

Application Number

P/2015/1225

Site AddressFormer Jewson Ltd
St James Road
Torquay
TQ1 4AZ**Case Officer**

Mrs Ruth Robinson

Ward**Description**

Conversion of loft space and part enclosure of roof terrace to form 4no. additional apartments, two with access to open roof terrace. Alterations to external elevations. Increase in car parking provision from 20 to 22 spaces.

Executive Summary/Key Outcomes

This application relates to the former Jewsons Builders Merchants on St James Road.

A scheme to construct 24 flats with 20 car parking spaces and a new office base for a local building company was considered by the Development Management Committee in February 2015 and again in October 2015, and it was resolved to grant planning permission subject to the completion of a S106 agreement. The agreement was completed on 18th February and it is anticipated that consent will be issued in the near future. . This development is largely complete.

The proposal now for consideration involves the conversion of the existing loft space and part enclosure of the proposed roof terrace to form 4 additional apartments and the inclusion of 2 additional car parking spaces.

The key issues arising from this are: the reduction in the level of amenity space available to serve the future residents of the site through the construction of flats on the communal roof garden, the impact on the amenity of neighbours through overlooking, the design of the roof extension and the shortfall in car parking provision.

In respect of the shortfall in amenity space, a revised proposal was considered by the DMC in October 2015 that restricted the use of the roof terrace to only six flats (in the original submission it was intended to be available to all residents). Consequently the roof terrace as currently approved is considered to be of somewhat limited value as amenity space

The impact on neighbours, arising from the residential use of the roof terrace, is limited due to the distances involved. However this is capable of mitigation

through the introduction of properly designed screening. The approved scheme delivers landscaping along the boundary to mitigate any immediate impacts.

The design of the roof extension is beneficial in terms of creating a more consistent treatment between the front and rear elements of the new block.

In respect of car parking, the scheme can be considered compliant with policy TA3 of the Adopted Local Plan as this allows flexibility over the level of provision in areas such as this that are centrally placed and well located in respect of other forms of transportation.

The circumstances of the site also need to be taken into account in considering the shortfall in parking. The previous use of the site as a Builders Merchants would have had an impact on local parking levels and the fact that when works are complete, the reinstatement of the pavement in place of dropped kerbs across the frontage of the site will allow the creation of more on street parking. This is secured as part of the existing consent.

Nonetheless there are localised parking issues which have to be taken considered and measures which could alleviate the situation.

These are the possibility of introducing a resident parking scheme which is in demand locally and general improvements to the existing road layout and arrangement of spaces to increase on street capacity. Highway Officers estimate that a contribution of £10,000 could deliver the necessary improvements.

It is considered, on balance that the proposals are acceptable subject to details of screening being provided, adequate mitigation in respect of the loss of amenity space and shortfall in car parking through full compliance with the SPD 'Planning Contributions and Affordable Housing' to achieve contributions towards Greenspace and Sustainable Transport and the delivery of measures to overcome localised parking problems.

It is also of note that the works to create the 4 additional flats are well advanced. The applicants have been advised that these works are carried out entirely at their own risk.

Recommendation

Conditional approval; subject to the submission of details of screening, compliance with the requirements of Strategic Transport regarding cycle parking, electric charging points, provision for disabled users and a signed s106 legal agreement/unilateral undertaking within 3 months of the date of this committee to secure the agreed level of AH/S106 contributions and a contribution of up to £10,000 towards local parking mitigation measures.

Statutory Determination Period

This application has an 8 week determination period. This expires on the 8th March.(RR - can we get an extension of time please, covering the S106 period)

Site Details

The application site, at one time a quarry, was formerly a Building Merchants with retail sales.

It has recently been redeveloped to provide a three storey residential block of 24 flats with an office base for a local contractors firm located to the rear of the site.

The new residential building is a similar scale to the former builder's merchants.

It comprises a T shaped block: the street facing block has a steeply pitched roof. The rear wing, which extends back into the quarry is set at a lower level, has a flat roof with parapet walls which was to be used to provide a communal garden to serve 6 of the proposed flats.

The area is predominantly residential in character and comprises tightly developed 2 storey terraced dwellings.

To the east of the site is a small chapel in use as a Nursery and beyond this, St James School.

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

In the Torbay Local Plan 2012-2030 there are no allocations relating to the site.

Detailed Proposals

This detailed application is for the construction of 4 flats (2 x 1 Bed and 2x 2 beds) utilising the existing loft space in the street facing block and occupying a new roof extension to be constructed on the proposed roof terrace.

The 2 x 2 bed flats which will occupy the new roof extension each have access to extensive roof terraces.

It is proposed to include 2 extra car parking spaces to serve these flats within the site by rearranging the approved car parking layout and including some space currently within the adjacent commercial part of the site.

Summary Of Consultation Responses

Strategic Highways: Have no objection to the reduced parking levels subject to the submission of a Travel Plan. (RR - how will the travel plan be monitored) They require the level and quality of cycle parking be upgraded as well as provision for disabled drivers.

Highway: Are concerned at the shortfall in parking but consider that there are opportunities, which this scheme should fund to mitigate this impact through works to improve the arrangement of car parking and to explore the implementation of resident parking schemes. A figure of £10,000 is requested. (Suggested is too weak - we need to be clear of cost or use 'required')

Affordable Housing Manager: Is concerned that piecemeal increases in capacity should lead to a reconsideration of Affordable Housing contributions. Comments are awaited.

Summary Of Representations

There have been 5 letters of objection raising concerns about loss of privacy, a lack of car parking, the impact of this development on a busy heavily parked road and concerns about what the applicant is doing to part of the quarry site beyond the red line boundary of this site. 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.

P/2014/1231/MPA: Development of 24 residential units and Office Store: current application.

Key Issues/Material Considerations

The key issues are:

1. The reduction in the level of amenity space available to serve the future residents of the site through the construction of flats on the communal roof garden.
2. The design of the roof extension.
3. The impact on the amenity of neighbours through overlooking.
4. The lack of car parking.
5. Whether adequate mitigation can be achieved for the shortfall in amenity space and onsite car parking.

The relevant policies in the Adopted Local Plan are DE1 regarding design quality, DE3 regarding design amenity, TA 3 regarding parking provision and SS7 regarding community infrastructure contributions.

Each of these issues will be addressed in turn.

1. Loss of Amenity Space.

The original application for redevelopment of this site for 24 flats was considered and approved in principle by Members in February and October 2015.

Much of the site area was devoted to car parking with only limited opportunity for useable amenity space to serve future occupants of the site.

Compensation for this shortfall took the form of a) ensuring that the spaces around the building were well designed with good quality materials and an exemplar landscape scheme and b) including balconies where feasible and c) securing the use of the flat roof to the rear wing as a landscaped communal roof garden with access for all residents.

A subsequent amendment to this scheme, which DMC agreed at its meeting of in October 2015 involved a reduction in the number of flats having access to this space from 24 to 6. This was generated by the applicant due to concerns about the difficulties of management of this space and a desire to avoid nuisance to future occupiers of the site and to near neighbours. This amendment also saw the landscape proposals for this space removed to leave areas of open terrace which would be left to future occupiers to resolve.

This further revision, arising as a consequence of this application, involves these 6 flats losing access to amenity space as the larger part of the roof terrace is devoted to the construction of a roof extension to accommodate 2 further flats. These do however retain access to what remains of the former terrace.

Policy DE3 of the Adopted Local Plan requires a minimum provision of 10 sq m of external amenity space per flat. This proposal diminishes the level of space available to serve 6 of the flats and includes 2 additional flats in the roof space which have no access to amenity space at all.

The question is whether this is acceptable? To answer this, it is necessary to consider the value of the proposed roof garden, how it would be used, whether its use would have compromised the amenity of neighbours and whether the shortfall on site can be mitigated.

The value of the roof garden as a means of compensating for the lack of amenity space was diminished by the most recent amendment to the scheme. It reduced the number of households that would benefit and the deletion of the proposed landscape proposals lessened the purpose and value of the space.

Concerns about the ability to 'manage' the use of this space led to this change to the scheme. Whilst a management plan to control possible noise and nuisance was requested pursuant to a condition on the approved scheme, there is a risk that without ongoing commitment from the developer nuisance may become an issue.

The use of the space as a roof garden and the impact on privacy has figured in local objection to the current application and insistence on it being provided may have resulted in an ongoing enforcement problem.

It is therefore considered, on balance that the loss of the majority of the roof terrace should be accepted and contributions sought to improve facilities at nearby Upton Park as mitigation.

2. Design of the roof extension.

The previous amendment to the scheme, considered by Members in October 2015 introduced a more steeply pitched roof to the main block facing the street. This arose from changes to the foundation design necessitated by the rock form in the quarry floor.

The roof extension takes the form of a mansard and is set behind a parapet wall which extends around the rear wing. From a design point of view this is beneficial as it marries together the form of the roof to the street elevation with that of the rear wing so creating a more cohesive treatment of key elevations.

The roof extension includes 4 dormer windows to each side. The living accommodation has access onto large terraces but directly overlooks the quarry face to the rear of the site. It is this considered that from a design perspective the scheme is acceptable.

3. The Impact on Neighbours.

Objections to the current application have been received from neighbours concerned at loss of privacy through including residential accommodation on the roof. The impact of this is likely to be less than if the space remained as a communal roof terrace.

Objections regarding loss of privacy largely come from properties on Forest Road which is some distance away. However a closer neighbour does raise concern about overlooking her garden from the retained terrace serving the new flats but this can be mitigated by 'designed in screening' to offset side views. This should be provided prior to a decision being issued.

This is to ensure that the development complies with Policy DE3 and minimises the impact on neighbours.

4. Adequacy of Parking Levels.

The site is located in an area that is generally heavily parked and reliant on 'on street' car parking to meet residents needs. The site is close to St James School which generates much car parking demand at the start and end of the school day.

The impact of the development on local car parking levels has long been a key issue for local residents and is a matter of significant concern to Ward Members. The concern is that the congested nature of the street in terms of traffic movement and car parking will be exacerbated by any further development of this site.

The scheme as approved provides 24 flats with 20 on site car parking places. It was agreed by DMC that this was in accordance with Policy T25 of the then Adopted Local Plan which indicated a maximum parking provision of 1 space per unit plus 1 space per 2 units for visitor use. This policy defined a maximum scale of provision and some flexibility was allowed if the site was, as this is, well located in relation to services and public transport.

The current application involves the provision of 4 additional flats but only 2 new parking spaces. These are shown as being located to the rear of the site and include space previously included within the commercial part of the site.

The newly Adopted Local Plan Policy TA3 indicates 1 space per flat but does not specify the level of visitors spaces required. It does state, similar to Policy T25, that in locations such as town centres where there is a greater choice of transport this standard may be reduced.

Strategic Transport has confirmed that in policy terms, given the central location of the site and its proximity to other forms of transport then they do not object to the slight shortfall in parking subject to the provision of a Travel Plan, compliance with cycle parking standards, electric charging points, provision for disabled users and delivery of sustainable transport contributions.

It is also necessary to take into account that the previous use of the site 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 redevelopment of the site has also exacerbated localised parking problems which will ease when works have finished.

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 to ensure that Jewsons could be serviced when operational.

The approved scheme achieves reinstatement of the pavement along the frontage to the site which will allow the provision of new on street car parking. This will help mitigate the shortfall in on site provision on this site.

Highway Officers do have concerns about localised parking issues but have indicated that their concerns may be met by works to improve the arrangement of spaces along the road and through the introduction of a resident parking scheme. This would be subject to consultation but the costs of implementation (approximately £10,000) could be met by this scheme.

An update for Members will be given on this at the meeting.

It is thus considered that due to the circumstances of the site, its location and history and the opportunities for mitigation it would not be justified to refuse the

application for a lack of parking as it complies with Policy TA3 of the Adopted Local Plan.

5. S106 Contributions and Affordable Housing Provision

As approved, the scheme for 24 flats did not deliver any affordable housing contributions. This was based on a viability study that took into account the abnormal costs of construction arising from the extensive works to the quarry face that were required. The Affordable Housing manager has asked that this be reconsidered in light of the 4 new dwellings now being provided. Comments from him are awaited.

The scheme should, due to the shortfall in amenity space and car parking, provide in full the greenspace and sustainable transport contributions as defined in the Adopted SPD 'Planning Contributions and Affordable Housing'. This amounts to £8,860 towards meeting sustainable transport contributions and £6980 towards improvements to Upton Park. A figure of £10,000 is requested by Highway Officers to fund local improvements to parking capacity.

It should be noted that the Committee's decision in October 2015 secured the provision of £30,000 towards community infrastructure contributions, the provision of a reassessment of viability and deferred contributions in relation to affordable housing if the scheme is not complete within three years and the costs of Traffic Regulation Orders/pavement reinstatement if appropriate.

Conclusions

The scheme to include 4 additional flats with only 2 additional car parking spaces on this site is considered, on balance acceptable. The deficiencies in the scheme relate to a shortfall in parking provision and on site amenity space.

In respect of the former, the proposal is compliant with policy TA3 of the Adopted Local Plan which allows flexibility over the level of provision in areas that are centrally placed and well located in respect of other forms of transportation. The circumstances of the site also need to be taken into account. These are the previous use of the site as a Builders Merchants which had an impact on local parking levels and the fact that when works are complete, the reinstatement of a pavement frontage in place of dropped kerbs across the frontage of the site will allow the creation of more on street parking.

However, there are localised parking problems and measures have been identified which could ease these problems. Highway Officers suggest these could cost up to £10,000. Members will be updated on this at the meeting.

In respect of the shortfall in amenity space, the roof terrace was of limited value and could have had led to problems of nuisance if not managed effectively.

This shortfall can be mitigated by the investment of the greenspace contribution

in the nearby Upton Park.

Recommendation

Conditional approval; subject to the submission of details of screening, compliance with the requirements of Strategic Transport regarding cycle parking, electric charging points, provision for disabled users and a signed s106 legal agreement/unilateral undertaking within 3 months of the date of this committee to secure the agreed level of AH/S106 contributions and a contribution of up to £10,000 towards local parking mitigation measures.

Conditions

Lighting scheme to mitigate impact on bats.
Implementation of car parking/cycle storage.
Travel Plan.

Relevant Policies

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