

ITEM: 09

Application Number: 10/00180/FUL

Applicant: Bibio Limited

Description of Application: Erection of 12 affordable/local needs or sheltered/supported residential flats comprising 4 two-bedroom units and 8 one-bedroom units and associated parking and external works including bin and cycle stores

Type of Application: Full Application

Site Address: WOODLAND TERRACE LANE LIPSON PLYMOUTH

Ward: Drake

Valid Date of Application: 12/02/2010

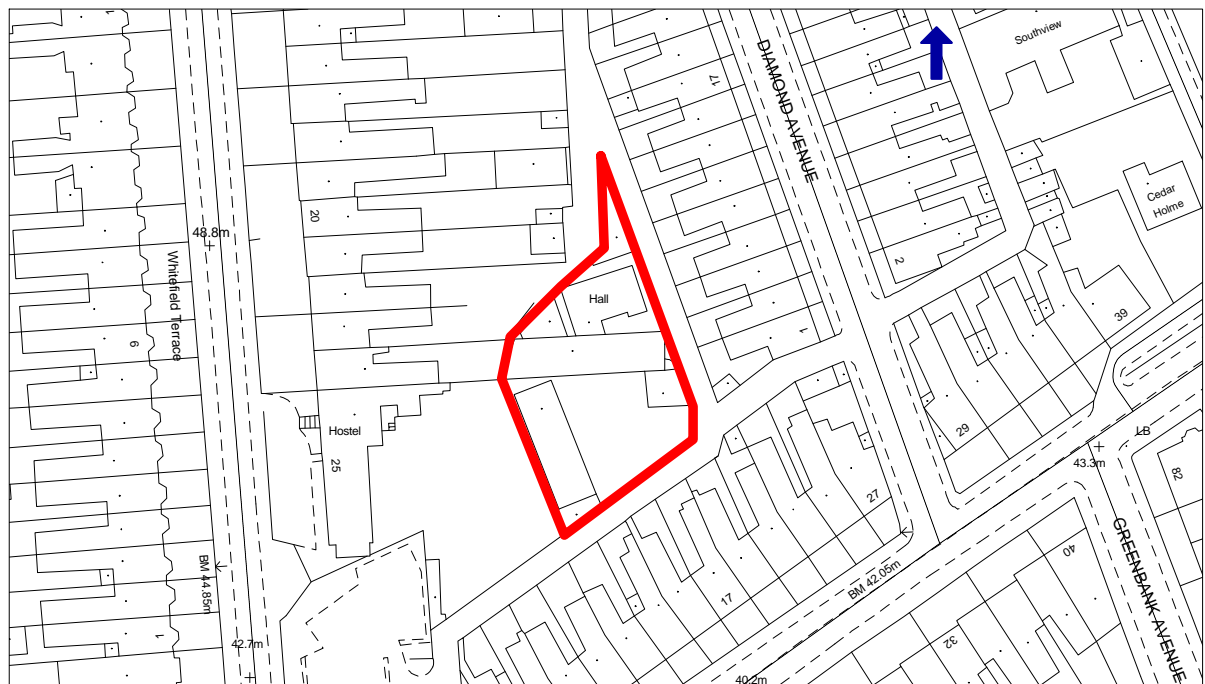
8/13 Week Date: 14/05/2010

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 14th May 2010

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OFFICERS REPORT

Site Description

The site is a 0.122 hectare, diamond-shaped piece of land situated to the rear of large scale residential properties in Greenbank Road, to the west, smaller residential terraces in Diamond Avenue, to the east, and the terrace of houses in Lipson Road, to the south. The site is accessed from Diamond Avenue via a relatively short section of typical, cobbled rear lane and is surrounded by a high limestone wall. The site currently contains buildings of varying heights that are used for ice-cream storage and distribution purposes and the parking of ice-cream vans. A detached two-storey building near the northern apex of the site is used on an informal basis by a boxing club.

Proposal Description

Erection of 12 affordable/local needs or sheltered/supported residential flats comprising 4 two-bedroom units and 8 one-bedroom units and associated parking and external works including bin and cycle stores.

This application seeks to amend 09/00832 (see below) by allowing the use of the flats for general needs affordable/local needs housing as well as for sheltered/supported flats. This to provide the security of long term funding as rented accommodation. In other respects the proposals are identical to the previously approved scheme. The intention is to implement the sheltered/supported housing use, with the general needs affordable housing option providing an exit strategy for the RSL should nominations for the sheltered/supported housing be insufficient initially or in the future. Thus, the greater flexibility in terms of occupancy will enable certainty in terms of funding, while also providing the opportunity to cater for a wider section of the population who are in housing need, should demand for sheltered/supported housing be met elsewhere.

Relevant Planning History

09/00832/FUL - Erection of 12 sheltered/supported residential flats comprising 4 No 2-bedroom units and 8 No 1-bedroom units and associated parking and external works, including bin store and cycle store. This application was permitted. These proposals were for sheltered accommodation only and did not attract a contribution towards infrastructure and a Section 106 agreement was not necessary.

06/01276/FUL - 12 studio houses. This application was returned and did not proceed to determination.

03/00865/OUT - Outline application to redevelop existing warehouse, leisure and workshop premises for residential purposes. This application was refused because it was considered that the development would result in the loss of an employment site/ premises that is suitable for a continued employment use.

Consultation Responses

Highway Authority

Transport has no objections subject to conditions, including the imposition of a 'Grampian' condition to require improvements to the access lane that serves the site.

Public Protection Service

Have no objections subject to planning conditions relating to the potential for land contamination; code of practice; noise and waste storage.

Housing

Support the scheme.

Police Architectural Liaison Officer

The Devon and Cornwall Constabulary are not opposed to the granting of planning permission.

Representations

None.

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 CS01, CS02, CS05, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007. The main issues in this case are the impact of the proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety, and the provision of affordable housing. The application is very similar to 09/00832, except for the proposed option of using the flats for affordable housing purposes. The main considerations in this respect are whether the use for affordable housing would affect highway considerations and the amenities of prospective occupiers and surrounding residents.

With regard to employment provision, the current use of the site does not appear to cause undue noise and disturbance for nearby residents. However, the use may well cease in the future and alternative, less neighbourly uses might arise, albeit within the same use class. In addition, it is likely that up to 235m² of floor space could be used for light industrial purposes without the need to submit a planning application. While policy CS05 of the Core Strategy seeks to avoid the loss of employment sites the 'backland' nature of the site, and consequent close relationship with neighbours, together with the sub-standard highway access are factors that are considered to outweigh this policy on the basis that a positive use can be made of it. In this respect the

proposals for sheltered/supported accommodation are considered to be material. The proposals are therefore considered to be in accordance with policies CS01 and CS05.

With regard to the character and appearance of the area, the use of the site for residential purposes is considered to be in keeping with the overall residential nature of the surrounding area, although the site does not have a direct road frontage and consequently the layout is inward looking. Despite this the general layout is similar to that of the existing buildings and the number of units proposed does not over-intensify the use of the site. On such a backland site the scale of this amount of development should be physically subservient to surrounding buildings with a road frontage and the fully hipped, slate roof is considered in keeping with surrounding development. The proposals are therefore considered to be in accordance with policies CS02 and CS34.

With regard to the impact on surrounding residential amenity, the height and form of the roof structure is not considered to be overbearing or dominant when viewed from parts of Diamond Avenue, Greenbank Road and Lipson Road. The overall height of buildings would not overshadow neighbouring properties. With regard to privacy, four of the first floor windows facing the flats at 25 Greenbank Road are designed to angle away from the boundary thus reducing overlooking of that property. The development also proposes a number of inward looking first floor balconies, which avoid unacceptable overlooking of properties in Diamond Avenue and Lipson Road. In these respects the proposals are in accordance with policies CS02 and CS34.

The use as affordable housing units is not considered to have a significantly greater effect on surrounding residential amenity and although the proposed gardens are on the small side there is considered to be adequate outside amenity space for occupiers of the flats.

The application as currently presented proposes six Lifetime Homes, this is in excess of the minimum 20% required by policy CS15 and is welcomed. The Design and Access Statement states that these Lifetime Homes will all be located on the ground floor. It is also worth noting that those on the first floor will be compliant with the Lifetimes Homes criteria except in regards of the lift access.

With regard to highway safety, the access to the site is via a cobbled section of lane from Diamond Avenue, which continues on towards Lipson Road and subject to improvements, together with improvements to the site access, is considered to be adequate in terms of providing vehicular and pedestrian access. The level of car parking and cycle storage facilities are also sufficient.

With regard to on-site renewable energy production, there is no information in the Design Statement submitted with this application on how the proposal will comply with the policy CS20. Policy CS20 encourages a broad range of issues relating to sustainable design and construction, but there is a bare

minimum requirement for: *all proposals for non-residential developments exceeding 1,000 square metres of gross floorspace, and new residential developments comprising 10 or more units (whether new build or conversion) to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.* Onsite renewables can affect the appearance and design of a development, therefore further information should be submitted before determining the application. This should include calculations of the energy use of the building before and after the integration of renewables, and plans showing the design implications of the proposed onsite renewables. At this time it is understood, informally, that the intention is to place solar panels in the south facing roof elevation of the development.

Equalities & Diversities issues

The proposals are for sheltered/supported accommodation and the access arrangements are considered satisfactory in this respect.

Section 106 Obligations

The proposed development could be used for affordable housing and consequently a Section 106 agreement is required to secure the necessary tariff contributions and status of the affordable units. The tariff contribution applicable in this case is £37,324.

Conclusions

The proposals make good use of a brownfield site that otherwise could prove harmful to residential amenity if retained in commercial use. The layout, scale, amount and design of the proposed development will preserve surrounding residential amenity and the agreed highway improvement works will ensure safe and convenient access for occupiers and visitors. The inclusion of affordable housing units is not considered to have a significantly greater impact on amenity and safety issues, including traffic generation. The application details a development proposal which has the potential to deliver much needed Affordable Housing, while also providing Lifetime Home units in excess of policy requirements. The proposals are therefore considered to be in accordance with Core Strategy policy and it is recommended that conditional planning permission be granted.

Recommendation

In respect of the application dated **12/02/2010** and the submitted drawings, **3086 [S-]01A, 3086 [PL-]08E, 3086 [PL-]09F, 3086 [PL-]10F, transport statement, contamination survey, and accompanying design and access statement** , it is recommended to: **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 14th May 2010**

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.

USE RESTRICTION - SHELTERED/SUPPORTED ACCOMMODATION ONLY

(2) The development hereby permitted shall be used for sheltered or supported residential accommodation only and details of the type of client residing in the flats, and any future changes to the type of client, shall be submitted to and approved in writing by the Local Planning Authority before the flats are occupied by such persons.

Reason:

The development is considered appropriate for use by persons in need of shelter or support but the use by individual client groups needs to be assessed with regard to the impact on existing infrastructure, i.e. the highway network, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

EXTERNAL MATERIALS

(3) Notwithstanding the submitted plans 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.

RETENTION OF BOUNDARY WALL

(4) The existing stone boundary wall surrounding the site shall at all times be retained except where reductions are necessary to provide adequate highway visibility in accordance with the requirements of conditions 6 and 7 of this decision notice.

Reason:

The wall provides an attractive boundary treatment and screen that is in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS (CONTRACTORS)

(5) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the

satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PROVISION OF SIGHT LINES

(6) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access to the site and the rear service lane have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

PRESERVATION OF SIGHT LINES

(7) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

COMMUNAL CAR PARKING PROVISION

(8) No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 8 cars to be parked 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 Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE PROVISION

(9) No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 8 bicycles to be securely parked.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

CYCLE STORAGE

(10) Details of the secure area for storing cycles shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority and 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 2007.

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(11) The units hereby permitted shall not be occupied until improvements to the existing rear service lane, which includes providing improved facilities for pedestrians (improved surfacing and street lighting) have been delivered in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway and pedestrian safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

BIN STORE

(12) Notwithstanding the submitted plans, the bin store shall be increased in size such that 5 no. 1100 litre bins are provided for the development and details of the bin store shall be submitted to and approved in writing by the Local Planning Authority and shall remain available in that form and for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To provide sufficient waste storage and prevent the spread of waste and to ensure that facilities are adequate and in keeping with the standards of the area, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

LAND CONTAMINATION

(13) 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 14-16 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 17 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(14) 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 desk study characterising the site and identifying potential risks from contamination

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

(iii) 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;

(iv) 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

(15) 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(16) 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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(17) 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.

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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(18) 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.

RENEWABLE ENERGY PRODUCTION

(19) 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.

INFORMATIVE - EXTENT OF HIGHWAY WORKS

(1) The applicant is advised that the extent of the lane subject to these improvements referred to in condition 11 will be from its junction with Diamond Avenue through to its junction with Lipson Road (to the south) in order to cater for access to and from the proposed development.

INFORMATIVE - SURFACE WATER MANAGEMENT

(2) It is recommended that, notwithstanding the approved use of the existing surface water mains sewer, the applicant seeks to comply with the Environment Agency's surface water management good practice advice.

INFORMATIVE - GOOD ROOM CRITERIA

(3) All dwellings should be constructed so that the living rooms and bedrooms meet the good room criteria as set out in BS 8233:1999, in order to protect any future occupants and neighbours from any unwanted noise disturbance.

INFORMATIVE - CODE OF PRACTICE DURING CONSTRUCTION

(4) The management plan required by condition 18 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can

be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

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 proposals on employment provision in the area; sustainable linked communities; the character and appearance of the area; residential amenity and highway safety, provision of affordable housing, and contamination aspects, 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:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS20 - Resource Use
CS21 - Flood Risk
CS22 - Pollution
CS05 - Development of Existing Sites
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision