

**Application Number**

P/2016/0732

**Site Address**5 Broadsands Road  
Paignton  
TQ4 6JX**Case Officer**

Gary Crawford

**Ward**

Churston With Galmpton

**Description**

(Variation of condition P1 of original Planning Permission P/2014/0899). Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093) - change roof line- changes to doors/fenestration, provision of external storage.

**Executive Summary/Key Outcomes**

The proposal is for the variation of approved plans condition approved under planning application P/2014/0899 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking, following the demolition of the existing building.

The variation to the approved plans is considered to be acceptable and without any overriding detriment to the character or appearance of the locality or residential amenity of neighbouring occupiers.

**Recommendation**

Approval subject to completion of a deed to tie the unilateral undertaking relating to application reference P/2014/0899/PA to this permission.

**Statutory Determination Period**

8 weeks, the determination date is 21st September 2016. Due to the number of objections received, the application is being reported to committee.

**Site Details**

The application site formerly contained a large, flat roofed, two storey detached building which was used as a children's home. This building has since been demolished and two apartment blocks are currently under construction.

The site is bounded by woodland to the north, residential properties around a cul-de-sac to the east (Broad Reach), Broadsands Road to the south and residential properties around a cul-de-sac to the west (Rock Close). The woodland to the north of the site is designated as the Tor Rocks Urban Landscape Protection Area (ULPA) and as a County Wildlife Site (CWS). The site is also identified in Appendix C (Pool of housing and employment sites) of the Torbay Local Plan

2012-2030 as a possible Neighbourhood Plan housing site.

### **Detailed Proposals**

Variation of the plans approved and conditioned under planning application P/2014/0899 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking, following the demolition of the existing building.

The variation to the approved plans are to include:

- Increase in height of roof line of side wings of each block by approximately 1.3m and overall height of each block by approximately 0.2m
- Reduction in width of communal lobby areas of each block by approximately 0.75m and, increase in width of apartments and roof terraces
- Changes to doors/fenestration
- Provision of external storage areas to the rear
- Changes to Juliet balconies to the rear
- Change to mix of units from 4 x 2-bed apartments and 4 x 3-bed apartments to 8 x 2 bed apartments
- Changes to internal layout of apartments.

The original plans indicated that the material of the external walls of the ground and first floor of the apartment blocks would be Cembrit cladding. This material was considered to be visually unacceptable. Following negotiations, the agent confirmed via e-mail on 26 August 2016 that the external walls of the ground and first floor would be painted render. Revised drawings were received on 26 August 2016 which detail that the external walls of the ground and first floor would be white painted render.

### **Summary Of Consultation Responses**

*Drainage Engineer:* As the variation of conditions requested has no effect on the surface water drainage for this development, the Council's Drainage Engineer has no objections to the variation of conditions application being granted.

*Arboricultural Officer:* No objections.

*Green Infrastructure Coordinator:* No objections.

### **Summary Of Representations**

14 letters of objection have been received. Issues raised:

- Increase in roof height would result in the property dominating its immediate surroundings
- Overlooking and loss of privacy
- Impact in local area
- Not in keeping with local area

- Overdevelopment
- Sets precedent
- Impact on trees and wildlife
- Noise and disturbance
- Traffic and access
- Loss of light
- Impact on property values. Officer comment: Representations regarding the impact on property values have been noted but this does not constitute a planning consideration.

### **Relevant Planning History**

P/2014/0899: Erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments (8 apartments in total) with associated parking, following demolition of existing building (Re-Submission of P/2013/1093). Approved 28.01.2015.

P/2013/1093: Proposed demolition of existing buildings and construction of 4 blocks each comprising 2no. 2 bed apartments with associated parking areas. Refused 05.12.2013

DE/2013/0022: Redevelopment to provide 8 - 2 bed flats in 2 blocks (pre-application enquiry). Split decision 28.02.2013

P/2012/0419: Redevelopment - formation of apartment block 11 units and 2 detached dwellings and demolish children's home - IN OUTLINE. Withdrawn 06.06.2012

### **Key Issues/Material Considerations**

Planning permission (P/2014/0899) was granted in January 2015 for the erection of two apartment blocks each comprising 2 no. 2-bed apartments and 2 no. 3-bed apartments with associated parking on the application site. The development has commenced and has reached a reasonably advanced stage.

The previously approved application provided a mix of 2 and 3-bed dwellings, the current proposal would provide 2-bed apartments only. Whilst a mix of different sized units within the development would be preferable, for example, to help secure family accommodation, it is considered that a development of 2-bed apartments only would not have a detrimental impact on the local community and, is acceptable in relation to Policies H1 and DE1(5).

Consequently, the key issues under consideration for this variation of approved plans are the impact of the amendments upon visual impact and neighbour amenity impact.

#### **1. Visual impact**

The apartment blocks that were previously approved under planning permission

P/2014/0899 were 8.05m in overall height whilst the side wings of the blocks were 5.6m in height. The current application seeks to increase the overall height of the buildings by 20cms and to increase the height of the side wings of the blocks by 1.3m. The current application also seeks to reduce the width of the communal lobby areas by approximately 0.75m and, increase the width of the apartments and roof terraces. The overall width of each apartment block would be 0.3m wider than the blocks approved under permission P/2014/0899.

The increases in height and width of the apartment blocks would affect, to a limited level, the visual appearance of the buildings within the street scene. However, due to the relatively small increases in overall height and width of the apartment blocks, it is considered that the height and scale of the blocks would be consistent with the buildings in the vicinity of the application site, and in accordance with Policy DE1(13 & 18). Whilst the 1.3m increase in the height of the side wings of the blocks would have a more significant impact on the visual appearance of the buildings, given that the side wings are set approximately 7.5m behind the front elevations of the buildings and the ridge line of the side wings would not extend beyond the first floor parapet line of the blocks, it is considered that the side wings would remain subservient to the main building and would not constitute an overdevelopment of the site. Whilst the central lobbies of the blocks have been reduced in width by 0.75m, they would still sufficiently break up the massing of the buildings. The woodland to the north of the site would still form a backdrop to this development and the proposed blocks would sit well against this backdrop, in accordance with DE1(18).

Whilst the proposed changes to the doors and fenestration of the blocks, and changes to the rear Juliet balconies would have an impact on the visual appearance of the buildings in comparison to the previously approved scheme, it is not considered that these changes would be detrimentally harmful. Due to the position of the external storage areas at the rear of the blocks and contained within the boundaries of the retaining walls, it is deemed that this element of the proposal would have no adverse visual impacts, in accordance with Policy DE1(16).

It is considered that the proposed changes to the previously approved plans would maintain that the development is of a high quality design which relates to the built form in the surrounding area. The external walls of the apartment blocks would be painted white render at ground and first floor level to match the prevailing material of the neighbouring dwellings. The material for the external walls of the second floor would be timber cladding which is deemed to be acceptable given that Cedral cladding was previously approved for the external walls of the second floor under planning permission P/2014/0899.

Therefore, the proposed development is considered to accord with Policies DE1 (Design) and DE4 (Building Heights) of the Torbay Local Plan 2012-2030.

## 2. Neighbour Amenity

Concerns have been raised with regards to the proposed changes to the previously approved scheme resulting in overlooking and loss of privacy impacts to neighbouring properties. The previously approved scheme included a condition which stated that privacy screens shall be installed on the west elevation of the building sited to the west of the site and the east elevation of the building sited to the east of the site. This condition would be included with any new planning permission to ensure that the proposal does not result in any harmful overlooking or loss of privacy impacts upon neighbouring properties. It is considered that the new Juliet balconies to the rear of the blocks would not result in any greater loss of privacy impacts than the previously approved scheme.

Concerns have also been raised with regards to an increased level of noise and disturbance from the second floor roof terraces. The internal layout of the apartments has been altered from the previously approved scheme and it is proposed that the second floors of the apartment blocks would be used as kitchen/dining areas rather than as bedrooms. However, the internal configuration of the apartments could be altered without requiring planning permission. Therefore, although the second floor roof terraces would be slightly wider than those permitted under permission P/2014/0899, it is considered that the current scheme would not result in a significantly worse impact upon neighbouring properties in terms of noise and disturbance than the previously approved scheme.

Given the relatively minor increases in height and width of the apartment blocks, it is considered that the proposal would not result in any significantly worse overbearing or loss of light impacts upon neighbouring properties than the previously approved scheme. The proposal is therefore deemed to have an acceptable impact upon the amenity of neighbouring properties, and to be consistent with Policy DE3 (Development Amenity) of the Torbay Local Plan.

### Other matters

The highway, biodiversity and drainage implications of the scheme are unaffected and hence have not been discussed in detail within this amendment application.

### **S106**

Under application reference P/2014/0899/PA a unilateral undertaking was completed in respect of a contribution of £500 for waste management. A deed of variation is required to link this contribution to this planning application.

### **Conclusions**

The proposed amendments are suitable for planning approval having been considered against the relevant local and national planning policies.

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

01. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the construction management plan
02. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to drainage
03. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the arboricultural method statement and tree protection plan
04. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to vegetation clearance
05. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the protected species mitigation strategy
06. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the external materials schedule
07. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the landscaping plan
08. Development to accord with details approved pursuant to application reference P/2014/0899/OA relating to the LEMP
09. Details of privacy screens to be submitted
10. Details of external lighting
11. Details of cycle parking
12. Car parking provided and retained.

### **Relevant Policies**

- DE1 - Design
- DE3 - Development Amenity
- DE4 - Building heights
- H1 - New housing on identified sites
- C4 - Trees, hedgerows and natural landscape
- NC1LFS - Biodiversity and Geodiversity
- TA1 - Transport and accessibility
- TA2 - Development access
- TA3 - Parking requirements