

ADDENDUM REPORT PLANNING COMMITTEE 13 JANUARY 2011

Item: 6.6
Site: Plumer House, Tailyour Road, Plymouth
Ref: 10/02066/OUT
Applicant: Land Registry
Pages: 43-56

Officers apologise for the length of this addendum report caused by the limited time to prepare the main report because of the applicant's wish to have it determined quickly and the need for a lengthy justification of the section 106 obligation heads of terms.

Consultees

Formal responses have now been received from the Local Highway Authority (LHA), Public Protection Service and Economic Development Unit confirming their previous comments of no objection. The LHA now require £35,000 for improvements to the underpass.

Representations

One email has been received from the previous objector stating that his previous concerns (as set out in the report) still apply.

Additional information from the applicant

The applicant has continued to submit additional information. The applicant's development team did try to design a layout to comply with the Council's Site Planning Statement by incorporating a block form of layout. However, it ruled it out because the attenuation tank could not be relocated and it would involve additional construction costs to provide the roads and drainage.

In a lengthy email it commented on the officers' design advice. It rehearsed the arguments on the location of the attenuation tank and why it could not be placed under a road owing to its "crate" design. It questions if the site is at a key approach corridor but agrees that it is a prominent location. It believes there would be sufficient scale at 2.5 – 3 storeys at the key south west frontage and have opted for a mainly two storey development to be in keeping with the surroundings and comply with majority opinion of the local residents.

The amenity space and public realm issues can be addressed at the detailed stage as landscaping is a reserved matter. Also the parking courtyards design could be refined at the detailed stage. Houses backing onto Tailyour Road are acceptable as they are separated from the road by a steep treed bank and if they fronted this street the occupiers could feel isolated as they would look over roofs. Additional illustrative material has been submitted to show how dual frontage houses would overcome concerns over lack of active frontages and how the overlooking issues could be addressed.

The applicant does not think that the Design For Life criteria are appropriate at this outline stage.

The applicant then amended the Design and Access Statement. It repeats the comments on the drainage and ground condition constraints. The revised design complies with some of the advice in the Site Planning Statement by providing frontages to Crownhill Road and Plumer Road with scope for three storeys at the junction. A small set-back is included for safety reasons. More use is made of parking courts and on-street parking within the public realm. The density of 38 dwellings per hectare is in keeping with the surroundings. Where properties back onto streets they have devised dual aspect house types and secondary accesses to provide some activity. There would be a range of boundary treatments and heights. Box bay windows will provide surveillance and fenestration can be adapted with 45 degree oriel windows or treating the main window faces in obscure glass to avoid overlooking. The mix of house types, use of single and two storey tenements, car ports and boundary treatment would give an articulated street scene to create a positive sense of place.

The possible overlooking on the eastern boundary can be overcome by using the tenement design with the main part of the houses set away from the boundary and windows in the tenements facing into the courtyards and not the office.

Analysis

Officers appreciate all the additional work the applicants have done to try to convince them that their concerns can be overcome and the site's constraints have not made it possible to change the road layout. Officers have taken advice from the highway engineers and accept the location of the attenuation tank, but the evidence does not prove why the road layout cannot be changed. This is the main reason leading to officers' concerns. The additional information has not persuaded officers to alter their recommendation.

There could be the possibility of a deferral to seek to achieve an acceptable compromise if the layout could be altered. The applicant stated that this is not possible given the constraints and it could lead to a reduction in dwellings which would make the development unviable.

This is unfortunate as officers would prefer to make a favourable recommendation but in these unusual circumstances the recommendation remains unchanged.

Section 106 Obligation

Although the recommendation is to refuse, officers have provided a justification for the heads of terms in the section 106 agreement in the event of Members granting permission or if there is an appeal.

Plymouth Development Tariff element

A planning obligation is required to mitigate the impacts of the development. The applicant is making the application under the Market Recovery Scheme

and is subject to a 50% discount. Impacts will arise in the following areas that relate to the Plymouth Development Tariff part of the Obligation:

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2014 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £62,104.
2. Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £5,380.
3. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £27,927.
4. Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £15,395.50.
5. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £11,018.
6. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £34,337.
7. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan

Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £813.50.

8. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £21,940.
9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £2,618.

Negotiated element

There are four parts to the negotiated part of the obligation, the first two relate to transport matters. These are works to improve the existing subways to access Crownhill local centre - £35,000 and, funding to secure travel passes for a duration of 9 months based on a monthly travel pass of £52 for 68 dwellings = £31,824.

The third part is that 30% of the dwellings (20) shall be Affordable Homes split 60% rented: 40% shared ownership.

The fourth part is that, as it is a Market Recovery Scheme application, a substantial start on 50% (34) of the dwellings shall be made within 12 months from the approval of the last Reserved Matter.

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local schools tariff: £62,104, to be allocated to the provision of additional school places within the Central and North East locality.
- ii. Libraries tariff. £ 5,380, to be allocated to the provision of improved library facilities in the area.
- iii. Playing pitches tariff. £27,927, to be allocated to the provision of improved playing pitch facilities in the North sub-area, as identified in the Playing Pitch Strategy.
- iv. Local green space tariff. £15,395.50, to be allocated to the management and improvement of local green space.
- v. Local play space tariff. £11,018, to be allocated to the management and improvement of local play facilities.

- vi. Strategic green space tariff. £34,337, to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as set out in the Plymouth Green Infrastructure Delivery Plan.
- vii. European Marine Site tariff. £813.50, to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan.
- viii. Strategic sports facilities tariff. £21,940, to be allocated to the delivery of priority strategic sports facilities as set out in (draft) Sports Facilities Strategy.
- ix. Public realm tariff. £2,618, to be allocated to the delivery of priority City Centre public realm improvements.
- x. £35,000, for works to improve the existing subways to access Crownhill local centre.
- xi. £31,824, for funding to secure travel passes for a duration of 9 months based on a monthly travel pass of £52 for 68 dwellings. = £31,824.
- xii. 30% of the dwellings (20) shall be Affordable Homes split 60% rented: 40% shared ownership.
- xiii. A substantial start on 50% (34) of the dwellings within 12 months from the approval of the last Reserved Matter.
- xiv. Planning Obligations Management Fee. £16,853, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

Recommendation

There was a delay sending out the neighbour letters of notification and the consultation period expires on 25 January 2011. The principle of the recommendation is the same but is altered to account for the consultation period. It is now:

Defer for consultation period, delegated authority to refuse