

Application Number

P/2013/0053

Site AddressRoebuck House
Abbey Road
Torquay
Devon
TQ2 5DP**Case Officer**

Mr John Burton

Ward

Tormohun

Description

Development to provide 33 apartments including the conversion of Roebuck House from offices (B 1) (a) to residential development and the addition of two floors to create additional residential development; formation of car parking at lower ground floor level and all other associated infrastructure and associated development

Executive Summary/Key Outcomes

The principle of a change of use of the building has the potential to be acceptable if it is supported by a thorough and targeted marketing period and combined with an acceptable scheme for the re-use of the building (including a s106 package if viable).

In the event, the proposed development, with the addition of 2 storeys on the top of the building and the proposed re-cladding, is considered to harm the character and appearance of the Conservation Area. Notwithstanding the opportunity that the re-cladding provides for a fresh approach to its appearance, the cladding is not considered to have overcome concerns about the height, bulk and massing of the building, especially when combined with the additional height proposed.

This view is supported by the Building Heights Strategy, which is a useful piece of evidence base to support the New Local Plan and acts as a tool to assist in determining planning applications.

The submitted viability report supports the applicant's revised position that the scheme cannot afford to provide any affordable housing (on or off site) and neither can it afford any planning contributions to off-set the impact of the development. The Council has instructed a summary review of the submitted viability report and the findings of this review will be reported verbally at the committee meeting. However, the applicant's own viability assessment indicates that the two additional floors are not viable in themselves (i.e. the identified cost of providing the additional two floors is far in excess of the value attributed to the top two floors as open market flats).

The Government is intent on introducing a change to permitted development

rights such that consent would no longer be required to convert offices into residential use. This change is to come into force in May. However, there is, as yet, no confirmation as to what criteria a scheme would have to meet in order to be permitted development. Furthermore, whilst this has the potential to be a material consideration in relation to the principle of conversion, the key concerns with the submitted scheme relate to the physical changes proposed to the building.

Given that the combination of the additional storeys and the cladding to the building are considered to harm the character and appearance of the Conservation Area, and given the findings of the submitted viability report are that even with the additional two storeys, the scheme will generate a negative land value, it is concluded that the application should be refused.

Recommendation

Site visit (including viewing from vantage points across the valley); Refusal:

1. The combination of the proposed cladding of the building and the additional 2 storeys on the roof will have a detrimental visual impact. The resultant accentuation of the height, bulk and massing of the building will increase the extent to which the building appears out of scale with the prevailing context. The changes to the building will therefore have a significant detrimental impact on the conservation objectives associated with the designated Heritage Asset, by failing to preserve or enhance the character of the Conservation Area. The development is therefore contrary to policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan and to paragraphs 62, 64 131 and 132 of the NPPF.
2. Potential s106 reason if the findings of the viability review are that the development could yield some 106 contributions.

Statutory Determination Period

This application has a 13 week time period which will expire on 19th April 2013.

Site Details

Roebuck House is a large and irregularly shaped split level building at the junction of Warren Road with Abbey Road. It was formally rented by the Council for use as offices until December last year. The building currently has a B1 (business/offices/light industrial) class of use. The property is now empty.

Detailed Proposals

The proposal is to retain and refurbish Roebuck House, a prominent multi-storey office building close to the centre of Torquay. The existing office use will be changed exclusively to residential, with 33 apartments for sale on the open market occupying the building.

An extension at roof level providing 6 additional units would increase the height

of the existing building by a further two floors. A limited number of parking spaces and other plant and service functions would be located in the (lower) ground floor which fronts Abbey Road.

No affordable housing is proposed as part of the development and no off-site contributions have been offered. Furthermore, no sustainable development contributions are to be provided. The applicant has submitted a viability report explaining why there is no scope for any contributions and the Council has instructed an independent review of this report.

The accommodation would comprise:-

- parking for 6 vehicles at lower ground floor level, together with cycle storage, lift, gas meter rooms, refuse storage areas and other plant
- 5 flats on the ground floor comprised of 1x 3 bed, 3 x 2 beds and a 1 bed studio apartment
- 5 flats on the first floor comprised of 1x 3 bed, 3 x 2 beds and a 1 bed studio apartment
- 5 flats on the second floor comprised of 1x 3 bed, 3 x 2 beds and a 1 bed studio apartment
- 4 flats on the third floor comprised of 1 x 3 bed 2 x 2 beds and a 1 bed property
- 4 flats on the fourth floor comprised of 1 x 3 bed 2 x 2 beds and a 1 bed property
- 4 flats on the fifth floor comprised of 1 x 3 bed 2 x 2 beds and a 1 bed property
- 2 beds on a new sixth floor to be created comprised of 2 x 2 beds and 1 single bed property
- 2 beds on a new seventh floor to be created comprised of 2 x 2 beds and 1 single bed property.

The addition of the two extra floors on the roof would take the building up by approximately 6.4 metres higher than the existing flat roof, although there is currently a small amount of plant room in the vicinity of the lift) on the south-western end of the building where the difference would be less.

It is proposed to provide balconies (some recessed) to the third floor on the Warren Road elevation, and to the new 6th and 7th floors on both road frontages.

The building is shown being re-clad with an insulated render system, with new polyester powder coated double glazed windows, some reconstituted stone cladding as a plinth at lower ground floor level, and metal feature grills to the car parking and storage area.

Following negotiations with Officers, the architect has now produced a scheme that shows cladding used to form a tower feature on the prominent south-eastern end (viewed when coming up Abbey Road). This is intended to break up the

otherwise blank façade that was previously shown as replacing the brick and banding of the original façade. The Design Review Panel's latest comments are to be reported at the committee meeting, but it is expected that they will report that the cladding has not successfully broken down the bulk, mass and height of the building.

Access into the parking area is shown off Abbey Road, where space is shown provided (lower ground floor level) for 6 cars, 2 of which are shown as being disabled spaces. The lower ground floor is also shown housing plant, refuse and recycling facilities, and the lift shaft.

Summary of consultation responses

Highways and Strategic Transportation - Observations awaited.

Torbay Development Agency - While it is desirable for this property to remain in some form of employment use the TDA cannot say with any confidence that there is a market for this type of property in that location. In its opinion there is little evidence to support the retention of Roebuck House as office space. They do note that marketing activity surrounding the property by local agents acting on behalf of the landlord has not been strong, and it may well have been overpriced. However, in general terms, the TDA consider that in today's competitive market Roebuck House is 'not fit for purpose' and in relation to competitor locations, both regionally and nationally, is outdated. On this basis The TDA is not objecting to the change of use.

They also point out that whatever the outcome to this application there remains a real concern that due to the lack of demand for flatted accommodation and office use, the building will remain vacant for some considerable time which will have a detrimental impact on the wider area.

English Heritage (Conservation section, based on floor area and height within a conservation area) - Observations awaited.

Building Control – questions were raised at the Design Review Panel hearing in relation to fire safety and compliance with the Building Regulations, the views of the Building Control Officer will be reported for information at the committee meeting.

Summary of representations

Many letters of representation received offering various comments. These representations can be summarised as:-

- It contradicts the neighbourhood plan.
- There is enough accommodation available around here and an office supplying jobs would be much more beneficial to the local community and Torbay's economy.

- Affordable housing would cause further detriment to the area.
- Will lead to overlooking of existing residential properties.
- Providing homes in this area is to be welcomed.
- The new accommodation on the roof would make the building too high.
- Lack of car parking in an already congested area.
- No value in retaining this building.
- The building is an eyesore, detrimental to the Conservation Area, and the new render system will not significantly improve its appearance.
- Residential is preferable.
- The addition of the new storeys would make the building contrary to the Council's 'Tall Buildings Strategy'.
- Would the foundations be strong enough to support an additional 2 storeys.
- It would devalue existing residential properties.
- Roebuck House should be ring fenced for a facility that can bring jobs and community resources in to the area, to help support existing residents and breath life in to a very depressed community.
- More flats risk compounding the social problems we have rather than raising standards.
- The Developer needs to consider that any private flats which are built at Roebuck House will be hard to sell or get a fair price for due to the areas poor reputation.

The representations have been provided in electronic format for Members.

Relevant Planning History

There is no specific or relevant history for this building in the recent past.

Key Issues/Material Considerations

Principle and Planning Policy - The main principle involved with this proposal is whether or not to accept the loss of office accommodation. This building was designed as an office block and appears always to have been used as such. There is a need for modern office space and the jobs they create within Torbay, and more specifically, it has been identified that Torquay town centre would benefit from investment by B1 operators. This stance is supported by policies ES and E6 of the Saved Adopted Torbay Local Plan.

However, there is little evidence of a market demand for this type of accommodation, particularly given its poor state and odd shape. In the period that the Torbay Development Agency has been recording investment enquiries onto their enquiry management system (autumn 2010 to present day) they have received only one enquiry for properties of a similar size to Roebuck House. There here have been two others circa 20,000 sq ft, one from a leading local company, so in terms of evidence to support the requirement of Roebuck as office space the argument is not strong.

It should be noted that all of the enquiries recorded by the TDA were from Call Centre operators. It is also noted that marketing activity surrounding the property by local agents acting on behalf of the landlord has not been strong. The TDA have offered to provide additional sector specific information and meet with agents to devise a more co-ordinated plan. However, this offer was not taken up.

The viability assessment, submitted by the applicant, states that the building has been marketed (as offices to let) for 6 months, from September 2012. There has been no interest shown.

TDA is convinced that in today's competitive market Roebuck House is 'not fit for purpose' and in relation to competitor locations, both regionally and nationally it provides outdated space. The cost of refurbishment and the concerted marketing required is likely to be prohibitive to its continued use as office space for a single occupier.

Torquay town centre requires a balance of good quality office space but in its current condition Roebuck does not fit this bracket.

In addition, the Government's stated intentions are to enable offices to convert to residential use without the need for planning permission in the future. Whilst we do not know what caveats will be placed on such changes of use it is further background that supports the need to be flexible over future uses of office buildings in this difficult market.

In summary, following discussions with the TDA, officers believe the marketing activity for this building has been limited. Officers remain to be convinced that the property has no beneficial 'B' class use, and that further and more targeted marketing could not provide further scope for an employment based future for the building. This is especially the case, given the view that has been reached on the acceptability of the submitted scheme and the opportunity this affords for a re-think on the future of the building.

Design issues - There are two main design considerations. Firstly, the extra accommodation on the roof, and secondly, the elevational changes to the facades of the building, which is situated within a conservation area.

On the first of these issues, the building is already 6 storeys high on the Warren Road elevation and 7 storeys high to the Abbey Road elevation. The two new storeys on the roof are shown set back from the existing edge, however, the additional floors are apparent in both immediate and wider views. The most affected views are: i) the view heading up Abbey Road, ii) the view from Warren Road looking towards the Abbey Road junction, iii) the view from across the valley on Castle Road and iv) the view from Alpine Road looking down at the town.

Officer's view is that the addition of 2 extra storeys on the roof would increase the already apparent height, bulk and massing problems with the building in its context. The increase in height would be particularly unfortunate as it would heighten the impact of this discordant building without offering visual benefit to the Conservation Area. The apparent 'weight' of the additional 2 floors also provides a jarring against the grain of the built environment. Notwithstanding attempts to improve the appearance of the whole building through re-cladding, and recent revisions to improve the articulation of the cladding, the additional height sits uncomfortably within the setting, jarring against the prevailing heights of buildings in the area.

The Building Heights Strategy assists in determining applications for tall buildings. The strategy identifies this area as an area of search, but also as a sensitive area to tall building (as it is a Conservation Area). The strategy identifies 3 storeys as the prevailing height in Torquay Town Centre and identifies Roebuck House as a tall building, stating that its existing 'height is exacerbated due to its location on the south side of the street' (page 69).

The document clarifies that the area is sensitive to tall buildings and the list of criteria for tall buildings includes the need to i) preserve and/or enhance the character and/or appearance of the Conservation Area, ii) enhance identified views, iii) be of outstanding architectural design and of sufficient slenderness to form an attractive element in the skyline from all angles, iv) provide a wider public benefit, and v) demonstrate sustainable construction and management (page 61).

The matter has been considered by the Design Review Panel, on two occasions. In October, the Panel identified that the building had a clear anatomy comprising

- Blank party wall to the South East
- Directional structural grid set out perpendicular from the alignment of Warren Road, and
- Abbey Road 'diagonal' elevation - cutting across the structural grid and gently cranking along its length.

The Panel considered that in retaining the existing structure these qualities needed to be better exploited by the layout of the floorplates. It was the Panel's view that the apartments seemed to be squeezed into the existing framework rather than working positively with its grain and character. The Panel applauded the intention to apply external insulation to the building although it was their belief that the current horizontal striations formed by the alternating bands of brickwork and concrete help to successfully articulate the form of the large building, particularly in longer distance views. It was also the view of the Panel that the two new storeys at roof level would be a more difficult architectural challenge. These issues have been the subject of extensive negotiations between officers and the Agent and Architect.

The Panel review in March, for which formal comments are awaited, considered the alternative cladding of the building and the creation of a tower feature on the south-eastern elevation (above the Abbey Road entrance). The Panel view is to be reported at the committee meeting, but it is unlikely that the Panel will revise their view that the additional 2 floors remain a concern and this combined with the proposed re-cladding results in a tall and imposing building.

The revised design of the cladding, which now breaks up the blank wall facing down Abbey Road and inserts a tower feature around the stair/lift core, is considered to be more successful than a blank wall on that side façade. However, the combination of the cladding (which conceals the existing banding through the floor plates of the existing building) and the additional storeys on the roof results in a building that is physically and in appearance, too tall for its Conservation Area setting both in local and wider views.

Highways and parking - The provision of only 6 spaces for 33 flats is clearly inadequate and contrary to policy T25 of the Saved Adopted Torbay Local Plan. However, there are several factors that mitigate this. Firstly, its existing use (and previous occupation by the Council) would clearly have generated a requirement for at least as much parking as the current scheme, and indeed there was none provided for the workforce. So the shortfall on parking that would arise with the current proposal is likely to improve upon that situation.

Secondly, it would be reasonable to call this a town centre site where the LPA is usually minded to make exceptions. Thirdly, the building is on a very good bus route (Abbey Road), and this would provide a good sustainable alternative to the use of the private car. Fourthly, there is the Council's multi-storey car park just up the road, and whilst the cost of an annual pass for parking would be very expensive, people are sometimes prepared to pay this in town centre locations. For all these reasons, it is not considered appropriate to raise an objection on the basis of a parking shortfall.

For similar reasons, it is not felt to be appropriate to refuse the proposal on the basis of poor access/egress. Turning out to or in from Abbey Road can be tricky, and it necessitates crossing the public footpath. However, the proposed situation would be little worse than always has been the case, and with only 6 vehicles (max.) attempting to park, this is not a number that is likely to lead to difficulties. On balance therefore, it is not felt appropriate to conclude that the proposal should be refused on the basis of access difficulties as referred to by policy T26 of the Saved Adopted Torbay Local Plan.

Affordable Housing - As originally submitted, the applicant considered that the scheme would be appropriate for an off-site contribution towards affordable housing. However, following the submission of the applicant's viability report, it is clear that there is to be no affordable housing contribution.

Planning Obligation under s106 of the Act - It is the Council's policy to seek appropriate financial contributions from developers under s106 of the Town and Country Planning Act 1990 and the legislative requirements of Part 11 of The Community Infrastructure Levy Regulations 2010, towards community infrastructure stemming directly from development and in terms of the resultant pressures on local social, physical and environmental infrastructure.

The Council has decided in line with Central Government legislation, the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. This is made quite clear in policies CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan. The proposal to provide any new residential dwellings would be liable to 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 2011.

More recently, at Full Council on 6th December 2012, Members agreed to seek contributions towards the South Devon Link Road (SDLR), where it is lawful to do so. Contributions due for residential proposals are now based on floorspace to be created. The document splits contributions up into 5 categories according to size.

Clearly the scheme (of over 15 units) would need to provide for affordable housing. In addition financial contributions will be due for the following items - the South Devon Link Road, municipal waste and recycling, education, lifelong learning, and green space/recreation and loss of employment opportunities. This is likely to result in a total figure in excess of £800,000, although the sustainable transport element will be mitigated at least in part by the trips associated with the existing office use.

A Planning Obligation of this size, in addition to the delivery (preferably on site) of Affordable Housing would clearly need to be proffered by way of a legal agreement.

The applicant has submitted a viability assessment for the proposal which indicates that there would be no profit in the proposal and so there is to be no affordable housing and the development contribution is to be zero. This has been challenged and officers have sought the advice of an independent valuer. This advice will be reported to Development Management Committee.

Vibrant Town Centres - The economic benefits for a residential development in line with footfall into the town of potential residents for spend on public transport, retail, leisure, restaurants & cafes is clear. However, an office occupier can provide arguably greater extended benefits. Therefore it is not clear whether office use or residential accommodation would be more beneficial to the economy of Torquay Town Centre.

Conclusions

On the two primary issues - Planning Obligation and appearance - the LPA considers that the scheme fails to meet the adopted standards expected. Clearly a zero rate of financial contribution is not appropriate given all of the adverse factors that need mitigating, however, verification of the viability of the scheme is required before a final view can be reached on this issue.

The concerns about the appearance, height, bulk and massing of the building are supported by the Design Review Panel and it is concluded that the combination of the proposed cladding of the building and the addition of the two extra storeys does not protect or enhance the character of the Conservation Area.

Condition(s)/Reason(s)

01. The combination of the proposed cladding of the building and the additional 2 storeys on the roof will have a detrimental visual impact. The resultant accentuation of the height, bulk and massing of the building will increase the extent to which the building appears out of scale with the prevailing context. The changes to the building will therefore have a significant detrimental impact on the conservation objectives associated with the designated Heritage Asset, by failing to preserve or enhance the character of the Conservation Area. The development is therefore contrary to policies BES, BE1 and BE5 of the saved adopted Torbay Local Plan and to paragraphs 56, 62, 64, 131 and 132 of the NPPF.
02. The proposal makes no provision for Affordable Housing or any Planning Obligation to defray the costs that would arise to the Local Planning Authority as a result of approving this proposal and so the proposal would be contrary to policies H6, CFS, CF6 and CF7 of the Saved Adopted Torbay Local Plan and paragraph 203 of the NPPF.

Relevant Policies

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