

ITEM: 6

Application Number: 09/01293/FUL

Applicant: Mr M Wixey

Description of Application: Erection of dwelling, bridge linked to existing cottage whose upper floor will form an annexe to the proposal and lower floor will be stores and workshop (existing outbuildings to be removed)

Type of Application: Full Application

Site Address: DRIFT COTTAGE, BORINGDON ROAD
TURNCHAPEL PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 06/11/2009

8/13 Week Date: **01/01/2010**

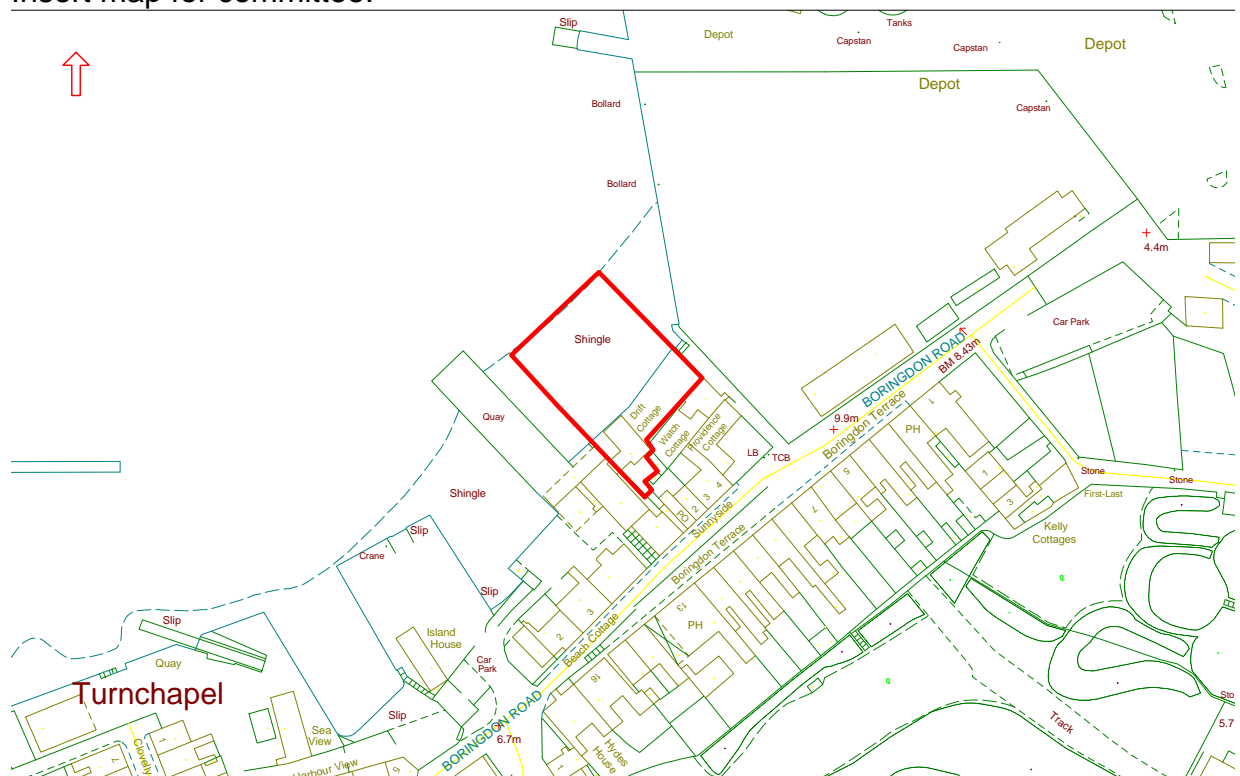
Decision Category: Assistant Director of Development Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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Insert map for committee.



OFFICERS REPORT

Site Description

Drift Cottage is a modest dwelling in a waterside location within the Turnchapel Conservation Area. It lies within a group of other dwellings lying on the north side of Boringdon Road, the majority of which are set on a north-south orientation and have their rear elevations facing the water (whereas Drift Cottage presents a side elevation to the water). The curtilage of Drift Cottage includes an area of quayside, including two piers constructed for drying boats. Public slipway and pedestrian access to the water are obtained alongside, to the side of Providence Cottage and Watch Cottage. The lane to the side of Watch Cottage that provides access to this site is public highway. Beyond the slipway is MOD land, separated by a substantial wall. Watch Cottage is set approximately 2.5m above the level of the site.

Proposal Description

Erection of dwelling, bridge linked to existing cottage whose upper floor will form an annexe to the proposal and lower floor will be stores and workshop (existing outbuildings to be removed).

Relevant Planning History

The most recent application at the site is 08/00744 - The proposal was to erect residential accommodation on the existing garden and piers at Drift Cottage and to convert the existing accommodation in Drift Cottage to annex accommodation with a workshop and stores on the ground floor with 2 bedrooms, a lounge, a bathroom and a shower room at first floor level. The two areas of accommodation would have been connected via a pedestrian link. The proposal also included a small car parking and amenity area.

The proposed dwelling comprised 2, linked, metal clad, buildings, each measuring 12.62m (excluding 1.3m balcony) by 4.71 m. The new building would for the most part have been sited on the existing piers; the balcony would have extended 1.3m over the water. It would have extended back into the existing garden for approximately 3.6m. Materials were to be zinc with black aluminium windows. The proposed building was single storey with a varying roof height.

This application was dismissed at appeal. The Inspector stated that:-
'In summary, whilst it is apparent that a lot of thought has gone into designing this proposal, my assessment is that the building would be too striking for its context, thereby detracting from the appearance and character of the Turnchapel Conservation Area. This proposal would not reinforce or enhance Turnchapel's identity, local distinctiveness and heritage in an appropriate way. The aims of Government guidance and of Core Strategy Policies CS02, CS03, CS20 and CS34 would not be met by this proposal, in my judgement.'

Other planning history is as follows:-

80/03758 - Boat gear store, boat drying piers and extension to dwelling (Full) - GRANTED.

84/02018 - Amended version of 80/3758 (Full) - GRANTED.

91/00768 - Extension to dwelling (Full) - GRANTED.

04/00729 - Erection of dwellinghouse, bridge linked to existing cottage whose new use will become an annexe to the proposal. (Full) – REFUSED because of impact on neighbour.

04/02271 - Erection of dwellinghouse, bridge linked to existing cottage whose upper floor will form annexe to the proposal and lower floor will be stores and workshop (outbuildings to be removed). (Full) – REFUSED because of impact on neighbour - APPEAL Dismissed.

05/00621 – Erection of dwellinghouse bridge-linked to existing cottage whose upper floor would form annex to the proposal and lower floor will be stores and workshop – GRANTED. The applicants have confirmed that this scheme does not now meet the floor level requirements for flooding for a 100 year life design.

07/01282 – Erection of new dwelling – WITHDRAWN.

Consultation Responses

Queen's Harbour Master

No objections.

Public Protection Service

No objections subject to conditions relating to code of practice, noise and land quality.

Transport

The property has been the subject of numerous planning applications and this latest application is similar to the previous in that it utilises the existing car parking and the new build will form an annexe to the existing property. The access to the parking area is Highway Maintainable at Public Expense and does not, at present, have any restrictions which would prevent cars from using it. As such there are no objections to the proposal and previous conditions should be re-iterated.

Environment Agency

The EA reiterate previous comments, which state that their flood risk objection to this application can be removed, provided that the LPA is able to ensure (either by condition or legal agreement) that:

- The two units are not occupied as separate dwellings
- An access between the two is permanently retained

Representations

Seven letters were received. The objections and concerns are based on the following grounds:-

1. The development is out of character in the village of Turnchapel and would set a precedent.
2. The modernistic design would be alien to the area. The proposed materials would make it stand out; the timber façade would be unsuitable for the Village.
3. The site is at risk from flooding.
4. Concern that the height could be amended at a future date.
5. There would be overlooking and a loss of privacy to a bedroom in the proposed development, from watch Cottage, and vice versa.
6. The timber façade would be damaged by contact with the water.
7. The red line has been drawn around part of a neighbour's freehold property.
8. The gate opens onto the public highway.

There is concern regarding the delivery of materials and equipment to the site. The access lane is a public right of way and not a vehicular access and should be for pedestrian use only.

One of the letters states that the design is more sympathetic to the conservation Area and that it is less intrusive to the neighbour and less intrusive when viewed from the river. However, this letter also expresses concern with the sole vehicular access being from the public access to the slipway, and that the amount of accommodation proposed will result in unacceptable pressure on parking facilities and access to the property via the narrow approach road and that there are concerns over excessive pressure on limited street parking in Turnchapel.

Analysis

This application turns on policies CS02, CS03 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impact on the character and appearance of the Turnchapel Conservation Area and residential amenity.

This application proposes a curved, bridge-linked adjunct to the existing Drift Cottage buildings and is situated on the quay. Unlike the previous proposal it does not extend over the piers or the water. The proposed building is single-storey, supported on legs. In this respect the development is considered to be significantly less prominent on the waterfront. The curved design is also considered to reduce its visual impact when viewed from the north. The openness of the bridge link allows views of Drift Cottage to be maintained and in this respect the design does not occlude buildings on the waterfront that contribute to the character of the conservation area. The timber frame is also considered to be more in keeping with the marine setting, although it would be important for the timber to be in a traditional oak rather than cedar cladding etc or douglas fir or chestnut. The proposed sedum roof is considered to be

appropriate to the historic palette of materials in the area and is considered to be more suitable than a metal roof, which is likely to be overly striking in this context. Overall the proposed siting, design and scale of the development is considered to be a significant and positive departure from the previous proposal, which preserves and enhances the character and appearance of the Turnchapel Conservation Area. The proposals are therefore considered to be in accordance with policies CS02, CS03 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

With regard to residential amenity, the main property affected by the development is Watch Cottage. The height of the proposed building and its proximity to that property is not considered to be harmful to its outlook. The potential for overlooking between the window in Watch Cottage and proposed bedroom window, as raised in the neighbour's letter, is not considered to be significant because the angle of view of the proposed window, and the position of the timber frame, adjacent, is considered to prevent unreasonable overlooking, in either direction, to occur.

With regard to flooding, the Inspector did not cite that as a reason for dismissing the appeal and overall the current proposals are considered to be at less risk from flooding due to their siting wholly on the quay.

With regard to parking, the amount of parking provided, and access to it is considered appropriate. Regarding concerns that the accessway should be for pedestrians only, the access road is adopted highway and there is no lawful impediment to its use for vehicular access to the site.

With regard to concerns that the building height could be amended, the height could not be altered without an application for planning permission being submitted, which would be considered on its merits.

With regard the Environment Agency's comments, the ancillary status of the proposed development can be secured by way of a planning condition.

With regard to the gate, the applicant has stated that there are two gates. The smaller gate opens inwards the property and the larger one is currently fixed shut with extra wood along the bottom of it so that it acts as a fence.

With regard to the red line including a neighbour's ownership, the applicant has confirmed that the plan at a scale of 1:1250, submitted with the above application, accurately shows, by red line, the land under the applicant's sole ownership. The other plan at a scale of 1:500, also submitted with the application, which includes an additional right of way, should be deleted from the application.

Equalities & Diversities issues

There are no equality and diversity issues in respect of this application.

Section 106 Obligations

There is no Section 106 application in respect of this application.

Conclusions

The proposals are considered to be fundamentally different to previous proposals and the scale, design and use of materials is considered to be visually contained by the surrounding buildings and not a striking departure. On this basis the development would preserve and enhance the Conservation Area and is in accordance with policies CS02 and CS03 of the Core Strategy of Plymouth's Local Development Framework 2007. The impact on residential amenity is not significant and the proposals are in accordance with policies CS15 and CS34 of the Core Strategy. Subject to conditions it is recommended that planning permission be granted.

Recommendation

In respect of the application dated **06/11/2009** and the submitted drawings, **1:1250 OS location plan, 1:500 site plan, DC0906-01 (received 26/10/09), DC0906-02 (received 26/10/09), DC0906-03 (received 06/11/09), DC0906-04 (received 06/11/09), DC0906-05 (received 26/10/09), DC0906-06 (received 26/10/09) 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.

ROOFLIGHTS

(3) No works shall commence until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of a flush fitting conservation type. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DOOR AND WINDOW DETAILS

(4) No works shall commence until details of the proposed new doors and windows have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed doors and windows and the door and window furniture to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MAINTENANCE OF SEDUM ROOF

(5) The height of the growth on the sedum roof hereby permitted shall at all times be maintained in accordance with details and a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to protect the amenities enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OCCUPATION RESTRICTION (ANCILLARY)

(6) The use of the development hereby permitted shall at all times be ancillary to the use of Drift Cottage as a single dwellinghouse and the two shall not be occupied independently of one another.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority and contrary to Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, namely prejudicial to highway safety and convenience, residential amenity and the character and appearance of the Turnchapel Conservation Area.

CAR PARKING PROVISION

(7) 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)(in accordance with the details submitted to and approved by the Local Planning Authority), 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 policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(8) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policies CS22 and CS34 of the adopted Core Strategy of Plymouth's Local Development Framework April 2007.

LAND QUALITY

(9) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 10 to 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(10) 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

(11) 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(12) 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(13) 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 12.

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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

LONG TERM MONITORING AND MAINTENANCE

(14) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. 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, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

NO FURTHER WINDOWS OR DOORS

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) and Class A of Part 1 of Schedule 2 to that order, no further windows, external doors or other external openings (additional to those hereby approved) shall at any time be provided in the dwelling hereby permitted.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such), and F (provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of Schedule 2 to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve residential amenity and the character and appearance of the Turnchapel Conservation Area, in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - GOOD ROOM CRITERIA

(1) The applicant is advised that in order to protect the residents from unwanted noise, after occupation of the building, the development should be built in such a way that the living rooms meet BS8233:1999 Good Room criteria.

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 on the character and appearance of the Turnchapel Conservation Area and residential amenity, 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 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:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS02 - Design
- CS15 - Housing Provision