



Wednesday, 23 December 2015

DEVELOPMENT MANAGEMENT COMMITTEE

A meeting of **Development Management Committee** will be held on

Monday, 11 January 2016

commencing at **2.00 pm**

The meeting will be held in the Grace Murrell Suite, Riviera International Conference Centre, Chestnut Drive, Torquay

Members of the Committee

Councillor Kingscote (Chairman)

Councillor Barnby
Councillor Cunningham
Councillor Darling (S)
Councillor Manning

Councillor Morey
Councillor Robson
Councillor Stringer
Councillor Winfield

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

**Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207087**

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

1. **Apologies for absence**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (To Follow)
To confirm as a correct record the Minutes of the meeting of this Committee held on 14 December 2015.
3. **Declarations of Interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Victoria Park, Torquay Road, Paignton P/2014/0571/VC** (Pages 4 - 10)
Retention and change of use of the existing youth service building with a childcare facility (Class D1) (Variation of condition 1 of original planning permission P/2012/0183).
6. **Marine Park Holiday Centre, Grange Road, Paignton P/2015/0888/MVC** (Pages 11 - 13)
Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline) (Variation of Condition P1 of original planning permission P/2012/1078).

7. **Land West Of Brixham Road, Paignton P/2015/0918/MVC** (Pages 14 - 18)
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).
8. **Land West Of Brixham Road P/2015/1061/MVC** (Pages 19 - 24)
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).
9. **Snooty Fox, 89-91 Fore Street, St Marychurch, Torquay P/2015/1043/MVC** (Pages 25 - 30)
Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties (variation of condition 9 of planning permission P/2015/0289).
10. **Public speaking**
If you wish to speak on any applications shown on this agenda, please contact Governance Support on 207087 or email governance.support@torbay.gov.uk before 11 am on the day of the meeting.
11. **Site visits**
If Members consider that site visits are required on any of the applications they are requested to let Governance Support know by 5.00 p.m. on Wednesday, 6 January 2015. Site visits will then take place prior to the meeting of the Committee at a time to be notified.

Note

An audio recording of this meeting will normally be available at www.torbay.gov.uk within 48 hours.

Agenda Item 5

Application Number

P/2014/0571

Site Address

Victoria Park
Torquay Road
Paignton
Devon
Torbay

Case Officer

Carly Perkins

Ward

Roundham With Hyde

Description

Retention and change of use of the existing youth service building with a childcare facility (Class D1) (Variation of condition 1 of original planning permission P/2012/0183)

Executive Summary/Key Outcomes

In 2014 the Development Management Committee considered this application and resolved to grant permission subject to the implementation of a landscaping scheme and the painting of the building to be more in keeping with the surroundings. Over the last year the applicants have been exploring the potential options for landscaping to screen the development. For a number of reasons including ground conditions, anti-social behaviour and safety requirements landscaping is not a feasible option to screen the development and therefore the application requires further consideration by the Committee.

The application site is a building within Victoria Park close to the tennis courts. The existing building on site replaced a former changing room and was approved for use on a temporary basis as a youth service building. In 2012 a change of use of the building to a children's centre was approved but the temporary consent remained allowing the retention of the building until August 2014. This application is for the variation of condition 1 of application reference P/2012/0183 to allow the permanent retention of the building for use as a children centre or an extension to the existing temporary consent.

The principle of the use is considered acceptable making a positive contribution to the Paignton community and being located in a sustainable location easily accessible to those who use the site. However there is a clear policy conflict when considering the impact of the development on the character and appearance of the locality as the building is of a poor design and located in an area characterised by its openness. The need for the facility and the loss of it is

a material consideration to be assessed against other policy considerations of design and the impact on the urban landscape protection area. Whilst a scheme of landscaping would have helped to screen the building, the painting of the building in RAL 6003 (green) will soften its existing impact on the wider surroundings. Whilst previously it was suggested that a permanent permission should be granted, a further temporary three year consent would allow further opportunity for the applicant to consider other methods of screening or enhancing the appearance of the building prior to applying for a further consent. On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of the park already subject to other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to paint the building to help soften the visual impact of the building and the community benefits of the facility, it is considered that the benefits of the scheme outweigh the negative impacts and a further temporary permission of three years should be granted.

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 agreed extended determination date is the 29th January 2016.

Site Details

The application site is a building within Victoria Park close to the tennis courts. The existing building on site replaced a former changing room and was approved for use on a temporary basis as a youth service building. In 2012 a change of use of the building to a children's centre was approved but the temporary consent remained allowing the retention of the building until August 2014. There is a mature tree screen adjacent to the site along the boundary with the properties in Polsham Park. The site is visible in views across the park from Torquay Road and Hyde Road.

In the Torbay Local Plan 2012-2030 the site is allocated as an Urban Landscape Protection Area (Policy C5). The boundary of the Polsham Conservation Area runs along the boundary of the park with properties in Polsham Park. The application site is not in the Conservation Area.

Detailed Proposals

The existing single storey building on the site has a temporary permission until 31st August 2014 for use as a children's centre. This application is for the variation of condition 1 of application reference P/2012/0183 to allow the permanent retention of the building for use as a children centre or an extension to the existing temporary consent.

The centre will operate as it has done since 2012 offering a drop in style centre for families continuing to provide a variety of sessions. The centre is open 6 days a week with the core hours being:

Monday 9am - 3pm
Tuesday 9am - 6pm
Wednesday 9am - 5pm
Thursday 9am - 5pm (occasionally until 7pm)
Friday 9am - 6pm
Saturday 9am - 12pm

The centre also has occasional group sessions over these core hours but these are dependent on demand.

Summary Of Consultation Responses

Drainage: No objections.

Arboricultural Officer: Given the difficulties of planters (attract vandalism and may be used to discard needles) this option has been discounted. Hedging is not an option as this would place a maintenance burden on Natural Environment Services and may be counterproductive in offering a screen to anti social behaviour. There is no known way to screen the building via soft landscaping.

Summary Of Representations

2 representations received (1 support, 1 objection). Issues raised:

- Principle supported
- Impact of cars using the park to access the building to drop off children

These representations have been sent electronically to Members for consideration.

Relevant Planning History

P/2012/0183 Retention and change of use of the existing youth service building with a childcare facility (class D1) APPROVED 17.10.2012

P/2009/0557 Remove disused timber changing rooms and replace with steel youth service building temporary consent until 31.08.2014 APPROVED 17.09.2009

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Use

2. The Permanence of the Use
3. Impact on Residential Amenity

1. *The Principle of the Use*

The proposed use would be consistent with the objectives of Policy SC1 and SC3 in the Torbay Local Plan 2012-2030, which supports the provision of educational facilities and developments that improve the health and well being of the community. The location of the proposed children's centre is sustainable by reason of its central location within Paignton and its proximity to the town centre. It has good accessibility by public transport. The principle of providing a children's centre is considered acceptable making a positive contribution to the community by providing support and information for families with young children. Paragraph 69 of the NPPF recognises that the planning system can play an important role in creating healthy inclusive communities. The use employs several staff and this was stated as 22 on the 2012 application.

2. *The Permanence of the Use*

Policy C5 in the New Torbay Local Plan 2012-2030 relates to the designation of Victoria Park as an Urban Landscape Protection Area. The policy states that development will only be permitted where it does not undermine the value of the Urban Landscape Protection Area and makes a positive contribution to the urban development and enhances the landscape character of the area. The existing planning consent is temporary which means that in the long term the building would be removed from the site and the openness and recreational value of the park will be maintained.

In 2012 it was considered that a permanent planning permission would not be consistent with the objective of this policy as the building is visible in distant views across the park from surrounding roads, and does impact on the quality of views across the park to the mature line of trees along the boundary with properties in Polsham Park. Whilst there is a new Local Plan the aims of the relevant policies are consistent with those applied in 2012 and as such it is considered that there have been no significant changes in planning policy or site circumstances since 2012 to reach a different conclusion.

The building is typical of a simple portakabin building with limited design quality and a very utilitarian appearance. The building has not been designed to take into account the setting of the site or the established character of development in the surrounding area. Policy DE1 of the New Torbay Local Plan 2012-2030 promotes a high standard of design that makes a positive contribution to local character and distinctiveness. It was considered in 2012 that the building failed to meet the objectives of these policies (then policy BES and BE1 of the Torbay Local Plan 1995-2011) in that it has a temporary appearance that fails to enhance the appearance and character of the area and whilst there has been a

change in local policy since this decision it would not lead to a different conclusion.

The building was granted temporary consent in 2009 to provide facilities that would make a valuable contribution to the community and it was understood that on completion of the Parkfield development the use would be moved to that facility allowing the building to be removed from the park once the use ceased. In 2012 it was considered that the permanent retention of the building on site would be inappropriate in this location, due to its limited design quality. This took into account national guidance recommending that a second temporary permission should not normally be granted and at the end of the first permission it should be clear whether permanent permission or a refusal is the right answer. Current national policy includes similar advice stating that it will be rarely justifiable to grant a second temporary permission and that a further permission should normally be granted permanently or refused if there is a clear justification for doing so. In addition it states that there is no presumption that a temporary grant of planning permission should be granted permanently.

In 2012 there were 2 years remaining as part of the temporary consent providing the Authority 2 years to investigate any alternative locations for the Children's Centre in the long term. The Council's Early Years and Childcare Services section has over the past two years sought to find an alternative location that would enable them to continue delivering a similar level of service but without success. It was concluded that there are no alternative sites available without significant capital investment.

As there are no other premises available or suitable for this use to continue elsewhere, the refusal of this application would lead to the loss of this facility. Between April 2012 and June 2012, 1,221 children and 1,033 carers accessed the centre. Between January 2014 and March 2014 this had risen to 3,475 children and 3,127 carers. This demonstrates the importance of the facility to the local community.

Whilst a scheme of landscaping would have helped to screen the building, the painting of the building in RAL 6003 (green) will soften its existing impact on the wider surroundings. Whilst previously it was suggested that a permanent permission should be granted, a further temporary three year consent would allow further opportunity for the applicant to consider other methods of screening or enhancing the appearance of the building prior to applying for a further consent if required. The use of the building is considered socially invaluable however due to the sensitive location of the building and its appearance which lacks aesthetic merit and cannot be easily screened, a further temporary consent is considered justifiable.

On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of the park already subject to

other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to paint the building to help soften the visual impact of the building and the community benefits of the facility, it is considered that the benefits of the scheme outweigh the negative impacts and a further temporary permission of three years should be granted.

3. *Impact on Residential Amenity:*

The proposed building is sufficient distance from nearby properties not to cause any disturbance from noise within the building. Subject to the same conditions imposed on the 2012 application regarding hours of use, the proposal is not considered to result in a detrimental impact to residential amenity.

4. *Impact on Highways and Parking:*

As noted above the location of the proposed children's centre is sustainable by reason of its central location within Paignton and its proximity to the town centre. The site has good accessibility by public transport and there are no concerns with regard to highway safety or parking provision. The objection raised regarding the use of the park by vehicles is noted and has been referred to the applicant for investigation. This would not constitute a reason for refusal, but the applicant has been advised to explore this further. The applicant has stated that parents do not drive through the park or park vehicles next to the centre; however, on a weekly basis staff drive a vehicle to the premises in order to collect equipment to take to other locations. The applicant is investigating this further to see how often this happens and how long the vehicle is in the park.

S106/CIL -

N/A

Conclusions

The need for the facility and the loss of it is a material consideration to be assessed against other policy considerations of design and the impact on the urban landscape protection area. On balance having noted that the building is partially screened by existing landscaping, that the building is sited in an area of the park already subject to other forms of development (i.e. tennis courts), the willingness on behalf of the applicant to paint the building to help soften the visual impact of the building and the community benefits of the facility, it is considered that the benefits of the scheme outweigh the negative impacts and a further temporary permission of three years should be granted.

Condition(s)/Reason(s)

01. Hours of use
02. Building shall be painted within 3 months of the date of the decision

03. Temporary consent for 3 years

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

C5 - Urban landscape protection areas
SS10 - Conservation and Historic Environment
SC1 - Healthy Bay
SC3 - Education, skills and local labour

Application Number

P/2015/0888

Site Address

Marine Park Holiday Centre
Grange Road
Paignton
Devon
TQ4 7JR

Case Officer

Matt Diamond

Ward

Goodrington With Roselands

Description

Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline) (Variation of Condition P1 of original planning permission P/2012/1078)

Executive Summary/Key Outcomes

This application is to vary condition P1 of reserved matters permission P/2012/1078 in order to carry out minor material amendments to the rears of plots 83-100 on the Linden Homes 'Marine Park' development site in Paignton. The amendments include provision of steps and additional decked areas to some of the dwellings in order to break up the massing of the underbuilds to the dwellings. The dwellings are already under construction.

Whilst the height of at least three of the underbuilds is considered by officers to be substantial, this is a result of varying levels on the site not accounted for by the applicants when the previous application was determined. On balance, the proposed amendments are considered to be acceptable and successful in breaking up the massing of the underbuilds to the properties. Therefore, it is considered that the proposed amendments accord with Policy DE1 - 'Design' of the Adopted Local Plan.

Recommendation

Approval

Statutory Determination Period

The application was validated on 08.09.2015. The statutory determination date is 09.12.2015 (13 weeks). An extension of time to 12.01.2016 has been agreed with the applicants.

Site Details

The site comprises the 10 dwellings, block of flats, curtilages of the

aforementioned units and wildlife area to the south of the development site known as Marine Park in Paignton. The developer of the site is Linden Homes. The overall development for 100 dwellings received outline planning permission in December 2011. Reserved matters for this part of the site were approved in December 2012.

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 carry out minor material amendments to reserved matters permission P/2012/1078. The changes relate to the rears of plots 83-100 and incorporate the addition of additional decked areas and steps. The reason for the changes are to provide a greater degree of articulation to the rear of the units, as a greater area of underbuild will be visible than was previously approved. The reason for this is as a result of varying levels on the site following implementation of the development.

Summary Of Consultation Responses

Urban Design Officer (Landscape): Comments awaited.

Summary Of Representations

One letter of objection received concerned with additional traffic from more dwellings and lack of traffic calming. However, the number of dwellings is not increasing, as the application is for minor material amendments for dwellings previously approved. This letter has been sent electronically for Members consideration.

Relevant Planning History

P/2012/1079/MPA: Erection of 12 dwellings and associated works, with revised siting of plots 6 to 17 and revised access to outline planning permission P/2009/1084/MOA: Approved 17.12.2012

P/2012/1078/MRM: Reserved matters for layout, appearance, scale and landscaping - following outline approval P/2009/1084/MOA for revised plans; layout and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (in outline): Approved 13.12.2012

P/2009/1084/1084: Revised plans; revised layout, and agree siting of plots 6 to 17; formation of one hundred residential units with pedestrian and vehicular access (outline): Approved 28.12.2011

Key Issues/Material Considerations

The key issue is the impact of the proposed amendments on views of the dwellings from public areas to the north of the site.

The heights of the underbuilds vary between the plots, gradually increasing from west to east. Plots 90-92 are particularly high. The original proposals were to provide blank brick walls for the underbuilds; however, officers considered that these would have an adverse impact on public views of the dwellings. Therefore, officers requested the underbuilds to be 'broken up' visually. The final proposals include additional steps and, in some cases, decked areas in order to achieve this. On balance, the proposals are considered to be acceptable taking into account Policy DE1 - 'Design' 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

The proposed amendments to the rears of plots 83-100 are considered to be acceptable, taking into account Policy DE1 of the Local Plan. The proposed amendments will help to break up the massing of the underbuilds to the dwellings, making them more visually acceptable.

Relevant Policies

DE1 - Design

Agenda Item 7

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_

Agenda Item 8

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 36,800m² gross employment floorspace, a local centre including food retail (up to 1652m² gross) with additional 392m²A1/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 retain 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

Application Number

P/2015/1043

Site Address

Snooty Fox
89-91 Fore Street
St Marychurch
Torquay
TQ1 4PZ

Case Officer

Matt Diamond

Ward

St Marychurch

Description

Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties (variation of condition 9 of planning permission P/2015/0289)

Executive Summary/Key Outcomes

The application is to vary condition 9 of planning permission ref. P/2015/0289 in order to lower the heights of the privacy screens on the second floor to the rear of the block of flats developed behind the Snooty Fox public house in St Marychurch, Torquay. The heights of the second floor privacy screens previously approved were 1.8m. The proposal is to lower the screens to 1.5m. The screens on this floor have been installed at this lower height.

Objections have been received from the residents adjoining the site concerned that their residential amenity will be adversely affected by reason of loss of privacy when the flats are occupied.

This issue is a subjective matter and Members are recommended to carry out a site visit to assess the degree of overlooking themselves. However, officers consider that the height of the privacy screens as installed offers adequate protection to the neighbouring properties, taking into account Policy DE3 - 'Amenity' of the Local Plan. This also takes into account the amenities of future occupiers of the flats.

Recommendation

Approval

Statutory Determination Period

The application was validated on 16.11.2015. The statutory determination date is 16.02.2016 (13 weeks).

Site Details

The site comprises the recently developed block of flats to the rear of the Snooty Fox public house in St Marychurch, Torquay. The site is accessed via a private road off Petitor Road. The site is located within the St Marychurch Conservation Area, but otherwise 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 9 of planning permission ref. P/2015/0289 in order to allow 1.5m high privacy screens instead of 1.8m high privacy screens on the second floor to the rear of the building. The privacy screens have already been installed at the lower height. Therefore, the application is retrospective.

Summary Of Consultation Responses

No consultations requested by officers; however, *Highways* responded stating no objection.

Summary Of Representations

Three objections received, one from residents of 4 Rowley Road and two from residents of 6 Rowley Road. These properties are located to the south of the site and together with 4C Rowley Road are the properties that will be directly affected by the proposals.

The following issues were raised:

- No reasons provided for lowering the screens
- Screens already installed
- Overlooking and loss of privacy
- Second floor balconies have adequate light
- Told height of screens will be 1.8m from start of process

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2015/0289/MVC: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties (variation of condition P1 of original planning permission P/2013/1125 - variation to facade treatments): Approved 22.07.2015

P/2013/1125/MPA: Erection of four storey block of flats containing fourteen no. 1-bed flats and thirteen no. 2-bed flats (27 flats in total) and associated parking (14 spaces for new block of flats and 8 additional spaces for existing properties) (revision to refused application ref. P/2013/0698)

Key Issues/Material Considerations

The key issue is whether the lowering of the screens by 30cm will have a detrimental impact on the privacies of residents living at 4C, 4 and 6 Rowley Road from overlooking.

This issue was a material consideration for the previous permissions relating to the site. The Development Management Committee approved the original application ref. P/2013/1125 and the plans showed 1.8m high privacy screens on the first and second floor balconies to the rear of the building. An application was submitted earlier in 2015 to lower the height of the first floor privacy screens to 1.1m, together with other amendments to the rear elevation, and this application was approved by Members subject to a new condition stating that the height of the privacy screens will be as follows:

The heights of the first floor privacy screens on the rear elevation of the building shall be 1.1 metres measured from the finished floor level of the first floor balconies. The heights of the second floor privacy screens on the rear elevation of the building shall be 1.8 metres measured from the finished floor level of the second floor balconies. The heights of the third floor parapet wall and privacy screens atop together shall be 1.5 metres measured from the finished floor level of the third floor balconies. For the avoidance of doubt the finished floor level is the uppermost surface of each balcony platform including any additional form of surface treatment e.g. wooden decking.

The applicants have applied to amend this condition so that the height of the second floor privacy screens will be 1.5m. 1.8m was considered an appropriate height previously because it will prevent any overlooking from the second floor balconies, including when people are standing on the edge of the balconies. However, this was based on the submitted plans, whereas the privacy screens have now been installed at 1.5m allowing a judgement to be made as to whether this lower height is acceptable or not.

It is a subjective matter to judge the minimum height at which the privacy screens provide adequate protection to the neighbouring properties. The applicants have informed officers verbally that the reason for the proposed amendment is to allow limited views of the surrounding roofscape to future occupiers of the second floor flats. They have stated that the amenities of future residents also need to be taken into consideration, as well as that of the neighbouring properties.

Officers have carried out a site visit: with the 1.5m high privacy screens as installed, it is not possible to overlook the neighbouring properties when standing inside the flats. It is also not possible to overlook the neighbouring properties when sitting on a chair on the balconies. Depending on the height of the person standing on the balcony, it is only possible to overlook the neighbouring properties when the person is standing close to the edge of the privacy screens and that person looks down into the properties.

On balance, Officers consider that the privacy screens as installed provide adequate protection to the neighbouring properties and accord with Policy DE3 - 'Amenity' of the Local Plan. However, Members are recommended to carry out a site visit and form their own view of this matter. Should Members consider that the privacies of the neighbouring properties will be harmed, the application should be refused in accordance with Policy DE3.

S106/CIL -

No modifications to the extant s106 are required.

Conclusions

The application is finely balanced and to a certain extent subjective. Therefore, Members are recommended to carry out a site visit and observe the degree of overlooking themselves with the 1.5m high privacy screens as installed. However, officers consider the proposed amendments to be acceptable and provide adequate protection to the neighbouring properties taking into account Policy DE3 of the Local Plan. This also takes into account the amenities of future residents of the flats.

Condition(s)/Reason(s)

01. Prior to the installation of the privacy screens on the balconies on the rear elevation of the building hereby permitted, details of the specification of the privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be installed as approved and should any become damaged and need replacement shall be replaced with privacy screens of the same specification.

Reason: To protect the privacy of the neighbouring dwellings in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

02. The development shall be built to Secured by Design Standards and shall aim to achieve a full certification in this regard. Evidence that this has been achieved shall be submitted to and approved in writing prior to the occupation of any of the dwellings. This shall account for the advice by the Police Architectural Liaison Officer.

Reason: In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

03. None of the dwellings shall be occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use. The car parking spaces shall be kept permanently available for parking and access purposes thereafter, and shall be clearly marked as being designated to individual dwellings and/or visitors parking.

Reason: To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with Policies TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and in the interests of highway safety and in order to protect the residential amenities of the neighbourhood.

04. The existing boundary wall along the southern boundary of the site shall be retained permanently and if is damaged during the construction of the development it will be made good by the developer.

Reason: In the interests of design and amenity, and in order to accord with Policies SS10, DE1 and DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

05. The heights of the first floor privacy screens on the rear elevation of the building shall be 1.1 metres measured from the finished floor level of the first floor balconies. The heights of the second floor privacy screens on the rear elevation of the building shall be 1.5 metres measured from the finished floor level of the second floor balconies. The heights of the third floor parapet wall and privacy screens atop together shall be 1.5 metres measured from the finished floor level of the third floor balconies. For the avoidance of doubt the finished floor level is the uppermost surface of each balcony platform including any additional form of surface treatment e.g. wooden decking.

Reason: For the avoidance of doubt and to ensure that the privacy of the neighbouring dwellings are protected in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

06. The louvred fence panel shown on plan reference OGP-255-17B Boundary Fence Plot 13 received on 13th July 2015 hereby approved, on the wall sited along the southern site boundary shall be installed prior to the occupation of the first flat to be sold and shall be retained permanently. If it is damaged and need replacement it shall be replaced by a panel of the same or similar specification.

Reason: To ensure that the privacy of the neighbouring dwelling is protected in accordance with Policy DE3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

07. All landscape works shall be carried out in accordance with the details shown on plan reference OGP-255-34 (Landscape Scheme) received on 25th March 2014. The hard landscaping shall be constructed as approved prior to the occupation of any of the dwellings. The soft landscaping shall be planted within the first planting season following the occupation of any of the dwellings or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable, 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.

Reason: In the interests of design and in order to accord with Policy DE1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

08. The cycle and bin store indicated on plan reference OGP-255-35 (Cycle and bin store) received on 25th March 2014 shall be constructed in accordance with the approved drawings prior to the occupation of any of the dwellings. The details for the removal of waste likely to be generated by the development shall be implemented as approved prior to the occupation of any of the dwellings and maintained thereafter in accordance with the approved details.

Reason: To ensure appropriate facilities are provided for the storage and removal of waste likely to be generated by the development, including recycling, in accordance with Policy W1 of the Adopted Torbay Local Plan - A landscape for success 2012-2030.

Relevant Policies

DE3 - Development Amenity