

Application Number

P/2011/0896/PA

Site Address

Site Formerly Known As 1-5 Athenaeum Place
Side Of 27 Braddons Street
Torquay

Case Officer

Mr John Burton

Ward

Ellacombe

Description

Formation of 3 houses with 2 bedrooms with pedestrian access

Executive Summary/Key Outcomes

The proposal to construct three units of residential accommodation on this site is considered to be an overdevelopment of a tight triangular shaped piece of land. Although the site has been occupied by residential properties in the past, they were demolished as part of a slum clearance programme back in the late 'sixties. The site has laid empty since. As originally submitted, the design was inappropriate given the sloping nature of the site and the distinctive architecture of the surrounding dwellings. Fitting the dwellings into the street scene has not been helped by the addition of a single story dwelling at the end of the existing terrace back in 1984, as this has since acted as a bookend to the run of houses. However, following negotiations and advice from the Design Review Panel issues of design have been substantially overcome.

Despite this, one of the units remains small to current standards for a two bedroom property, the scheme is not capable of providing any off street parking space, two of the units would not have suitable outdoor amenity space and the proposed communal bin/cycle store is remote from two of the units making it unlikely to be used. This all implies that the site is being overdeveloped and would not work well, and so refusal is considered to be the appropriate recommendation.

Recommendation

Committee Site Visit; Refusal

Site Details

The application site comprises a parcel of land of approximately 0.017 hectares in size, situated on the corner of Braddons Street with Hillesdon Road. Hillesdon Road adjoins the rear of the site at a higher level, and the road itself is supported

by a large retaining wall and buttresses which stretch over much of the width of this site. The site has been vacant for over 40 years since demolition in the late sixties as part of a slum clearance programme. The site is within the Warberries conservation area.

Relevant Planning History

P/1984/0311	Extension and use as a dwelling. Permission granted 16/3/84
P/1985/0812	Use as a single storey dwelling. Permission granted 30/4/85
P/1986/2463	Alterations and extension to form one dwelling. Permission granted 18/12/86
P/1987/2156	Use of Land for storage of one boat. Permission granted 25/1/98
P/2011/0680	1 house with vehicular/pedestrian access - concurrent application not as yet determined. -
P/2011/0681/CA	Conservation Area consent for demolition works. No demolition works proposed and so consent not required. Application withdrawn
P/2011/0682	3 houses. Application withdrawn, as design changes were made and these required a fresh application (this current proposal).

Detailed Proposals

Permission is sought for 3 dwelling units on the site continuing the line of terraced properties along this side of the road. The southern end dwelling is shown as a 3 storey dwelling with a total of 72.3 sq. m. of accommodation. A small external terraced area is provided at first floor level to the rear up to the high wall which retains Hillesdon Road. Although this would provide some amenity space, it is primarily provided in order to allow light into the rear of the property. The middle unit is also 3 storeys high but is slightly smaller at 66.6 sq. m. It has a smaller outside amenity space at first floor level to the rear. The northern end unit is the smallest of the 3 proposed being shown as 54.6 sq. m. The building at this point would occupy almost all of the width of the plot, but it takes advantage of space at the side to provide a roof terrace and garden. The land left over within the apex of the triangular plot is designated as a communal bin and cycle store area for all three dwellings. Each of the dwellings is shown as having 2 bedrooms.

The development retains the buttresses supporting Hillesdon Road by incorporating them into the design and placing the internal stairways up over them. In this way little internal space is lost. No off street parking is provided for, indeed none could be provided with the current design.

Summary of consultation responses

Highways Authority: Cannot support a scheme for 3 dwellings in this location, with or without parking provision. The full observations are reproduced at Page T202.

Leisure and Community Development: Would be pleased to receive a contribution from any Planning Obligation towards new equipment in the children's playground immediately opposite.

Summary of representations

One letter of objection has been received from an occupier of one of the properties in Hillesdon Road to the rear and it expresses the following concerns:-

- Buildings now higher than originally proposed (with previous withdrawn application) and this will lead to a loss of light and outlook
- Windows are now above the top of the retaining wall on Hillesdon Road and will lead to overlooking
- Noise from rear amenity area would be unacceptable
- Lack of parking
- Difficulties with access by emergency vehicles would be exacerbated by on street parking

Key Issues/Material Considerations

Principle and Planning Policy -

The land once contained residential development although it has been vacant for over 40 years. The land is not now zoned for any specific use within the Saved Adopted Local Plan, but the surrounding area is predominantly residential. Residential use of the land does on this basis seem appropriate, but given the size of the site, its relationship with neighbouring properties, the hilly nature of the location and other valid planning interests, the number of units and their built form is considered to be a crucial consideration. This would need to be judged against the relevant policies within the housing and design chapters of the Saved Adopted Local Plan.

It is not considered that there are any criteria within Policy H2 (New housing on unidentified sites) that could not be met, although officers have not as yet seen evidence to satisfy the 'green' and energy efficiency requirements of H2(7). Also, because the scheme is now deemed to have an improved design, having been altered by reference to the Design Review Panel, the proposal would be

compliant with policy BES (Built Environment Strategy) and part compliance with policy H9 (Layout, design and community aspects) in respect of its design.

However, Officers do not consider that the proposal would meet the criteria of policy H9 in respect of density, landscape, layout and access. In this regard, the proposal is also viewed as being contrary to the requirements of policies H10 (Housing densities) and BE1 (Design of new development). The proposal also fails to meet the tests of policy T25 in respect of car parking. These issues will now all be explored in more detail.

Design

As originally submitted via the previous application the proposal was considered to be out of keeping with the character and appearance of the area. However, following positive intervention by the Design Review Panel the scheme was altered appropriately giving rise to the current design. Many of the issues and improvements suggested by the DRP have been incorporated into the current proposal. Although it is noted that the rear wall has not been taken as an integral part of the development and so the development remains single and not dual aspect.

On balance this issue is not felt to be of such significance as to justify refusal and so the recommendation is that there are no objections on design grounds. This of course would need to be subject to seeing appropriate detailing on the building, particularly the windows, eaves overhang, rain water goods and slating. These matters could be addressed by an appropriately worded condition if Members were minded to approve the proposal.

Highways and parking issues

The Highways Authority is adamant that approval should not be given for 3 dwellings in this location. It is maintained that the scheme as submitted, without any off-street parking provision, would lead to a greater need for on-street parking in an area of already high demand and poor vertical alignment.

This is considered entirely unsatisfactory for 3 two-bedroomed properties where car ownership is highly likely. The alternative would be to provide some off-street parking, however, this could not be achieved in the current design and even if it could, this would take away the on-street parking outside and so there would be no advantage gained.

The Highways Authority does not consider that this location is close enough to the town centre to justify a relaxation of the normal policy on parking. This is evidenced by the fact that it is situated outside of the Traffic Management Zone (Controlled Parking Zone) that addresses this issue. It is also noted that residents were asked recently whether they wanted 'Residents Only Parking' in

the area and they did not. The applicant cannot therefore overcome this primary and over-riding problem, namely the lack of off-street parking. The only way around this would be to either make the units smaller, such as one bed units where car demand could reasonably be expected to be less, or preferably reduce the number of units. This leads to the inescapable conclusion that as proposed the site is being over-developed and as such this forms a principal reason for refusal. Mitigation in the form of a s106 contribution has been considered, but in this case it is felt that this would not appear to overcome the highways concerns.

The applicant, in support of the scheme, refers to two cases he considers similar (see his letter reproduced). These proposals were allowed without parking.

P/2010/0776 is a proposal for 2 units within level walking distance of the town centre on Lymington Road, the site is immediately opposite the coach station and car park, with excellent public transport facilities running immediately outside the site and parking provision both in the car park opposite and on street.

P/2011/0031 is on Braddons Hill Road West, just above Fleet Walk and so is immediately adjacent to the Town Centre demarcated on the Local Plan proposals map and close to all of the bus routes that use Fleet Walk. However this latter application has not as yet been formally approved anyway.

The current application site is different. It is not close to any bus routes, and unlikely to ever be so given the extremely hilly and constricted nature of the locality. It is not within the town centre and although it is close to the centre, access is hampered by the steeply sloping nature of the local topography. Although it may only take a few minutes to walk into town, it would certainly take longer to walk back given the steep roads, and this would make the location poorly located from the town centre to those with shopping, push chairs, wheel chairs or the elderly. It is conceivable that the future occupiers of the development may wish to own cars, and this could not reasonably be prevented and enforced by any condition or legal agreement. The applicant has provided written justification for a car free development in this location and this has been fully considered. However, officers do not believe that the circumstances or local precedents would indicate an approval would be acceptable in this case, due to the problems of a lack of parking.

Density

The proposal is for 3 dwellings on land with an area of 0.017 hectare. This is equivalent to 180 dwellings to the hectare, which by any stretch is significantly high. The two storey unit on the northern end is shown with an internal floor area of 54.5 sq. m. This is below the minimum standards suggested for 2-bed residential properties by the English Partnerships (now part of the Homes and Community Agency) in their document 'Quality Standards: Delivering quality

places', revised edition published in November 2007. They recommend a minimum internal floor area of 66 sq. m. for a two bedroom/3 person home and 77 sq. m. for a two bedroom/4 person home. The other proposed dwellings (both of which are two bed units) have internal floor areas of 66.5 and 72.3 sq. m. Whilst these standards have not been either enshrined in law or in planning policy, they are a useful indication of appropriate housing dimensions.

Other indicators of over-development are the inability to get any off-street parking onto the site itself, the lack of any suitable outside amenity areas for two of the dwellings (the areas being very small and with very limited access to natural light) and the bin/cycle area being very poorly located to all three of the dwellings, basically using the left-over parcel of land in the apex of the triangle.

Closing the gap -

The site is situated in the Ellacombe Ward, which is known to have an over supply of small properties, flats and bedsits, and so two bedroom houses would be welcomed. However, the Ward is also amongst one of the poorest and most socially deprived in Torbay, and it is doubtful whether this proposal for 3 dwellings on a restricted site with no parking and a high density of developments, would be beneficial to the areas need for improved housing quality.

Climate change -

Limited information has been submitted to show the sustainability credentials of the site other than the usual requirements of the Building Regulations.

Environmental Enhancement -

The site is situated within the Warberries Conservation Area and all of the surrounding properties are identified in the conservation area appraisal as being 'key buildings of architectural importance or which make a significant contribution to the townscape'. On this basis, a high quality scheme would be expected were approval to be considered. By following the guidance given by the Design Review Panel and with the judicious use of conditions to control the detailing of the dwellings, this could be achieved. However, at least two of the properties would still lack quality outdoor amenity and garden space which is prevalent to the surrounding properties.

S106/CIL -

Consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. The Council has now re-examined and re-interpreted its original Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The 'Planning contributions and

affordable housing supplementary document, update 3', was adopted by the Council in March of this year (2011). Both the original document and the current update form part of the Torbay Local Development Framework. The amount of the required 'developer contribution' for the current application should therefore be evaluated in line with this adopted revision to the policy. According to this document, contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size. The proposed dwellings fit into the second category, as they range between the parameters of 55 – 74 Sq. M.

Municipal waste and recycling	£ 50
Sustainable transportation	£1720
Lifelong learning	£ 220
Green space and recreation	£1120

TOTAL **£3110 per unit**

This gives a total contribution due of (£3110 x 3 units = £9,300). It is recommended that, should members wish to approve this scheme, the above s106 contribution should be obtained.

Conclusions

There are some shortcomings to the existing design, but officers are happy that the general guidance provided by the Design Review Panel has been followed. The better detailing sought could be dealt with by way of conditions.

However, there are over-riding and compelling issues, primarily with the lack of parking off-street, that indicate that the proposal should be refused. This is strongly argued by the Highways Authority. Despite full and detailed consideration, there are no mitigating circumstances that would allow the proposal to be recommended for approval. The inability to provide any off-street parking is just one of a number of considerations that indicate that the site is being over-developed. The development would not be fully able to cope with the demands of modern day living, such as the requirement for safe and secure parking, a need for useable and pleasant outdoor amenity space, and suitably located space for bin and other storage facilities. None of these issues are capable of being over-come due to the tight nature of the site, and so the application is recommended for refusal. It is felt that it would be beneficial for Members to view the site to assess these issues in-situ.

Condition(s)/Reason(s)

01. The proposal for three dwellings makes no provision for the off-street parking of vehicles, and as the site is not a town centre location and not

reasonably located to public transport facilities would inevitably attract car owners. This would lead to an increase in on-street parking in an area of high demand and poor vertical alignment, which would inevitably lead to congestion on the highway and interference with the free flow of traffic. This makes the proposal contrary to policy T25 of the Saved Adopted Torbay Local Plan.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, Waste collection and recycling, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 of the Saved Adopted Torbay Local Plan and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery', adopted in May 2008) and the more recent update the 'Planning contributions and affordable housing supplementary document', update 3: Economic recovery measures (adopted in April 2011).

03. The two storey unit on the northern end is shown with an internal floor area of 54.5 sq. m. This is below the minimum standards suggested for 2-bed residential properties by the English Partnerships (now part of the Homes and Community Agency) in their document 'Quality Standards: Delivering quality places', revised edition published in November 2007. They recommend a minimum internal floor area of 66 sq. m. for a two bedroom/3 person home and 77 sq. m. for a two bedroom/4 person home. Either way the proposal constitutes an overdevelopment of a restricted site, which would result in a cramped form of development and a poor living environment for occupiers of the proposed new dwellings, amounting to town cramming, because one of the units is considered too small for occupation as stated. . Overdevelopment is also indicated by the lack of outdoor amenity space being provided and the inappropriate location of the bin storage facility for two of the three units.

04. The proposal does not make suitable provision within the curtilage of each unit for the storage and use of waste disposal and recycling facilities (wheelie-bins), and as such the proposal is contrary to policy W7 of the Saved Adopted Torbay Local Plan, which specifically states that adequate and appropriate provision should be made.

Relevant Policies

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