

ITEM: 02

Application Number: 09/01443/FUL

Applicant: Mr Essy Kamie

Description of Application: Development of site by erection of ten 2 bed apartments with associated car parking, refuse and cycle storage

Type of Application: Full Application

Site Address: CARPARK, WOODSIDE PLYMOUTH

Ward: Drake

Valid Date of Application: 05/10/2009

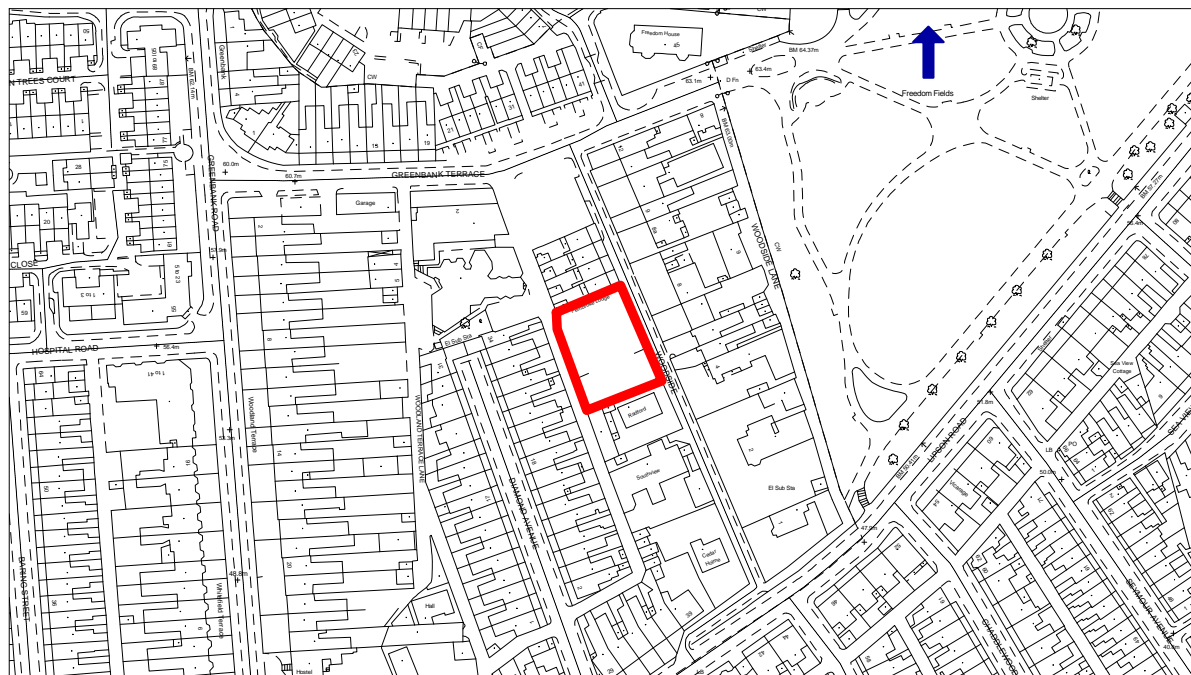
8/13 Week Date: 04/01/2010

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 23 December 2009

Click for Application Documents: www.plymouth.gov.uk



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2009 Scale 1:2500

OFFICERS REPORT

Site Description

The site is currently an unused private car park with a site area of approximately 0.1 hectares. It contains 38 delineated parking spaces, 3 of which are for disabled badge holders. The site slopes down gently from north to south and vehicular access is currently via a fairly wide back lane running parallel with Woodside.

The site is bounded on three sides by a stone wall and on the south side by a block wall. Surrounding development is mainly residential, containing a mix of dwellings and apartments. To the east of the site the properties are 3/4 storey terraced units, many of which have been previously converted into flats. To the north and adjoining the site there are 4 Edwardian town houses and adjacent to the south a detached bungalow. The west boundary of the site faces the rear of properties on Diamond Avenue, which are 2 storey Victorian terraced houses.

Proposal Description

This application proposes to develop the site by providing 10 two bed apartments with associated car parking, refuse and cycle storage. The proposal is arranged showing a frontage onto Woodside, in the form of a terrace of 5 units, 2 storey and similar in scale and appearance to the adjacent terrace of Edwardian properties. Each unit contains 2 apartments (ground and first floor) that share a communal entrance. Each of the ground floor apartments has access to a small private external amenity area to the rear and the 1st floor apartments have small rear balconies accessed from the second bedroom.

Current vehicular access to the site is via the adopted lane that runs parallel with Woodside. The application proposes to move the existing access point south, widen it to 5.5 metres and to reduce the height of the boundary wall to 600mm on a 10 metre section to the south of the new access. This is considered necessary to improve visibility. 14 car parking spaces are proposed, located on the western side of the site to the rear of the proposed apartments. New Pedestrian access to the site is proposed from Woodside, via a new opening in the existing boundary wall.

Relevant Planning History

07/02210/OUT - Outline application to develop land for residential purposes. (10 two bed units) at former DoH Carpark, Woodside. PERMITTED.

07/01324/OUT - Outline application to develop site for residential purposes (including access details). WITHDRAWN.

Consultation Responses

Highway Authority

Support subject to conditions.

Public Protection Service

Support subject to conditions.

Representations

7 letters of representation received, objecting to the application on the following grounds:

- The proposed development is unsympathetic and nearly 3 times higher than the development to the south of the site.
- The proposed development would drastically reduce the amount of daylight and sunlight and overlook the ground floor flat at 6 Woodside, which is opposite the site.
- Public transport in the area is horrendous.
- The development contains insufficient parking.
- The scale and character of the proposed development does not pay adequate respect to the scale and character of existing development in the area.
- The proposed development is too dense.
- The road (Woodside) is not capable of supporting further vehicular traffic.
- The car park should be left for student parking.

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.

This application raises a number of key topics; the principle of development, highways, access and parking issues, design and layout considerations and residential amenity issues.

Principle of Development

The site is located within an established residential area and is not constrained by any restrictive planning policies. The site does not lie within a Conservation Area and there are no protected trees on the site. Outline planning permission was granted in 2008 for development of the site for

residential purposes (by the erection of ten 2 bed flats) and with regards to this application, the principle of the site being developed for housing is considered acceptable.

With regards to planning policy, paragraph 10.25 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) states that *'In order to optimise the use of available sites and to reduce the pressure on Greenfield sites, the Government has set minimum density targets of between 30 and 50 dwellings per hectare. The priority will be on the re-use of previously developed sites'* and goes on to state that *'City Centre or urban sites can achieve quality development with densities significantly above the upper target level, as such sites would normally consist of flats and apartments'*. The proposal is considered to achieve these requirements and the development would ensure that a previously used but now redundant site is developed for a use that is compatible with the surrounding development, which is mainly residential. Proposed density levels at the site are consistent with minimum density levels as set out by both local and national planning guidance.

Highways, Access and Parking

Current vehicular access to the site is via the adopted lane that runs parallel with Woodside. The application proposes to move the existing access point south, widen it to 5.5 metres and to reduce the height of the boundary wall to 600mm on a 10 metre section to the south of the new access. This is considered necessary to improve visibility and highway safety at the site. The application proposes 14 off street car parking spaces and provision for cycle storage. The Highways Officer is supportive of the application and states that *'a proposed residential development is likely to generate less vehicular movements (compared to the previous use as a car park)'*.

Regarding the level of car parking the Highways Officer comments that *'The proposed parking provision accords with current maximum standards'* and support is also stated for the covered cycle storage proposed.

In terms of sustainability, the site is within walking distance of many local amenities and also the City Centre. It is well linked to a number of public transport routes and is thus considered to be a very sustainable location. Covered cycle storage is also proposed and the application is thus considered compliant with Policy CS28 (Local Transport Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Design and Layout Considerations

The area surrounding the site is mixed in character; immediately to the north there is a terrace of attractive 2 storey Edwardian properties, opposite the site to the east the development also comprises of a period terrace but this is 3 storeys and the majority have been sub-divided into smaller flatted units. To the south of the site the character of existing development differs significantly and there are 2 large detached bungalows, although due to the topography in the area these are situated on significantly lower land than the application

site. To the west of the site is the rear of the period terraced residential development located on Diamond Avenue.

The application proposes a terrace of five 2 storey units (each containing 2 apartments) that are similar in scale and proportion to the existing development that is nearest to the site, being the Edwardian terrace to the north. The proposed development references the fenestration details of the Edwardian terrace by providing a 2 storey projecting bay feature at the front, similar to the bay features on the existing development, but being entirely glazed to give a contemporary appearance that is not a slavish copy of the existing development. The extensive use of normal and opaque glazing helps to give the development a modern appearance and distinguish it clearly from the existing period development in the area. However, the traditional form of the proposal and proportioning of openings and features such as the entrance and bay windows ensures that the character, identity and context of the surrounding and closest existing townscape is respected.

With regards to materials, the proposed development is mainly finished in render and this is consistent with the existing development in the area. Slate is proposed for the roof and this is also the prevailing local roofing material. Large areas of glazing are proposed on the front elevation to help present a contemporary appearance and timber cladding is proposed for parts of the rear elevation which helps to break up the render and add visual interest and variation to this elevation. The overall design of the proposed development and use of a varied materials palette is considered positive, ensuring an acceptable balance between the introduction of contemporary features and materials whilst ensuring compatibility with the existing townscape and local context.

The proposed development has been arranged on the site to provide a frontage to Woodside and this is consistent with the existing pattern of development in the area. Vehicular access is from the lane to the rear and is similar to the existing access situation. The proposed parking area is to the rear of the proposed terrace but will be well overlooked by the proposed apartments whilst being safely located behind the existing stone boundary wall at the rear of the site. The proposed refuse and cycle storage areas are communal and easily accessible to future occupants. Each unit has either a small private amenity area or external balcony and the site is enclosed by an existing attractive stone wall which is proposed to be retained and will be a positive feature of the proposed development. The Architectural Liaison Officer has been significantly involved in pre-application discussions and is satisfied that the application is compliant with the principles of Secured by Design. The proposed layout is thus considered acceptable. In summary, it is considered that the application will provide a positive addition to the streetscene and help to improve local visual amenity. It is therefore compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

It is important that the residential amenities of nearby property occupiers are not significantly affected. The proposed development has been located and oriented on the site to ensure its impact on the amenities of neighbours is not significant. The dwellings closest to the site are the terrace of 4 Edwardian properties to the north and the detached bungalow known as 'Radford' to the south.

The proposed development will be located adjacent to the existing Edwardian terrace known as 'Pembroke Lodge', with a gap of 1.6 metres separating the side elevation of the proposed development from the side elevation of the nearest existing dwelling. There are no windows proposed in the side elevation of the proposed development and there is only a very small window in the side elevation of the existing dwelling to the north, and this is a non habitable room. Both the existing Edwardian Terrace and proposed development are oriented to face east and their main (front and rear) elevations therefore contain windows to their habitable rooms and living spaces. Consequently there is no conflict created between the existing dwellings and proposed development, they will sit comfortably alongside each other without any negative impacts or unacceptable relationships being created.

To the south of the site, and located on significantly lower land, exists a detached bungalow known as 'Radford'. The separation distance between the proposed development and existing bungalow will be 7.3 metres and this ensures an acceptable gap will exist in the streetscene between these 2 different forms of development. It also ensures that the proposed development will not appear dominating when viewed adjacent to the existing. Again, the side elevation of the proposed development does not contain any windows and thus no overlooking of Radford or its private curtilage will be created. As the proposed development will be to the north of Radford it will not be affected by loss of sunlight or daylight.

Existing properties on the other side of Woodside (and therefore across the road) are set back behind fairly generous proportioned front gardens and curtilage spaces. They are therefore not close enough to the application site to be affected by the proposed development.

In summary, it is considered that the proposed development will not cause any significant loss of sunlight/daylight or privacy to any of the nearby properties and will not therefore impact negatively on the residential amenities of any of the existing dwellings that are close to the site. The proposed development will not appear dominating and the application is therefore considered compliant with Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Letters of Representation

The letters of objection received are summarised above in the representations section of this report. The issues raised are discussed in the main Analysis section of the report.

Equalities & Diversities issues

The application proposes 10 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

Section 106 Obligations

The applicant has committed to provide the contributions generated by the Plymouth Development Tariff and required by Policy CS33 (Community Benefits/Planning Obligations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), to mitigate the impacts of the proposal. A draft Section 106 agreement has been produced to secure the following contributions:

- £8, 375 towards Children's Services;
- £1, 550 towards Health;
- £780 towards Libraries;
- £9, 105 towards Green Space/Natural Environment;
- £7, 320 towards Sport and Recreation;
- £385 towards Public Realm;
- £17, 945 towards Transport.

There is an administration fee of £2, 273.

Conclusions

This application proposes ten new 2 bed apartments in an established residential area that is not constrained by any restrictive planning policies. The development provides satisfactory levels of car parking, cycle and refuse storage and is in a form that is respectful of the surrounding townscape, whilst introducing contemporary elements of building design and materials. The residential amenities of nearby property occupiers are not significantly affected and the applicant has agreed to provide the financial contributions generated by the Plymouth Development Tariff. It is therefore recommended for approval, subject to conditions and the satisfactory completion of a Section 106 Legal Agreement, with delegated authority to refuse the application sought if the Section 106 Agreement is not signed by the 23rd December 2009.

Recommendation

In respect of the application dated **05/10/2009** and the submitted drawings, **Site Plan, Site Works, Plans and Elevations, Boundary Wall Details and accompanying Design and Access Statement**, it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 23 December 2009**

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.

SITE CHARACTERISATION

(3) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

SUBMISSION OF REMEDIATION SCHEME

(4) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(5) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CYCLE PROVISION

(7) The development shall not 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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS CONSTRUCTION BEFORE OCCUPATION

(8) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRESERVATION OF SIGHT LINES

(9) No structure, erection or other obstruction exceeding one metre 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(10) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced (or such other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(11) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(12) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:-

- Details of all proposed gates shown on drawing titled 'Site Works';
- Details of boundary treatment for north, south, east and west boundaries;
- Details of the proposed front and rear amenity areas and how they will be enclosed;

The works shall conform to the approved details and be completed before first occupation of the first unit .

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF ON SITE RENEWABLE ENERGY EQUIPMENT

(13) The proposed development is for 10 or more new residences and, as such, generates a requirement to incorporate onsite renewable energy production equipment offsetting at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016. Details of this equipment shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of work on site. This

equipment shall then be installed and made operational prior to first use occupation and henceforth maintained.

Reason:

In order to ensure that the proposed development makes appropriate contribution towards reducing the City's ecological footprint and the causes of climate change.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the proposals impact upon the streetscene and visual amenity, residential amenity and the surrounding highway network, 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 (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS20 - Resource Use
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites