

ITEM: 03

Application Number: 09/01409/OUT

Applicant: Reliant Building Contractors Ltd

Description of Application: Outline application to develop land by erection of 151 flats and 140 sqm of class A1 (retail) space, provide 157 car parking spaces (vehicular access via Friary Retail Park) and provide open amenity land (details of access, appearance, layout and scale submitted)

Type of Application: Outline Application

Site Address: FORMER TOTHILL SIDINGS LAND SOUTH OF KNIGHTON ROAD PLYMOUTH

Ward: Sutton & Mount Gould

Valid Date of Application: 30/09/2009

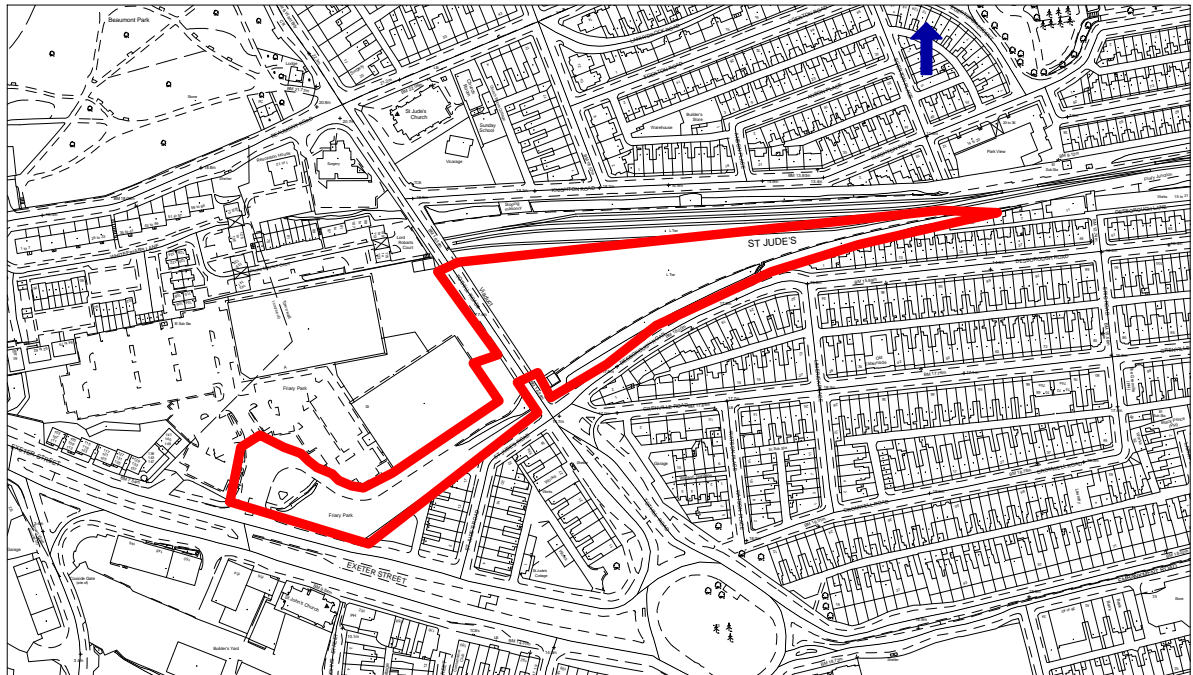
8/13 Week Date: **30/12/2009**

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Refuse

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OFFICERS REPORT

Site Description

The site comprises of a triangular shaped parcel of land approximately 1.3 hectares in size, located in a 'cutting' between Desborough Road and Knighton Road in St Judes. It is a former railway sidings but has been disused and vacant for many years, although railway tracks are still located on land close to the northern boundary of the site (the abandoned line runs out towards Laira Bridge and beyond towards Plymstock Quarry). The site is largely covered by concrete hard surfacing and there exists a securely fenced water services compound in the south western corner that contains a concrete block structure likely to be a pumping station.

The site is generally level with the exception of a 5-7 metre cut slope which forms the south eastern boundary between the main site area and Desborough Road at the higher level. The site has a unique setting, being 'sunk' and at a lower level than all of the land and development that surrounds it. The site is bounded to the north by railway sidings with a high embankment leading up to Knighton Road, to the west by Tothill Road Viaduct with Friary Retail Park beyond and to the south by an embankment leading up to Desborough Road. The site narrows significantly to the east where the disused railway line continues.

Surrounding development to the north, east and south is mainly residential, with bulky goods retail development immediately to the west leading into the City Centre along Exeter Street, which is only a 700 metre walk from the site. The surrounding residential development is period in character and mainly in the form of Edwardian and Victorian terraces, many of which have been sub divided into smaller flatted units.

Proposal Description

This application is made in outline but with reserved matters approval sought for the access, appearance, layout and scale with only landscaping details reserved for future consideration.

The application proposes to erect 151 apartments at the site and 140 square metres of retail (use class A1) space with 157 car parking spaces and open amenity land. Vehicular access to the site will be from Friary Retail Park to the west of the site, along an existing service only road and beneath the second viaduct arch beneath Tothill Road. Access to Friary Retail Park is from a signalized junction on Exeter Street. Pedestrian and cycle access is proposed from a controlled access gate at the south eastern corner of the site on Desborough Road.

The proposed layout locates the majority of development close to the northern boundary of the site, whilst retaining a 21 metre gap between the proposed buildings and site boundary for a future transport link that is safeguarded in

the Adopted Sutton Harbour Area Action Plan. Development on this part of the site is in the form of 2 large 6 storey apartment blocks that are flanked on each side by 2 smaller blocks. Further residential development is situated close to the southern boundary of the site and presents a street frontage to Desborough Road. Again, this is in the form of an apartment block but due to the differing land levels at the site it presents a flat roofed 3 storey facade to the road but is 6 storeys when viewed from within the site, being built into the bank on the southern boundary. The proposed A1 (retail) unit is part of a mixed use block and is located on the southern side of the site between the proposed apartment block facing Desborough Road and existing water compound. It has residential above and is also 3 storeys in height when viewed from Desborough Road and 6 storeys when viewed from within the site due to the changing land levels.

The proposed access road runs through the central part of the site, between the proposed apartment developments on the north and south boundaries. The majority of the 157 car parking spaces are provided within the lower levels of the proposed apartment block on the northern side of the site, as this block contains the majority of the 2 bed units that require dedicated car parking spaces. Indicative landscaping is shown in the central area of the site and this land appears to be communal, although as stated landscaping is a reserved matter and would therefore need to be addressed separately in a reserved matters planning application.

Relevant Planning History

08/00432/FUL – 123 Flats at Tothill Sidings, St Judes, Plymouth.
WITHDRAWN

Consultation Responses

Environment Agency

Object on flood risk grounds. Further details of surface water drainage systems and details of surface water flood risk required.

Highway Authority

Comments awaited and will be presented in an addendum report.

Public Protection Service

No objection subject to conditions.

Highways Agency

No objections.

Representations

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

- The massing and scale of the proposed buildings is too big;
- The scale of the proposed development is totally out of character with the surrounding area;
- The architecture is poor and reminiscent of Eastern European Soviet block 'architecture';
- The proposed development will add to traffic congestion on local roads;
- The proposed development will have a negative impact upon the existing community;
- Deterioration of sunlight to properties on Knighton and Desborough Road;
- The proposal would result in over development of the site;
- Negative impact upon amenities of 1 Desborough Road;
- The proposal will create noise pollution;
- The drawings are inaccurate – the sections and elevations of the proposed apartment block in the northern part of the site differ and do not match up;
- Concern about the impact of development on properties on Knighton Road;
- Negative impact upon amenities of 19 St Judes Road.

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 planning issues; the principle of residential development at the site; design, massing and layout considerations; highways, access and parking and residential amenity impacts. Other issues such as affordable housing and renewable energy provision are also relevant.

Principle of Development

The site is brownfield land that is no longer required for its previous use as a railway sidings and it is therefore a site that has potential for redevelopment. The site is not constrained by any restrictive planning policy (other than the aforementioned safeguarded transport link) and is surrounded in the main by residential development. The principle of residential development at the site is therefore considered acceptable.

Design, Massing and Layout

The layout of the site is described above in the 'Proposal Description' section of this report. Whilst the principle of locating development along the north and south boundaries of the site appears to be the best solution to providing an acceptable layout considering the constraints of the site, certain aspects of the proposed developments arrangement on the site are poor and unacceptable. It is also considered that the amount of development proposed could be excessive, and that the proposal is over intensive and results in a form of development that is cramped.

On detailed matters of design, the wing projecting north from the west end of the proposed apartment building fronting Desborough Road is considered to be a weak feature that would have a negative impact on:

- the amenity of the adjacent blocks running east/west at the north of the site;
- the wider visual amenity of the area and principally views into the site from Tothill Bridge, and;
- the future redevelopment potential of the South West Water compound at the site's south west corner (ideally, this potentially prominent corner site should be included for redevelopment as part of this proposal, but if this is not possible it is important that the redevelopment potential of this site be safeguarded, and the orientation and windows of the wing proposed would prejudice this).

On a positive note, the general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site.

With regards to massing and scale, it has been consistently communicated to the architects and agent during prior pre-application discussions, that it is considered that maximum building heights on the Desborough Road frontage should not exceed the height of the existing period (predominately 2 storey) terraced houses here. The proposed 3 storey Desborough Road frontage is considered excessive and not in keeping with the character and scale of the existing historic development in the area.

The height of the prominent wing extending north from the west end of the building fronting Desborough Road is also considered excessive, and its massing is inelegant. Whilst a localised increase in height here may be supportable, this should not prejudice the future redevelopment of the South West Water compound at the site's south west corner. It is on the latter site that an optimum building height is likely to be justifiable to mark a key townscape corner.

In general it is considered that "end-stop" volumes terminating the north and south wings, including the southwest tower, are unsuccessful in terms of their massing and require more sensitive articulation. These elements need not necessarily be rectilinear. The architect has considered more organic curved forms in previous (pre-application) iterations of the scheme and this form of development could be more appropriate on these parts of the site.

Concerning issues of building design and appearance, with the exception of the two middle wings within the band of development at the north of the site (which show some potential and compositional balance) in general the building design proposed is not considered of an acceptable quality by nature of its;

- compositional imbalance;
- lack of vertical hierarchy; and
- lack of vertical rhythm in response to the existing Desborough Road terrace.

In particular, the proposed building design is likely to have a negative impact on the visual amenity and character of the Desborough Road street scene, and on wider townscape views into the site from Tothill Bridge. PPS1 states that *“Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted”*. (key principle (iv) para 13). It is considered that the proposed development, by virtue of its design and appearance, would have a negative impact upon local visual amenity and the surrounding historic townscape, and that it would provide a bleak and uninspiring development of poor design quality.

There also appears to be inconsistency between the application plans and elevations in terms of the orientation of the profiled roof sections. The elevations and sections do not match up and show a different roof profile. Given the prominence of the proposed buildings and the wide extent to which the roofscape within the site will be overlooked, it is imperative that the drawings accurately reflect the development proposed so that it can be understood and its impact evaluated. This is not entirely possible due to the conflicting information submitted with the application. It is therefore considered that the application is contrary to policies CS02 (Design) and CS34 (Planning Application Considerations) of the Adopted City of Plymouth Local Development Framework (2007).

Highways, Access and Parking

The site is proposed to be accessed from a private service access road on the south east corner of Friary Retail Park, where access into the site itself is proposed through the second viaduct arch beneath the B3238 Tothill Road. Access to the service road from the public highway is gained from the traffic signal controlled junction on the A374 Exeter Street/Friary Retail Park site entrance where it is intended to take vehicular access for the development. The northern boundary of the site contains a 20 metre wide zone that has been reserved for potential future improvements to Plymouth City's transport links in the form of a link road or rapid transit link and this is retained in the application and is not proposed to be developed on, ensuring that it is safeguarded.

The development proposes 157 unallocated car parking spaces within the lower levels of the proposed apartment block on the northern side of the site. Access to the car parking is via the northern arm of the service vehicle turning

head on the western boundary of the site. The entrance leads to a down ramp to the lower ground floor parking area with further ramps up at the eastern end of the block to access further car parking at ground floor level and first floor level.

The use of the Friary Retail Park service road as the main vehicular access to the site will involve the shared use of this road with articulated lorries visiting the retail park. In order to ensure that vehicle conflict does not occur, which would require vehicles to reverse, widening is proposed to parts of the service road so that vehicles can pass safely.

With regards to the sustainability of the site and public transport, the site is located within walking distance of the city centre and therefore a full range of amenities are available to future occupiers without the need to use private vehicular transport. The site also has good access to public transport links and there are many bus services available from either Exeter Street or the City Centre, both of which are in walking distance from the site. The site is not on a dedicated cycle route and therefore cyclists will have to use the main carriageway when accessing the site. However, the application proposes 75 covered and secure cycle parking spaces be provided at the site and this is considered to be a positive element of the proposal.

The Highways Officers comments have not yet been received and will therefore follow in an addendum report.

Residential Amenity

As already explained in this report, the site is unique in comparison to its context in that it is 'sunk' and at a significantly lower level than the areas that surround it. This ensures that the development proposed, which is up to 6 storeys in height, is not dominating to the existing development that is near to the site. When viewed from the surrounding roads it will appear 3 storeys at most and utilises a mono pitch roof to ensure its impact is minimal.

The application proposes to locate the proposed development in 2 main built forms along the north and south boundaries of the site. Therefore the properties that could be affected by this development proposal are those that are located closest to these boundaries, namely the dwellings on Desborough Road and Knighton Road. Due to the safeguarded area on the northern boundary of the site for a future transport link, there will be approximately 42 meters distance between the proposed apartment blocks on the northern side of the site and the existing properties on Knighton Road. This is a sufficient distance to ensure that there will be no negative impact to the amenities of existing property occupiers on Knighton Road from the proposed development (in particular the apartment blocks in the northern part of the site).

The development proposed closest to the southern boundary of the site will have a more intimate relationship with the existing development on Desborough Road and the separation distance between the existing dwellings and proposed apartment block will be 14 metres. Whilst this is far less than the separation distance between the existing development on Knighton Road

and proposed development in the northern part of the site, it is typical of the existing separation distances between properties on either side of a road in the locality. It is considered that the positioning of the proposed apartment block in the southern part of the site ensures that there is no direct conflict between the proposed and existing development, and that problems of overlooking and loss of sunlight are not created. The relationships created are therefore considered acceptable.

Within the site the relationships created between the new buildings proposed are generally acceptable. However, at the western end of the site close to the existing water compound there exists a pinch point of only 10 metres between the proposed development on the northern side of the site and the wing projecting north from the west end of the proposed apartment building at the southern end of the site, fronting Desborough Road. Whilst this relationship could be unacceptable, it is difficult to come to any firm conclusions on this matter due to the aforementioned inconsistency on the plans and drawings submitted with the application. Further information is therefore required before a decision on the acceptability of relationships between proposed buildings within the site can be made.

Affordable Housing and the Plymouth Development Tariff

The provision of 30% of all dwellings as 'affordable' is sought - based on a proportional mix of dwelling types and distribution across the site as required by Policy CS15 of the Adopted City of Plymouth Local Development Framework (2007). No details have been submitted with the planning application to identify which units are being offered as affordable housing and no viability assessment is included with the submission package to evidence that the provision of 30% affordable housing is unviable. The application is therefore contrary to Policy CS15. No draft section 106 Agreement has been submitted with the application and it is unclear if the applicant is agreeable to providing the financial contributions generated by the Plymouth Development Tariff to mitigate the impacts of the proposal. In the absence of this information the proposal is also contrary to Policy CS33 (Community Benefits / Planning Obligations) of the Adopted City of Plymouth Local Development Framework (2007). The application also contains no information on Lifetime Homes.

Renewable Energy Production

The application fails to include details of how onsite renewable energy production equipment to off set at least 10% of predicted carbon emissions for the periods up to 2010 (raising to 15% for the period 2010 – 2016) is to be provided. Considerations associated with delivering this requirement could materially alter the scheme and therefore details as to how onsite renewables will be incorporated must be brought forward before the application is determined. In the absence of such information the proposal is contrary to Policy CS20 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) which seeks to secure sustainable resource use with the development.

Habitats and Biodiversity

Insufficient information has been provided on habitats that might be present at the site and therefore sufficient understanding of the impact of development and how these impacts can be avoided and or mitigated cannot be achieved. The current development could also result in a net loss in biodiversity at the site but without the submission of appropriate survey work it is unclear what biodiversity is present at the site. Further to this, no enhancement or mitigation details have been produced in association with any survey work and it is thus impossible to determine if the application will result in a net gain in biodiversity at the site, as required by policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS9. The development is therefore contrary to Core Strategy Policy CS19 and PPS9.

Letters of Representation

The letters of representation 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 development has the potential to affect people of all ages and from all backgrounds as it proposes open market housing that will be made available for sale to the general public. It could also specifically affect those on lower incomes as it generates the need for affordable housing to be provided at the site, although no commitment to this has been provided within the planning application.

If the application were to be accepted and recommended for approval, no negative impacts to any equality group would be anticipated. Pedestrian permeability would be improved as a route through the site would be created and the financial contributions generated by the Plymouth Development Tariff would benefit the whole community.

Section 106 Obligations

No Draft Section 106 legal agreement has been submitted with the application, and it is thus not clear if the applicant is willing to provide the policy requirement of 30% affordable housing or the financial contributions generated by the Plymouth Development Tariff.

Conclusions

This application proposes residential redevelopment of the site, in the form of 151 new apartments and a small amount of new retail (A1) space. The site is not covered by any restrictive planning policy and its redevelopment for a residential use is therefore considered acceptable. However, the scale, design and appearance of the proposed development is of poor quality and not in keeping with the character and scale of the existing historic development in the area. It is considered to have a negative impact upon local

visual amenity and the surrounding historic townscape, providing a bleak and uninspiring development of poor design quality.

There are also unaddressed issues relating to the provision of affordable housing at the site, renewable energy equipment and biodiversity enhancement. The Plymouth Development Tariff has also not been considered. For the reasons outlined and explained in this report, the application is recommended for refusal.

Recommendation

In respect of the application dated **30/09/2009** and the submitted drawings, **00542.PL.09/00.A, 00542.PL.09/01, 00542.PL.09/05, 00542.PL.09/03, 00542.PL.09/06, 00542.PL.09/09, 00542.PL.09/07, 00542.PL.09/08, 00542.PL.09/01, 00542.PL.09/10, 00542.PL.09/02, 00542.PL.09/04** and **accompanying Design and Access Statement, Transport Assessment and Desk Study Report** , it is recommended to: **Refuse**

Reasons

POOR DESIGN

(1) It is considered that the proposed development, by virtue of its height, massing, design and appearance, is alien to the character and appearance of the surrounding development and harmful to local visual amenity and the surrounding historic townscape. The development proposed is not considered to be of an acceptable quality by nature of its compositional imbalance, lack of vertical hierarchy and rhythm and would thus provide a bleak and uninspiring development of poor design quality. It is thus contrary to Policies CS02, CS15 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

OVER DEVELOPMENT

(2) It is considered that the proposed development, by reason of its scale and massing, would result in over development of the site and provide a cramped and over intensive form of development that could also create unacceptable relationships between the residential units proposed. It is thus considered an incongruous development that is not in keeping with the character and scale of the existing townscape and is therefore contrary to Policies CS02, CS15 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

AFFORDABLE HOUSING REQUIRED

(3) The proposed development is required to provide 30% of the units proposed as affordable housing, based on a proportional mix of dwelling types and distribution across the site, as required by Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007). In the absence of a mechanism to secure the provision of affordable housing the proposal fails to contribute towards the creation of balanced, mixed and sustainable communities and is therefore contrary to Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy

(2007) and Planning Obligations & affordable housing supplementary planning document SPD.

PLYMOUTH DEVELOPMENT TARIFF

(4) The proposed residential development generates the need for contributions under The Plymouth Development Tariff to provide adequate mitigation obligations and other community benefits. In the absence of these requirements being met, the application is contrary to policies CS33 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

ABSENCE OF DETAILS OF RENEWABLE ENERGY PRODUCTION EQUIPMENT

(5) The application fails to include details of how onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, (raising to 15% for the period 2010-2016) is to be provided. Considerations associated with delivering this requirement could materially alter the scheme and in the absence of such information the proposal is contrary to Policy CS20 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which seeks to secure sustainable resource use.

INSUFFICIENT INFORMATION ON WILDLIFE SITE

(6) Insufficient information has been provided on protected species that could be using the site. Without this information it is impossible to determine the development impacts upon these species and whether these impacts can be avoided or mitigated. The development is therefore contrary to Policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the guidance within ODPM circular 06/2005 'Biodiversity and Geological Conservation - statutory obligations and their impact within the planning system.'

INSUFFICIENT INFORMATION ON HABITATS

(7) Insufficient information has been provided within the application on habitats that might be present at the site. To enable a sufficient understanding of the impact of development and how the impacts will be avoided and/or mitigated the application is contrary to Policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

LACK OF ENHANCEMENT & MITIGATION DETAILS

(8) The proposed development could result in a net loss of biodiversity at the site. No enhancement or mitigation details have been produced in association with adequate survey work to determine if the application could result in a net gain in biodiversity as required by CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS9. The development is therefore contrary to Core Strategy Policy CS19 and PPS9.

FLOOD RISK

(9) The application contains insufficient details of the proposed surface water drainage system (including details of surface water flood risk) and raises concerns regarding surface water flooding. The application is therefore contrary to Policy CS21 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS25 (Flood Risk).

INACCURATE PLANS

(10) There is inconsistency in the information submitted with the application. The plans showing proposed elevations (00542.PL.09/06) and sections (00542.PL.09/10) of the proposed apartment block close to the northern boundary of the site are contradictory and show a different roof profile to this proposed building. It is therefore difficult to assess the proposed buildings impact upon local visual and residential amenity and the application is therefore contrary to Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007)

Relevant Policies

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

PPG13 - Transport
PPG25 - Flood Risk
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS20 - Resource Use
CS21 - Flood Risk
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites