

P/2011/0062/PA

Wellswood Ward

Daleside Court, Lincombe Drive, Torquay

Demolition of the existing building (arranged as 5 flats) and formation of 7 new apartments with vehicular and pedestrian access

Site Details

The site holds a relatively substantial former dwelling house, built in the 1950s, which has a lawful use as five flats. The building is set within a fairly generous plot, the front of which is largely given up to provide a winding and steeply sloping driveway access. The rear of the plot is open garden, which rises to the southern boundary (where the land is higher than the ridge of the existing building).

Due to the sloping local topography the building is set above and is prominent from both Lincombe Drive and the immediate hinterland. Contextually the site is located immediately adjacent to the Lincombes Conservation Area and the site is affected by a Tree Preservation Order (Order number 1973.09). In respect to the latter few trees remain on the site following unauthorised felling three years ago. Further to this there have been complaints in the recent past about unauthorised engineering works on land within Channel View in addition to tree felling and the movement of boundaries and the erection of a range of timber fences.

Relevant Planning History

Applications:

- P/2003/1699 Certificate of Lawfulness for use as 4 self contained flats and self contained owners' flat - Approved
- P/1989/0322 Erection of 31 flats - Refused
- P/1989/1066 Erection of 18 flats - Refused. Subsequent appeal dismissed
- P/2008/0695 Demolition of existing building and erection of 7 flats - Withdrawn
- P/2009/0522 Demolition of existing building and erection of 7 flats; formation of vehicular and pedestrian access - Refused

Pre-Application Enquiries:

- ZP/2009/0670 Erection of 7 flats – Split decision
- ZP/2010/0187 7 flats – Split decision
- ZP/2010/0600 Demolition and rebuild to provide 7 flats – Split decision

Relevant Policies

National Guidance:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment

Local Guidance:

Torbay Local Plan 1995-2011:

- HS Housing strategy
- H2 New housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- H11 Open space for new housing
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- L8 Protection of hedgerows and woodlands
- L9 Planting and retention of trees
- EP1 Energy efficient design
- W7 Development and waste recycling facilities

BES	Built environment strategy
BE1	Design of new development
BE2	Policy in conservation areas
T1	Development accessibility
T25	Parking
T26	Access from the development onto the highway

Proposals

Demolition of the existing building and erection of a block containing 7 flats, with revised vehicular access via the adjacent drive serving "Hillsborough". The proposal details a largely rendered building sat on a stone plinth, with habitable space also provided within the roof. These arrangements provide living space over four floors with under-croft parking. The proposal includes details to remove and then landscape the existing access, which supplements wider landscape enhancements throughout the plot.

Consultations

Highways: Pending comment on the current proposal.

Arboriculturalist The scheme is acceptable for approval on arboricultural merit with appropriate conditions, as laid out in memo dated 10th March 2011.

Conservation Officer: Pending comments on the current proposal.

Representations

A number of letters both in objection and support to the scheme have been received.

Generally the concerns are:-

- i) overdevelopment;
- ii) increase in size, bulk, domination of plot;
- iii) adverse impact on character and appearance of Conservation Area;
- iv) traffic/ highway implications;
- v) felling of trees, excavation, erection of timber fences, blocking of access, impact on landscape character;
- vi) alterations to boundaries/curtilages.

The positive comments received cited the following:-

- i) the proposal is a better, more attractive, building than what exists
- ii) enhances the visual quality of the area
- iii) provides for much need housing

All letters have been reproduced at page T.200.

Key Issues/Material Considerations

The key issues are considered to be:

- i) Visual implications, revolving around the scale, size, bulk and appearance of the proposed development and its impact on the character and amenity of the area, on adjacent properties and on the wider conservation area;
- ii) Highway matters: Adequacy of the access and parking;
- iii) Landscape and arboricultural issues.

Each of these will be addressed in turn:

Visual implications:

Firstly in respect to the building's context it is noted that the site is immediately adjacent to the boundary of the Lincombes Conservation Area and as such any development on this prominent site has the potential to affect the character of that area. In addition the adjacent pair of semi-detached Victorian Villas, "Hillsborough" and "Windrift", are defined in the Conservation Area Appraisal document as key buildings of merit and it is therefore considered appropriate that any new proposal is sympathetic to the scale, form, grain and architectural quality of these buildings.

This latest proposal is for a block of 7 flats in a building that has 4 floors. There is a basement level set within a stone plinth, two traditional storeys set within rendered elevations, and accommodation in the roof. It is considered that the proposal has responded to previous concerns over the massing and scale not being comparable to the dominant local form of two-storey hillside development. This comes from understanding that the provision of two stories in render, supplemented by habitation within the roof and the provision of a stone plinth, attempts to break down the mass of the building to that of the established scale. The stone treatment of the basement level grounds the building within the plot, reducing its perceived bulk, and is a direct response to previous advice given.

It is noted however that there is little detail in respect to how the window and door treatment within this part of the building reinforces this and it had previously been articulated that openings here should feature a heavily recessed fenestration in order to help reduce the habitable appearance of this part of the building. This would reinforce its link to the garden more so than the rendered part of the building and hence reducing its overall perceived bulk. The application does not currently explicitly detail this extent of reveal.

In terms of general appearance an attempt has been made to reproduce the Victorian form of the properties adjacent, however certain areas, such as the domestically scaled proportion of some of the openings within the corner detail, do not appear to translate sympathetically onto a building of this size. In addition the continued retention of the endeavour to introduce a number of balconies produces a rather cluttered appearance as opposed to the simple elegance of the adjacent villas. Further to this there is little detail on the proposed fenestration throughout the building, which causes some concern on how the finished building will articulate itself and be truly respectful of the adjacent building that it cites as its architectural reference.

Although the general form appears supportable it would appear that further negotiations in regard to the elevation detail would be beneficial in order to gain some visual enhancement to the scheme.

Highways/traffic:

As with the previous proposals in 2009, the existing access point will be closed off and landscaped, with a revised access to be provided off of the access that currently serves "Hillsborough". This remodelled access will provide pedestrian and vehicular access to the building and the undercroft parking that provides 8 spaces. Although this provides a less steep access this means that the proposed joint access will be more intensively used. Highways comments are awaited in regard to the suitability of the proposed access arrangements.

Landscape and arboricultural issues:

The site features one tree of arboricultural merit, which is a large Fir to north east of the main property. This tree is highly prominent and is considered of local importance and should therefore be maintained. The remainder of the trees on site are not considered a constraint to development.

The landscape plan is considered broadly acceptable in terms of intentions to integrate the proposals into the landscape, but it does require more detail in terms of quantities, size and maintenance.

iPlanning Contributions:

The proposal will intensify the level of residential occupation on the site and hence is likely to increase the burden on social and physical infrastructure. On the information provided it is likely that contributions would be required inline with the Council's adopted SPD. As matters stand the existing and proposed floor areas have not been submitted, however, it is expected that the uplift from 5 units to 7 units will trigger the need for appropriate contributions in regard to Sustainable Transport, Greenspace and Recreation, Lifelong Learning and Waste and Recycling.

The applicant has pre-emptively stated that due to the addition being of only two units, this should not warrant the levying of any contributions, due to the increase in build quality, improved accessibility, improved greenspace etc.

Notwithstanding the applicants stance there appears sound reasoning to seek contributions inline with the adopted SPD, due to the additional impact on community infrastructure generated by the addition of 2 flats on this site.

Sustainability - The proposal seeks the efficient use of urban land for residential redevelopment

Crime and Disorder - No observations received.

Disability Issues - Level access achieved and lift to upper levels.

Conclusion

Although there are no objections to the principle of redevelopment, this is a prominent hillside site and it is essential that the scale and detail of the replacement building is right within its context.

Attempts have been made to try and negotiate an acceptable solution and although the scale and general form of the building appears acceptable there remains uncertainty over particular aspects of the form and the elevation detail.

As it currently stands the application is recommended for approval, but this is subject to the resolution of the design concerns, the receipt of further consultee comments and the signing of a s106 legal agreement.

Recommendations:

Site Visit; Conditional Approval; subject to highway comments; subject to 1) no adverse comments being received from highways, 2) further negotiations on detailed aspects of the design, 3) the signing of a s106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 6 months of the date of this committee, and 4) any further conditions as deemed appropriate following further design discussions to be delegated to the Executive Head of Spatial Planning. Conditional Approval.

Condition(s):

01. No works or development shall take place until there has been submitted to and approved by the Local Planning Authority a full specification of all of the proposed landscape planting, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

02. No site clearance, preparatory work or development shall take place until all appropriate tree and rooting zone protective fencing has been installed in accordance with BS5837 (Trees in Relation to Construction - Recommendations), which shall at all times thereafter be managed as previously approved.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

03. Retained tree T0643 shall not be cut down, uprooted, destroyed, pruned or damaged in any manner without the written consent of the Local Planning Authority for a period of no less than 10 years from the date of the first occupation of the first dwelling, other than in accordance with tree work application substantiated by supporting arboricultural evidence.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

04. If a tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and the tree shall be of a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

05. All trees shall be planted in accordance with the approved landscaping scheme and in accordance with British Standard (BS4043-Transplanting Root-balled Trees)(BS4428-Code of Practice for General Landscape Operations (excluding hard surfaces)).

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

06. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) it is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted in the same place within the first planting season thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of the area and in accordance with Policy L9 of the Saved Torbay Local Plan 1995-2011.

07. Prior to commencement of works a detailed scheme for the provision of on site parking and cycling facilities shall be approved by the Local Planning Authority, and any approved scheme shall subsequently be implemented in full prior to the first occupation of the first unit, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies TS, T2 and T25 of the Saved Torbay Local Plan 1995-2011.

08. Prior to the commencement of works a detailed scheme for the provision of waste and recycling facilities and storage shall be approved in writing by the Local Planning Authority, and any approved scheme shall subsequently be implemented in full prior to the first occupation of the first unit, and maintained as such at all times thereafter, unless agreed in writing by the Local Planning Authority.

Reasons: To provide a suitable form of development in accordance with Policies W7 of the Saved Torbay Local Plan 1995-2011.