

**ITEM: 15**

**Application Number:** 10/00853/FUL

**Applicant:** Colourcolt Ltd

**Description of Application:** Redevelop site by erection of 10 dwellings (demolition of existing public house)

**Type of Application:** Full Application

**Site Address:** THE FELLOWSHIP INN,  
THE FELLOWSHIP INN, TREVITHICK ROAD  
TREVITHICK ROAD PLYMOUTH

**Ward:** St Budeaux

**Valid Date of Application:** 18/06/2010

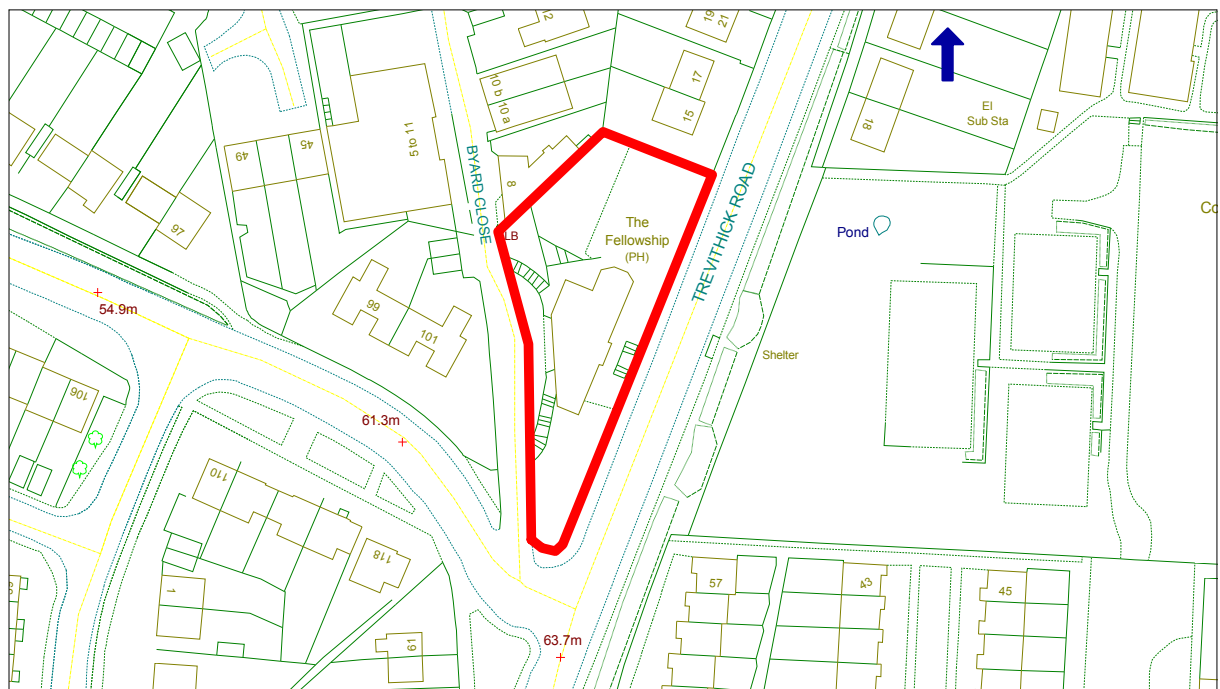
**8/13 Week Date:** **17/09/2010**

**Decision Category:** Major Application

**Case Officer :** Carly Francis

**Recommendation:** Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 10 September 2010

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## OFFICERS REPORT

### Site Description

This is the 'Fellowship Inn' public house located in Kings Tamerton in what is primarily a residential area. The existing public house is a detached two-storey building, there is a basement storage area and above the bar area at first floor level is residential accommodation. The site includes a pub garden and a car parking area for approximately 15 vehicles. The site appears elevated as land levels steeply drop to the south onto Byard Close where there are some retail outlets. The south of the site meets a road junction; the site is surrounded by terraced and semi-detached housing, with Tamarside Community College to the east.

### Proposal Description

Redevelop site by erection of 10 dwellings (demolition of existing public house).

### Relevant Planning History

08/02107 (FULL) Redevelop site by erection of 9 dwellings (demolition of existing public house) GRANTED CONDITIONALLY.

### Consultation Responses

**Highway Authority-** no objections providing conditions regarding the parking area, a code of practice during construction and a kerb lowering informative be attached to any grant of planning permission.

**Public Protection Service-** no objections however recommend that conditions regarding a code of practice and the reporting of any unexpected contamination be attached to any grant of planning permission.

**Police Architectural Liaison Officer-** the Devon and Cornwall Constabulary were fully consulted at the pre application stage and support this application in its current design and layout.

### Representations

15 letters of representation, objecting due to:

- the loss of the public house/ community meeting place
- loss of jobs
- poor access to Byard Close (especially for emergency vehicles)
- would take away existing parking spaces and further congest the road

### Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed

against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

This proposal is for 10 affordable, 3-bedroomed residential units. The main considerations for this proposal are the impact to the character of the area, on neighbouring properties, to trees and on the highway. This proposal turns on policies CS02, CS15, CS16, CS18, CS19, CS21, CS28, CS32, CS33 and CS34 from the adopted Core Strategy and the adopted 'Development Guidelines' SPD and 'Planning Obligations and Affordable Housing' SPD and the Kings Tamerton Sustainable Neighbourhoods Assessment. National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application is very similar to a previous application that was for 9 affordable units, this application was granted planning permission in 2009. The layout is the same but the shared outside amenity space has reduced slightly in size and an additional unit added. There are also slight differences to the design of the dwellings as detailed below. Given this recent permission the principle of re-developing the site for residential has already been agreed.

#### **Impact to Neighbouring Dwellings**

The residential units proposed would be three-storeys high as in the former application, however previously balconies were proposed on the Byard Close elevations. These balconies have been removed in this application and therefore any concerns regarding overlooking also removed. There are bungalows located directly opposite the site on Byard Close however these bungalows would be approximately 20 metres away from the proposed residential units and due to changing ground levels, there would be no direct overlooking of any neighbouring windows. The amenity areas of No. 99 and 101 Byard Close would experience some overlooking however they are already overlooked to some degree.

The windows at the rear of No.8 Byard Close currently overlook the pub car park, and would only be approximately 11 metres away from the proposed development, however tree planting is proposed in the area behind No.8 along with a 1.5m high boundary wall and therefore adequate screening would be provided to ensure that the property does not suffer any loss of amenity.

There are no windows proposed on the gable end of Plot 1 and the windows on the gable end of Plot 10 would be over 21 metres from the nearest dwelling. Therefore no overlooking would be caused.

It is not considered that there would be a significant impact on neighbouring amenity and the proposal is deemed to accord with policies CS15 and CS34.

#### **Design and Amenity of Dwellings Proposed**

All of the residential units would have sufficient amenities and all habitable rooms would have adequate natural daylighting.

The floor areas of the units proposed would be 90.7 square metres. These are considered to be adequately sized three bedroom properties, exceeding the minimum standard of 82 square metres given in the Development Guidelines SPD.

Each dwelling would have its own private amenity space and although these areas would fall short of the 50 square metres standard given in the Development Guidelines SPD, the development also includes communal amenity areas to the south and east of the site. There is also adequate space for each dwelling to have its own refuse storage area. The proposal therefore accords with policy CS15.

A Contemporary style design is proposed and the materials would include colour render for the walls in contrasting colours and interlocking concrete roofing tiles. The appearance of the buildings proposed is considered to be acceptable and given that the existing public house is currently in a poor state of repair, the development would be beneficial in improving the appearance of the area and would accord with policy CS02.

### **Landscaping**

Landscaping is an important feature of this proposal both to improve the visual amenity of the site and the area and to assist in the requirements for Secure-By-Design. A Tree Survey was submitted to accompany this application.

At the south end of the site there is a group of six Horse Chestnuts, a Sycamore and a Hawthorn. One of the Horse Chestnuts is dead and is to be removed. All the other Horse Chestnuts are to be retained and during construction an exclusion zone is to be formed around them to prevent any alteration in levels or any depositing of construction materials within this area. The vegetation at the north western end of the site, consisting principally of low level scrub of ivy, blackberry and blackthorn, is to be removed. The planting has generally been designed utilising evergreen plants so that the site does not look denuded during winter. Where deciduous plants are used, they are generally of a type which will give colour and interest such as with highly coloured stems. The planting in front of properties seven to ten is designed with prickly plants which should assist their survival. These plants will be surrounded by a 900mm high timber picket fence. It is also proposed that there is planting to the northern gable again surrounded by a 900mm high picket fence, the purpose of these plants being to prevent close access to the gable wall for the discouragement of graffiti. The planting will also assist in providing private amenity areas for the residents to use.

The only significant group of trees, in terms of amenity, is the group of Horse Chestnut which will be retained in the proposed amenity area. The planting proposed is supported and therefore the proposal is deemed to accord with Policy CS18.

### **Sustainability**

Sustainability measures have been sought in order to comply with the criteria in Policy CS20. The housing would reduce the carbon footprint to some extent; it would have improved insulation and air ventilation with heat recovery and therefore show a saving of 26% of energy use compared to a standard building regulation house. It would still however fail to off-set at least 15% of the carbon emissions for which the development is responsible by on-site renewable energy production would make the proposal. The applicant has submitted information to demonstrate that it would not be viable to design this into the scheme. Given this and the fact that the site already has permission for 9 residential dwellings (which did not trigger the need to comply with Policy CS20), it would not be reasonable to refuse the application on this basis.

### **Highway Issues**

The Transport Service raise no objections. The drawings show 14 parking spaces for the 10 dwellings. As such a parking ratio of 1.4 space per dwelling is proposed. The level of parking, as shown on the drawings, is acceptable and accords with current standards. 6 of the proposed spaces will be accessed directly from Trevithick Road and a vehicle crossing would be required. Separate permission to facilitate a crossing will be required from the Highway Authority. The remaining parking spaces will be as per the existing servicing / parking area accessed off Byard Close. The applicant should note the location of the triple BT chamber which will need discussions with the utility provider in order for it to be lowered and strengthened for vehicle loading. The cost of such work must be borne by the developer. The applicant must ensure that no private surface water or loose material is permitted to flow or be deposited onto the adjoining highway from any of the proposed parking areas. Trevithick Road has good public transport services and footway provision to the local school and shop, off Byard Close. As such the site is deemed to be accessible by all modes and car use should be reduced accordingly in favour of more sustainable modes of travel. The proposals are deemed to accord with Policy CS28.

### **Letters of Representation**

The main point raised in the letters of representation received relate to the loss of the community facility. While this is a material planning consideration and a need to improve pubs within the Kings Tamerton area is identified in the Sustainable Neighbourhoods Assessment, this study identifies that there is a greater need for affordable housing in this area as the majority of housing is owner occupied. The loss of the public house has also already been agreed in principle through the granting of the previous permission (08/02107). No letters of representation were received in response to this previous application. This scheme for 9 dwellings can still be implemented and therefore it would not be prudent to refuse the application on this basis.

Other concerns raised relate to the poor access and parking provision. The access and parking arrangements are again the same as what has been permitted under the previous permission. The parking spaces on Byard Close are not currently public highway, these spaces are privately owned and

therefore there would be no loss of public parking provision as a result of this development.

It is noted that there would be some loss of employment as a result of this proposal; however this is not a significant employment site and its redevelopment would help to meet the City's need for affordable housing.

### **Section 106 Obligations**

The application is accompanied by a viability assessment. The Local Planning Authority have scrutinised this viability assessment and agree that generally, the assumptions made in this report are a fair reflection of the current market. The applicant has agreed to pay slightly more than the full tariff (which is usually a 50% discount according to the Market Recovery Scheme). The developer has agreed to pay 61%; this is a sum of £27,000.

(Please note this contribution has not been broken down into the Local and Strategic Infrastructure areas as it was calculated and agreed under the old tariff system).

### **Equalities & Diversities issues**

60% of these homes will be built to lifetime homes standard. The remaining 40% of dwellings have been designed with lifetime homes standards in mind but are unable to meet the parking requirements due to the constraints of the site. 60% still exceeds the Council's aim of 20% and therefore the proposal would comply with Policy CS15.

The properties have been provided with a room at ground level which can be used as a bedroom and a large ground floor WC which could be made into a wet room. A location for a platform lift is also incorporated into the design, this lift connecting the kitchen-dining room to the lounge to bedroom one. The houses will be provided with these facilities so that they also comply with the requirements of Building for Life.

The parking spaces for dwellings 1-6 have been designed to meet disabled standards. Dwellings 7-10 have remote parking at a lower level but do have level access to Trevithick Road.

### **Conclusions**

The proposed residential properties are considered to be adequate in terms of design, impact on neighbouring properties and on the trees and highway. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 10<sup>th</sup> September 2010, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by this date.

### **Recommendation**

In respect of the application dated **18/06/2010** and the submitted drawings, **898-10, 898-02, 898-06, 898-20B, 898-21B, 898-22, 989-01** and **accompanying Design and Access Statement, Tree Survey and Contamination Assessment**, it is recommended to: **Grant conditionally**

**subject to S106 Obligation, delegated authority to refuse if not signed by 10 September 2010.**

### **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.

#### CODE OF PRACTICE DURING CONSTRUCTION

(2) 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.

#### PROVISION OF PARKING AREA

(3) 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(4) 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. 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'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

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 CS22 and CS34 of the Plymouth Local development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

(5)The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or



placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXTERNAL MATERIALS

(6) 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 CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule 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 protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

#### LIFETIME HOMES

(8) 60% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

To ensure that the development delivers 60% of the residential units to Lifetime Homes Standards in accordance with development proposal and the adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### INFORMATIVE:

##### CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan 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;

1. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
2. 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, construction traffic parking.
3. Hours of site operation, dust suppression measures, noise limitation measures.

**INFORMATIVE: UTILITY PROVIDER**

(2) The applicant should also note that separate permission will be required from the utility provider as the proposed vehicle crossing is at the location of the triple BT chamber and cover.

**INFORMATIVE: KERB LOWERING**

(3) Before the access hereby permitted is first brought into use, it will be necessary to secure dropped kerbs; with the consent of the Local Highway Authority. The developer should contact the Technical Consultancy of Plymouth City Council for advice on this matter before any work is commenced.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: design, impact on neighbouring properties and on the trees and highway, 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, and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport  
PPS3 - Housing  
PPS3 - Housing  
PPS1 - Delivering Sustainable Development  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS20 - Resource Use

CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
SPD1 - Development Guidelines