

ITEM: 09

Application Number: 09/01900/FUL

Applicant: Alston Homes Ltd

Description of Application: Redevelopment of site by erection of 13 dwellings (demolition of existing property)

Type of Application: Full Application

Site Address: ALSTON HOUSE, 2 PLYMBRIDGE ROAD
PLYMPTON PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 22/12/2009

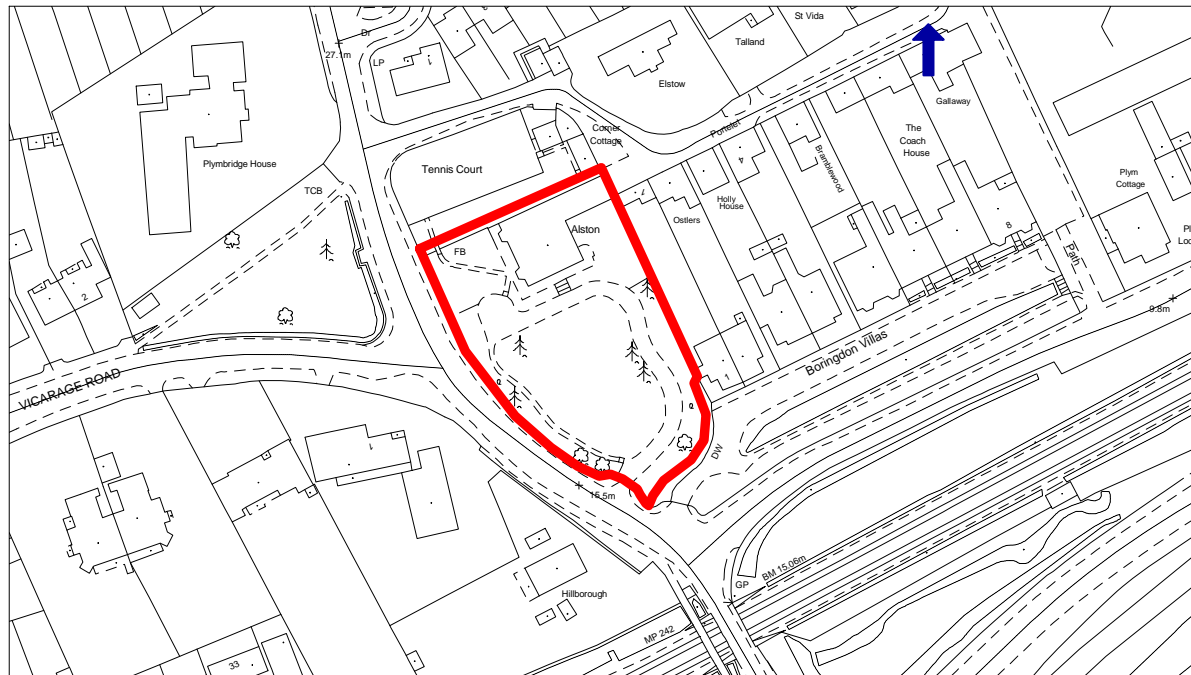
8/13 Week Date: **23/03/2010**

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant Conditionally Subject to a S106 Agreement, Delegated authority to refuse in event of S106 not signed by 23rd March 2009

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OFFICERS REPORT

Site Description

The site is located in the Plympton area of the city, within an established residential area. Currently the site is occupied by a large period dwelling situated at the north end of the site, known as Alston House. The remainder of the site to the south of the existing dwelling is residential curtilage. The site is surrounded by an attractive stone wall, slopes gently from north to south and is 0.3 hectares. Surrounding development is mainly residential with the Ridgeway shopping centre within walking distance to the south of the site.

Proposal Description

This application proposes to demolish the existing dwelling and erect 13 new dwellings.

Relevant Planning History

08/00614/FUL - Demolition of residential dwelling and redevelopment of site by erection of 13 dwellings. REFUSED and APPEAL DISMISSED.

Consultation Responses

Public Protection Service

Support subject to conditions

Highways Officer

Support subject to conditions

Representations

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

- The proposal would create significant additional traffic and cause increased congestion in the area and parking problems.
- The proposal is over development.
- Alston House should be protected.
- Loss of privacy to nearby dwellings on Boringdon Villas.
- The character of the proposed development is not in keeping with the period character of the immediate surroundings.
- The proposed roundabout raises issues of highways safety.

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.

Members will recall that a very similar application at this site for 13 dwellings was submitted in 2008 under reference 08/00614/FUL. Although recommended for approval subject to conditions and a Section 106 agreement, the application was deferred by committee members for further negotiation on the provision of affordable housing at the site.

However, no agreement was reached on this issue as the applicants claimed that the provision of affordable housing was unviable (a viability assessment was submitted by the applicants and accepted by the Council) and that it wasn't obligatory as the application is for less than 15 dwellings and therefore affordable housing is not necessary or required by Policy CS15. Negotiations thus came to a standstill and the applicants chose to appeal against non determination, removing the ability for the planning committee to determine the application. Nevertheless, the committee were invited to advise what their resolution would of been if they still had the power to determine the application and this was confirmed as being that '*permission would be refused on the basis of absence of affordable housing (contrary to policy CS15) and absence of bat mitigation measures (contrary to policy CS19)*'.

Appeal

The appeal was determined by written representations and although it was dismissed this wasn't on the basis of lack of affordable housing. With regards to this issue the Inspector commented that '*The land to the north of the appeal site is also owned by the appellant. Outline consent exists for two houses on this site (ref 09/01103). That permission was sought and obtained by a previous owner and included a separate access. The Councils supplementary planning document (SPD) 'Planning Obligations and Affordable Housing' provides that the spirit of its affordable housing should not be avoided by the artificial sub-division of sites. However, the evidence before me does not indicate that the appellant has sought to circumvent the Council's affordable housing trigger. In this regard, the Council Officers advised the appellant during the pre-application discussions that the two sites would be treated separately. Even if the Council is correct in its assertion that the appeal scheme triggers the provision of some on site affordable housing, the appellant has submitted a development appraisal to support its argument that the appeal scheme would be unviable if affordable housing were provided as part of the proposals. I agree with the appellant and the Councils planning officer, and conclude on the second main issue that it would be unreasonable to withhold permission on the basis that the scheme does not include any*

affordable housing provision'. It is therefore established (by way of the appeal decision) that affordable housing is not required to be provided by this planning application.

The issue of nature conservation was also raised as a secondary issue by the planning committee and with regards to this the Inspector commented that *'The appellant's appraisal recommends mitigation measures for the loss of the bat roosting sites. These include cutting and removing surrounding brambles outside the bird nesting season, commissioning surveys and making provision for bats within purpose built structures. Whilst the replacement bat roosts could provide an appropriate alternative to the existing loft voids there is no information before me regarding foraging habitat or flight lines.....it is essential that the extent to which any protected species may be affected by a proposed development should be established before planning permission is granted. This matter could not therefore be addressed by way of a planning condition. Whilst my decision does not turn on this issue, had I not found harm in respect of the first issue I would still have been unable to grant planning permission.'* This issue has been considered further by the applicants and a Bat and Barn Owl Appraisal was submitted with this application. Mitigation measures have been designed into the proposal in accordance with the findings of the report and Natural England are satisfied that the application is not harmful to nature conservation. It is the view of your officers that this issue has therefore been addressed satisfactorily.

The Planning Inspector also raised the issue of the impact of the proposed development on the character and appearance of the area, although this was not raised as a problem or reason for refusal by the case officer or planning committee. Whilst generally being complimentary about the design of the development, with regards to impact upon the character of the area the Inspector stated that the new sweeping entrance proposed in the previous application would *'disrupt the continuity and sense of enclosure created by the existing roadside wall.'* This issue has been addressed within the current application and whilst the access proposed within the appeal application was in the form of a swept curve approach, this proposal reduces the width of the opening creating more of a stepped and angled turn into the site, and is in the form of a 'punched hole' rather than a sweeping curve. It is considered that this approach addresses the Inspector's concerns that the sweeping entrance contained within the appeal proposal disrupts the sense of enclosure created by the existing wall and is detrimental to the character and appearance of the area.

Finally, as mentioned above, reference was made by the Inspector in his report to design issues (under the heading 'other matters'), stating that *'new dwellings would have steep roof pitches, clad with natural slate, with bay windows on their front elevations clad using painted timber. Although lacking chimneys, the design would represent a contemporary interpretation of the Victorian architecture that exists in this part of the town. These dwellings would be designed to a high standard and would respect the setting of Boringdon Villas and the architectural qualities of the area.'* The Inspector then goes on to state that *'In contrast, the rear elevations of the buildings*

intended for plots 4 and 5 would be reminiscent of much modern estate housing found throughout the country. With the exception of the slate roofs, these buildings would fail to create or reinforce local distinctiveness.' This application seeks to address this issue by modifying plots 4 and 5 to make them more in keeping with the other proposed dwellings on the site, by incorporating steeply pitched slate roofs, projecting gables and a positive variance in external materials. This is considered to adequately address the issues raised by the Inspector concerning the external appearance of plots 4 and 5.

Notwithstanding the appeal issues which are discussed above, the application also needs to be considered with regards to its impact on the character of the area, on the highway and to neighbouring properties amenities.

Impact on the character of the area and design issues

The scale of the dwellings has been designed to follow the street pattern and respect the gradient of the land. Particular attention has been given to the height of buildings on plots 7 and 8 so that their ridge height is consistent with No.1 Boringdon Villas (the nearest existing property), ensuring that the local context is respected. The proposed layout is a response to the shape of the site and ensures that best use is made of the land, whilst respecting the established pattern of development and amenities of the closest existing dwellings.

As stated in the section above concerning appeal issues, the design of the dwellings proposed is considered to be of good quality with a varied materials palate that would include white render, painted timber cladding and brick. The quality of the design was also noted by the Inspector in his appeal report, who commented that the proposed dwellings would be *'designed to a high standard'* and *'respect the setting of Boringdon Villas and architectural qualities of the area.'* It is considered that the proposed development would be a contemporary architectural response to the distinctive period qualities of the local vernacular and that it is compliant with policies CS02 (Design) and CS34 (Planning Application Consideration).

Issues regarding the existing stone wall at the site are discussed in the appeal section above. The Inspector had commented that the sweeping entrance proposed within the previously refused application would disrupt the continuity and sense of enclosure created by the wall. This issue is addressed within the current application, which instead of a sweeping curved opening proposes a 'punched hole' that has less of an impact upon the streetscene and historic wall, and maintains a sense of enclosure at the site. This is considered acceptable and adequately addresses the concerns raised by the Inspector.

Highway Considerations

It is considered that the local highway network has sufficient capacity to accommodate the modest increase in vehicular traffic associated with the proposed development. Car parking provision is for two parking spaces per dwelling but this does include a number of garages which may or may not be used for the parking of a car, although the majority of the dwellings have car

ports which will ensure the spaces are used for parking and not storage (in the case of a garage).

The Councils Transport Officer is supportive of the application, stating that *'This application is similar in the Transport elements to an earlier unsuccessful planning application (08/00614) for the site to which transport did not object to in principle. Therefore as the transport elements of this latest application and proposal are virtually the same as the previous, Transport would reiterate the earlier recommendation to grant conditionally.'*

The proposed site layout provides a functional turning head at the entrance to the site, and what would be private shared surface housing-court type layouts at either end. The turning head entrance area including footway would safely facilitate pedestrian access and provide for the essential servicing of the site, allowing commercial vehicles and others to turn. It is considered that the application complies with Policy CS28 (Local Transport Considerations).

Impact on neighbouring properties

The proposed development has been designed to ensure that it would not result in significant overlooking or a loss of privacy to any neighbouring property. Where proposed buildings directly face neighbouring windows they are set at least 21m away. Existing housing to the north would be more than 35m away from the development and the residential home to the west would be over 21m away.

The only properties that would be within close enough proximity to the site to be significantly affected would be those which the site adjoins to the east. The only window that could overlook No. 1 Boringdon Villas is a small hallway window which would not cause a significant loss of privacy. No other windows would directly overlook dwellings to the east. Some concern has been expressed with regard to the rear curtilage areas of properties to the east being overlooked. However, given the difference in ground levels, the existing boundary wall and additional landscaping proposed, it is considered that significant overlooking would not be caused and that neighbouring properties would not suffer a loss of privacy.

This was also the view of the Inspector, who in his appeal report on the previous application (which contained the same proposed housing layout) stated that *'The proposed dwellings would be sited and designed to avoid any harmful overlooking or loss of light to neighbouring properties. The outlook from some adjacent properties would change but the scheme would not be overbearing.'*

Letters of Representation

Comments made in the letters of representation received include many concerns about the impact of the proposed development on the highway and highway safety. Highways issues are discussed above, but to confirm, the Councils Transport Officer is happy that the proposal will not have a detrimental impact on the surrounding highway network and would not prejudice highway safety. Therefore, while there are some outstanding fears

from residents, it is considered that the application does not raise issues of highway safety.

Other concerns raised in the letters of objection received include those about the impact to the visual appearance of the area and the loss of the existing building. The character of the existing building is noted but it is not listed, nor in a conservation area and therefore could be demolished without planning permission. The proposed scheme therefore has to be judged on its merits and it is considered that the proposed housing would not be detrimental to the character of the area.

Some of the letters of objection received also raised concerns that the site would be overdeveloped, that there would be overbearing noise during construction and a loss of privacy to nearby property occupiers. The issue regarding privacy has already been dealt with above. Regarding overdevelopment, it is considered that the site would not be overdeveloped. The layout is considered to be satisfactory and the development would have a density of 43 dwellings per hectare, which accords with the governments minimum density target of between 30 and 50 dwellings per hectare.

Finally while some noise is to be expected with any construction, a code of practice plan shall be agreed to ensure that the amenity of surrounding residents is protected.

Equalities & Diversities issues

The application proposes 13 new dwellings 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:

- £13, 155.50 towards Children's Services;
- £2, 641 towards Health;
- £1, 362 towards Libraries;
- £15, 502.50 towards Green Space/Natural Environment;
- £12, 463 towards Sport and Recreation;
- £659 towards Public Realm;
- £26, 201 towards Transport.

There is an administration fee of £3, 599.

Conclusions

This application proposes 13 new dwellings in an established residential area that is not constrained by any restrictive planning policies. The development provides satisfactory levels of car parking 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.

The application addresses the issues raised by the Planning Inspector in his Appeal Decision Notice for the previously refused (very similar) application at the site and 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 March 2010.

Recommendation

In respect of the application dated **22/12/2009** and the submitted drawings, **07380.EX01, 07380.EX02A, 07380.SD201A, 07380.SD204, 07380.SD202, 07380.SD203, 07380.SD208, 07380.SD206, 07380.SD207, 07380.SD205, 07380.SD215, 07380.SD217, 07380.SD216, 07380.SD209, 07380.SD219, 07380.SD221, 07380.SD220, 07380.SD218, 07380.SD223, 07380.SD225, 07380.SD224, 07380.SD222, 07380.SD226, 07380.SD227, 07380.SD228, 07380.SD229, 07380.SD230** and accompanying **Design and Access Statement, Transport Statement and Chiroptera (bats) and Barn Owl Appraisal**, it is recommended to: **Grant Conditionally Subject to a S106 Agreement, Delegated authority to refuse in event of S106 not signed by 23rd March 2009**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

STREET DETAILS

(2) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(3) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(4) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(5) 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.

SITE CHARACTERISATION

(6) 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

(7) 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

(8) 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

(9) 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

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.

EXTERNAL MATERIALS

(10) 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.

DETAILS OF BOUNDARY TREATMENT

(11) 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. The boundary treatment shall be completed before first occupation of the first dwelling. Development shall be carried out in accordance with the approved details.

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.

LANDSCAPE DESIGN PROPOSALS

(12) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE WORKS IMPLEMENTATION

(13) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

NOISE

(14) The development should be built in such a way that the living rooms meet BS8233:1999 Good Room criteria

Reason:

To protect the residents from unwanted noise, after occupation of the building.

INFORMATIVE: SECTION 278 AGREEMENT

(1) In order to carry out the necessary off-site highway works including the forming of the new entrance into the application site it is essential that the

developer enter into a legal agreement with the City Council under Section 278 of the Highways Act 1980.

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 of the proposed development on the character and appearance of the area, the surrounding highway network and nearby property occupiers residential amenities; 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:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites