

**ITEM: 10**

**Application Number:** 08/01700/OUT

**Applicant:** Messrs K A and M Leaves

**Description of Application:** Outline application for demolition of existing commercial units and erection of 37 residential units, access road, car parking and associated works

**Type of Application:** Outline Application

**Site Address:** LEAVES YARD, WINDSOR ROAD HIGHER COMPTON PLYMOUTH

**Ward:** Compton

**Valid Date of Application:** 09/09/2008

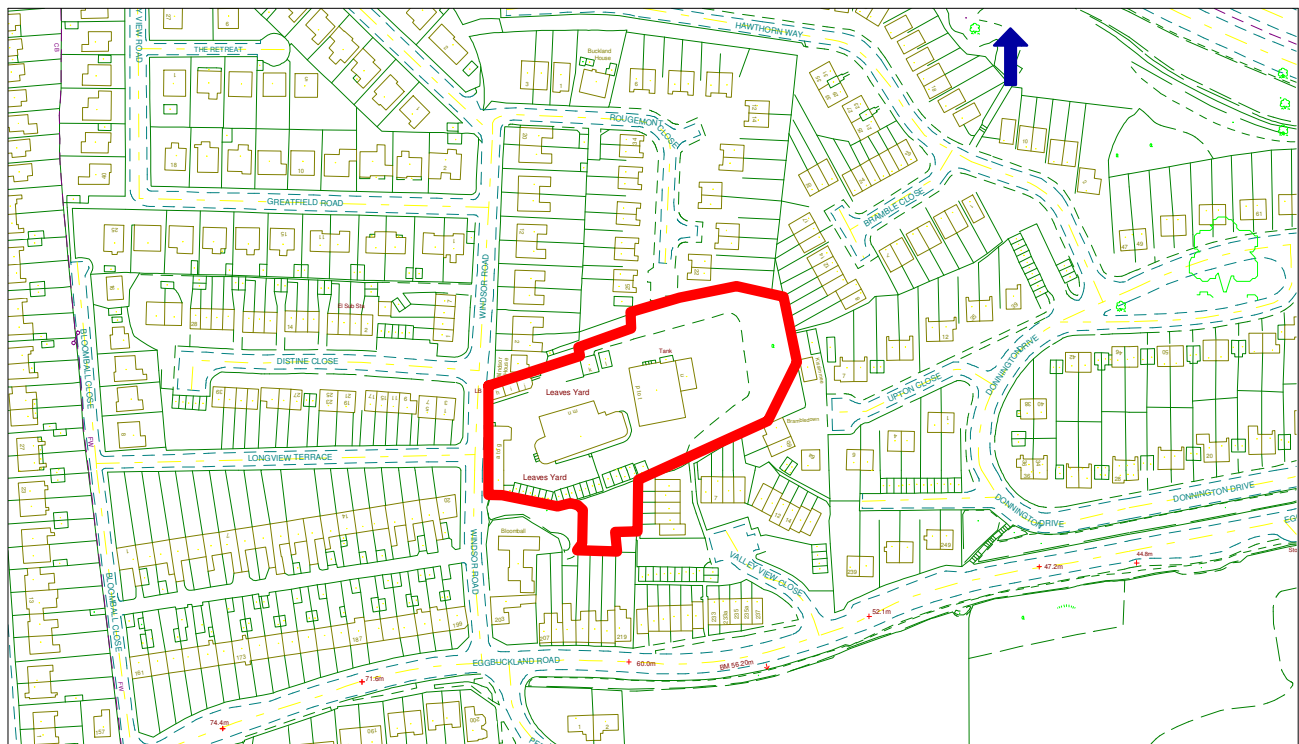
**8/13 Week Date:** **09/12/2008**

**Decision Category:** Major Application

**Case Officer :** Karen Gallacher

**Recommendation:** Refuse

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## **UPDATE**

**This application was granted planning permission in November 2008, subject to a Section 106 agreement. Unfortunately the S106 agreement has not been completed, and the application is therefore being brought back to planning committee with a recommendation to refuse permission because the planning obligations have not been met. There have been delays due to the lack of information and paperwork being provided in connection with the land ownership issues and there are still some issues which need to be dealt with. It is uncertain how quickly these issues can be resolved.**

**In this case the negotiated elements were the provision of 12 affordable units, a contribution of £17,971 for secondary education and a payment of £30,267 for play space off-site.**

The following report is as presented to planning committee in November 2008.

## **OFFICERS REPORT**

### **Site Description**

The site lies in a residential area of the city. The site is approximately 0.66ha and in the main it is fairly level, but the surrounding residential area is steeply sloping. This means that the houses to the north and east of the site are generally lower than the site and the houses to the south are generally at a higher level. There are a number of protected trees on the boundary of the site. There is a mix of commercial and industrial buildings on the site.

### **Proposal Description**

The proposal is an outline application for 37 dwellings. The layout, scale, appearance, access and landscaping are all reserved matters for future approval. Illustrative plans have been submitted to show how this could be achieved and include a significant level of detail regarding layout and massing.

### **Relevant Planning History**

The site was allocated in the City of Plymouth Local Plan First Alteration 1995-2011 as a site suitable for residential development for approximately 32 dwellings.

Pre application discussion has taken place in respect of this proposal and the scheme as presented has been amended in accordance with this pre application advice.

92/00947/OUT – residential development - GRANTED

## **Consultation Responses**

**Environment Agency** – No objection subject to conditions relating to contamination

**Highway Authority** – No objection subject to conditions

**South West Water** – No objections.

**Environmental Services** -No objection subject to contamination conditions

**Housing** – No objection subject to 30% affordable housing and lifetime home provision

**Parks** – Awaited

**Education** – No objection subject to contribution for secondary school places

**Crime Prevention officer** – No objection

## **Representations**

Five letters of representation have been received. The following observations have been received:

- 1) the yard development would be a benefit to the area.
- 2) There would be an unacceptable increase in traffic using Windsor Road and Eggbuckland Road junctions, both during and after construction.
- 3) The sight lines onto Windsor Road are inadequate and parking restrictions should be imposed on this road.
- 4) Stability of the embankments surrounding the site needs to be ensured.
- 5) The 3 and 4 storey buildings would be out of character with the area.
- 6) There would be inadequate parking for the proposed and existing dwellings
- 7) The car park adjacent to Valley View Close would cause pollution and disturbance, and any means of enclosure would cut out light to these gardens.
- 8) The 3 and 4 storey buildings would be out of character.
- 9) The scheme represents an overdevelopment of the site.
- 10) The traffic statement was surveyed at a quiet time of day.
- 11) The reason for the provision of parking for property in Eggbuckland Road is unclear.
- 12) Part of the site is not in the applicant's ownership.

## **Analysis**

The main considerations are the principle of developing the site, highway requirements, potential contamination, infrastructure requirements and impact on neighbours.

The principle of residential development.

This was raised through the Efford Community Study and the site was allocated for approximately 32 dwellings in the First Deposit Local Plan 1995-2011 because it would bring about environmental and visual improvements. In addition access to the site was at the time considered to be poor for commercial vehicles and on site activity is a potential source of nuisance to neighbouring property. Letters of representation have also supported the principle of developing the site for residential. In this regard the proposal complies with policy CS05.

Amount, layout and density of development

The application is for 37 units on a 0.6ha site, which is approximately 60 per hectare. All matters have been reserved, but because this represents a high density scheme a fairly high level of illustrative detail has been submitted to show how this density could be achieved. The south western corner of the site is considerably lower than the level of the adjacent highway in Windsor Road. Therefore in order to relate to the Windsor Road frontage a 4 storey building containing 12 one bed flats has been proposed. The majority of the rest of the site is higher in relation to neighbouring development and so the proposed development is correspondingly lower, comprising one 3 storey block containing 2 flats with the remaining 23 units being 2 storey houses. In order to make best use of the site and keep the development an adequate distance from neighbours, a cul de sac layout, which relates well to Windsor Road is considered appropriate. The development has been split between flats and houses. The standard of accommodation that could be provided at this density is considered to be acceptable. There is no conflict with policy CS15 (residential) or policies CS02 and CS34 (design) in this amount, layout or density of development. The development of the site at this density also accords with PPS3 advice.

Impact on neighbours

The site is bounded on 3 sides by residential development. In order to protect the amenity of near neighbours, development should be kept back from the edges of the site. The illustrative plan shows the buildings positioned and set into the site so as not to harm neighbours amenity. Screening and landscaping will be necessary to prevent intrusion from some car parking areas. There is no conflict with policy CS34.

Highways

The applicants have submitted a transport statement with the application. This shows that the number of vehicular trips to the site is likely to be 30% less than at present but the number of pedestrian and cycle movements are likely to increase. Cycle storage and improvements to the footways and site frontage, by way of condition, could meet the needs of these increases. The letters of objection raised concerns about the level of visibility from the site, but this is considered to be acceptable. The indicative layout shows that a level of parking of approximately 1.3 spaces for each dwelling can be achieved. This is based on there being 1 space for each flat and 1.5 spaces for each dwelling. The Highway Authority has no objection to this level given

the proximity of public transport on Egguckland Road. The proposal is considered to comply with policy CS28 in terms of the impact

#### Contamination

The site has been used for a variety of industrial purposes over the years. In order to comply with PPS23 it has been necessary for the applicant to provide an initial contamination survey. The survey identifies potential pollutants and The Environment Agency and the Public Protection Service recommend conditions to cover the full range of measures that may be needed to deal with such contamination.

#### Trees

The protected trees are all situated close to the boundary, and the illustrative layout shows that they would be sufficient distance from new buildings to be protected both during construction and thereafter. There is no conflict with policy CS18.

#### Play Space

No response has been received in respect of a contribution for play space. However, at pre application stage a request was made for a contribution of £30,267. The scheme has been negotiated on this basis and the applicant has offered this by means of a S106 agreement.

#### Education

There has been a request from Children's Services for a contribution for £27,702 for secondary school places based on the 23 two bedroom units. However, the scheme has been negotiated based on pre application advice from Education, which sought £17,971 for 24 two bedroom units. Whilst some increase may have been expected because of inflation, it is not considered to be reasonable to impose this increase at this stage as it would undermine the integrity of the pre application advice process. Any inflationary increase is not recommended in this instance because there has actually been a reduction in the number of units since the pre application negotiations. It is recommended that the offered contribution meets the requirements of interim planning statement 4.

#### Housing

The applicant proposes 30% of the units (12) to be affordable with an acceptable mix of housing size and an acceptable tenure mix of 60% for rent and 40% shared ownership. This meets the policy requirements and is to be secured by S 106 agreement. Policy CS15 also requires 20% of the units to be lifetime homes. This requirement can be dealt with by condition. The development complies with policy CS15 in these respects.

#### Issues raised by representation

Most of the issues raised by letter are covered in the above report. There have been a number of issues, however, which need to be covered separately. The site plan has been amended to exclude land in the ownership of a near neighbour. At the time of writing this report, this amendment has been advertised and any additional comments will be covered by an

addendum report if necessary. Some of the letters expressed concern about the stability of the land; the applicants have confirmed that the development would take place such as to ensure stability. The illustrative site layout shows that in developing this site vehicular access is now possible to the rear of dwellings in Eggbuckland Road. This is not a planning requirement, but it gives rise to no objection. None of these additional issues give rise to any policy conflict.

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.

### **Section 106 Obligations**

The applicant agrees to:

Providing 12 affordable units;

A contribution of £17,971 for secondary education;

A contribution of £30,267 for playspace off-site.

The administration fee would be £2,412.

### **Conclusions**

This brownfield site has been long identified for residential development because of the level of nuisance caused by the existing users. The application demonstrates that a relatively high density development would be appropriate, and would meet policy requirements, subject to 30% of the units being affordable, contributions to education and parks, and conditions to ensure adequate measures to deal with trees, potential contamination, changes in traffic movements and the reserved matters.

### **Recommendation**

In respect of the application dated **09/09/2008** and the submitted drawings, **04036/01, 04036/03C, 04036/04B, 04036/L/A, 04036/02E, Planning Statement, Transport Statement, Phase I Desk-top Study Report, and accompanying Design and Access Statement**, it is recommended to: **Refuse**

### **Reasons**

#### **INADEQUATE INFRASTRUCTURE**

1) The proposed development would not bring forward adequate proposals for infrastructure provision, which would arise as a direct consequence of the

development. It is therefore contrary to Local Development Framework Core Strategy Policy CS33.

**Relevant Policies**

The following (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, were taken into account in determining this application:

PPS3 - Housing

PPS1 - Delivering Sustainable Development

CS34 - Planning Application Consideration

CS15 - Housing Provision

CS33 – Community Benefits/Planning Obligations