

ITEM: 07

Application Number: 09/01749/FUL

Applicant: Sarsen Housing Association

Description of Application: Demolition of existing building and erection of 10 houses with associated parking

Type of Application: Full Application

Site Address: PATERNOSTER HOUSE, EFFORD LANE EFFORD PLYMOUTH

Ward: Efford & Lipson

Valid Date of Application: 21/12/2009

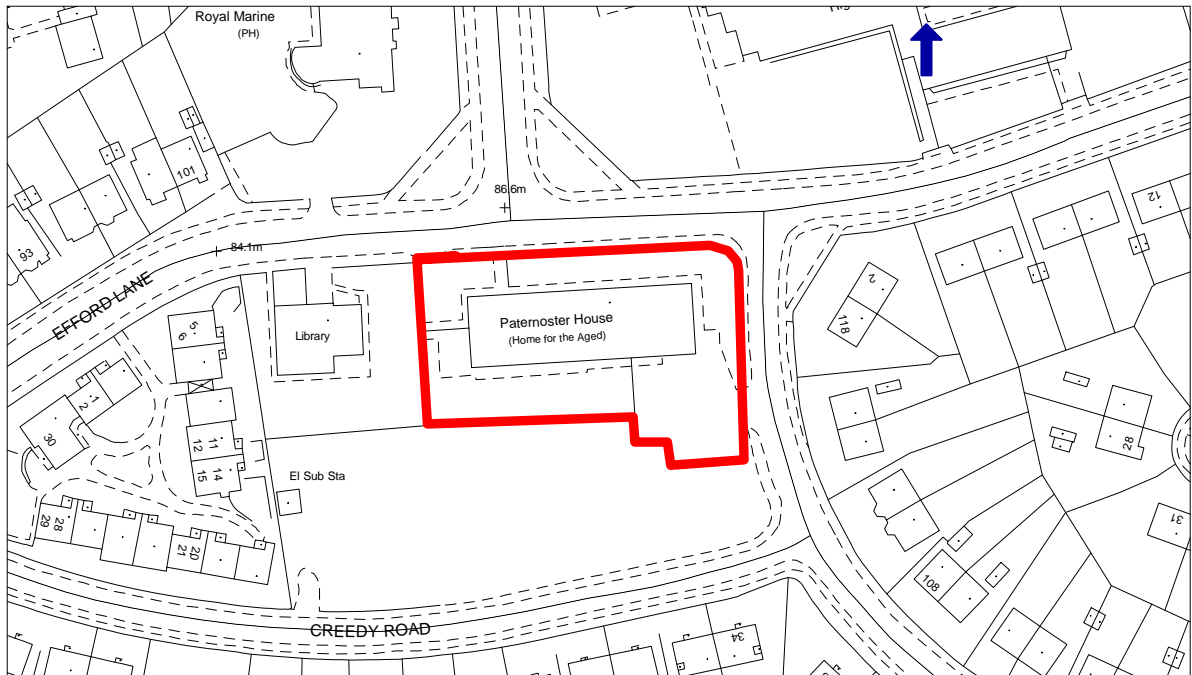
8/13 Week Date: **22/03/2010**

Decision Category: Major Application

Case Officer : Jon Fox

Recommendation: Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 22nd March 2010.

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OFFICERS REPORT

Site Description

Paternoster House is a large, three-storey former care home building situated on the south side of Efford Lane at its junction with Torridge Way. The front (north) elevation faces the school site (currently being redeveloped for a new school) and the site of the demolished Royal Marine public house. Severn Place runs down the eastern side of the site with semi-detached houses/flats on the other side of the road. The site is bounded to the west by the new St. Pauls Church and to the south by the houses and rear gardens of the terraced properties in Creedy Road. The houses in Creedy Road are at a lower level than Paternoster House and the two easternmost houses in this terrace have truncated gardens due to the shape and extent of the Paternoster site.

Proposal Description

Demolition of existing building and erection of 10 houses with associated parking. The proposed building would have a similar frontage onto Efford Lane compared with existing building and would be set back from the footway by approximately four metres. The depth of the new buildings would be approximately 10.8 metres at its greatest, which is less than Paternoster House. The result is that the rear elevation of the proposed dwellings would be more than 30 metres from the rear walls of the houses in Creedy Road. The gardens of the latter would be in the order of 16 to 17 metres from the new buildings. Proposed units 9 and 10 are three storeys and units 1 to 8 are two storeys. Of the latter units 5 to 8 have rear balconies at first floor level.

Relevant Planning History

None.

Consultation Responses

Housing

Housing Strategy are strongly supportive of the scheme.

Highway Authority

No objections subject to conditions.

Public Protection Service

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

Representations

Two letters have been received. There is concern that the new, elevated, dwellings will overlook bedroom windows in the Creedy Road properties. Consideration should be given to the possibility of tree planting along the borders. The occupier of 116 Severn Place objects on the grounds that one of the houses would overlook that property.

Analysis

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

The application turns on policies CS02, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the design of the dwellings and their impact on the character and appearance of the area; affordable housing status; the impact on the occupiers of neighbouring properties; and access and parking.

With regard to design, the proposed terrace of 10 houses is set back from Efford Lane and Severn Place and will not therefore intrude into the street scene. The side of unit 10, facing Severn Place, is three storeys, but because of its set back will not appear visually dominant. The proximity to the new St. Paul's Church is not considered to be harmful to the design and setting of that building.

The front elevation includes variation in the roof lines, window patterns and materials, including some timber cladding, and as a result will display a degree of visual interest that is appropriate. The plans show indicative locations for the possible use of solar panels and these would not significantly affect the appearance of the buildings in the street scene.

With regard to residential amenity, the main impact is the potential for overlooking of properties in Creedy Road. Given the relatively elevated position of the new dwellings, and the three storey height of units 9 and 10, there will be overlooking of those properties. However, the new dwellings would be over 30 metres from the dwellings in Creedy Road. There would be overlooking of the Creedy Road gardens, although the degree of overlooking is not considered harmful. The proposed balconies on units 5-8 would not significantly add to overlooking because they are set within the rear walls and do not project out beyond the rear face of the dwellings. Having regard also to the existing three-storey building, which, as a care home, would have led to overlooking of the Creedy Road properties; it is considered that the loss of privacy resulting from the development would not be unreasonable.

In highway terms, the proposed access and parking facilities are appropriate. The parking spaces would be fenced off and whilst not ideal from a visual point of view, would provide security and would not be unduly visible from the road.

There is a proposed amenity area on the south side of the access road and the precise use of this land should be controlled in the interests of residential amenity.

It is important that the boundary treatment to the front and side of the site, facing Efford Lane and Severn Place contributes positively to the street scene and gives a sense of defensible space to the dwellings.

With regard to affordable housing, the development provides an early opportunity to deliver affordable housing which will help meet the strategic priorities concerning the North Prospect Regeneration and will provide essential decant accommodation from North Prospect in association with these wider Regeneration proposals.

Equalities & Diversities issues

All of the dwellings have been designed to meet Lifetimes homes standards.

Section 106 Obligations

Following the submission and consideration of a viability assessment it is considered that this development should be excluded from the need to pay a tariff. However, a Section 106 obligation is necessary in order to secure the affordable housing status of the proposed development.

Conclusions

The proposals provide much needed affordable housing that is considered to be appropriate in terms of its scale and design. The impact on neighbouring properties in terms of overlooking is not unreasonable and overall the scheme is considered to be in accordance with policies CS02, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. It is therefore recommended that conditional planning permission be granted.

Recommendation

In respect of the application dated **21/12/2009** and the submitted drawings, **DG09174-1-1, 1728 - 001, 1728 - 005A, 1728 - 006A, 1728 - 008A 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.

DETAILS OF BOUNDARY TREATMENT

(2) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected on the Efford Lane and Severn Place frontages of the site. The boundary treatment shall be completed before any of the units is first occupied. The development shall be carried out in accordance with the approved details and 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 other fences gates or walls shall be erected within the curtilage of any dwellinghouse without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the details of the development 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.

PEDESTRIAN/CYCLE ACCESS

(3) The development shall not be occupied until a means of access for both pedestrians and cyclists has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a tactile paving crossing point on Severn Place outside plots 8/9.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

DETAILS OF NEW JUNCTION

(4) Development shall not begin until details of the junction between the proposed rear service road and the highway have been approved in writing by the Local Planning Authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

PROVISION OF PARKING AREA

(5) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not 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.

CYCLE STORAGE

(6) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

LAND QUALITY

(7) 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 8 to 11 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 11 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 April 2007.

SITE CHARACTERISATION

(8) 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 April 2007.

SUBMISSION OF REMEDIATION SCHEME

(9) 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 April 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(10) 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 April 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(11) 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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 April 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(12) 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 area, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO FURTHER WINDOWS OR DOORS

(13) 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 nearby dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RENEWABLE ENERGY

(14) The development hereby permitted shall incorporate on-site renewable energy production equipment in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such equipment shall be implemented before any of the units is first occupied and thereafter retained.

Reason:

In order to contribute towards reducing the city's use of non-renewable resources, in accordance with policy CS20 of the Core Strategy of Plymouth's Local Development Framework 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the design of the dwellings and their impact on the character and appearance of the area; affordable housing status; the impact on the occupiers of neighbouring properties; and access and parking, 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

CS02 - Design

CS15 - Housing Provision