

ITEM: 03

Application Number: 10/01374/OUT

Applicant: Crisplane Ltd

Description of Application: Renewal of outline application to redevelop the site with the erection of 11 flats with associated car parking, cycle and bin store

Type of Application: Outline Application

Site Address: STONEMASONS ARMS, 142 ALBERT ROAD
PLYMOUTH

Ward: Devonport

Valid Date of Application: 01/11/2010

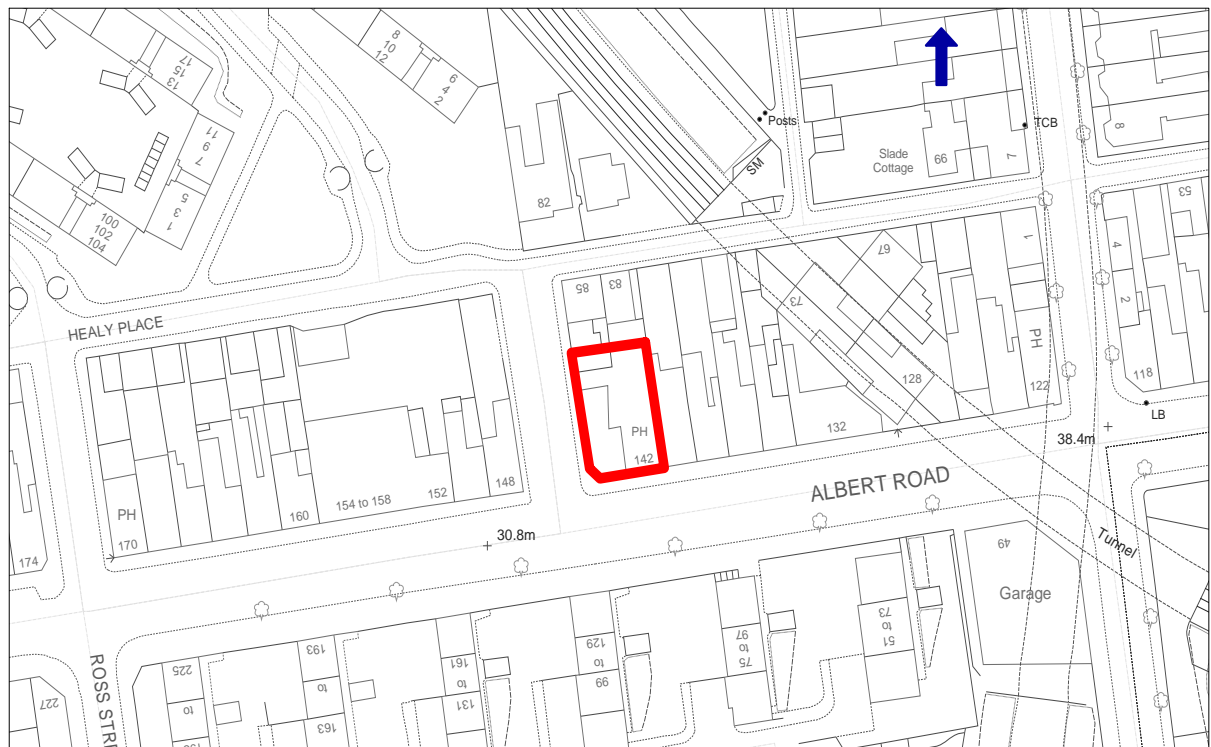
8/13 Week Date: **31/01/2011**

Decision Category: Major Application

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to Section 106, agreement to signed by 7th March 2011

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OFFICERS REPORT

Site Description

The site is occupied by a former public house (The Stonemasons), which has been shut for a considerable period of time, with staff living accommodation above. The site is located at the corner of Albert Road and Healy Place and is occupied by a building arranged over three storey at the front of the site and diminishing to two storey at the rear of the site. There is an area of open land around the perimeter that was used as a beer garden.

Proposal Description

Demolish existing buildings and erect a new building containing 11 flats consisting of 7 two bedroom units and 4 one bedroom units. There are proposed to be 4 off road parking spaces, there is space within the building to provide covered cycle parking.

Relevant Planning History

06/00960 – Erection of building with 12 flats – REFUSED

06/01641/OUT – Outline application to redevelop the site with the erection of 11 flats with associated car parking, cycle and bin store. – GRANTED

08/00816/REM – Reserved matters in association with above - GRANTED

Consultation Responses

Highway Authority – No objections subject to conditions.

Environmental Services – Object to lack of information in respect of contamination.

Representations – None

Analysis

This is an application to renew a previous outline application (06/01641/OUT). The details for consideration at this outline stage are the siting/layout, access and scale.

The main considerations are the likely impact that the scale, layout/siting and access would have on neighbouring property, visual amenity, highway safety, infrastructure, and contamination. As the application is a renewal there is a presumption that the application will be determined in line with the previous decision unless there have been material changes on site or in policy terms. There would not appear to be significant changes on site, but the policy background has changed significantly with the adoption of the core strategy and significant development plan documents.

Impact on neighbours

The illustrative plans show that a building could rise to four storey along the Albert Road frontage and descend to one storey at the rear of the site and still have an acceptable impact on neighbouring property. The critical part of the scheme is the relationship with the two houses at the rear of the site, numbers 83 and 85 Healy Place. There will be an impact to both properties as the new building would be erected on the south side of both houses. The relationship with 83 is acceptable as the largest part of the building is shown along the frontage with Albert Road and the scale matches that which exists next to the site. The main property affected is number 85 as building is proposed where there was none before. There would be a distance of just over 10 metres between the side of number 85 and the two storey element of the new development, the building then slopes upwards to a third then final fourth storey. There will be an impact to the garden and some limited living accommodation but this has to be balanced against the provision of new homes in a sustainable location and providing a run down parcel of land with a positive development opportunity. On balance it is considered that an acceptable form of development, as shown on the illustrated plans, could be achieved that would comply with policies CS15 and CS34 in terms of neighbours' amenity.

Visual amenity

The illustrative plans show a layout/siting that offers a very positive solution and proposes development to the sides of the boundaries of the site and provides a degree of natural surveillance. At this stage, however, the submitted plans showing the appearance of the building are not for consideration and only provide an indication of scale. The scale, siting and layout are, however, considered to meet the requirements of policy CS02, CS34, the sustainable design guidelines SPD and the development guidelines SPD.

Infrastructure

In 2006 there was no request for this development to meet infrastructure requirements. Under the current policy in the core strategy the scheme for 11 flats would be required to make a contribution towards the impact of the development, as outlined by the tariff and subject to CIL Regulation. The applicant has agreed the following heads of terms to mitigate the impact of the development.

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 2012/13 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £11,291.

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 £6754.

Local green space. The development is in a location that is deficient in terms of access to green space. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to green space. The estimated cost of mitigating this impact is £3723.

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 £1733.

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 £8305.

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's 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 £196.

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 £5307.

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £27,449.

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 £629.

The application would also generate a management fee of £1,674.

Highway safety

The site is considered to be in a sustainable location and the level of parking for cars and bikes shown on the illustrative plans is considered to be acceptable for 11 flats. Transport is satisfied that a turning area and adequate visibility could be provided and that there would be no conflict with CS28. There has also been a request for highway improvements to be included in the S106 agreement, but as these were not requested at the time of the original application it is not considered reasonable to include them in this renewal application.

Contamination

Public Protection Service recommends refusal of the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. However, the policy on this issue has not changed since the last application and it is not therefore advisable to refuse the application on these grounds, when it was considered to be acceptable previously. We recommend, in the circumstances, that planning conditions should be used to deal with this issue.

Renewable energy

The applicant has agreed to provide a report identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off set by low carbon production methods. The development is therefore considered to comply with CS20.

Lifetime homes

The applicant has agreed that at least 20% of the units will be built and subsequently maintained to lifetime homes standard. The application complies with CS15 in this respect.

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

These are outlined in the report above.

Conclusions

This renewal application has been assessed against the current policies and it is recommended that the application be granted with delegated authority to refuse if the section 106 agreement is not signed by 7th March 2011.

Recommendation

In respect of the application dated **01/11/2010** and the submitted drawings, **Site plan, 454 - 021/b, 022/a, 023/b, 024/a and accompanying design and access statement.** , it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

ACCESS CONSTRUCTION BEFORE OCCUPATION

(5) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with policy ATR5 of the adopted City of Plymouth Local Plan 1996.

CAR PARKING PROVISION

(6) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plans for a maximum of 4 cars to be parked.

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 PPG13.

CYCLE PROVISION

(7) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 7 bicycles to be parked.

REASON:

In order to promote cycling as an alternative to the use of private cars in accordance with guidance in PPG3.

CYCLE STORAGE

(8) The secure area for storing cycles shown on the approved plan 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.

CODE OF PRACTICE DURING CONSTRUCTION

(9) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

a. the proposed hours of operation of construction activities;

- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

CONTAMINATION

(10) 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 11, 12 and 13 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 13 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, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION RISK ASSESSMENT

(11) An investigation and risk assessment shall 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 shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall 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, pets, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

ecological systems; and
(iv) an appraisal of remedial options, and proposal of the preferred option(s). This shall 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, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION REMEDIATION MEASURES

(12) 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, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNIDENTIFIED CONTAMINATION

(13) 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, to comply with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNEXPECTED CONTAMINATION

(14) 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 10.

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.

LIFETIME HOMES

(15) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development and thereafter so maintained and retained.

Reason:

In order to deliver an adequate level of housing that is designed to the Lifetime Homes Standard that will be convenient for most occupants, including some (but not all) wheelchair users and disabled visitors, without the necessity for substantial alterations in accordance with adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 Objective 10, Policy CS15, and relevant Central Government advice.

RENEWABLE ENERGY

(16) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period up to 2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be: the loss of the existing use and replacement with residential, the impact to adjacent properties, the access arrangements, the standard of accommodation and associated matters, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan (2001 to 2016) 2004, the adopted City of Plymouth Local Plan First Alteration 1996, Plymouth Local Development Framework, Core Strategy, Regional Spatial Strategy and North Plymstock Area Action Plan (the status of these documents is set out within the City of Plymouth Local Development Scheme 2006), and relevant Planning Guidance Notes, Statements and Government Circulars as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document