst the proposal will change the relationship between the development site

and neighbouring dwellings, due to the position and separation distances the proposals are not considered to result in a detrimental impact to neighbouring residential amenity by reason of being overly dominant.

The existing dwelling to the south is separated from the development site by a minimum of 28m and is largely obscured by existing tree planting. As such the proposal is not considered to result in any serious detriment to residential amenity by reason of loss of light, privacy or by reason of being unduly dominant or overbearing.

The impact of the development during construction will be time limited and as such would not warrant the refusal of the application, however in light of the scale of the development and its location, a construction method statement would be requested via condition. Representations regarding an increase in pedestrian activity are noted. The site is largely inactive at present due to it being vacant and secured by a gated entrance. Whilst it is accepted that there will be an increase in activity as a result of the development, the proposed residential usage is considered compatible with the surrounding uses and is not considered to result in any serious detriment to the residential amenities of neighbouring occupiers. Representations regarding private rights of access are not planning issues and therefore would not warrant the refusal of the application.

Due to the submission of revised plans, the proposal has been re-advertised with opportunity for further comment. Should any further representations be received prior to the Committee meeting they will be presented verbally during the meeting.

Standard of residential accommodation:

The supporting text to policy DE3 of the New Torbay Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards. An area of communal garden space is provided and is consistent with the guidance attached to policy DE3. The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan. Whilst it is noted that the topography of the surrounding site is likely to impact upon the internal light levels, the window positions and numbers help to maximise the light levels within the accommodation.

The proposal is in close proximity to existing retail and office buildings however in line with a consultation response from Environmental Health these adjacent uses are not considered to cause harm to the residential amenities of future occupants of these properties by reason of noise or nuisance. Such neighbouring uses are considered suitable in residential areas and as such the proposal is considered compliant with policy DE3.

Policy W1 of the Torbay Local Plan states that as a minimum, all developments should make provision for appropriate storage, recycling, treatment and removal of waste likely to be generated and with particular reference to residential developments, they should provide adequate space within the curtilage for waste and accessible kerbside recycle bins and boxes. A communal bin storage area has been provided within the development. This has been located centrally within the site in a convenient location. The proposed bin storage facilities are considered acceptable and compliant with policy W1.

The stability of the quarry face could affect the suitability of the site for residential redevelopment in terms of the safety of the site. Further information is expected in relation to this and will be assessed by the Council's Engineers. Conditions relating to contamination are recommended for inclusion in line with comments from the Council's Environmental Health Officer.

Landscaping:

The revised landscaping scheme is an improvement on the quality of landscaping that currently exists on site. The proposals include communal landscaped areas providing outdoor amenity for occupants and due to the location of such landscaping will provide improved visual amenity in views from outside of the site. The Council's Arboricultural Officer has been consulted on the proposal and subject to amended tree species and further details regarding implementation and maintenance which can be sought via a condition, has confirmed the acceptability of the landscaping scheme.

The site is located alongside an Urban Landscape Protection Area. Comments from the Arboricultural Officer suggest that the development of this site will not result in detriment to the tree group within this area subject to compliance with the tree protection plan. Policy C5 refers to development within the Urban Landscape Protection Area rather than that affecting its setting. Irrespective of this, the development of this site is not considered to undermine the value of the Urban Landscape Protection Area as a landscape feature with the tree group being unaffected by the development due to the existing situation on site. The proposal is not considered to detrimentally affect the character or appearance of the Urban Landscape Protection Area and will continue to allow views of the area from Teignmouth Road.

Impact on biodiversity:

Representations regarding the impact on wildlife are noted. The ecological survey states that the redevelopment of the site is unlikely to cause disturbance to bats, nesting birds, reptiles or amphibians however all works should be carried out using a precautionary approach. In line with comments from the Green Infrastructure Co-ordinator conditions are recommended to safeguard protected species and ensure the proposed landscaping results in a biodiversity enhancement. Subject to the inclusion of such conditions, the scheme is

considered acceptable and compliant with policy NC1 of the New Torbay Local Plan. Further comments are expected in relation to the revised scheme and will be presented at the Committee meeting.

Impact on drainage:

The application site is within the Critical Drainage Area as designated by the Environment Agency. The applicant has indicated that soakaways are not an appropriate solution for this site. The surface water drainage proposal has not been fully detailed and further information is expected from the applicant to resolve these issues.

S106/CIL -

In the event that the application is approved, appropriate financial contributions will be sought in accordance with the Adopted SPD Planning Contributions and Affordable Housing and in agreement with the applicant.

The contributions would be requested as follows:

Waste Management: £600
Sustainable Transport: £20,640
Lifelong Learning: £2,640
Greenspace and Recreation: £13,440

Conclusions

Subject to the resolution of issues relating to design, drainage, landscaping and stability, the redevelopment of the site to provide good quality residential units is considered acceptable. The proposal will result in the redevelopment of a currently redundant site to the benefit of the wider area, whilst providing new good quality homes.

The additional landscaping provided on the site is considered favourably both in terms of the character and appearance of the wider area and biodiversity subject to the inclusion of conditions. Whilst level of visitor parking is limited on site, subject to the submission of a travel plan and securing financial contributions for sustainable transport the proposal is considered acceptable. The design of the proposal needs to be reviewed by the Council's Urban Design Consultant. Subject to the submission of further information relating to drainage, landscaping and stability the proposal is recommended for approval.

Condition(s)/Reason(s)

01. Materials
02. Landscaping
03. Tree Protection
04. Nesting Birds
05. Removal of trees and requirement for bat surveys

06. Removal of vegetation on bank to south and west and requirement for wildlife surveys
07. External Lighting
08. Travel Plan
09. Parking Provision
10. Cycle Storage Provision
11. Bin Storage Provision
12. Drainage
13. Construction Method Statement
14. Stability
15. Contamination
16. Obscure Glazing

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

- SDT1 - Torquay
- H1LFS - Applications for new homes
- SS1 - Growth Strategy for a prosperous Torbay
- SS12 - Housing
- SS8 - Natural Environment
- C4 - Trees, hedgerows and natural landscape
- NC1LFS - Biodiversity and Geodiversity
- ER1 - Flood Risk
- ER2 - Water Management
- H2LFS - Affordable Housing
- TA1 - Transport and accessibility
- TA2 - Development access
- TA3 - Parking requirements
- C5 - Urban landscape protection areas
- DE1 - Design
- DE2 - Building for life
- DE3 - Development Amenity