

Application Number

P/2014/1231

Site AddressJewson Ltd
St James Road
Torquay
Devon
TQ1 4AZ**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Demolition of Jewsons builders store and redevelopment to provide 24 no. residential apartments in a three storey building with 20 car parking spaces, a detached three storey office building and store to the rear of the site with parking. (Re-Submission of P/2014/0185)

Executive Summary/Key Outcomes

Jewsons Builders Merchants previously operated from a former quarry site on St James Road. It is now vacant and this application involves demolition of the existing storage sheds and their replacement with 24 flats in a three storey block fronting the street with a rear wing extending back into the site and, as a second element, the construction of a new HQ comprising office space and storage for a local building company located towards the rear of the site.

The loss of this employment use is considered acceptable when judged against the relevant tests in policy E6 of the saved Adopted Local Plan due to the poor quality of the existing premises and its impact on the neighbourhood in terms of noise, vehicular activity and disturbance. Indeed, Jewsons has new premises in close proximity to this site.

The proposed residential scheme is of a slightly higher density than is prevalent in the area. However, due to the configuration of the site, which extends well back into the quarry area, the relative separation of the site from its neighbours and the height of the existing storage buildings (which form a reasonable benchmark for an acceptable scale of building) it is considered that this site has the capacity to accommodate a scheme of this density without undue impact on the character of the streetscape or on the amenity of the neighbourhood.

The design of both elements of the scheme is considered acceptable. The frontage building replaces the redundant double height sheds with a traditionally designed 3 storey block of flats. The rear wing, which is more screened from view is of a more contemporary but complimentary design as is the discretely sited Office/Store.

Subject to additional detail firming up the submitted 'conceptual' hard and soft landscape scheme and the boundary treatments, the scheme is considered to be acceptable in terms

of the loss of the existing employment use, the overall design, the quality of the proposed residential environment and impact on neighbours including adequacy of onsite parking. As such it complies with the relevant policies in the saved Adopted Local Plan.

The applicants claim that due to abnormal costs (stabilising the quarry face) the scheme is unable to meet the full Affordable Housing and s106 contributions. This has been tested through submission of an IVA. The IVA confirms reduced viability and the exact level has yet to be determined.

It is recommended however that a deferred contributions clause be included in the S106 agreement to secure additional deferred contributions in the event that the scheme is more profitable than anticipated.

Recommendation

Conditional approval; subject to the submission of revised plans providing adequate detail in relation to hard and soft landscape treatment and boundary treatments, a signed s106 legal agreement/unilateral undertaking in terms acceptable to the Director of Place, within 3 months of the date of this committee to secure agreed level of AH/S106 contribution and costs of TRO/pavement reinstatement if appropriate. Suggested conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

This application has a 13 week determination period. This expires on the 14th March.

Site Details

The application site comprises a vacant Building Merchants with retail sales located in a densely developed residential area comprising mainly two storey terraced dwellings.

The site is a former quarry, is predominantly level, extends some way back from the street and is occupied by 2 double height timber slatted storage buildings backing onto the quarry face and wooded hillside. This is a prominent local landscape feature.

Former quarrying activity is evident in the excavation to the rear of the site. The quarry faces have been recently stabilised through netting. To the east of the site is a small chapel in use as a Nursery and beyond this, St James School.

A dropped kerb extends across the entire frontage to the site to facilitate servicing and access for the Builders Merchants.

There are yellow lines in operation on the street frontages adjacent to the site.

It is well located in relation to public transport and local services.

In the Torbay Local Plan 1995-2011 there are no allocations relating to the site.

Detailed Proposals

This detailed application is for the construction of 24 flats (12 x 1 Bed and 12x 2 beds) in a 3 storey building with 20 car parking spaces occupying the major part of the site.

A three storey office/storage building with a separate vehicular access, parking and turning space is proposed for the rear of the site occupying a hollowed out area of quarry.

The street elevation of the block of flats is of a traditional appearance with rendered walls, sash windows and a pitched slated roof. To the rear extends a 3 storey wing which is more hidden from view. The design is more contemporary with a flat roof, balconies and an extensive roof garden.

Residential parking (20 spaces) extends down both sides of the rear wing with access to the highway available from each side of the building.

Summary Of Consultation Responses

Highways: Have no objection to the reduced parking levels.

Community Safety: Advised that hours of construction should be limited to 8.00-18.00 hours Monday to Friday and 8.00 to 13.00 hours Saturday. In respect of the Office/store it is suggested that hours of operation and deliveries are restricted to 7.00 to 18.00 Monday to Friday and 8.00 to 13.00. They have also considered the Contaminated Land Survey and will comment about the need for a Remediation Strategy.

Green Infrastructure Coordinator: Welcomes the use of native species and introduction of roof garden. It is recommended that detail and management regimes are secured by condition. Greenspace contributions should be secured towards the agreed improvements for Upton Park. In terms of ecology, it is recommended that the conclusion of the Bat Activity Survey to secure a sympathetic lighting system be secured by condition along with restricting demolition to outside the bird nesting season.

Arboriculturalist: Comments that the scheme is vague in terms of proposed landscape treatment/tree species. This should be rectified along with engineering details of the proposed tree pits.

Drainage: Is satisfied with the scheme in terms of surface water runoff.

Summary Of Representations

There have been 2 letters of objection raising concerns about car parking and the impact of this development on a busy heavily parked road and a potential adverse impact on the privacy of No. 13 St James Road unless screening is introduced.

These representations have been sent electronically to Members for consideration.

Relevant Planning History

P/2014/0185/MPA: Development of 30 residential units and office store;
Withdrawn following advice that application would be refused for poor design and overdevelopment.

There has followed extensive pre app discussions to reduce the scale of development on site and improve the design quality.

Key Issues/Material Considerations

The key issues are the principle of redeveloping the site for residential purposes, the character of the scheme, its design, whether it sits comfortably in its surroundings and whether the car parking levels are adequate given the location of the site.

It is also a key consideration that the applicants claim they cannot deliver Affordable Housing and full Community Infrastructure Contributions due to abnormal development costs and consequent poor viability.

Each of these issues will be addressed in turn.

There are a number of site specific issues in relation to flood risk, land stability, land contamination, ecology and landscape which are largely resolved and addressed at the end of the report. Additional information and/or conditions are required to finally satisfy these matters.

Principle of Development.

The site was formerly a Builders Merchants. This included the storage of a whole range of building materials on site for sale and distribution. It is therefore an employment site and as such its loss needs to be judged against criteria 1-4 of policy E6 of the Local Plan which seeks to retain such uses.

In summary, this only allows loss of employment land if there would be no significant effect on wider employment opportunities, it would not limit the range and quality of sites or premises available or a more sustainable balance of uses would be achieved and the existing use is a cause of significant harm or nuisance to the amenity of the area.

In this case, the employment activity on the site is partly mitigated by the provision of a new office/store on the site. This is to provide a base for Macarthy's a local building company and it will form their new HQ and store replacing their current Coombe Road site.

The existing storage use is accommodated in dated semi open sheds which require substantial investment. Thus there is no substantive loss in terms of the range and quality of employment premises available.

Further, a significant amount of vehicular activity is generated by the retail and distributive side of the operation and given the close proximity of dwellings a more mixed use would

be more compatible with the neighbouring area. As such, it complies with the tests in policy E6 and its loss should not be resisted.

Character of the Scheme.

The existing neighbourhood is quite densely developed with predominantly terraced 2 storey family dwellings. This scheme delivers a three storey flatted scheme at a slightly higher scale and density than the immediate area. Due to the configuration of the site, which extends well back into the quarry area, the relative separation of the site from its neighbours and the height of the existing storage buildings (which form a reasonable benchmark for an acceptable scale of building) it is considered that this site has the capacity to accommodate a higher density scheme than prevalent in the area without undue impact on the character of the streetscape or on the amenity of the neighbourhood.

In doing so, it complies with Policy H10 of the saved Adopted Local Plan which seeks an efficient use of brownfield land in well placed urban sites with good access to services such as this.

In terms of the street scene, the residential building is similar in height to the existing storage sheds but it is of a traditional design that sits more comfortably with the character of buildings in the area.

The rear part of the building is more contemporary, is largely enclosed by the quarry landform and so is not much exposed to view. It has a parapet flat roof which contains a communal roof garden and each flat has access to a spacious balcony.

The office/store is also of a more contemporary design. It is located to the rear of the site tucked into the 'hole' remaining from quarry activity on the site. Given its use as an office and storage facility for local builders, a more remote location is a bonus and reduces the opportunity for noise nuisance.

Other key aspects of the design include how the site is laid out in terms of amenity space, car parking and means of access. In this case, there are limited opportunities for ground level amenity space due to the need to include parking spaces and vehicular access for both the residential and commercial elements of the scheme. This is a 'space hungry' approach to developing the site which the applicant is keen to achieve in order to provide the business premises with a clear separation from the residential development.

The applicants have agreed to introduce a roof garden to provide residents with amenity space. This is achievable on a site such as this as it only has limited overlooking to adjacent properties due to its position within the quarry. This occupies the whole of the rear wing of the block of flats and subject to detail, this will mitigate for the lack of space within the body of the site.

In terms of the arrangement of car parking and vehicular movement, this is ranged along each side of the residential block and a separate vehicular access is provided to serve the office/store.

In design terms, the determination to retain a separation between the two uses creates most of the pressure on space and has the most adverse impact on overall quality of the design. It results in the car parking for the flats being self contained bays to each side of the block and it means doubling up on access points and turning facilities.

The scheme was tested by officers using the BFL criteria and through considerably upgrading the quality of finish, for example using stone boundary features to define the front boundary to the site, using a good quality hedging detail with tree planting to separate the access to the office/store from the proposed flats and creating a high quality hard and soft landscaped space around the building (thus lending itself to a dual use approach) then it obtained a score that suggests it would be inappropriate to refuse planning permission on design grounds.

The reinstatement of the pavement fronting the site, to replace the dropped kerbs, which a site related requirement of this scheme, will enhance the quality of the streetscape. This should be secured via a S 278 and Grampian condition.

It is necessary however to ensure that the conceptual approach shown in the submitted plans is 'fleshed out' before the permission is issued to be confident that a quality outcome is achieved. The size and species of trees/plants is required, along with specifications of hard surfacing materials and details of the front and internal boundary treatments.

In terms of coexistence, the separation does limit potential nuisance however, it is appropriate to limit the hours of operation and deliveries to reduce noise and disturbance to the future occupiers of the site.

A further test in terms of density and scale is how comfortably the scheme sits in the site and whether there are undue impacts on the quality of the residential environment created and/ or on that of the neighbourhood.

The criteria a scheme is expected to satisfy are included in policy H9 and H 10 of the saved Adopted Local Plan. The extent of the site and its relatively unconstrained relationship with adjacent properties does allow a more intensive development than might otherwise be acceptable.

An objection in relation to impact on privacy was raised by the occupant of No 13 St James Road. This arises due to the inclusion of side windows in the proposed block. The distance from here to the boundary is 24 metres which is beyond the usual 21m rule of thumb. Further, it is not between habitable room windows, only between windows and a relatively public side garden and substantial hedging and tree planting is proposed which will in time mitigate any perceived overlooking.

It is thus considered that the scheme fits acceptably with its surroundings, meets the needs of future occupiers in terms of amenity space, outlook, waste facilities, parking and cycle provision and there are no undue impacts on the amenity enjoyed by people living adjacent to the site. As such it complies with Policies H9 and H10 of the saved Adopted

Local Plan.

Adequacy of Parking Levels.

A concern of residents is the congested nature of the street in terms of traffic movement and car parking and fears that this development will exacerbate these problems.

The scheme provides 24 flats with 20 on site car parking places. Policy T25 of the Local Plan suggests a maximum provision for flats of 1 space per unit plus 1 space per 2 units for visitor use. This would suggest the need for 36 spaces. It must be noted however that this is a maximum provision and there is some flexibility allowed if the site is well located in relation to services and public transport.

Policy H10 suggests that on such sites parking provision can be reduced. The site is located in an area that is generally heavily reliant on 'on street' car parking which accounts for the concerns from people living near to the site. The site is close to St James School which will generate much car parking demand at the start and end of the school day.

It is also the case that the previous use would have generated a significant amount of vehicular activity in the area and associated car parking which would have put pressure on local parking capacity. The whole of the frontage to this site comprises dropped kerbs with yellow lines in force over much of this part of St James Road presumably to ensure that Jewsons could be serviced when operational.

Clearly there is now scope to return more of the street frontage to public car parking due to the reinstatement of the pavement and this will help mitigate the shortfall in on site provision on this site. The costs of the Road Traffic Orders to achieve this should be included in the S106.

Due to the circumstances of the site, its location and history it is considered that the scheme is in compliance with the provisions of policies T25 and H10 of the saved Adopted Local Plan and delivers sufficient car parking spaces.

Flood Risk/Surface Water Disposal/ Contaminated Land/Ecology Landscape.

Issues around flood risk and surface water disposal are resolved and conditions are required to secure implementation.

Land stability concerns have been investigated and resolved.

In terms of contaminated land conditions are required to ensure that any further detail is provided and to ensure implementation of required Remediation Strategy.

Landscape and ecology issues can be resolved by the submission of further detail (prior to permission being issued) and appropriate conditions.

S106 Contributions and Affordable Housing Provision

The scheme provides for 24 residential flats and in accordance with policy H6 of the saved

Adopted Local Plan should provide 30% on site Affordable Housing. It should also, in line with policy CF6, provide the following in terms of Community Infrastructure Contributions as defined in the Adopted SPD 'Planning Contributions and Affordable Housing'

Planning Contributions Summary	Contribution	Early Payment
Waste Management (Site Acceptability)	£ 1,200.00	£ 1,140.00
Sustainable Transport (Sustainable Development)	£34,026.67	£32,325.33
Stronger Communities (Sustainable Development)	£ 0.00	£ 0.00
Lifelong Learning (Sustainable Development)	£ 1,226.67	£ 1,165.33
Greenspace & Recreation (Sustainable Development)	£18,746.67	£ 17,809.33
South Devon Link Road	£13,520.00	£ 12,844.00
Total	£68,720.00	£65,284.00
Administration charge (5%)	£ 3,436.00	£ 3,264.20
Total with Admin Charge	£72,156.00	£68,548.20

The applicant contends that due to abnormal construction costs (primarily investigation and netting of the quarry face) then the scheme is unable to meet the whole of these costs. An IVA has been carried out and this concludes that the viability of the scheme is marginal due to the high costs of dealing with the quarry face and the relatively low sales value.

The exact level of this has yet to be determined as more information is required in relation to construction costs. It is recommended however that a deferred contribution clause is included in the S106 to secure some additional contributions in the event that the scheme is more profitable than anticipated.

Conclusions

The scheme to re develop the Builders Merchants to provide 24 flatted units along with a new HQ for a local building company is considered to be acceptable in terms of the loss of the existing employment use, the overall design, the quality of the proposed residential environment and impact on neighbours including adequacy of onsite parking. As such it complies with the relevant policies in the saved Adopted Local Plan.

The applicants claim that due to abnormal costs the scheme is unable to meet the full Affordable Housing and s106 contributions. This has been tested through submission of full costings and an IVA. The exact sum has yet to be determined as more information is required in relation to constructions costs. It is recommended that a deferred contributions clause be included in the S106 agreement to secure additional contributions in the event that the scheme is more profitable than anticipated.

Recommendation

Conditional approval; subject to the submission of revised plans providing adequate detail in relation to hard and soft landscape treatment and boundary treatments, a signed s106

legal agreement/unilateral undertaking within 3 months of the date of this committee to secure the agreed level of AH/S106 contribution and costs of TRO/pavement reinstatement if appropriate; suggested conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Conditions

Large scale details.

Materials.

Implementation of landscape scheme.

Sample panel of natural stone to be used in front boundary treatment.

Details of Roof garden and maintenance regime.

Hours of operation and deliveries in relation to Office/ Store.

Construction Management Plan.

Lighting scheme to mitigate impact on bats.

No demolition during bird nesting season.

Remediation strategy for contaminated land.

Surface Water Disposal.

Implementation of car parking/cycle storage.

Travel Plans for both residential and commercial elements of the scheme.

No occupation until pavement fully reinstated.

Relevant Policies

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