

Application Number

P/2011/0896

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

Although the site has been occupied by residential properties in the past (and as such is brownfield urban land) the former properties 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. However, following negotiations and advice from the Design Review Panel issues of design have been substantially overcome. The crucial consideration now left with this proposal is whether or not the scheme can successfully integrate into the locality without any off-street parking. The Highways Authority are recommending refusal to the scheme on highways grounds, and maintain that they would do so whether the scheme had parking or not. None can be achieved within the current layout. However, this consideration needs to be weighed against the need for good quality new housing in Torbay and the regeneration of a prominent unused brownfield site. The proximity of the site to the town centre and its facilities also militate substantially against concerns around the lack of parking.

Recommendation

Committee Site Visit; Conditional approval; subject to a legal agreement under s106 of the Town and Country Planning Act.

Site Details

The application site comprises a tight triangular 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. Braddons Street is steeply sloping at this point. 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 72.4 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 67.4 sq. m. It has a slightly 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 a two storey property with a floorspace of 62 sq. m. The dwelling 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 staircase 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: Object to a scheme for 3 dwellings in this location, with or without parking provision. The full observations are reproduced at page T.201.

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

This is reproduced at page T.201.

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 is entirely appropriate given the surrounding uses and the urban locality. Of important consideration is the size of the site, its relationship with neighbouring properties, the hilly nature of the location and the number of units and their built form. These considerations would need to be judged against the relevant policies within the housing and design chapters of the Saved Adopted Local Plan.

There are no 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.

Although the density of the proposed development would be high, it is in general keeping with the prevailing densities of the area and the site is in close proximity to Torquay Town Centre. As such, it is considered that the proposal would be consistent with the density requirements of policies H9 (Layout & design), H10 (Housing densities) and BE1 (Design of new development).

However, of most pertinent consideration in this case is the issue of the lack of available off- street parking and the existing high demand for on-street parking in the area. The key policy in that respect is policy T25. All of these issues will now

be explored in more detail.

Design

As originally submitted, 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 and a new application was submitted. 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 included as an integral part of the development.

On balance this issue is not felt to be of such significance as to justify refusal, as the design approach therefore maintains a relatively discreet building height onto Hillesdon Road. On design grounds it is considered that the scheme has overcome previous concerns and is acceptable. 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.

Neighbour amenity

There has been one objection to the scheme that cites concerns relating to the impact on neighbouring living conditions, particularly those of residents overlooking the site from Hillesdon Road. Officers consider that the relationship is acceptable, as the existing properties would be at a significantly higher level than the proposed dwellings and as such would look down on them. There would not be a substantial loss of light or outlook and no overbearing impact would result. The relationship would be typical of street relationships in this area. Although the dwellings will partially block the view from properties in Hillesdon Road this is not considered to be an important public view and as such this is not a matter of planning merit. The new dwellings may well block views from Hillesdon Road down to the play area, however, the play area will remain well overlooked and indeed the new dwellings will provide additional natural surveillance of the park.

Highways and parking issues

The Highways Authority maintains an objection to the development on parking grounds. Highways state 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. This is considered 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. The site lies outside of the Traffic

Management Zone (Controlled Parking Zone). 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 through the provision of residents parking permits for the new occupiers.

There are several options which have been suggested and discussed in order to overcome the parking issue.

Firstly, the design could be altered to make the units smaller, such as one bed units where car demand could reasonably be expected to be less. However, this would be likely to result in a less satisfactory design and form of building and would not provide the much needed small family units that the current scheme provides.

Secondly, the number of units being proposed for the site could be reduced, so that demand for parking is consequently reduced. In this event, two units would still probably not be able to provide any off-street parking, and so only one unit would work in this regard. This would work in parking terms, but would not maximise the re-use of this brownfield urban site. On balance, it is considered that the provision of new housing close to the town centre and its facilities would outweigh the lack of parking in this location, where many properties exist without dedicated parking provision.

Thirdly, Officers have explored whether there could be any financial contributions as part of a s106 sustainable transportation contribution that could be used to improve the highway network and parking provision in the area. There are no bus routes in the immediate vicinity that would benefit from improvement, and the contribution that would fall due for three houses would not provide enough money to provide a new bus route. This might in any event prove difficult given the gradients involved. The money could be used to provide an improved footpath network and highway crossing facilities in the area, and this would make a difference to pedestrian access.

Fourthly, the applicant has offered to fund a local Residents Parking Scheme for the surrounding area, in which residents of his three dwellings would legally be prohibited from obtaining parking permits. However, the existing nearby Residents Only Parking Area was to have included Braddons Street, but local residents resisted its inclusion. There is therefore no guarantee that such a scheme would be brought forward in this area.

It is officer opinion that the scheme could be approved as it is without any off-street parking provision. The applicant, in support of the scheme, refers to two cases he considers similar (see his letter reproduced). Notwithstanding some of the differences between this scheme and those previous approvals for car free development (P/2010/0776 at Lymington Road and P/2011/0031 on Braddons

Hill Road West) it is considered that the principle of car free development can be acceptable where circumstances permit. In this case, the site is within walking distance of the Town Centre and bus provision at Pimlico, although there is a steep incline up to the site, there is good stepped access down to the town centre for pedestrians and s106 monies could be used to improve access for those with mobility problems or for parents with buggies. It is conceivable that the future occupiers of the development may wish to own cars, and this could not reasonable 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. On balance, given the location and proximity to the Town Centre, given the existing provision of dwellings without parking and given the provision of a s106 contribution to improve pedestrian access in the area, it is considered that this application could be approved.

Density

The proposal is for 3 dwellings on land with an area of 0.017 hectare. This results in a very high density of development, however, given the nature and design of properties in the surrounding area, it is considered unlikely that any reason for refusal based on density would be sustainable on appeal. This is a brownfield urban site within a dense terraced area and the proposed form of development is considered appropriate in this context.

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.

Climate change -

No 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. Two of the new properties would have fairly limited amenity space, but this is not unusual in this area and they would benefit from a pleasant aspect overlooking the park.

S106/CIL -

Contributions due for residential proposals are now based on floorspace to be created. The Council's SPD and subsequent update papers split contributions up into 5 categories according to size. The proposed dwellings fit into the

second category, as they range between 55 and 74 metres squared.

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 contribution be obtained. This should be secured via a s106 legal agreement and should be used to improve pedestrian movement in the area.

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.

There remains a Highways objection to the lack of parking off-street and to the impact of the development on the already high demand for parking in the area. Whilst officers consider that this is an entirely legitimate concern, the sites location, surroundings and proximity to the Town Centre militate against this concern somewhat.

The applicant is offering 3 new dwellings in close proximity to the Town Centre and within walking distance of many of the facilities that would be needed for successful occupation and living. The nature of the proposal and the area suggests that these would be relatively low priced dwellings, whether for sale or rent, and this is exactly what the Torbay Housing Market needs. Also, the proposal would make good use of a brownfield urban site. These factors all need to be weighed against each other when considering the proposal. Account will also need to be taken of the objection received from a local resident and the concerns surrounding residential amenity. It is felt that it would be beneficial for Members to view the site and the area for themselves to assess these issues in-situ.

On balance, Officers consider that the need for good quality low priced housing can outweigh the lack of parking, and that on this basis, conditional approval is recommended. However, it would be advisable to apply the usual rate of developer contribution to mitigate some of the costs arising from the proposal.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until

sections and elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) slating/tiling;
- (vii) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason To ensure that the architectural detailing of the development is appropriate within the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan and design objectives A.1, A.5 and A.6 of the Urban Design Guide which is an adopted Supplementary Planning Document forming part of the Torbay Local development Framework 2005 - 2026.

02. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 1 (classes A - D incl. and H) shall be carried out without the prior written consent of the Local Planning Authority.

Reason The site is small and in close proximity to neighbouring properties, and so the Local Planning Authority will need to maintain control over all of the cited developments in the interests of the amenities of the surrounding properties, the area in general and to ensure accordance with policies H15, BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the development does not prejudice the character and setting of the existing building, the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan area in general.

04. The development hereby approved shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason To enable the Local Planning Authority to fully assess the impact of the proposal and ensure a satisfactory form of development that is in keeping with the Warberries Conservation Area and to ensure the development accords with policies BS, BE1 and BE5 of the Saved Adopted Torbay Local Plan and design objectives A.1, A.2, A.4, A.5 and A.7 of the Urban Design Guide which is an adopted Supplementary Planning Document forming part of the Torbay Local development Framework 2005 - 2026..

Relevant Policies

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