

Application Number

P/2012/0233

Site Address145 - 149
Winner Street
Paignton
Devon
TQ3 3BP**Case Officer**

Mr Scott Jones

Ward

Roundham With Hyde

Description

Construction of 3 new 2 storey flats with 2 bedrooms and 3 new self contained commercial units.

Executive Summary:

The proposal is an 'infill' development scheme on what is essentially a vacant plot of land located towards the northern end of Winner Street in Paignton. The site currently holds six parking spaces for rent from the Council.

The proposal is for a mixed use scheme that will offer three small office units (Use Class A2) at ground floor with three residential units above, within what would be a three-storey building. The design ethos is pastiche and seeks to draw on the character of 19th Century Victorian buildings in the vicinity.

It is accepted that the site clearly holds development potential, as matters stand the scheme is not considered a successful response to the site-specific constraints and opportunities. Of principle concern is the fact that the development will have an adverse impact on neighbour amenity, through the loss of light and outlook to properties/occupiers to the north (Number 151).

A further point of concern is whether the proposal is the correct solution for the historic context. The scheme has been amended in an attempt to address points raised by the Authority's Conservation and Design Team and comments are awaited as to whether this second iteration has successfully resolved points of issue.

With at least one fundamental matter unresolved the proposal is not considered acceptable on planning merit and the scheme is therefore recommended for refusal.

Recommendation

Site Visit; Refusal, on the grounds of;

(i) The proposed development would have an unacceptable impact on the quality of existing residential environments at No. 151 Winner Street, through the loss of light and outlook that would result from the proposed development. Specifically, in relation to the side windows at No. 151 a number of which are windows to principle rooms.

(ii) Lack of planning contributions secured to offset the impact of development upon local physical and social infrastructure,

and potentially; subject to the further views of the Conservation and Design Team

(iii) Detrimental impact upon the character and appearance of the Old Paignton Conservation Area and nearby listed buildings

Site Details

The site is essentially an undeveloped brownfield plot that appears as a break within the established built-up streetscene at the northern end of Winner Street, Paignton, which was cleared of its former buildings during the mid-20th Century. It currently holds six council-owned car parking spaces set in front of an overgrown exposed rock face, which rises steeply to eventually meet a retaining wall that defines the border with residential properties off Winner Hill Road to the west. To either side the plot is tightly framed by existing buildings, with a mid-20th Century two-storey mixed-use block to the south that holds ground floor retail with residential above, and a three-storey residential building to the north, which dates from the early/mid 19th Century.

In terms of designation the site and local area is within the Old Paignton Conservation Area and forms part of a defined Secondary Shopping Frontage and wider Town Centre. The area has also previously been party to a heritage regeneration scheme and it should be noted that the Victorian terrace opposite the site that dates from the early/mid 19th Century is grade 2 listed.

Detailed Proposals

The proposal is a three-storey mixed-use scheme that offers three commercial office units at ground floor, set behind glazed frontages aside entrance doors, with three residential units above, each set over two floors. The flats will offer two-bedroom accommodation with separate living, kitchen and bathrooms, along with a degree of outdoor amenity space to the rear. Each corresponding office and residential unit will be linked through a single access door to the side of each frontage, with secondary doors set behind each entrance.

In terms of detail the scheme offers a clearly pastiche design solution that draws from 19th Century Victorian development in the area. At ground floor the shopfronts are largely glazed and framed with timber surrounds. The doorways and fascias are also timber and there are also replica corbels featured. Above the shop frontages elevations are colour rendered inset with timber sliding sash windows arranged in pairs, which rise to a stone-capped parapet finish that frames a simple gabled slate roof form. Within the scheme there is a side access that offers rear access to the commercial units and storage space for commercial and residential bins and potential cycle parking. The scheme details differing colour render to visually break down the development to its three units.

In regard to general build parameters the building footprint is 13 metres wide by 8.5 metres deep, which increases to nearly 11 metres to the rear when including the rear access area and retaining wall. The height to the top of the parapet is between 8 and 8.5 metres, and to the apex of the gable between 9.75 and 10 metres. In regard to the buildings proximity to adjoining properties the proposal will be set approximately 2 metres away from number 143 Winner Street and between 1.5 and 3 metres away from number 151 Winner Street (reflecting a staggered building line).

Summary Of Consultation Responses

Conservation & Design Team: There is no objection to the principle of (re)development of the site, however it must respect the existing street form and also preserve the setting of the Jubilee Mural funded by the HERS (heritage regeneration scheme).

In respect to the proposal submitted it is considered to be a missed opportunity. Winner Street is medieval in origin and retains much early fabric and the proposal is a pastiche but has none of the character of the surrounding historic buildings. The shop front design is considered rather strange and the corbels of the shop fronts step up in height across each individual building which looks unbalanced and without precedent for this in the area.

There are several good contemporary buildings in this area which have been well received locally, such as Banner Court and Dove Court along with the conversion works in Well Street, which offer very good ideas for taking a site like this forward.

It is concluded that the proposal does not accord with Policy BE5 *Policy in Conservation Areas* or our design guidance, as it fails to conserve or enhance the character or appearance of the area.

Further comments are awaited in response to the minor revisions submitted 29/05/12.

Archaeology Officer: Should the proposal be supported, it is recommended that a condition be attached to ensure that no development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation (submitted by the applicant and approved by the Planning Authority). The reasoning being that where an important archaeological site will be materially damaged or destroyed as a result of development following the granting of planning permission, the developer will be required to make provision for its archaeological recording, preservation, storage and publication as a condition of the permission.

Environmental Health and Protection: Having reviewed the “Daylight and Sunlight Study” for the proposed development it would appear that there will be significant daylight loss for a number of windows at 151 Winner Street.

From the report it also indicates that the diffuse daylight of some of the neighbouring windows would be adversely affected if the development went ahead.

Lack of daylight can have significant health impacts and affect peoples well being.

I therefore feel that if the development was granted in its current form a number of windows of the adjacent building would be adversely affected and this could have health impacts on the residents.

Torbay Development Agency: The TDA support this application as the development creates 3 new commercial units on the ground floor which will be in keeping with the secondary shopping frontage of the surrounding area and will provide facilities to encourage new businesses into the area, therefore positively regenerate this part of Winner Street. The scheme also creates three new apartments which will help towards meeting the housing shortfall in Torbay.

Strategic Transport / Highways: The site is currently a private parking area along Winner Street, a predominantly built up area on the edge of Paignton town centre. The development would lead to the loss of this parking facility. The development includes cycle parking in line with standards which is welcomed.

Although Winner Street is not a bus route, the site is close to Paignton Bus Station and routes running to and from the town centre, so is very accessible by public transport.

If supported planning contributions inline with the SPD should be sought for cycle route improvements in the vicinity of the site based on the increase in commercial floor area and residential units. At least one cycle parking space should be available for each dwelling and if within a garage the bike must be

accessible with a car parked inside.

Drainage: No comments offered as of 08/5/12

South West Water: No comments offered as of 08/5/12

Summary Of Representations

Four letters of representation received, all from owners or occupiers of properties within 151 Winner Street. The representations cover the following points in terms of their objection:

- Impact of the loss of light on the living environments
- Impact of the loss of outlook from key rooms
- Impact of the loss of parking and the creation of residential units without parking
- Impact of the excavation upon adjacent buildings
- Maintenance access affected
- The area already has empty shops and flats and the provision of more of the same will only add to this problem
- Overlooking into a garden area

These are re-produced at Page P.200.

Relevant Planning History

Pre-Application Enquiry: ZP/2011/0459, 3 Townhouses. Not Supported

Key Issues/Material Considerations

Borne from its context the key issues for consideration are deemed to be;

- (i) The general principle of the mix of uses and general layout
- (ii) The visual impact and impact upon the Old Paignton Conservation Area and nearby listed buildings
- (iii) Implications upon local neighbour amenity
- (iv) Highway, parking and traffic matters

The principle of the proposed uses

The proposal sits within a defined Town Centre site and Secondary Shopping Frontage. The key policy considerations are considered to be whether the proposals would undermine the shopping character, contribute positively to the town centre (as a focus on commercial or community life), and whether there would be any detrimental effects upon the visual or other special character or amenities of the area. Consideration should also be given to the suitability of the layouts in terms of being fit for purpose and thus sustainable for the uses proposed.

Firstly in terms of general principles the basis of a mixed-use scheme that offers ground floor office use with residential units above appears to sit comfortably with

policy guidance. In terms of it being in an established shopping area there is the notion that additional commercial units would help with the supply of extra services offered in the area, which may have resultant positive impacts upon footfall and mutual trade, thus helping to foster vitality and the potential for reciprocal benefit. The specific use has been amended, moving away from A1 retail to A2 office use to provide a suitable mix of commercial uses within the Secondary Shopping Frontage, this change is considered to be acceptable in principle given the sites location and the existing vacancies for retail outlets in the area.

In regard to the finer detail and the appropriateness of the commercial and residential environments offered the consideration is as follows.

Although relatively small and lacking any obvious storage/ ancillary space the scale of units appears in keeping with certain elements of the local commercial character. Secondary Shopping areas are often the setting for small independent retailers and niche operators that are not seeking to compete with major retailers and possibly do not require additional service area or storage. Therefore compact starter units are well suited for this location and the scale is therefore not judged inappropriate for the context.

In regard to the residential environments proposed the units appear to provide a suitable scale of living space, offering key habitable rooms with good levels of natural lighting. Amenity space is somewhat limited but is reflective of town centre living and local context. External waste storage areas appear to be provided via the ground floor private alleyway, and cycle parking is mentioned although no detail is offered. All matters considered there is no obvious concern in respect to the quality of the living environments offered in the scheme.

Visual implications / impact upon the historic built environment

The site sits in a sensitive historic context that has evolved from medieval times, which gives a somewhat eclectic local form. In terms of policy guidance as it sits under Conservation Area designation and forms part of the setting of a grade 2 listed terrace that lies opposite the site the visual implications are key.

As previously expressed the proposal offers a pastiche design that seeks to reflect the predominant local form, that of Victorian commercial and residential development that is clearly present in and around the northern arm of Winner Street. As a pastiche response it expresses simple painted-render elevations, inset with timber-framed openings that operate in a vertical sliding sash manner, and ground floor features that also encompass corbels and wrought iron railings to the outside gate.

It is accepted that the proposal is a pastiche of the Victorian building form locally present, however it is not considered to hold the engrained character of these surrounding historic buildings. Concern draws on the belief that successful

design does not generally require the imitation of past styles, which can often produce a 'lowest common denominator' result and as in the case here, rather than play homage to historic buildings it would actually devalue the genuine article.

Good contextual design offers the potential for bolder solutions with greater flair and imagination in order that new and old buildings coexist without disguising one another or weakening the authentic. Supportive of this thought is the notion that standard solutions are rarely acceptable in sensitive locations, as they are unlikely to create a distinctive identity or make good use of a particular site. This somewhat reaffirms that a pastiche approach is not always necessary as contemporary design that relates to the context in terms of scale and massing, proportions of windows and materials etc, is considered often to be a more successful approach.

The Authority's conservation team have further noted that the area features several good contemporary buildings which sit comfortably aside the historic fabric, and it is questioned whether this site would better suit such a design philosophy in order to guard against the potential negative impact of this pastiche design in the street.

With full consideration of the sensitivities of the historic context it is considered that the proposal would not preserve or enhance the character or appearance of the Conservation Area and hence the visual implications of the scheme are unacceptable.

Neighbour amenity issues

Amenity issues centre on the impact upon adjacent occupiers to the site, with thought towards the potential loss of privacy, loss of light or outlook, or creation of an overbearing relationship.

It is firstly ventured that it is unlikely that properties/occupants to the rear (Winner Hill Road), to the south (Number 143), and to the east (across Winner Street) would experience any notable change in the levels of amenity afforded them. This is due to the relationship between buildings, such as the distances involved, local topography, lack of window openings etc. The only notable relationship for consideration is therefore that to the north, with the occupiers of residences within 151 Winner Street.

Firstly in regard to any potential loss of privacy the proposed building lacks any form of side facing windows or doors. This affords protection against the potential for direct inter-looking between rooms within the proposed building and existing properties with openings to the side of Number 151. Aside inter-looking is the potential for over-looking, which is limited to the risk from the raised courtyard gardens set at first floor level to the rear (which respond to the sloping topography). The detail shows that these areas are bounded by 2 metre high

partition walls, which afford privacy between each unit and with those properties adjacent. This border treatment is considered to remove any potential overlooking into rooms within Number 151 and hence, with all matters considered, it is judged that local privacy levels would remain largely unaffected by the development.

In regard to loss of light, outlook and the potential for the creation of an overbearing relationship, such issues are all closely entwined and centre on the relationship and distance between buildings and the massing of the proposal.

The proposal seeks to provide a three-storey building, the scale of which is 8 metres to the eaves and nearly 10 metres to the apex, across a depth of 8.5 metres, which is to be positioned between 1.5 and 3 metres away from the end wall of Number 151 (which has a slightly staggered building line). The key question is therefore whether the scale and massing of the building at this distance would offer unacceptable amenity impacts upon the occupiers of the three adjacent flats, which all feature rooms naturally lit and afforded outlooks from existing windows within the side elevation.

In regard to the impact the applicant has submitted a daylight and sunlight study to offer understanding on this matter. The study confirms that there are four sensitive windows, which are those within the ground and first floors of the adjacent building and directly opposite the flank elevation of the proposal. It progresses to detail that the impact is best appraised using what is known as the Vertical Sky Component (VSC) and progresses to state that the daylight afforded may be adversely affected if after the development the VSC is both less than 27% and less than 0.8 times its former ratio. It concludes that after the development all four of the sensitive windows would achieve a score both less than these, but notwithstanding this it is suggested that guidance infers that where existing buildings sit close to a common boundary a higher degree of obstruction may be unavoidable and alternative VSC targets can be set using a hypothetical mirror image. It finally concludes that this relaxed methodology and the resultant relationship compared to a mirror image offers resultant levels of light loss that are acceptable and inline with BRE guidance.

Notwithstanding the conclusions cited in the above referenced supporting document the provision of a three-storey building between 1.5 and 3 metres away from the flank elevation is considered to have a significant effect on the level of light and outlook afforded the adjacent rooms at ground and first floor level, both in terms of the received light and the level of outlook offered. Indeed prior to offering that revised targets can be set the submitted document concludes a significant drop in the VSC following development, to levels that are greatly below the point where daylight afforded would be adversely affected.

With consideration of the documents submitted and the site context and expected relationship, the premise that revised targets can be set using a mirror

image of the adjacent building is not supported in this situation. It is therefore considered that although it may be appropriate in certain circumstances, in this particular context it would offer a fundamental change in the levels of light and outlook, greatly harming the level of amenity, which is contrary to policy.

Highway parking and traffic matters

The issues relate to the loss of the existing parking provision and the suitability of the resultant uses without supportive on-site parking.

Firstly the loss of the six parking spaces, which are currently rented from the Authority rather than openly available as public spaces, is not apposed on Parking grounds as there is provision for public and contract parking in close proximity in the Crown and Anchor Way car park and other central car parks. The current provision, although offering a local service, can therefore be met elsewhere locally with little impact.

In regard to the resultant arrangement, of offices with residential use above, without dedicated on-site parking, the issues are detailed below.

Small-scale commercial space in the area is characteristically offered without dedicated parking and the scheme fits with this general precedent. The opportunity for sustainable travel to this central location, along with the use of public parking in long and short-stay areas, for employees and potential customers, is considered a suitable arrangement in the context. In addition it should be noted that the removal of the existing parking spaces is likely to offer the opportunity for the supply of further street parking in front of the site where double yellow lines currently reside, which itself would offer some improvement.

The provision of residential units without accompanying parking is commensurate with the local character of this central area and sits comfortably with the expectations of town centre living. Considering the central location it is accepted that the development does not necessarily require any on-site parking provision as any occupants would be served by good local transport links and access to key facilities.

The Authority's estate office are accepting to the potential loss of parking through redevelopment and the Authority's transport team does not oppose the development provided suitable cycle parking is offered and contributions to infrastructure works inline with the scale of the development (as outlined within the adopted SPD).

S106/CIL -

The application will provide three commercial units and three residential units, which would create additional pressures upon local physical and social infrastructure, costs which can be recouped as sanctioned by Section 106 of the 1990 Planning Act. The Council's adopted SPD *Planning Contributions and*

Affordable Housing: Priorities and Delivery outlines the levels for contributions for varying forms of development. It also outlines that mitigation can be offered for job creation in order to help foster economic regeneration. Considering current guidance the following levels of contribution and permissible mitigation is as follows;

Contributions triggered by three residential units within the 55-74m2 category:

Sustainable Transport:	£ 7050.00
Greenspace & Recreation:	£ 6150.00
Education:	£ 2490.00
Lifelong Learning:	£ 900.00
Waste & Recycling:	£ 150.00

SUB-TOTAL: £16,740.00

Contributions triggered by 83m2 of A2 commercial space:

Sustainable Transport: £4071.35

Mitigation triggered by job creation of 83m2 of commercial space (based on job creation for A2 office set at 1 job per every 16m2):

Mitigation: £10686.25

Resultant level of planning contributions triggered by the development under current policy guidance: £10,125.10

As the proposal is recommended for refusal negotiation towards an agreed S106 Agreement have not been advanced. The lack of a signed S106 should therefore sit as a permissible reason for refusal, as securing the contributions as outlines is a material consideration on the schemes planning merit.

Conclusions

The site clearly holds development potential however the scheme for consideration does not appear to successfully respond to the varying constraints that form part of the context of the site. As matters stand the proposal does not adequately address concerns over its likely affect on neighbour amenity, through the loss of light and outlook to afforded properties to the north, or satisfactory express that it is the correct solution for the historic context.

With the above matters unresolved the proposal is not considered acceptable on planning merit and the scheme is recommended for refusal due to the impact upon local residential amenity and the impact upon the historic built environment.

Relevant Policies

- SS Shopping strategy
- S4 Secondary shopping frontages
- HS Housing Strategy
- H3 Residential accommodation in town centre
- H9 Layout, and design and community aspects
- ES Employment and local economy strategy
- E9 Layout, design and sustainability
- TS Land use transportation strategy
- T25 Car parking in new development
- W7 Development and waste recycling facilities
- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- BE6 Development affecting listed buildings