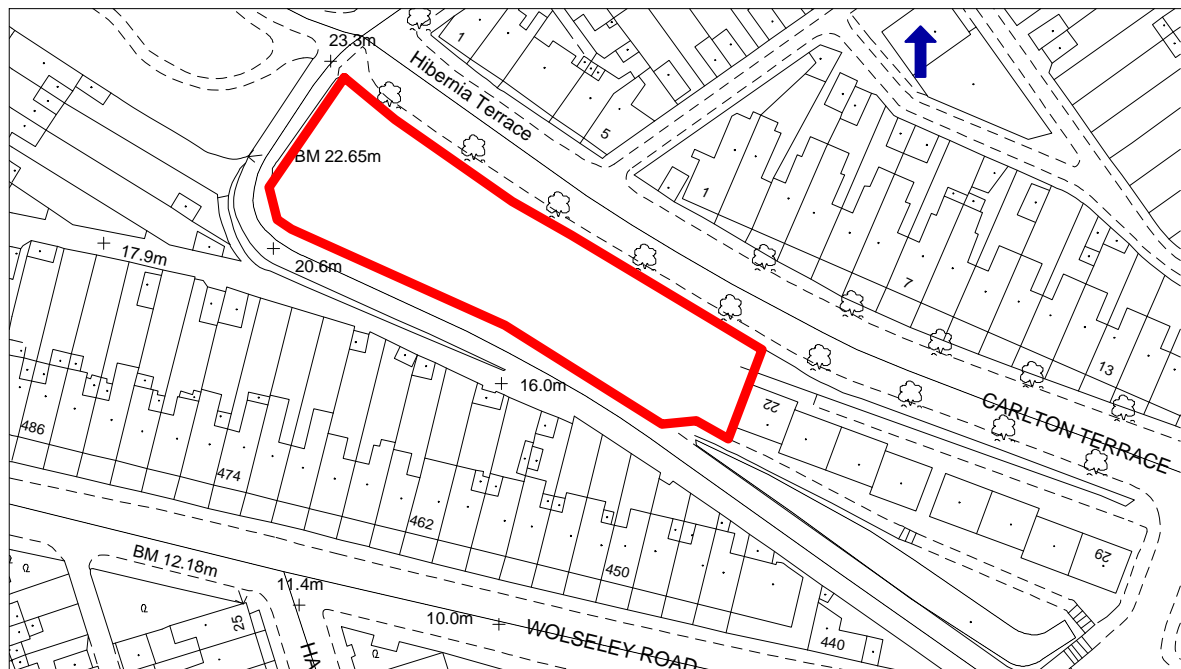


ITEM: 5

Application Number: 10/02071/FUL
Applicant: Mr Craig Francis
Description of Application: Erection of 5 houses and 5 flats with associated car parking court and bike store
Type of Application: Full Application
Site Address: CARLTON TERRACE WESTON MILL PLYMOUTH
Ward: Ham
Valid Date of Application: 08/12/2010
8/13 Week Date: **09/03/2011**
Decision Category: Major Application
Case Officer : Carly Francis
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 10th May 2011
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OFFICERS REPORT

Update

This application was first considered by the Planning Committee at its meeting on 10th February 2011 however the application was deferred by members as the car parking provision proposed was considered to be insufficient, and it was requested that further negotiations take place to see if further parking provision could be provided. The applicant has reviewed the site layout plan to explore the possibility of incorporating any additional car parking spaces. However due to the nature of the site's size and shape; and in order to comply with other space requirements regarding the size of gardens for amenity purposes; it is not possible for the site layout to accommodate any further car parking spaces.

The applicant wishes members to note that as the scheme currently stands it complies with the Plymouth City Council's adopted car parking standards. These state a maximum of two spaces per dwelling for dwellings with two or more bedrooms. PPG13 clearly sets out that car parking standards should set maximum levels and that local authorities should not require developers to provide more car parking spaces than they themselves wish. The scheme provides 1.2 car parking spaces per dwelling. The application site is located adjacent to a bus stop; there are also additional bus stops on Wolseley Road within 200m; this a major bus route to the nearby District Centre as well as the city centre.

The application is again recommended for approval subject to conditions and the completion of a S106 Legal Agreement, with delegated authority sought to refuse the application if the S106 Agreement is not signed within 2 months of the date of this committee.

The report as set out below remains exactly as presented to committee on 10th February.

Site Description

The application site measures 0.14 hectares; it is of a rectangular shape which slopes away from Carlton Terrace down to the south. The site is vacant and has been left as grassland. There is stone wall surrounding the northern and eastern boundaries which is collapsing in some areas. The surrounding area is predominantly residential with Victorian terraces to the north and bungalows to the east. The materials predominantly seen in the area are render. The surrounding streets are relatively narrow with houses close to the pavement and limited front garden space. The steeply sloping surrounding roads see stepped terrace housing as the main character.

Proposal Description

Erection of 5 houses and 5 flats with associated car parking court and bike store.

Relevant Planning History

10/01325 (FULL) Erection of 8 houses and 4 flats with associated car parking court- WITHDRAWN.

Consultation Responses

Highway Authority- no objections however recommend that conditions regarding street details, access, the new junction, the parking area, cycle provision and a code of construction be attached to any grant of planning permission and request that improvements are made to the nearby bus stop.

Public Protection Service- no objections providing conditions requiring a code of practice for construction and further land contamination assessment/ investigation be attached to any grant of planning permission.

Police Architectural Liaison Officer- support the application.

South West Water- no comments received.

Housing Enabling Team- strongly support proposal.

Representations

1 letter of representation, objecting on the basis of:
- Insufficient detail being shown.

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 one of the North Prospect linked regeneration schemes, intended to deliver an increased capacity of affordable housing in the City, to assist the decant process for regeneration. The main considerations are the design and amenity of the dwellings proposed, the impact on neighbouring properties, on the highway and land contamination issues. The main policies relevant to this application include CS02, CS15, CS16, CS22, CS28, CS32, CS33 and CS34 from the adopted Core Strategy, the Development Guidelines SPD and the Planning Obligations and Affordable Housing SPD.

This application differs from that previously submitted (and subsequently withdrawn). This proposal is for a total of 10 residential units as opposed to the 12 previously proposed and the mix of housing and flats is different. The flats are also now proposed at the opposite end of the site.

The previous application was withdrawn as there was concern regarding the amenity areas for the units, these areas fell well below the minimum guidance given in the Development Guidelines SPD. There was also some concern about overlooking from the units to those properties south, particularly from the balconies of the flats proposed.

Impact on Neighbouring Amenity

The previous concerns regarding overlooking between the new properties and those adjacent have been dealt with in this application. The applicant has provided further information regarding the levels of the site and by reducing the number of units has enabled the properties to have larger amenity areas. The amenity space for all of the dwellings and the flats now well exceeds the minimum guidance given in the Development Guidelines SPD. Due to the amended layout and extended amenity areas, the dwellings along Wolseley Road are now sited further from the boundary of the site and therefore overlooking is no longer of concern, nor will the new dwellings now feel imposing to these properties. The windows of the dwellings proposed would be approximately 22m away (at their nearest point) to the rear windows of the dwellings south of the site and would be approx. 16m away from the amenity areas of these properties. These distances are now deemed satisfactory to ensure there would not be a significant degree of overlooking and the siting of the flats at the opposite end of the site and removal of their balconies has also assisted in removing all overlooking concerns.

The proposed dwellings would be approximately 15m away at their nearest point from those existing dwellings on the opposite side of Carlton Terrace. This is deemed satisfactory and accords with the existing street pattern.

No windows are proposed on the side elevations of the housing and the only windows proposed on the side elevation of the building containing the flats are small bathroom windows which would be a sufficient distance from the adjacent dwellings proposed to prevent overlooking. There are no dwellings directly to the west of the site that would be affected by the development.

There would be no detrimental impact to any neighbouring property and therefore the proposal would accord with policies CS15 and CS34.

Design and Amenity of the dwellings proposed

All properties would have adequate facilities and sufficient natural lighting to all habitable rooms. The sizes of the units vary with some of the units slightly exceeding the guidance given in the Development Guidelines SPD and some falling slightly short. On balance however it is considered that a good range of housing type is provided that would be of a high standard. All dwellings have sufficient room for refuse storage in their rear gardens and a separate refuse storage area is proposed for the flats, details of which shall be secured by way of condition.

Due to the difference in ground levels the terrace of housing proposed would appear as a terrace of bungalows from Carlton Terrace as split level housing is proposed. This is beneficial to the streetscene as the adjacent properties

are bungalows. The flats on the corner of the site are also split level and therefore would appear as a two-storey building from Carlton Terrace.

The palette of materials has been limited to render and timber cladding. This reflects the simple materials of the surrounding units while adding some interest to the elevations. A plain concrete tile is proposed for the roof.

It is deemed that the siting, massing and appearance of the dwellings proposed is acceptable and the proposal is therefore deemed to accord with policy CS02.

Affordable housing size/ mix:

This proposal falls below the threshold for affordable housing set in policy CS15 which is 15 units, however 100% affordable housing is proposed.

In terms of the proposed size and mix of the affordable housing units, the proposal is for 10 dwellings, comprising a mix of 5x 2bedroomed flats, 2 x 3 bedroomed houses and 3x 2 bedroomed houses. The affordable dwellings have been designed to current Homes and Community Agency (HCA) standards, which require affordable units to be of a high standard and it is considered that they will help meet the City's affordable housing need for smaller units and family housing.

The tenure mix proposed is for the 5 x 2 bedroomed flats and 2x 3bedroomed houses to be rented and the 3 x 2 bedroom houses shared ownership/ intermediate accommodation. This tenure mix is supported by the Housing Enabling Team.

Highway Considerations

The Transport Service originally raised objections to this proposal on the basis that inadequate parking provision was proposed. The plans originally submitted showed 10 off-street parking spaces.

Based upon application of the 'accessibility based parking standards' included within the Development Guidelines SPD a total of 20 off-street car parking spaces would be required to serve the site (2 spaces for each unit with 2 or more bedrooms). It is however acknowledged that these are very much maximum standards and therefore the Transport Service are willing to accept a slight relaxation of these standards to allow 1 space per unit for the flats and 1.5 spaces per unit for the remaining dwellings. This would ensure that some visitor parking spaces are provided. Based on this the Transport Service support the proposal with 12 parking spaces and plans have been amended so that the parking area now includes two extra spaces.

The Transport Officer also refers to an existing bus stop located along the Carlton Terrace which would benefit from improvements in the form of a bus boarder. The Transport Service recommended that this be secured through the 'negotiated' element of any subsequent Section 106 Agreement. Unfortunately it is not viable for the applicant to make this contribution and it would not be reasonable to refuse the application on this basis; the proposal

is now providing parking provision in line with current policy. To require a 100% affordable housing scheme for a development of just 10 units to provide upgrades to the bus stop is not deemed reasonable.

Details of the junction layout of the parking courtyard with the one-way service lane will be agreed by condition in order to ensure that sufficient visibility is provided at this location for vehicles emerging out onto the adopted highway. Appropriate signing will also be required to highlight the fact to motorists that they are emerging out onto a one-way street.

It is now deemed that the proposal accords with Policy CS28.

Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. The applicant has demonstrated that this can be achieved through the use of photovoltaic panels. The proposal is therefore deemed to comply with Policy CS20.

Letter of Representation

The concerns raised in the letter of representation are not understood as the details of the application are available on the Council's website and include the siting of the dwellings and full details including their scale.

Section 106 Obligations

No tariff would apply as all of the residential units proposed would be affordable. A S106 agreement is however in place to secure the affordable housing.

Equalities & Diversities issues

Lifetime homes

Policy CS15 requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards. The dwellings have been designed to lifetime homes standard but can not meet the 16 criteria to be lifetime home compliant as there would not be level access to the parking provision. It was not possible to create level access to these spaces without creating highway concerns. However each individual dwelling has been designed to meet the remaining Lifetime Homes criterions. Therefore given the site restrictions, it is considered that all reasonable attempt has been made to comply with the Lifetime Homes policy and therefore it would not be reasonable to refuse the development of this important affordable housing site for this reason.

Conclusions

This application is for a scheme linked to the North Prospect regeneration and would provide important decant housing. The proposal is for a well designed affordable housing scheme which would respect the character of the area, the amenity of neighbouring properties and highway safety. It is therefore proposed to grant conditional consent subject to the S106 agreement being signed with delegated authority to refuse if not signed by the 2nd March 2011.

Recommendation

In respect of the application dated **08/12/2010** and the submitted drawings, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 10th May 2011**

Conditions

PLAN NUMBERS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1759- 001, 1759-002, 1759-004 C, 1759 005 B, 1759 006 B, 1759 007 B, 1759 009 A, 1759 010 A.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2)The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

LAND QUALITY

(3) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 4 to 7 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall 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 6 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 use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SITE CHARACTERISATION

(4) An investigation and risk assessment, in addition to any assessment provided with the planning application, 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 must 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 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,
- archaeological sites and ancient monuments;

(iii) 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, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

(5) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 shall 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(7) 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

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

CODE OF PRACTICE

(8) 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.

SUSTAINABLE RESOURCE USE

(9) 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 a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy 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 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

STREET DETAILS

(10) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No unit shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) adopted April 2007.

ACCESS (CONTRACTORS)

(11) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(12) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(13) 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.

CYCLE PROVISION

(14) No flat/dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 10 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(15) 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. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(16) A minimum of 20% of the dwellings must be built in accordance with the lifetime homes criteria, with the exception of creating level access to the parking area as it is acknowledged that this is not achievable. The new dwellings shall be first constructed and subsequently maintained to meet these Lifetime Homes Standards.

Reason:

To ensure that the development delivers 20% 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.

REFUSE STORAGE DETAILS

(17) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage details. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVES: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 8 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, the impact to the highway, to trees and on neighbouring properties, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines