

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 17 January 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 2.

**CASE OFFICER** Helen Murdoch

**APPLICATION FOR CONSIDERATION:** NEWTON ABBOT - 16/02132/FUL - Prospect Chapel, 5 Torquay Road - Proposed demolition of existing building and construction of 3 houses and 6 apartments

**APPLICANT:** Concept Contractors

## 1. REASON FOR REPORT

Councillor Brodie has requested that the application be presented to the Planning Committee as local residents have concerns about design, overlooking and lack of parking. Councillor Brodie considers that there should be a Committee debate about the policy regarding the provision of affordable units in a development such as this.

## 2. RECOMMENDATION

Subject to the consideration of any comments from the Conservation Officer and Biodiversity Officer, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. External materials to be submitted for approval prior to installation
4. Hard and soft landscaping scheme to be submitted for approval
5. Construction Management Plan to be submitted for approval
6. Surface water drainage scheme to be submitted for approval
7. Refuse and cycle storage facilities to be provided on site prior to first occupation of the flats
8. Joinery details for windows, doors, eaves and barge boards to be submitted for approval
9. Removal of Permitted Development Rights (Schedule 2, Part 1)

## 3. DESCRIPTION

The Site

- 3.1 The site lies at the junction of Prospect Terrace with Torquay Road. The Conservation Area and its associated listed buildings lies to the east and further listed buildings lie to the west along the northern side of Torquay Road/East Street. The site is currently boarded up but, behind the boarding, sits Prospect Chapel. This is a two storey red-brick building. The building abuts the back of the pavement along Prospect Terrace and again abuts the rear boundary and the side boundary with the adjacent residential properties. The building is set back from the front of the site providing a small car park to the front of the building associated with its use. Access for this was taken off Torquay Road with an associated exit out onto Prospect Terrace. The main access to the building is off the front elevation although there is a side access to the building off Prospect Terrace.
- 3.1 The building is currently vacant and has been for some time. Inside the building is in need of urgent repair works. The application site is surrounded by residential properties. Torquay Road presents a mix of building types but the majority of corner plots are characterised by larger plots and associated large detached properties or pairs of semi-detached villas. Prospect Terrace is characterised by terraces of residential properties on either side which comprise both render and brick exteriors. The buildings adjacent to the site are part of the 19<sup>th</sup> century planning that compliments the historic East Street which was and remains a major route through the town and was part of the Victorian expansion of Newton Abbot.
- 3.2 The building has remained vacant for a while following a decline in the congregation and an inability to rent the space to local user groups. The interiors of the building are very dated and it is understandable that it would not offer attractive space for community groups given the range of choices within the locality. It should be noted that planning permission for outline consent for residential development with all matters reserved was granted under planning reference 15/01918/OUT.

### The Proposal

- 3.3 The application seeks permission for the demolition of the existing building. The redevelopment of the site will then comprise a short terrace of three two storey properties fronting onto Prospect Terrace and running as a continuation to, but not adjoining, the existing terrace. These will be rendered with slate roofs and will sit at the back edge of the pavement in line with the existing dwellings. These properties will have private rear amenity space. To the front of the site a three storey building with double frontage facing onto Torquay Road is proposed. This will provide 6 two bedroomed flats, two on each level. The building will be set back from the road frontage with communal amenity space to the frontage. Access to the ground floor flats will be via two independent front doors. Access to the flats on the upper floors will be via an access to the rear of the building. Between the end of the proposed terrace and the back of the block of flats is a small courtyard area. This will be landscaped and will provide space for refuse storage and cycle storage space. There is no parking proposed as part of this application and it is set out as a car-free scheme.

### The Principle of the Development/Sustainability

- 3.4 The application site lies within the settlement limits of Newton Abbot and is within a well-established residential area. The site has easy access to the town centre and the range of facilities and services which this area has to offer. This includes public parks, which is important given the lack of amenity space for occupiers of the proposed flats. The principle of residential development in this location is fully supported, subject of course to all other planning and policy requirements being fully satisfied. The proposals will see the loss of a community facility building. There is policy support for the retention of community facilities as set out in Policy WE12. However, it is considered that the loss of this facility is acceptable as there remains sufficient choice within the local area. Given that the congregation has dwindled and moved to another site and that there has been difficulty in attracting user groups the site would better serve the community by delivering further housing. The proposals are considered to comply with the criteria of Policy WE12.

Impact upon the character and setting of heritage assets and the wider visual amenity

- 3.5 The site lies neither in the Conservation Area nor does it form the immediate setting of adjacent listed buildings. However, the application site and any building occupying the frontage of the site will be viewed along with numbers 133 - 147 East Street which are Grade II listed buildings and will affect their setting, albeit at a distance. The original proposal, which took on a more contemporary design approach and incorporated a flat roof design, was not considered an appropriate design approach.
- 3.6 Following discussions with the Agent a revised scheme has been submitted which seeks to draw reference in terms of the bulk and massing and architectural detailing from the other pairs of Victorian villas and larger detached properties which occupy similar corner plots. The revised scheme seeks to reflect the proportions of adjacent pairs and emphasises this by including two front doors on the roadside elevation serving each of the ground floor apartments. The building incorporates a characteristic hipped slate roof set over rendered elevations which incorporate large windows with a vertical emphasis. This is considered more in keeping with the architectural character of the area and it is not considered that this building when taken in the wider views of the street would cause detriment to the listed buildings.
- 3.7 The three properties to the rear seek to match the character and appearance of the existing terraced properties. The proportions and position within the street are all considered appropriate. The terraced dwellings opposite have rendered exteriors whilst those adjacent have a brick finish. The scheme proposes render-clad elevations and this is considered acceptable, tying in with the main building to the front of the site, and matching those opposite. A brick finish may have been harder to match in with that existing.
- 3.8 Refuse storage and space for cycle storage will also be provided in the small courtyard between the end of terrace house and the block of flats. Around the courtyard and to the front of the site landscaping is proposed which will be secured by condition.

Impact on residential amenity of surrounding properties

- 3.9 The application site is surrounded by residential development. Being in a town centre location the nature of the built layout is one where properties are in close proximity to one another such that the density of the housing is fairly high and actions on one site can have notable impacts on the amenity of neighbouring properties and residents. The current building is of significant size and abuts the boundaries which it shares with neighbouring residential properties. The application proposal is in two parts, the building to the front and the short terrace to the rear. The terrace will form a continuation of the existing terrace, albeit not adjoining. It is not considered that the proposed terrace would have an impact on the occupiers of the adjacent terraced properties and will reduce the amount of built form along the shared boundary with No. 66. Whilst the terrace is higher than the existing building it is considered that the majority of this will be in line with the end gable of the existing terrace and will have limited impact on this property. This property does benefit from a small window at ground floor on its side elevation but this would already appear to be overshadowed by the existing building and associated boundary wall. Given the retention of the boundary wall and the level difference it is not considered that there would be any additional overlooking.
- 3.10 The terrace will back onto the side wall of No. 3 Torquay Road and will be in line with the rear amenity space associated with this dwelling. Concerns have been raised about overlooking. However, the rear building wall for the terrace will be set some 6 metres off the side boundary and boundary walls at a height of 1.8 metres will be retained. Whilst it is acknowledged that the relationship is close it is not considered that in a location such as this that the relationship proposed is unacceptable. It is not considered that there would be a substantive case for refusal on the grounds of overlooking from the terraced properties. There is considered to be no detrimental impact on the properties on the opposite side of Prospect Terrace from the three dwellings given the separation by an existing road and the fact that this continues the established relationship between both sides of the street. It is considered that Permitted Development Rights should be removed in order to ensure that no further additions are built which may compromise neighbouring amenity given the close relationship.
- 3.11 The proposed block of flats is three storeys, reflecting the height of No. 3 Torquay Road which is also three storeys. As far as practically possible the building is positioned to fall in line with No. 3. The distance between the two buildings will be just over 4 metres. The proposed building will lie to the east/south-east of the existing building. No. 3 has a small conservatory to the side of the property but on the front corner. The relationship between the two has been carefully considered regarding both loss of privacy and overbearing/loss of light concerns. Windows on the side elevation have been limited to one bedroom window per floor which will be in line with the side wall of the existing dwelling. The fact that the proposed building is slightly angled within the site means that the rear windows closest to the side boundary are actually angled away from the rear amenity space for No. 3. Whilst this relationship is close it is considered that having duly considered the relationship with the existing chapel the proposed building would not offer sufficient detriment to substantiate a refusal.

- 3.12 The proposed building is not considered to cause detriment to No. 7 Torquay Road, given the distance and the separation by the road and the limitation of main windows on this elevation.
- 3.13 The properties to the south, on the other side of the Torquay Road, are considered to be at such distance and, again given the separation by the main road, that it would be hard to substantiate a reason for refusal as a result of overlooking.
- 3.14 Concerns had been raised about the position of the bin storage area which had been adjacent to the shared boundary with No. 3 Torquay Road. This has now been revised and will sit at the front of the shared access court adjacent to the road. In this location it is not considered to offer detriment by way of odour.
- 3.15 The main concern raised by local residents is the matter of parking. Currently parking in Prospect Terrace is limited to resident permit holders only with double and single yellow lines outside these marked areas. There is, of course, no parking provision on the main Torquay Road. The proposed application in its revised format is for a car-free scheme. This would mean that future occupants would not be given parking permits by Devon County Council. Given the proximity to a range of facilities and services including a range of different public transport connections including the new Newton Abbot Car Club (based at Newton Abbot Train Station) which will be operational shortly it is considered reasonable for the proposal to be car-free. Should residents wish to have their own car they would need to use parking in unrestricted areas or within the numerous car parks within the town centre. In addition a bike store will be provided to serve the flats and the dwellings will have garden space in which they can store bikes, etc.
- 3.16 Concerns about the structural stability of remaining walls and adjacent buildings are noted: however, these would not be matters for consideration as part of the planning application.

#### Affordable Housing

- 3.17 It should be noted that the vacant building credit as set out in the National Planning Practice Guidance (NPPG) would apply to this site. This must be taken account of when seeking contributions such as affordable housing. The proposed scheme as set out would be required to provide 20% affordable housing in line with Policy WE2 of the Teignbridge Local Plan. This would see the delivery of one affordable dwelling. Taking account of the vacant building credit the new footprint is 21.5% of the total proposed floor space. This would mean 0.2 of an affordable dwelling should be delivered, the Local Plan indicates that this figure should be rounded up - thus one unit of affordable accommodation would still be required.
- 3.18 Enquiries have been made to the Applicant about this provision with the suggestion that a financial contribution towards off-site delivery may be acceptable. However, in light of the guidance set out in the NPPG about seeking affordable housing from small scale sites the Agent has declined to agree make any provision for affordable housing. The Local Planning Authority must weigh up the material considerations on this matter. The proposals do fall within small scale development covered by the new advice in the NPPG. It does not exceed 10 units or 1,000 square metres and it is not

considered that the proposals represent under-development of the site. Given that Newton Abbot has a number of allocations coming forward for housing or the delivery of housing as part of a mixed scheme it is considered likely that affordable housing will be delivered in the town through other provisions in the Local Plan. Whilst this would have been a good location for affordable housing, given the ease of walking into town and the proximity to a high quality range of goods and services, it is not considered that in light of recent appeal decisions that a case could be made to justify a decision contrary to the guidance set out in the NPPG, which must be treated as a material planning consideration carrying very considerable weight.

#### Outstanding Matters

- 3.19 At the time of writing this report a number of outstanding matters remain. The Agent has been asked to provide a basic biodiversity assessment of the building, which they have, and which the Biodiversity Officer is due to comment on. Updates on this matter will be provided either in writing or verbally at Committee, along with any comments from the Conservation Officer. The Environmental Control Officer has suggested conditions about air quality given that the site falls within an Air Quality Zone. The Agent has been asked whether they wish to address this ahead of determination in order to negate the need for conditions. A response is still awaited. As the conditions suggested by the Environmental Control Officer may not be required they have not, at this point, been included in the suggested list of conditions within this report.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S14 (Newton Abbot)

S21A (Settlement Limits)

WE2 (Affordable Housing Targets)

WE12 (Loss of Local Facilities)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN11 (Legally Protected and Priority Species)

##### Newton Abbot Neighbourhood Plan

NANDP2 (Quality Design)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

##### National Planning Policy Framework

##### National Planning Policy Guidance

##### Listed Building and Conservation Area Act 1990

#### **5. CONSULTEES**

Environmental Health (Air Quality) - The proposed development is within the Newton Abbot Town Centre Air Quality Management Area (AQMA). This is an area that Teignbridge District Council has designated for action, as the levels of nitrogen dioxide, a pollutant associated with vehicle exhaust emissions, exceeds the National Air Quality Objectives at residential properties close to the road.

Nitrogen dioxide is an irritant gas and in high concentrations can exacerbate respiratory illnesses and can increase the risk of respiratory infections, and I am concerned, as there is the potential for exposing more residents to poor air quality.

I recommend approval subject to the inclusion of the following conditions.

1. Prior to first occupation of the flats hereby approved an assessment of the levels of nitrogen dioxide at Torquay Road shall be carried out and the results submitted to the Local Planning Authority. The assessment datasets, methodologies and inputs shall be first agreed in writing by the Local Planning Authority. The assessment will need to demonstrate to the satisfaction of the Local Planning Authority that the measured pollutant concentrations are within the relevant air quality objectives and EU limit values for nitrogen dioxide. In the event that assessment demonstrates that the pollutants exceed the accepted limits then conditions 2 and 3 of this approval will apply.

REASON: To protect the health of the occupants of the houses/flats.

2. In the event that the assessment required by condition 1 demonstrates that nitrogen dioxide levels are unacceptable then the flats shall not be occupied until details of a positive mechanical ventilation system has been submitted and approved by the Council. The positive mechanical ventilation system shall be designed to ensure that all habitable rooms on the southern elevation facing Torquay Road are served by air drawn into the building from the roof top area of the property. The system shall be installed in accordance with the approved details prior to first occupation of the flats and shall thereafter be so retained and maintained.

REASON: To protect the health of the occupants of the flats.

3. In the event that the assessment required by condition 1 demonstrates that nitrogen dioxide levels are unacceptable then the windows on the southern elevation (facing onto Torquay Road) serving the flats shall be made to be non-opening and shall be fixed in this position prior to first occupation and shall be maintained thereafter.

REASON: To protect the health of the occupants of the flats; ventilation shall be provided via the mechanical system referred to in condition 2.

Biodiversity Officer - A basic survey of the building has been received and any Biodiversity Officer comments will be reported to Committee.

Waste Officer – Happy with the revised plans.

Devon County Council (Education) - Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them.

Teignbridge District Council have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of primary school places equivalent to £22,723 (based on the current DfE extension rate for Devon) which will be used towards primary school facilities in the area. It is anticipated that these contributions would be provided for through CIL.

Devon County Council (Highways) - The site is accessed off an unclassified County Route which is restricted to 30 m.p.h. The number of personal injury collisions which have been reported to the police in this area is 3 slight and none related to this junction between 1 January 2010 and 31 December 2015.

Due to the low level of parking provision it would be ideal to have some secure cycle storage area.

The number of trips this development could generate will not be a severe effect on the Highway, therefore the County Highway Authority has no objections.

#### *Revised Scheme*

The applicant has submitted a revised layout plan showing a car-free layout. The Highway Authority do not have any objections to this proposal but this is a residential permit parking area and no more permits will be submitted for the new dwellings. Therefore the new residents if car owners would need to use the communal district car parks.

Recommend that a Construction Management Plan be conditioned for approval.

#### Conservation Officer

##### *Original submission*

There is no statement to determine the age of the Prospect Chapel and though there has been a hall-type building there since the 19th century the present building appears much more recent judging from the brickwork.

The buildings adjacent to the site are part of the 19th century planning that compliments the historic East Street which was and is a major route through the town and was part of the Victorian expansion of Newton Abbot. The building immediately alongside the site to the west is a three storey pair of houses in the Victorian villa style with rendered walls and low pitch natural slate roof and faces directly onto East Street. The pair of Victorian houses to the east are also rendered with low pitched slate roofs, two storey and by alignment are perpendicular to Prospect Terrace. Prospect Terrace has both slate, rendered walls and buff brick with red brick dressing terraced, two storey houses.

Nos. 133 - 147 are a grade II listed terrace of mid-19th century buildings. 25 Devon Square is Grade II listed and Devon Square is a conservation area. A building that

aligns with the front face of the adjoining East Street properties will be viewed along with Nos. 133 - 147 and so will affect the setting. I do not consider that the site has an effect on the Conservation Area but it is difficult to say whether its height may be viewed from there.

The proposed building fronting East Street is out of character with the street; its massing will be larger as it is a three storey flat roofed building and much bulkier than the Victorian villas. The current flat roofed building is two storey and does not make a positive contribution to the area and a three storey building would be worse. I would recommend that the part of the site fronting East Street is developed as a two or three storey pair of houses facing directly onto East Street. The rear of the site could then face Prospect Terrace in a more conventional site arrangement that will complement the adjoining building.

I do not support the application as it adversely affects the character and appearance of the area and setting of the listed terrace 133 - 147 East Street.

#### *Revised Scheme*

Comments awaited.

## **6. REPRESENTATIONS**

6 letters of objection and one letter of support were received in relation to the original scheme. 4 letters of objection have been received in relation to the revised proposals. There are some repeat representations. The representations raised the following planning related comments:

1. Will cause overlooking and loss of privacy
2. The proposed bin store is too close to kitchen window and side entrance and will generate odour problems
3. No parking proposed will make the present difficult parking situation even worse
4. Concerns about boundary wall which also forms part of adjacent outbuildings
5. Revised building still unsympathetic to the surrounding Victorian architecture
6. Density inappropriate given size of site
7. Overshadowing
8. If there is no parking where will future residents park?
9. Unattractive intrusion into the streetscene this redevelopment presents an opportunity to build something in keeping with the surroundings
10. Concerns about proposed soakaway undermining adjacent property.
11. Would be a good re-use of the site given the building has been empty and neglected for some time. New housing will be more visually appealing

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

#### *Original Scheme*

Recommend refusal due to the design having an adverse effect on the visual amenity of the area and potential for overlooking. The Committee was of the view that the

houses being located on the Torquay Road frontage with the apartments at the rear of the site would remove the objection.

*Revised Scheme*

Comments awaited

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 667.39 square metres. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 523.87 square metres. The CIL liability for this development is £11,517.63. This is based on 143.52 net m<sup>2</sup> at £70 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

**WARD MEMBERS:** Councillors Brodie and Grainger, Bushell

