

Application Number

P/2015/0918

Site Address

Land West Of Brixham Road, Paignton

Case Officer

Matt Diamond

Ward

Goodrington With Roselands

Description

Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development (Variation of condition P1 of P/2013/1229 - MMA to units 37, 94 and 237 to allow wheelchair access)

Executive Summary/Key Outcomes

This application is to vary condition P1 of reserved matters permission P/2013/1229 in order to carry minor material amendments to the design of Plots 37, 94 and 237 on the Linden Homes 'White Rock' development site to the west of Brixham Road on the outskirts of Paignton, so that they are wheelchair accessible.

The s106 agreement relating to the 'parent' planning permission for the development (ref. P/2011/0197) requires at least 5% of the affordable dwellings to be (wheelchair) adapted dwellings. A total of 350 dwellings have been approved under various reserved matters applications. The s106 agreement requires 20% of the total number of dwellings to be affordable, i.e. 70 affordable dwellings. Therefore, at least 4 (5%) of the affordable dwellings must be designed to be wheelchair accessible. This application provides for three of these dwellings, whereas application P/2015/1061 (also on the agenda) provides for one, bringing the total number of wheelchair accessible dwellings within the development to four, thereby meeting the minimum requirement of the s106 agreement.

Housing Services has been consulted and confirm that the design of the dwellings is acceptable and accord with the specification for the adapted dwellings in the s106 agreement. Two parking spaces are provided for each of the dwellings in accordance with Policy TA3 of the Adopted Local Plan. Therefore, the application is considered to be acceptable.

Recommendation

Approval

Statutory Determination Period

The application was validated on 22.10.2015. The statutory determination date is 22.01.2016 (13 weeks).

Site Details

The application relates to Plots 37, 94 and 237 of the Linden Homes 'White Rock' development site to the west of Brixham Road on the outskirts of Paignton. The site was granted outline planning permission in 2013 (ref. P/2011/0197). The reserved matters for this part of the site were approved in 2014 relating to 310 dwellings.

The site is undesignated in the Adopted Torbay Local Plan - A landscape for success 2012-2030 ('the Local Plan').

Detailed Proposals

The application is to vary condition P1 of reserved matters permission P/2013/1229 to replace the approved plans relating to Plots 37, 94 and 237 with new plans. The purpose of this is to carry out minor material amendments to the design of the dwellings, so that they are wheelchair accessible in accordance with the provisions of the s106 agreement for the development.

Summary Of Consultation Responses

Housing Services: Housing services are disappointed that a ground floor bedroom and wetroom have not been included in the design of the wheelchair adapted units, however Housing Services can confirm that they comply with the S106.

Summary Of Representations

No public representations were received.

Relevant Planning History

- P/2015/0699/NMA: Non material amendment to P/2013/1229/MRM - Amendment to the boundary material of Plot 283: Approved 17.08.2015
- P/2014/0853/NMA: Non material amendment to P/2013/1229- Changes to materials to reflect materials schedule and addition of a conservatory on plot 314: Approved 17.11.2014
- P/2014/0849/RM: Approval of appearance, landscaping, layout and scale in relation to 9 dwellings and associated development.: Approved 10.11.2014 (NB. This application revised part of the site that had gained reserved matters approval under P/2013/1229 - it resulted in a net gain of two dwellings)
- P/2014/0071/MRM: Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197: Approved 16.05.2014

P/2013/1229/MRM: Approval of reserved matters to P/2011/0197. Appearance, landscaping, layout and scale in relation to 310 dwellings and associated development: Approved 17.04.2014

P/2011/0197/MOA: Mixed Use Development of 39 Hectares of land at White Rock, Paignton to construct up to 350 dwellings, approximately 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m² A1/A3 use and student accommodation, approximately 15 hectares of open space, sports pavilion and associated infrastructure and engineering works to provide access, drainage and landscaping (Outline Application): Approved 29.04.2013

Key Issues/Material Considerations

The key issue is whether the design of the proposed wheelchair "adapted dwellings" accords with the 'Specification for Dwellings for persons with disabilities' set out at Annex 1 of the s106 agreement relating to the 'parent' planning permission ref. P/2011/0197.

The specification for the adapted dwellings was agreed by Housing Services when the s106 agreement was drafted and they have been consulted on this application accordingly. Whilst disappointed that the dwellings do not include ground floor bedrooms or wetrooms, Housing Services have confirmed that the design of the dwellings accord with the specification set out in the s106 agreement. Therefore, the design of the dwellings is acceptable.

In addition, during the course of the application, the applicants submitted revised plans to show that each dwelling will include two parking spaces on each of the relevant plots. This accords with Policy TA3 - 'Parking requirements' of the Local Plan.

S106/CIL -

No modifications to the extant s106 are required, as the amendments relate to the reserved matters permission and the number of dwellings is not changing.

Conclusions

Housing Services have confirmed that the design of the proposed wheelchair "adaptable dwellings" subject to this application is appropriate and accord with the provisions of the s106 agreement. Each dwelling will include two off-street parking spaces in accordance with Policy TA3 of the Local Plan. Therefore, the application is acceptable for approval.

Condition(s)/Reason(s)

01. The car parking spaces shown on the approved layout shall be made

permanently available for the use of the property it is allocated to on the approved plans. Reason: to ensure all properties have dedicated parking facilities and in accordance with Policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The dwellings hereby approved shall be laid out in accordance with the house typology schedule layout plan and the schedules provided for each house type on the house type plans, hereby approved. Reason: To ensure a satisfactory form of development and preserve residential amenity and in accordance with Policies BES, BE1 and H9 of the Saved Adopted Local Plan 1995-2011.

03. Prior to the first occupation of dwellings 4- 6 as show on the approved plan 13009 HTP 01 Plan, details of the acoustic fence also shown on this plan shall be submitted to and approved by the Local Planning Authority. This shall include details of its size, siting, design, appearance (including colour) and a suitable landscaping strategy to mitigate its visual impact. The fence and landscaping shall be installed prior to the first occupation of any of these dwellings and shall be permanently maintained thereafter. Reason: To ensure that suitable mitigation measures have been provided to protect the residential amenity of the residential properties and to ensure a appropriate appearance of these measures, and in accordance with Policies BES, BE1, H9, EPS, EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

04. Prior to the occupation of properties 52-60, 113 -116, 203-227 and 300-314 as shown on the approved plans the properties shall be fitted with standard thermal double glazing (operable) with Dn,e,w 39 dB Acoustic trickle vents to all windows on the front and sides of the buildings which serve day time habitable rooms(including bedrooms). Reason: To ensure a satisfactory standard of residential amenity for the occupiers of these properties and in accordance with Policies EPS and EP4 of the Saved Adopted Torbay Local Plan 1995-2011.

05. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the phase of development it is located in, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of the amenities of the area and in accordance with Policies HS, H9, LS, L9 of the Saved Adopted Torbay Local Plan 1995-2011.

06. All trees planted as part of the development shall be permanently retained following their planting, including any replacement planting required by condition 5. Reason: In the interests of the amenities of the area and in accordance with Policies HS, H9, LS, L9 of the Saved Adopted Torbay Local Plan 1995-2011.

07. The properties hereby approved which are located along the Southern Boundary of the Site shall have no form of external lighting to their side and rear garden nor shall there be any external lighting to the fronts of properties facing on to Waddeton Lane. Reason; To ensure the protection of Wildlife Corridor and surrounding area for Bat foraging and flight paths and in accordance with policies EPS, EP5, NCS, NC1, NC2 NC4 and NC5 of the Saved Adopted Torbay Local Plan 1995-2011 and the requirements of the NPPF.

08. Prior to the commencement of development within the area shown in residential phase 2 and 3 shown on the Phasing Plan 40158/SK/514/REVB, a Section 278 Highways Agreement shall be entered in to, in order to secure the necessary works to the public highway. The 278 works shall include work to Waddeton road to form a defined entrance to the site including road calming measures. This shall include detail of materials and finishes to be used. The works shall then be implemented prior to the occupation of the first dwelling in either phase. Reason: Reason: In order to ensure a suitable form of development in accordance with Policies TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011.

09. Prior to the commencement of development details of all proposed pavements, roads and shared surfaces, shall be submitted to and approved by the Local Planning Authority. This shall include details of all materials, finishes and layouts of road calming measures. The development shall then be constructed in accordance with these details. Reason: Reason: In order to ensure a suitable form of development in accordance with Policies Bes, BE1, HS, H9, TS, T1, T2, T3, T18, T22 and T26 of the Saved Adopted Torbay Local Plan 1995-2011. MAY BE ABLE TO REMOVE SUBJECT TO RECEIVING STRIDES DETAILS AND SPEC OF CURBS AND TABLES

10. The development hereby approved shall be constructed in full accordance with the specifications on Specification Plan P2013-1229-16, and roof tile specification P20131229-13 colour Smooth Grey hereby approved. Once constructed no further changes to the masonry finish including colour shall be permitted without the prior consent of the Local Planning Authority. Reason: To ensure a satisfactory form of development and in accordance with the requirements of policies HS, H1, H9, BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

H2LFS - Affordable Housing_