

**Application Number**

P/2015/1061

**Site Address**

Land West Of Brixham Road

**Case Officer**

Carly Perkins

**Ward****Description**

Approval of appearance, landscaping, layout and scale in relation to 38 dwellings and associated development. Reserved Matters for P/2011/0197 (Variation of condition P1 of P/2014/0071)

**Executive Summary/Key Outcomes**

This application is to vary condition P1 of reserved matters permission P/2014/0071 in order to carry minor material amendments to the design of Plot 352 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 one of these dwellings, whereas application P/2015/0918 (also on the agenda) provides for three, bringing the total number of wheelchair accessible dwellings within the development to four, thereby meeting the minimum requirement of the s106 agreement.

Subject to consultation responses from the Council's Building Control Officer and Delivery Officer regarding the compliance of the scheme with building regulations and the section 106 agreement associated with the outline application, the proposed amendment is considered acceptable and compliant with the relevant policies of the New Torbay Local Plan 2012-2032. The proposal provides a dwelling house that is wheel chair accessible whilst providing a good standard of amenity for future occupiers (subject to the inclusion of conditions) without detriment to the appearance of the wider development site or locality.

### **Recommendation**

Conditional approval. Conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Executive Director of Operations and Finance.

### **Statutory Determination Period**

8 weeks, the determination date is the 30th January 2016.

### **Site Details**

The application relates to Plot 352 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.

### **Detailed Proposals**

The application is to vary condition P1 of reserved matters permission P/2014/0071 to replace the approved plans relating to Plot 352 with new plans. The purpose of this is to carry out minor material amendments to the design of the dwelling, so that they are wheelchair accessible in accordance with the provisions of the s106 agreement for the development.

### **Summary Of Consultation Responses**

*Senior Environmental Health Officer:* Assuming the properties in that area require acoustic glazing it is expected that noise levels in this area will be quite high from traffic noise. It is estimated that the noise levels within the property will increase by 3db as a result of the reduced distance. Whilst it cannot be confirmed with certainty based on the level of information provided that this will materially affect the use and enjoyment of the property, given the layout of the road and its use, it would be possible to provide additional protection to the internal parts of the building from noise if necessary. For instance, it may be necessary for this house to be fitted with whole house mechanical ventilation to ensure a good standard of acoustic environment could be achieved as defined in BS 8233 :2014 Guidance on sound insulation and noise reduction for buildings.

A suitable condition which would offer protection for residents could be drafted to protect this specific property, this could be worded as follows:

"The property shall be designed and constructed so as to ensure that the Design and noise criteria for the internal acoustic environment are met as defined in paragraph 5.3 and Table 4 of BS 8233: 2014. If this cannot be achieved with windows open for ventilation, mechanical ventilation shall be provided to habitable rooms so that the standard can be met whilst replacing the need to open windows for ventilation. Note mechanical ventilation would be needed to ensure that both background and purge ventilation functions of openable windows can be achieved."

*Police Architectural Liaison Officer:* Comment received regarding the wider site layout rather than the plot subject of this application.

*Senior Strategy and Project Officer:* The parking requirement for houses is set out in Policy TA3 and Appendix G (a) of the new Local Plan. This stipulates 2 spaces per house, of which 1 may be in a garage so long as there are electric charging facilities. Cycle storage for at least 2 cycles per house should be provided. Replacement Additional Modification (RAM) 182 has specified the size of parking spaces including spaces for disabled persons.

*Housing Delivery Officer:* Comments awaited however these are anticipated to be the same as those received under reference P/2015/0918:

"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"

*Building Control:* Comments awaited.

### **Summary Of Representations**

No representations have been 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 36,800m<sup>2</sup> gross employment floorspace, a local centre including food retail (up to 1652m<sup>2</sup> gross) with additional 392m<sup>2</sup>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 comments from Housing Services are awaited, it is anticipated that these will be the same as those received under reference P/2015/0918 which confirmed that the design of the dwellings accord with the specification set out in the s106 agreement.

Subject to consultation responses from the Council's Building Control Officer and Delivery Officer regarding the compliance of the scheme with building regulations and the section 106 agreement associated with the outline application, the proposed amendment is considered acceptable and compliant with the relevant policies of the New Torbay Local Plan 2012-2032. The proposal provides a dwelling house that is wheel chair accessible whilst providing a good standard of amenity for future occupiers (subject to the inclusion of conditions) without detriment to the appearance of the wider development site or locality.

### **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**

Subject to consultation responses from the Council's Building Control Officer and Delivery Officer regarding the compliance of the scheme with building regulations and the section 106 agreement associated with the outline application, the proposed amendment is considered acceptable and compliant with the relevant policies of the New Torbay Local Plan 2012-2032. The proposal provides a dwelling house that is wheel chair accessible whilst providing a good standard of

amenity for future occupiers (subject to the inclusion of conditions) without detriment to the appearance of the wider development site or locality.

**Condition(s)/Reason(s)**

01. At least one car parking space shown in the parking court on the approved layout shall be made permanently available for the use of each flat.

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.

03. Prior to the occupation of property 340 as shown on the approved plans the property shall be fitted with standard thermal double glazing (operable) with Dn,e,w 39 dB Acoustic trickle vents to all windows on the front, back and North sides of the building which serve day time habitable rooms (including bedrooms).

04. Prior to the occupation of Flats 323-332 as shown on the approved plans the properties shall be fitted with acoustic double glazing (operable) Rw 36 dB with Dn,e,w 39 dB Acoustic trickle vents to all windows of these properties on elevations A, B, C and D of the building which serve day time habitable rooms (including bedrooms) and shall be permanently maintained thereafter.

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.

06. All trees planted as part of the development shall be permanently retained following their planting, including any replacement planting required by condition 5.

07. Prior to the first occupation of the block of flats, access security measures to restrict none resident entry shall be installed and permanently retained thereafter.

08. Prior to the occupation of properties 346- 351 details of a temporary road management feature (build out) to restrict access along the route between properties 347 and 348 shall be submitted to and approved by the Local Planning Authority. The traffic management feature as approved shall be constructed prior to the occupation of properties 346- 351 and remain as such until written confirmation has been received from the Local Planning Authority that such measure is no longer required.

09. The property shall be designed and constructed so as to ensure that the Design and noise criteria for the internal acoustic environment are met as defined in paragraph 5.3 and Table 4 of BS 8233: 2014. If this cannot be achieved with windows open for ventilation, mechanical ventilation shall be provided to habitable rooms so that the standard can be met whilst replacing the need to open windows for ventilation. Note mechanical ventilation would be needed to ensure that both background and purge ventilation functions of openable windows can be achieved.

### **Relevant Policies**

DE1 - Design

DE3 - Development Amenity

SS12 - Housing

SS8 - Natural Environment

TA3 - Parking requirements

TA2 - Development access

H6LFS - Housing for people in need of care

H1LFS - Applications for new homes