

ITEM: 6

Application Number: 10/02066/OUT

Applicant: Land Registry

Description of Application: Outline application to demolish the existing building and the erection of 68 houses and associated roads, access, parking and landscaping and installation of an underground attenuation tank

Type of Application: Outline Application

Site Address: PLUMER HOUSE, TAILYOUR ROAD PLYMOUTH

Ward: Budshead

Valid Date of Application: 10/12/2010

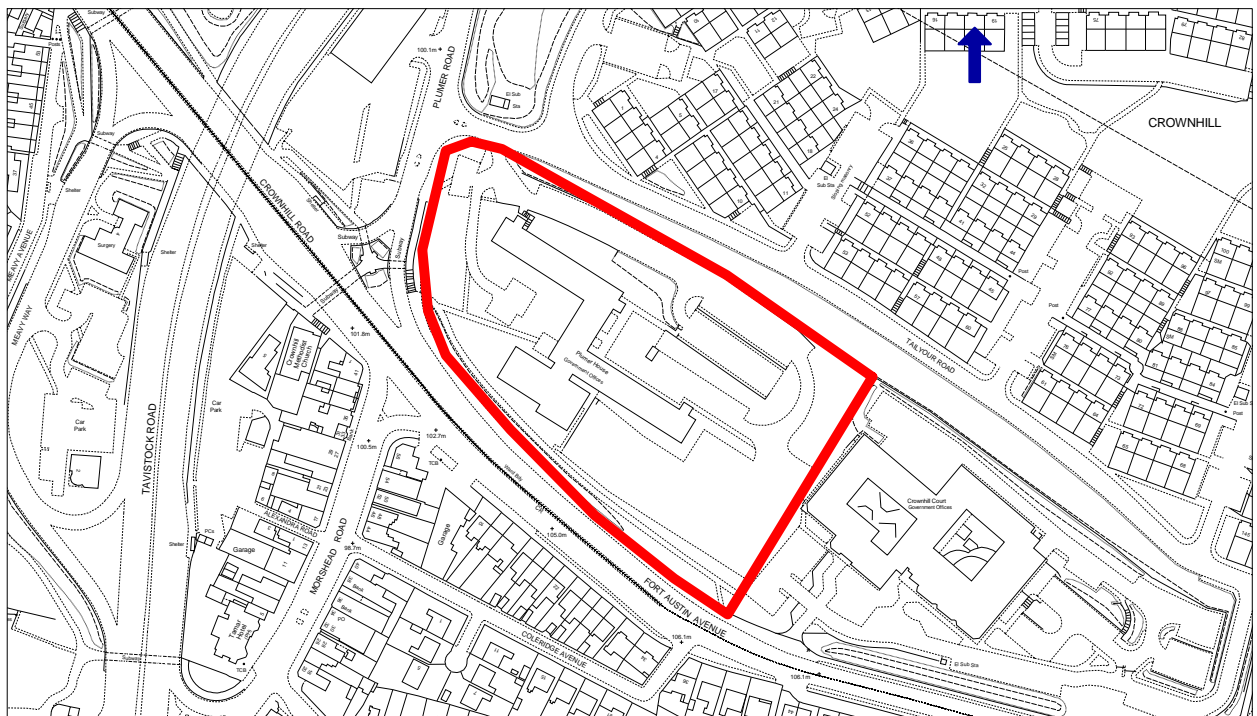
8/13 Week Date: 11/03/2011

Decision Category: Major Application

Case Officer : Robert McMillan

Recommendation: Refuse

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OFFICERS REPORT

Site Description

The site is at Crownhill bounded by Crownhill Road/Fort Austin Avenue, Plumer Road, Tailyour Road and Crownhill Court Government offices. It has an area of 2.17 hectares. The frontages with the roads are: Fort Austin Avenue 181 metres, Plumer Road 78 metres and Tailyour Road 204 metres. There is housing to the north, offices to the east, housing and Crownhill local centre to the south and the Farmfood shop to the west. The site comprises a five storey office building of 8,547 sq m with extensive areas of open parking to the north, south and east of the building.

There is one point of vehicular access at the western end of Tailyour Road between its junctions with Plumer Road and Hunter Close. There is a subway on Plumer Road that provides access to the Crownhill shops and the Farmfood shop.

The building is raised above Tailyour Road with a treed bank between the road and the existing development. The parking is in a series of terraces. The land rises up from north to south. The top of the bank increases in height above road from west to east by 3 – 6 metres. The base of the building is 6 – 7 metres above Tailyour Road. There is a smaller bank on the south side about 1 metre above Fort Austin Avenue pavement with a footpath on top of the bank.

The site is reasonably landscaped with four large trees just north of the building and younger trees on the western part fronting Plumer Road in addition to the trees along the northern bank.

Proposal Description

This is an outline application with all matters reserved to demolish the building and erect dwellings. (The staff would be relocated to the Land Registry's other building nearby at Seaton Court at William Prance Road opposite the Future Inn Hotel.) The illustrative layout drawing shows the site developed for 68 houses in a cul-de-sac format using the existing vehicular access point. There would be a landscaped area by the entrance to the site above the attenuation tank.. The northern treed bank and southern verge and footpath above the highway would be retained.

Relevant Planning History

The applicant's Planning Support Statement states that the site was the former Plumer Barracks which was demolished in 1966 and the current office building was erected for the Land Registry in the 1970's. Since then there have been minor developments in association with the main use.

Consultation Responses

Highways Agency

No objection.

Environment Agency

No objection subject to a condition on surface water management.

Local Highway Authority (LHA)

Informally the LHA has no objection in principle subject to conditions and section 106 contributions in the negotiated element. This is about £30,000 for a contribution to improvements to the adjacent subways to improve pedestrian facilities for access to Crownhill Local Centre. There is also a requirement of about £35,000 for travel passes for 9 months for the future residents on the site.

Officers hope to be able to give a fuller response in the addendum report.

Public Protection Services

(Comments on the previous application)

No objection subject to conditions

Plymouth City Airport

No objection.

Economic Development Unit

(Comments on the previous application)

No issue with the application due to the availability of other suitable sites in the vicinity, city centre and other locations. They have few enquiries for offices of this size. They would find it difficult to support its retention and do not raise an objection.

Housing Strategy & Renewal

The Housing Enabling team raises no objection to the proposal and supports the housing principles of the scheme which as currently presented accord with the Core Strategy policy CS15 and the Planning Obligation and Affordable Housing SPD (First Review). The application represents an opportunity to make a valuable contribution to both the Affordable and Open Market housing needs of the City. Should permission be granted, the Housing Enabling team would welcome the opportunity to discuss the affordable housing options for the site with the applicant to support the development of any approval of reserved matters application.

Architectural Liaison Officer

Not opposed subject to the parking courtyards having secure boundaries and improved surveillance with one of them.

Representations

The consultation period was still running when the report was prepared. But with the previous application there was just one email of representation making the following points:

1. Disturbance, dust and noise during construction;
2. Will there be a mix of market and affordable homes?
3. Are there any asbestos issues?
4. Property devaluation; and would affected properties receive compensation?

Analysis

The main issues with this application are: the principle of the change of use from offices to housing; design; transport and highways issues, trees and nature conservation and section 106 contributions. The main policies are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS04 Future Employment Provision, CS05 Development of Existing Sites, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations, CS34 Planning Application Considerations.

Introduction/Background

This is an important application for the city both in strategic economic terms and design given its prominent gateway location. The Land Registry is an important employer in Plymouth with this site, Seaton House further up Tavistock Road on the Plymouth International Medical and Technology Park (PIMTP) and the storage archive facility at Burrington Way. As part of the general public sector drive to economise and make savings the Land Registry is rationalising its estate nationally. Fortunately it is retaining its presence in Plymouth which the Council fully appreciates in the current economic circumstances. The functions and staff based at Plumer House will relocate to Seaton House. As part of the viability process it needs to dispose of Plumer House. It believes that housing is a suitable use and would wish to sell the site with the benefit of an outline planning permission.

Before making the application the agents had a meeting with the Assistant Director of Development – Planning Services who did not raise any strong issues of concern to the broad principle of the proposal. This was subject to the caveat that the issue of loss of employment space must be dealt with and advised them to use the development enquiry service (DES) and enter into pre-application negotiations with his officers before formally submitting the application.

Just prior to making the application the applicant carried out a public consultation exercise which received an overwhelming positive outcome with 94% of responses in favour of the proposal.

The applicant submitted the application in August 2010, reference 10/01455, without any pre-application engagement with officers. Officers raised the same concern as the Assistant Director at the validation stage and advised the applicant to use the DES. The applicant chose to proceed without having any pre-application discussions with officers.

Although the application is in outline all the detailed matters are reserved. At the outline stage the broad principles of the layout, scale, appearance, access and landscaping must be set. It is also essential to establish the number, size and height of dwellings the site could accommodate to comply with the legislation on outline applications and to provide the basis for the tariff and section 106 agreement. There were design flaws in the layout. To cooperate officers produced a site planning statement (SPS), which is normally done at the pre-application stage, to help the applicant produce a satisfactory design. This showed a different approach to meet the design objectives of the Core Strategy. The applicant's architects did not have time to amend the design to enable the application to be reported favourably. To avoid a recommendation of refusal the applicant withdrew the application on the basis that it would quickly re-submit an acceptable layout in broad accordance with the SPS so it could be reported to this meeting. Officers also offered to work with the architects to produce a suitable design.

The applicant re-submitted on 10 December. There are some changes, the main ones being that houses now front Plumer Road and Crownhill Road/Fort Austin Avenue. But the road layout is still broadly the same and not all the design objections have been overcome. The applicant's reason is because of the constraints of the site with bedrock so close to the surface and drainage requirements: to comply with the SPS would involve costly site preparation works. The applicant is insistent that it is reported to this meeting to meet its strict deadlines for the staff relocation and disposal process. Unfortunately this leaves officers with little option given the shortage of time other than to make an unfavourable recommendation based on the material submitted when the application was validated.

The applicant submitted additional information to attempt to overcome design concerns and officers will update members on this in the addendum report.

Principle of change of use from offices to housing

Loss of employment space

The site is a large office building of about 8547 sq m. The Land Registry is relocating the functions and staff from Plumer House to Seaton Court with no loss of jobs. This is a significant benefit for the city and is welcomed by officers. The applicant has submitted a report entitled "Survey of Employment Needs: Plymouth Economic Area" analysing the current and future market for offices.

Policy CS05 of the Core Strategy allows the development of employment sites for alternative purposes when there are clear environmental, regeneration and sustainable community benefits subject to five criteria. Points 4 and 5 relate to tourism and marine employment sites and are not applicable to this application. In addition to the application site there are Government offices on the adjoining site and large employment provision just to the north at Derriford comprising the Plymouth International Medical and Technology Park, Tamar Science Park and Derriford Business Park as well as Derriford Hospital and Marjons. Further employment space provision will be allocated in the Derriford and Seaton Area Action Plan. The Crownhill Sustainable Neighbourhood Assessment (CSNA) identifies a need to increase the current catchment population to support the local and neighbourhood centres. The use for housing will provide regeneration and sustainable community benefits.

Criterion 1 allows for a change of use provided it is not necessary to meet current or longer term economic development needs. Policy CS04 identifies the main office locations as the city centre with Derriford as the secondary office location. There is a target delivery of 13,000 sq m of new offices per year. The applicant's report identifies a current availability of 32,515 sq m. This will increase to 39,018 sq m when the Council vacates surplus offices. This represents over 2.5 years of supply. There is a possible pipeline future supply of 83,610 sq m. The office take up rate was 13,935 sq m in 2007 and 7,896sq m in 2008. It is likely that it will be lower in 2009 – 2010 owing to the changed economic conditions.

The applicant identifies a potential supply of 130,060 sq m. Based on the above take up rates it says this equates to 10 – 28 years supply. This is confusing as officers using the same data calculate it to be 9.3 – 16.5 years supply. But this is still an adequate supply should Plumer House be developed for housing.

Criterion 2 deals with the appropriateness of the site for the city's key growth sectors. The site could be suited to Medical and Health Care or Business Services but space for these sectors is and will be provided in the Derriford area which is where the current use is being re-located. There is not a shortage of such space and the change of use does not conflict with this point.

Criterion 5 covers the range of job opportunities for local people in the Crownhill neighbourhood. The Crownhill Sustainable Neighbourhood Assessment (CSNA) notes that people are able to work locally given the number of employment sites and employers situated nearby in the Derriford area. The jobs currently provided in Plumer House will not be lost as they will simply transfer to Seaton Court. The application does not conflict with this policy. Consequently the change of use from offices to housing is acceptable and complies with policy CS05.

Housing policy

The principle of housing is acceptable in helping to meet the target of 10,000 new dwellings by 2016. It is an accessible location on bus routes to the city on the northern corridor and also along Crownhill Road/Fort Austin Avenue. It is next to the local centre, about 500 metres from Widey Court Primary School and close to the employment areas at Derriford. The applicant agrees to providing 30% affordable housing and 20% Lifetime Homes. As such it complies with these parts of policy CS15. It also complies with this policy as it is a brownfield site and a priority location in the Derriford/northern corridor area where 3,500 new dwellings are required by 2021. It also supports policy CS01.1 in developing sustainable linked communities by helping the needs of the neighbourhood with the future residents supporting the Crownhill local centre.

Design

Evolution of the layout

This has proved to be the most contentious issue and has proved the advantages of applicants using the development enquiry service before submitting major applications as, in this case, this did not happen. It is a prominent gateway site where it is important that the key design principles are set at the outline stage to set the template for the future reserved matters applications. This is particularly important with the reserved matter of layout which sets the general structure of how the site would be developed.

First layout

The illustrative layout with the first application for 74 houses was prepared, most unusually with no input from officers. It showed access from the existing position in Tailyour Road with the main street in the southern part of the site having two cul-de-sacs off it. There was an attenuation tank in the north western part of the site next to the access close to Tailyour Road with a play area above it. Properties did not front Plumer Road Crownhill Road/Fort Austin Avenue or Tailyour Road. There was an area of parking at the prominent junction of Crownhill Road and Plumer Road. There were concerns of overlooking to the eastern houses from the adjoining office building.

During the determination period officers prepared a site planning statement to guide the applicant in making fundamental changes to the layout and design. This re-positioned the location of the attenuation tank and showed a series of blocks to achieve frontage to the existing and proposed streets and retention of a specimen cedar tree within the site. The applicant's agents did not have sufficient time to amend the scheme to achieve an acceptable scheme. To avoid a recommendation to refuse the applicant withdrew the application on the understanding it would re-submit with an acceptable design that would be reported to this committee meeting.

Site constraints

The applicant's team tried to amend it to comply with the site planning statement. It states that owing to drainage constraints and the geology of the site it is difficult to change the road layout significantly having major cost implications.

The attenuation tank is at the lowest part of the site allowing both highway and general storm water to connect via a gravity connection. The site surveys reveal that underlying bedrock is close to the surface with top soil and fill material 200mm to 1.4m above it. If the attenuation tank were to be re-positioned the bedrock would have to be dug into entailing excessive cost.

Second layout

The amended scheme addresses some of the officers' concerns with houses fronting Plumer Road and Crownhill Road/Fort Austin Avenue, the retention of the Cedar tree and more use of on-street parking. But there are still many concerns. It appears that the properties fronting Crownhill Road will back onto the main street. This also appears to be the case with the properties facing Tailyour Road. There still appear to be problems of overlooking with the properties on the eastern boundary. The architects state that the houses would be double-fronted to overcome these concerns. They submitted additional information while the report was drafted so officers had insufficient time to consider it in detail and will advise members on the effects in the addendum report.

The amended design shows properties in the central part of the site where there would be cases of overlooking contrary to policy CS34. Also to attempt to address officers' concerns the architects have shown nearly all of the house types being "L" shaped with long tenements repeating Plymouth's Edwardian style. The applicant will not develop the site but sell it to a housing developer. It is officers' experience that it is most improbable that such a design would be used as a standard house type when the site is developed.

Detailed points

The key design policies are CS01, CS02, CS32 and CS34.

CS02.1 states that new development at local gateway locations and key approach corridors such as this should be well designed and promote the image of the city.

CS01.2 policy highlights the need to 'deliver development of an appropriate type form, scale, mix and density in relation to the neighbourhoods centre'. This development is adjacent to the Crownhill neighbourhood centre and should therefore be at an appropriate height. The current design does not deliver the scale of 3 storeys along the key frontages nor increasing the height at the nodal south west corner as highlighted in the Site Planning Statement.

CS01.4 policy highlights the need to promote 'a positive sense of place and identity'. This is expanded in the Design SPD, including 4.2, 4.5, 4.6 and 4.7. It is clear from the Sustainable Neighbourhoods Assessment for this area that Crownhill does not have a strong sense of place. There is a lack of street continuity in the current proposals, with different building types along a street frontage, including along Crownhill Road, where the building frontage is also recommended to be set further forward. There does not appear to be emphasis to key corners, which is also identified in the Site Planning Statement and no coherent approach to local distinctiveness.

In accordance with CS01.5, the street layout should seek to increase permeability. The Site Planning Statement highlights the need to consider pedestrian links with Plumer and Crownhill Road, adjacent to the bus and existing or future crossing points providing access to Crownhill Local Centre and explore options to improve pedestrian links to Crownhill Local centre, and local cycle links. The pedestrian connections to Crownhill Road are limited to two with one very narrow footpath.

CS02.6 policy refers to 'public and private spaces that are safe, attractive, easily distinguished, accessible and complement the built form'. The public space is poorly defined and it is not clear what the role or character will be, other than for sustainable drainage purposes.

CS02.7 policy refers to 'incorporate car parking that is integrated with the existing public realm'. This is expanded in the Design SPD 6.14, 6.15 and in particular 6.17 (car courts should include, at most, 10 parking spaces). The central car court is too big and poorly defined and ambiguous with no clear threshold and house fronting onto this. It is not clear that it is a private car court. The 'public' parking area adjacent to the storm attenuation area is unacceptable and parking should be better integrated into the public realm.

The creation of safe environments where crime and antisocial behaviour is designed out is a priority as set out in CS32. The Design SPD expands on this in Chapters 5 and 6 (5.5, 5.8, 5.9, 5.12 and 5.13) and (6.8- 6.12). Development backing onto Tailyour Road is poor and should be avoided. Officers are not convinced that the 'double fronted' development proposed along Crownhill Road and Plumer Road will be successfully resolved, in particular their relationship with the main new street within the development. The row of 3 houses adjacent to the storm attenuation area is poorly incorporated into the layout, with exposed rear gardens overlooking public space. This creates a poor definition between public and private space, which is confused.

In summary the layout, scale and appearance associated with the illustrative layout and house types supporting this outline application would not create a design of development of an appropriate quality at a gateway location on the northern approach corridor in conflict with policies CS01, CS02, CS32 and CS34.

The architects had worked hard to produce additional information at the time the report was prepared to seek to demonstrate how officers' concerns could be overcome. The applicant's and their agents' efforts are fully appreciated especially as this is an outline application. There was too little time for officers to assess it properly and they will update members in the addendum report.

Transport and Highways

The local highway authority has not had enough time to give its formal response. Officers can advise that the transport officers had been working with the applicant's consultants on agreeing the transport assessment and draft travel plan. They stated with the previous application that there are no fundamental transport objections regarding the traffic generation, access and road layout. The parking approach has changed and they may have comments on this issue.

To mitigate the impact of the development section 106 contributions would be required to enhance the underpass to improve facilities for pedestrians and cyclists. Also to encourage the residents to use sustainable means of transport a contribution should be made for travel passes. These would comply with policies CS28 and CS33 and form the negotiated part of the section 106 agreement. The applicant agrees to making these contributions. There are not transport objections to the principle of the development and it is probable that any points of detail could be resolved by negotiation and conditions. Officers will update members on the local highway authority's formal advice in the addendum report.

Trees and nature conservation

The verge on the northern boundary is well treed and these will remain and be reinforced which is positive. There are also trees within the site in particular tall Limes to the north of the building with one to the south. These have been crown-lifted and have an unusual shape as they have adapted to their closeness to the building. With the building removed they could look incongruous and could be susceptible to damage without the protection of the building. In these circumstances their retention is not essential but they should be replaced with suitable species. There is a specimen Blue Cedar on the south side of the building that is shown to be retained. There is a good group of young trees in the western edge of the site and there is potential that some of them could be re-planted. The site could be developed in compliance with policy CS18.4.

This application has been submitted with an Extended Phase 1 Habitat Survey. The survey states that the building may have suitability as a bat roost. Bats are a European Protected Species and as such officers have requested that an Internal Bat Survey is carried out. If signs of bats are found, a licence from Natural England will be necessary before works to the existing building can begin.

The survey makes several recommendations, which along with the results of the bat survey should be combined to form a Mitigation and Enhancement Strategy. This document should also show that net biodiversity gain is being achieved in line with CS19.

Other matters

The Environment Agency has not objected on drainage or flooding grounds, neither has the Public Protection Service on ground contamination or noise reasons, as such the proposal complies with policies CS21 and CS22. On site renewable energy production would be secured by condition to comply with policy CS20.

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.

Section 106 Obligations

The applicant has agreed to enter into a section 106 agreement to meet the tariff and the negotiated element. The applicant wishes the application to be considered under the Market Recovery Scheme subject to a reduced time limit and a substantial start soon after permission. The standard terms have to be changed slightly to account for this being an outline application. It is a brown field site so the discount is 50%. The viability report supports the Market Recovery case.

The applicant is offering a tariff payment of £188,258, a negotiated element of £65,100 for improvements to the underpass and travel passes and a management fee of £12,668.

Officers calculations for the tariff and management fee are slightly different and are £210,633 and £16,853 respectively.

The recommendation in this report is to refuse. The detailed justification for the obligation requirements will be provided in the addendum report.

Equalities & Diversities issues

The development would be available for occupation to all equality groups including the elderly. 30% of the dwellings would be affordable homes and 20% of the properties would be built to Lifetime Homes standards. It would not have a negative effect on any equality group.

Conclusions

Officers support and appreciate the Land Registry's policy to retain its presence in Plymouth with no job losses resulting from the relocation to Seaton Court. The principle of the application is acceptable. The applicant has submitted sound evidence to demonstrate that an alternative use of this employment site complies with policy CS05. The site is highly accessible and well suited to housing in compliance with policies CS01.1, CS15, CS16. The transport, trees, nature conservation, drainage, ground contamination and noise matters are satisfactory and can be dealt with by conditions and section 106 terms.

The problem with the application relates to the design flaws. The applicant has insisted that the application must be reported to this meeting. This left officers with no time to negotiate. This is an outline application but the principles of the design, layout, scale and appearance must be set at this stage to comply with legislation and provide the parameters for the detailed scheme to follow with the applications for reserved matters. Officers believe these arise principally from the layout and the applicant's decision to avoid using the development enquiry service (DES). For a site of this size and importance at a gateway approach corridor the DES procedure is the correct one to use where the applicant and officers can negotiate improvements to a scheme as part of the design process within a reasonable period.

Officers accept that there are specific constraints relating to the site's geology and drainage requirements but do not believe these should be the sole determinants in dictating the site's layout.

Based on the illustrative drawing and information submitted when the application was made the main shortcomings include: houses backing onto the principle street within the site and Tailyour Road; lack of street continuity and emphasis at key corners; overlooking and loss of privacy to the properties on the eastern boundary and in the centre of the site; the need for greater permeability; poor definition and characterisation of the public spaces; unacceptable parking courtyards; and the need for more surveillance.

The architects have attempted to overcome some of these concerns by providing unusual "L" shaped houses with some being double-fronted and customised fenestration. They have been submitting additional illustrative material that officers will assess and update members at the meeting.

The application and information that officers had time to assess is unacceptable for the design reasons stated above contrary to policies CS01, CS02, CS32 and CS34.

Recommendation

In respect of the application dated **10/12/2010** and the submitted drawings, **680-100P, 680-300P, 680-301P3, 680-304P3, 03521, R1016-01A, Design and Access Statement, Planning Support Statement, Transport Assessment, Flood Risk Assessment, Tree Survey and Arboricultural**

Impact Assessment, Extended Phase 1 Habitat Survey & Habitat Management Plan, Phase I Desk Study and Phase II Geotechnical, Environmental and Soakaway Investigation Report, Survey of Employment Needs: Plymouth Economic Area and Development Appraisal Report , it is recommended to: Refuse

Reasons

INADEQUATE DESIGN

The proposed development shown on the illustrative drawing would provide the basis for the applications for reserved matters, in particular layout, scale and appearance. The layout, siting of buildings, open space and parking courtyards would give rise to an inadequate design quality at this gateway location on a key approach corridor by reason of: houses backing onto the principle street within the site and Tailyour Road; lack of street continuity and emphasis at key corners; overlooking and loss of privacy to the properties on the eastern boundary and in the centre of the site; the need for greater permeability; poor definition and characterisation of the public spaces; unacceptable parking courtyards and the need for a greater level of surveillance. Consequently the application is contrary to policies CS01, CS02, CS32 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

PPG13 - Transport

PPS3 - Housing

PPS1 - Delivering Sustainable Development

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS21 - Flood Risk

CS05 - Development of Existing Sites

CS01 - Sustainable Linked Communities

CS02 - Design

CS04 - Future Employment Provision

CS15 - Housing Provision

CS16 - Housing Sites

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines

SPD3 - Design Supplementary Planning Document

PPS4 - Economic Growth