

**Application Number**

P/2012/1231

**Site Address**15 Newton Road  
Torquay  
Devon  
TQ2 5DB**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Description**

Formation of 4 flats in site curtilage (In Outline) Revised scheme

**Executive Summary/Key Outcomes**

This elevated garden site abuts the north eastern side of Newton Road as it approaches Torquay town centre. There is a history of approvals for residential development, most recently for 2 family homes, which was approved in 1990. An appeal against a refusal to renew this permission was dismissed on the grounds of poor visibility for emerging vehicles only.

This application, which is in outline, with all matters reserved proposes 4 50m<sup>2</sup> flats with no on site car parking. Highways are supportive of this due to the sustainability of the location. A previous application for 4 small flats on this site was withdrawn. This was following advice from officers that the application would be recommended for refusal due to the very elongated character of the building, which was considered to be out of character with the form of building in the area. It was thought this would have affected the character with the street scene and thereby the setting of the adjacent Torre Conservation Area.

This application has been amended by reducing the footprint, recessing the entrance feature which reduces the monolithic character and adopting a more traditional design. It is thought this overcomes previous concerns about design. However, it must be noted that this application is submitted in outline with all matters (including design) reserved for future consideration.

**Recommendation**

Conditional Approval: Subject to the completion of a S106 agreement within 3 months of the date of this committee meeting to secure the Community Infrastructure Contributions [at the applicant's expense], with conditions as set out at the end of this report. In the event that the 106 agreement is not completed within 3 months of the date of this committee, that the application be refused for reason of the lack of a s106 agreement.

### **Site Details**

The site comprises a detached domestic dwelling with a long, narrow elevated garden area which is bounded by a high stone retaining wall which extends along Newton Road close to the junction with Barton Hill Road.

To the north east of the application site the land rises again and the site is backed by a further high stone retaining wall which forms the garden boundary to domestic dwellings on Barton Hill Road. Generally, the character of development in the immediate area is quite mixed. On the opposite side of Newton Road are found sizeable Victorian Villas which are largely in hotel use. These are located in the Torre Conservation Area. The northern side of Newton Road has been developed with post war properties of a more domestic size and scale and in a range of differing styles and characters.

Planning permission has been granted twice in the past for residential development on this site but it is now lapsed.

### **Detailed Proposals**

This application is an outline application with all matters reserved and is for the construction of 4 50m<sup>2</sup> flats on the site with pedestrian access only being provided via an excavated lobby from Newton Road.

### **Summary Of Consultation Responses**

*Highways:* Given the proximity to the town centre and bus routes no objection is made to the lack of car parking. The sustainable transport contribution of £5060 should be put towards the enhancement of cycling infrastructure in the vicinity. 1 bike parking space per unit should be available.

*Drainage:* The application indicates that surface water is to be disposed of by soakaways but no details are provided about the capacity of the ground to cater for this. For this reason the Drainage engineer has asked that filtration tests be carried out before permission is granted.

### **Summary Of Representations**

There have been 2 letters of objection concerned with parking, traffic congestion, pedestrian safety, impact on the highway retaining wall and quality of living accommodation to be provided. A further letter was received in connection with the withdrawn application about the integrity of the stone retaining wall which supports the contributor's garden. These have been re-produced at Page T.201.

### **Relevant Planning History**

P/1988/0452	Erection of 1 dwelling: Refused 21.04.88. Subsequent appeal dismissed.
P/1988/2785	Erection of detached house; Approved 17.02.89
P/1990/0500	Erection of 2 dwellings; Approved 15.05.1990
P/1995/1063	Renewal of above. Refused, subsequent appeal dismissed 17th March 2003.
P/2011/0272	Erection of 4 flats: Withdrawn.

Pre app discussions in relation to 3 storey building with 8 flats not encouraged due to amenity and traffic concerns.

### **Key Issues/Material Considerations**

The main concerns relate to the principle of garden development, scale of development on site, impact on neighbours, quality of accommodation provided, lack of parking, pedestrian and highway safety, appearance and impact on retaining walls. Each of these will be addressed in turn.

### **Principle and Planning Policy -**

The relevant planning policies relate to the quality of the residential environment, its relationship to neighbours, its appearance and the impact on the highway network.

#### *Principle of Garden Development*

Planning guidance in relation to garden development has been subject to change in recent years from encouragement to maximise the use of suitable garden land to provide housing opportunities to moves to resist 'garden grabbing'. The most recent guidance in the NPPF suggests that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, where development would cause harm to the local area. The use of garden land for housing development is normally resisted unless it can be shown that its use produces a form of development that is in character with surrounding development, there are no adverse impacts on amenity nor does it result in overdevelopment of the site. The garden in question is of a size that could accommodate a suitable level of new development without compromising the amenity of the parent property, it is not 'backland' which does tend to lead to problems of amenity and it forms a backdrop to the main approach to Torquay where sporadic building in garden plots is not wholly out of character. Past history indicates that the site has been previously considered suitable for residential development.

The refusals of planning permission were based solely on the car parking arrangements which were considered to be unsafe in terms of highway safety, rather than on the principle of garden development and this concern was

supported on appeal.

*Scale of Development on Site/Impact on Neighbours/Quality of Accommodation*

Whilst all matters are reserved, illustrative plans indicate 4 one bed flats in a 2 storey building measuring 27m by 6m. It has a bigger footprint but is lower in height than the previous approval for 2, 3-storey 3-bed dwellings which were approved in 1990. It represents a similar density of occupation.

The scheme maintains sufficient amenity space for the parent property and the proposed scheme is not unduly cramped or likely to suffer from a poor quality residential environment arising from a lack of space. In terms of amenity, it is sufficiently well removed from its neighbours to undue impact in terms of privacy or overlooking.

*Highway Safety/Lack of parking*

Previous refusals of planning permission on the site were based on concerns about highway safety arising from arrangements to provide on-site car parking. This involved excavating through the existing stone retaining wall to ground level to provide garaging/open car parking. The most recent appeal decision, in relation to the refusal to renew the approval for 2 dwellings found against this on the grounds of poor visibility only.

The applicant therefore contends that if no on-site parking is provided, then the Inspectors concerns are overcome. Planning policy in relation to car parking has modified in the intervening years and there is flexibility on sites which are sustainably located with convenient access for public transport and local services such as this one. Bike storage is provided within the pedestrian lobby. The site is also located close to a bus stop and to a railway station. On street car parking, albeit heavily used is available along the frontage of this property. Highways have indicated support for this approach.

*Appearance*

This is a reserved matter. The site is located in an elevated position adjacent to the northern boundary of the Torre Conservation Area and so it is important to consider whether the broad form of the proposed building is capable of being accommodated in a way that fits with the overall grain of the area and does not therefore adversely affect the setting of the conservation area.

The withdrawn application indicated an elongated 'monolithic' building form with a flat roof and of a quasi Art Deco design. It was considered that this was out of character with the prevailing grain of the area and was withdrawn on advice that it was unacceptable on design grounds. The shape of the site severely constrains the form that any building can take.

However, in this revised scheme, the footprint has been slightly reduced; the entrance feature recessed to introduce a less 'blocky' more modulated form of

building and it has taken on a more traditional appearance of render and pitched roofs which do reflect the character of adjacent buildings to the north of Newton Road.

#### *Impact on Stone Retaining Walls*

The implementation of this scheme will require works to the stone retaining walls adjacent to the public highway and to the garden retaining walls to ensure their long term stability. This is not a planning but a civil matter. The applicant has been advised of the need to reach a party wall agreement with affected residents. This issue was raised in the appeal and carried no weight.

#### **S106/CIL -**

A S106 will be needed to meet community infrastructure in line with the adopted SPD. This will now need to comprise an SDLR contribution in line with Council policy, as adopted on 06 December 2012. In addition the sustainable development contributions as set out below will be required to mitigate the impact of the development:

Waste	£ 200
Sustainable transport	£5040
Lifelong learning	£ 640
Greenspace	£2200

#### **Conclusions**

There has been a long history to development on this site. Planning permission was most recently granted for 2 family dwellings. An appeal into an application to renew this permission in 1995 was dismissed only on the grounds of poor visibility. The applicant has sought to overcome this by deleting the car parking and providing smaller units of accommodation which arguably rely less on accessible car parking than family homes. Given the sustainable location of the site, Highways are not concerned about the lack of car parking.

In terms of the scale of development on site, it does not lead to any quantifiable problem in terms of impact on the parent property, impact on neighbours, overdevelopment or poor quality of residential accommodation.

It is not dissimilar to the density of occupation arising from previous approvals on the site. It is considered that the design approach is now acceptable and does reflect the appearance and form of adjacent buildings to the north of Newton Road.

#### **Relevant Policies**

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