

ITEM: 09

Application Number: 09/00832/FUL

Applicant: Brook Street Properties Ltd

Description of Application: Erection of 12 sheltered/supported residential flats comprising 4 No 2-bedroom units and 8 No 1-bedroom units and associated parking and external works, including bin store and cycle store

Type of Application: Full Application

Site Address: WOODLAND TERRACE LANE PLYMOUTH

Ward: Drake

Valid Date of Application: 21/07/2009

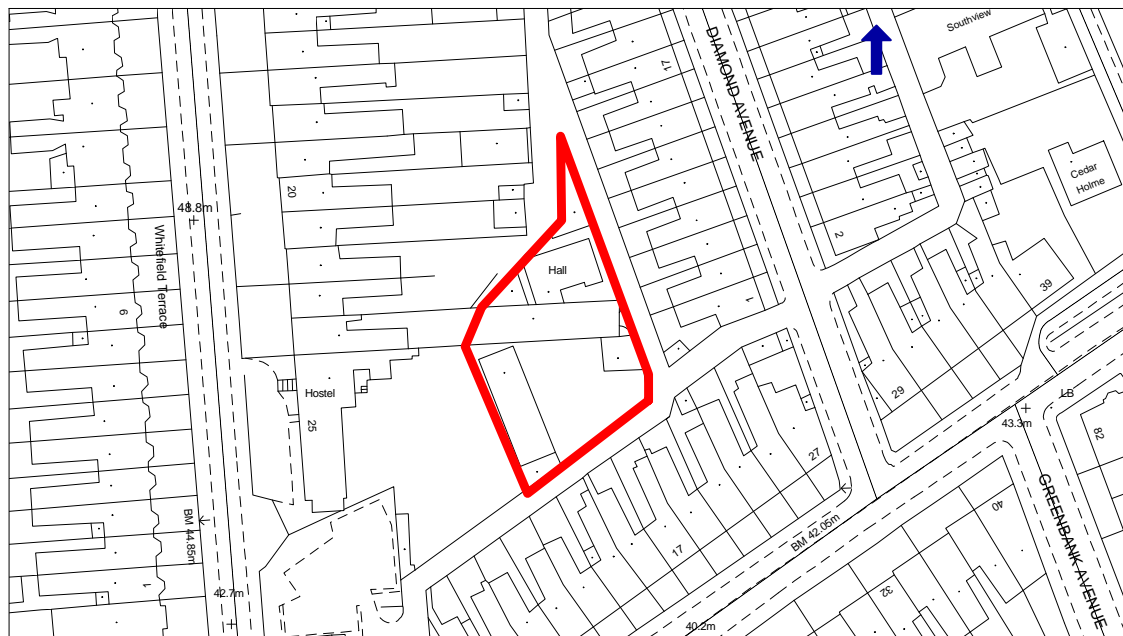
8/13 Week Date: 20/10/2009

Decision Category: Major Application

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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OFFICERS REPORT

Site Description

The site is a 0.122 hectare, diamond-shaped piece of land situated to the rear of large scale residential properties in Greenbank Road, to the west, smaller residential terraces in Diamond Avenue, to the east, and the terrace of houses in Lipson Road, to the south. The site is accessed from Diamond Avenue via a relatively short section of typical, cobbled rear lane and is surrounded by a high limestone wall. The site currently contains buildings of varying heights that are used for ice-cream storage and distribution purposes and the parking of ice-cream vans. A detached two-storey building near the northern apex of the site is used on an informal basis by a boxing club.

Proposal Description

Erection of 12 sheltered/supported residential flats comprising 4 No 2-bedroom units and 8 No 1-bedroom units and associated parking and external works, including bin store and cycle store.

Relevant Planning History

06/01276 - 12 studio houses. This application was returned and did not proceed to determination.

03/00865 - Outline application to redevelop existing warehouse, leisure and workshop premises for residential purposes. This application was refused because it was considered that the development would result in the loss of an employment site/ premises that is suitable for a continued employment use.

Consultation Responses

Environment Agency

The proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice.

Highway Authority

Transport has no objections subject to conditions, including the imposition of a 'Grampian' condition to require improvements to the access lane that serves the site.

Public Protection Service

Have no objections subject to planning conditions relating to the potential for land contamination.

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission. The development is in accordance with the principles of secured by design.

Representations

One letter has been received, which indicates that the writer has general observations to make, although none were included.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The application turns on policies CS01, CS02, CS05, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. The main issues in this case are the impact of the proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety.

With regard to employment provision, the current use of the site does not appear to cause undue noise and disturbance for nearby residents. However, the use may well cease in the future and alternative, less neighbourly uses might arise, albeit within the same use class. In addition, it is likely that up to 235m² of floor space could be used for light industrial purposes without the need to submit a planning application. While policy CS05 of the Core Strategy seeks to avoid the loss of employment sites the 'backland' nature of the site, and consequent close relationship with neighbours, together with the sub-standard highway access are factors that are considered to outweigh this policy on the basis that a positive use can be made of it. In this respect the proposals for sheltered/supported accommodation are considered to be material. The proposals are therefore considered to be in accordance with policies CS01 and CS05.

With regard to the character and appearance of the area, the use of the site for residential purposes is considered to be in keeping with the overall residential nature of the surrounding area, although the site does not have a direct road frontage and consequently the layout is inward looking. Despite this the general layout is similar to that of the existing buildings and the number of units proposed does not over-intensify the use of the site. On such a backland site the scale of this amount of development should be physically subservient to surrounding buildings with a road frontage and consequently the plans were amended to show a fully hipped, slate roof that is considered in keeping with surrounding development. The proposals are therefore considered to be in accordance with policies CS02 and CS34.

With regard to the impact on surrounding residential amenity, the amended height and form of the roof structure is not considered to be overbearing or dominant when viewed from parts of Diamond Avenue, Greenbank Road and Lipson Road. The overall height of buildings would not overshadow neighbouring properties. With regard to privacy, four of the first floor windows facing the flats at 25 Greenbank Road were redesigned to angle away from the boundary thus reducing overlooking of that property. The development also proposes a number of first floor balconies; of these the easternmost and

southernmost were deleted to avoid unacceptable overlooking of properties in Diamond Avenue and Lipson Road respectively. In these respects the proposals are in accordance with policies CS02 and CS34.

With regard to highway safety, the access to the site is via a cobbled section of lane from Diamond Avenue.

With regard to Environment Agency advice, the development should comply with surface water management good practice advice.

Equalities and diversities issues

The proposals are for sheltered/supported accommodation and the access arrangements are considered satisfactory in this respect.

Section 106 Obligations

The proposals are for sheltered accommodation and do not attract a contribution towards infrastructure.

Conclusions

The proposals make good use of a brownfield site that otherwise could prove harmful to residential amenity if retained in commercial use. The layout, scale, amount and design of the proposed development will preserve surrounding residential amenity and the agreed highway improvement works will ensure safe and convenient access for occupiers and visitors. It is therefore recommended that planning permission be granted subject to conditions. However, it should be noted that while the nature of this development for sheltered/supported housing is considered acceptable, normal open market housing is likely to have a greater impact on amenity and safety issues, particularly with regard to increased traffic generation, which would be unacceptable given the site's access off a service lane.

Recommendation

In respect of the application dated **21/07/2009** and the submitted drawings, **3086 [S-] 01, 3086 [S-] 02, 3086 [S-] 03C, 3086 [S-] 04A, 3086 [P-] 08C, 3086 [P-] 09D, 3086 [P-] 10D, contamination assessment, transport statement and accompanying design and access statement** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

EXTERNAL MATERIALS

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RETENTION OF BOUNDARY WALL

(3) The existing stone boundary wall surrounding the site shall at all times be retained except where reductions are necessary to provide adequate highway visibility, in accordance with the requirements of condition of this decision notice.

Reason:

The wall provides an attractive boundary treatment and screen that is in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

(4) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PROVISION OF SIGHT LINES

(5) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access to the site and the rear service lane have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PRESERVATION OF SIGHT LINES

(6) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

COMMUNAL CAR PARKING PROVISION

(7) No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 8 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE PROVISION

(8) No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 8 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE STORAGE

(9) Details of the secure area for storing cycles shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority and shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(10) The units hereby permitted shall not be occupied until improvements to the existing rear service lane, which includes providing improved facilities for pedestrians (surfacing and street lighting) have been delivered in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway and pedestrian safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

BIN STORE

(11) Details of the bin store shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority and shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that facilities are adequate and in keeping with the standards of the area, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

INFORMATIVE - EXTENT OF HIGHWAY WORKS

(1) The applicant is advised that the extent of the lane subject to these improvements referred to in condition 10 will be from its junction with Diamond Avenue through to its junction with Lipson Road (to the south) in order to cater for access to and from the proposed development.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS22 - Pollution
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision