

# PLANNING APPLICATION REPORT



**ITEM: 13**

**Application Number:** 11/00456/OUT

**Applicant:** Pillar Land Securities

**Description of Application:** Outline application for the demolition of existing tenement and erection of new extension containing 20 student bed spaces arranged as 4 cluster flats with associated bike shed, bin store and vehicle hardstanding

**Type of Application:** Outline Application

**Site Address:** 140 NORTH HILL PLYMOUTH

**Ward:** Drake

**Valid Date of Application:** 25/05/2011

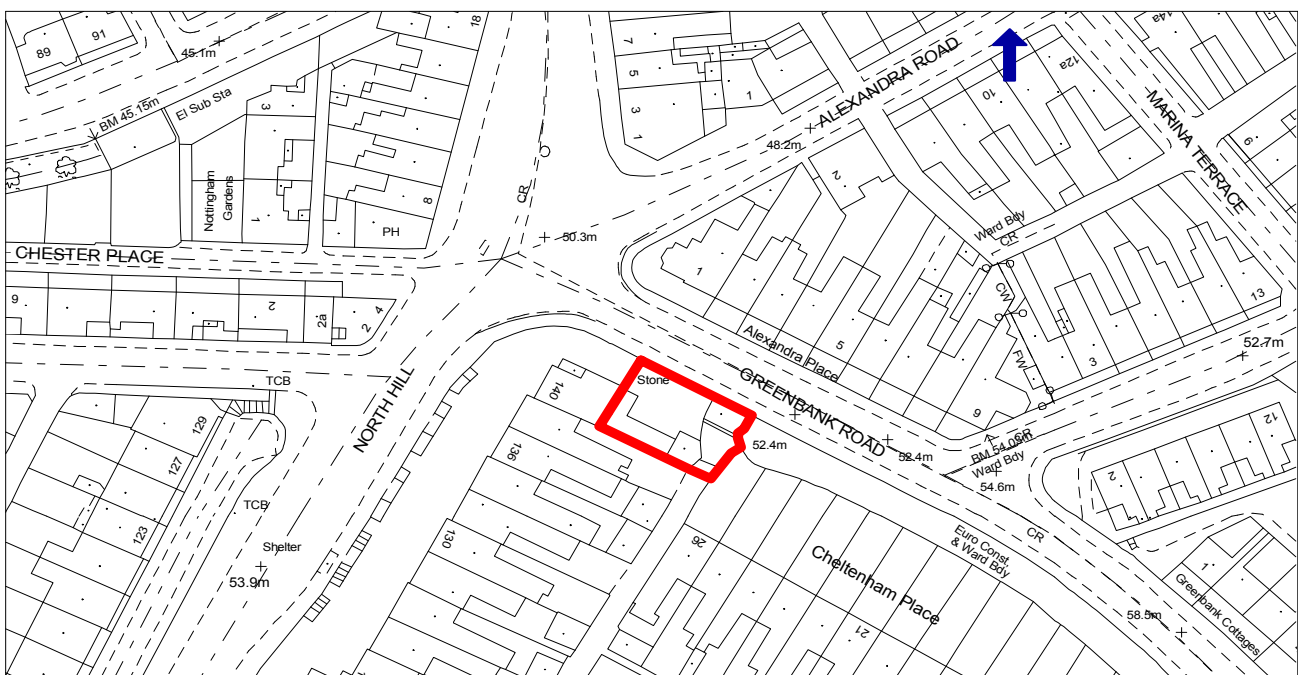
**8/13 Week Date:** 24/08/2011

**Decision Category:** Delegated

**Case Officer :** Robert Heard

**Recommendation:** Refuse

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## **Officer Report**

### **Site Description**

The site is located on a prominent corner at the point of a 3 way junction at the southern end of Mutely Plain, at the junction with Alexandra Road, Greenbank Road and North Hill. It is the at the end of a terrace of large established Victorian villas that form an impressive and dominating presence within the streetscene, fronting North Hill but elevated due to the topography and set back and separated from the road by front lawns. Being a corner site, whilst fronting onto North Hill, the existing building is double fronted and also faces Greenbank Road, being a prominent feature when viewed from Greenbank Road, North Hill and Mutely Plain.

The site is within 0.5 miles of the City Centre and is well served by local transport, being close to the good transport links on offer at Mutely Plain, North Hill and the City Centre. There is no shortage of amenities on offer within walking distance of the site and it is considered a sustainable location.

### **Proposal Description**

This application is made in outline, but with only landscaping reserved for future consideration. This means that access, appearance, layout and scale need consideration at this stage.

The application proposes to demolish the existing tenement that fronts Greenbank Road, and replace it with a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store. It is proposed that the new build be joined to the existing building that is being retained by a glazed link fronting onto Greenbank Road.

### **Relevant Planning History**

None relevant

### **Consultation Responses**

Public Protection Service – no objection subject to conditions.

Highway Authority – no objection subject to conditions.

### **Representations**

None received.

### **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.

As stated above, this application is made in outline with only landscaping reserved for future consideration, for the demolition of an existing tenement and construction of a glazed link from the existing building to a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store, at a prominent site at the southern end of Mutley Plain known as 140 North Hill. Whilst the application is made in outline, only landscaping has been reserved for future consideration so issues of access, appearance, layout and scale are to be considered and determined within this application.

This application raises a number of key planning issues: the principle of residential development at the site; design, massing and layout considerations; highways, access and parking and residential amenity impacts. Other issues such as biodiversity impacts and renewable energy provision are also relevant.

#### Principle of Development

The application includes the demolition of an existing building and the site is therefore considered to be brownfield land, as the proposed redevelopment will be positioned on land formerly occupied by the demolished building. The area is characterised by a mix of different uses, but predominantly the area contains residential development and this is considered to be appropriate at the site, whether unrestricted residential or specifically for student accommodation.

#### Design, massing and layout

Policy CS43 of the adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to.

The proposal seeks to demolish the existing buildings on the site (which are currently arranged as bedsits) and erect a 4 storey block that is joined to the existing building by a glazed link.

The retention of the corner Victoria building is a positive and sustainable approach. Although this building is outside of the site (and red line boundary), it is within the applicants ownership. Whilst it has no statutory protection, it is nevertheless a building of townscape merit on a prominent gateway corner in the local street scene.

With regards to the proposed layout, concern exists regarding the northern building line of the proposed new block. It projects forward of the building line established by the retained Victorian corner building. It is considered that the proposed building line increases the dominance of the new build, competing with the retained townscape corner building, which should remain as the most prominent feature in the local street scene. Accenting the proposed new build in this way creates an imbalance in the townscape and detracts from the prominence of the true corner feature. It is considered that the building line of the proposed new block should not

exceed that of the existing building. PPSI states that “planning authorities should have regard to best practice set out in By Design which says that *“Planning should promote continuity of street frontages”*. In terms of height and massing, the proposed new building is generally acceptable and in keeping with the existing surroundings.

With regards to issues of building design and external appearance, the architectural expression of the proposed new block is considered weak and inappropriate. It is undesirable to add pastiche features in an attempt to reference the existing historic building, by proposing features such as the Georgian-style rusticated plinth and the Victorian-style banding and eastern oriel windows. A slavish copy of the existing corner building is not acceptable, it is considered that the proposed building should be modern with a contemporary design, and be simplified to be subservient to the existing corner building. Architectural references to the existing building could instead be through linkages to patterns and proportions – e.g. taller windows could be introduced on the north elevation, perhaps French balconies - which would also improve natural light and residents’ amenity.

The proposed south and east elevations are particularly weak, being dominated by large areas of blank render. There is only limited variation in materials and features and both south and east elevations are bland and uninspiring, being inappropriate for a building on such a prominent site within the city. The proposed use of Oriel windows on the east elevation introduces further pastiche features and is not consistent with the contemporary approach introduced by the proposed glazed link. It is also considered that the roof overhang on the “book end” inner west elevation, where it meets the glass link curtain wall element, could be simplified, again to reduce the dominance of this element.

On a positive note, the glazed curtain-walled linking element between the old and new building masses is potentially a very attractive and elegant approach, and this element of the proposal is supported.

In summary, the proposed building design is likely to have a negative impact on local visual amenity and the character of the area. PPSI states that *“Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted”*. (key principle (iv) para 13). It is considered that the proposed development, by virtue of its pastiche approach, poor design and bland elevations, would have a negative impact upon local visual amenity and the surrounding townscape, presenting an inappropriate form of development that would not sit comfortably within the streetscene at this prominent gateway site. The projection forward of the established building line proposed by the new build would also detract from the prominence of the existing building, proposing a development that is not subservient to the existing building, and creating an imbalance in the streetscene. For these reasons the application is thus considered contrary to Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the advice contained within PPSI.

#### Highways Issues

Vehicular access to the property is achieved via the existing rear service lane that currently provides access to a small parking area for the existing property and this is not proposed to be changed within this application. The application proposes to

reduce the parking area so that it is only large enough for 1 car to park, although it is not indicated on the drawings if this will be reserved for the existing building or the new build the subject of this application, or whether it will be able to both buildings. The Highways Officer has referred to this in his consultation response and stated that *'The applicant has not indicated if the use of the space will be available for occupants of the new build or indeed if the existing use will be retained. If both buildings are to be linked by ownership or management agreement then at the very least I would suggest that the spaces should be made available for student arrivals and departures but everyday use should be restricted to the current permissions. As such the development does not warrant objections in terms of loss of car parking. Student developments in this part of the City can be car free, in relation to parking provision'*

The property lies between a number of tightly controlled resident permit parking zones and would be excluded from obtaining permits and visitor tickets. This will prevent any over-spill parking from residents. The site is close to local shops and services and has a bus stop directly in front on North Hill. The applicant has indicated a cycle store with and a minimum of 8 bike spaces are proposed. In order to meet the minimum provisions of cycle storage, in accordance with Policy, the applicant must provide space for at least 10 cycles, in an area which is secured and covered. The Highways Officer has recommended that a condition be attached to any grant of planning permission to secure this.

#### Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

The closest properties to the site are no. 26 Cheltenham Place and no. 138 North Hill. No. 26 Cheltenham Place is to the east of the site, fronting onto Greenbank Road. However, Cheltenham Place is a terrace of period properties that are set back from the road by a considerable distance, the front elevation of the terrace is approximately 18 metres from the road and 12 metres from the rear elevation of the proposed building (it is set back behind the site). Due to the separation distances and orientation of the buildings (the proposed development is 8 metres to the west side of no. 26 Cheltenham Place and therefore not positioned directly in front of it), the proposed development will not affect the residential amenities of no. 26 Cheltenham Place.

No. 138 North Hill adjoins no. 140 North Hill and has a large rear tenement that projects to the rear of the site and thus the proposed development. The relationship between no. 138 North Hill and the proposed development is quite tight, there is a gap of just 4 metres between the rear elevation of the proposed development and the north elevation of no. 138 North Hill's rear tenement. Whilst this is a close relationship, no. 138 North Hill is positioned on higher land due to the topography in the area, which helps to reduce the impact from the development upon the amenities of no. 138 North Hill. It is also relevant that the existing building (to be demolished) on the site has a closer relationship with the rear tenement of no. 138 North Hill than the proposed development would have, being closer to the

boundary but containing no windows in the rear elevation that faces no.138 North Hill.

The proposal does contain windows in its south elevation, although these are shown as obscure glazed so the proposed development would not overlook the rear yard of no. 138 North Hill or cause conflict with regards to loss of privacy. However, it is questionable whether the use of obscure glass is appropriate in this instance as the windows will be the only openings for habitable bedrooms, resulting in potentially unacceptable living conditions for future occupiers.

In summary, whilst it appears that the proposed development will not compromise the amenities of the closest nearby properties to a significant degree, concern exists over the quality of the development proposed with regards to the living conditions of potential future occupiers. It might be possible to find an acceptable solution to this issue by exploring alternatives to the obscure glazed windows that are proposed, and therefore whilst the application is broadly in accordance with policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) in so far that the proposal appears not to cause harm to nearby property occupiers residential amenities, concerns over the living conditions of future occupiers remain.

#### Other Issues

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

The application contains a statement on Sustainable Resource Use. However, this does not make any recommendations as to which technology is proposed to make the energy savings required by policy CS20 and suggests that only a 10% saving is proposed, which is 5% short of the policy requirement. This is not acceptable and not in accordance with policy CS20. Although this application is made in outline, only landscaping is reserved for future consideration, so at this stage confirmation is required of the renewable technology proposed to make the saving and this should be shown on the submitted plans and drawings.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. Whilst a very short Biodiversity report has been submitted with the application, this simply states that 'no ecosystems would be affected by the proposed application'. This is not acceptable or in accordance with Policy CS19. The development will have an impact upon ecology and the Councils Ecologist has asked for a bat survey to be submitted. A biodiversity Enhancement Strategy is also required and therefore at present the application is contrary to Policy CS19 (Wildlife) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

## **Section 106 Obligations**

To be reported in an addendum.

## **Equalities & Diversities issues**

No adverse impacts anticipated.

## **Conclusions**

The application affects a site known as 140 North Hill and is made in outline with only landscaping reserved for future consideration. Therefore all other issues are to be considered at this stage. It proposes to demolish the existing tenement that fronts Greenbank Road, and replace it with a purpose built 4 storey block of new build student development containing 20 student bedrooms, a vehicle hardstanding, bike shed and bin store. It is proposed that the new build be joined to the existing building that is being retained by a glazed link fronting onto Greenbank Road.

There are a number of reasons why, at present, the application is unacceptable and recommended for refusal. The design is poor and the architectural expression is inappropriate, the application fails to provide adequate information on sustainable resource use and biodiversity enhancement and it is questionable whether the living conditions of future residents will be acceptable. The application is thus contrary to the advice contained in PPS1 and policies CS02, CS19, CS20, CS33 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

## **Recommendation**

In respect of the application dated **25/05/2011** and the submitted drawings Site Location Plan, SK-01, SK-02, SK-03, SK-04, SK-05, SK-06, P303-10, P303-09, P303-13, P303-12, P303-11, SK-07, P303-05, P303-06, P303-07, P303-08 and accompanying Design and Access Statement, Planning Statement, Biodiversity Report, Sustainable Resource Use Report and Contaminated Land Report.,it is recommended to:  
**Refuse**

## **Reasons for Refusal**

### **INAPPROPRIATE FORM OF DEVELOPMENT**

(1) It is considered that the proposed development, by virtue of its building line projecting forward of the established building line set by no. 140 North Hill, represents an inappropriate and dominant new feature that would not be subservient to the existing building, creating an imbalance in the townscape and streetscene and detracting from the prominence of the existing building no. 140 North Hill. The proposed development is therefore contrary to the advice contained in PPS1 and policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

### **POOR DESIGN**

(2) It is considered that the design, external appearance and architectural expression of the proposal (particularly the new 'end block') is weak and inappropriate, providing a pastiche feature that represents a slavish copy of the existing corner building, containing very bland and unremarkable elevations that are unacceptable at this prominent gateway site. The proposed development is therefore considered harmful to local visual amenity and the surrounding townscape and contrary to the

advice contained in PPS1 and policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### INSUFFICIENT INFORMATION ON HABITATS

(3) Insufficient information has been provided within the application on habitats that might be present at the site. To enable a sufficient understanding of the impact of development and how the impacts will be avoided and/or mitigated the application is contrary to Policy CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### LACK OF ENHANCEMENT & MITIGATION DETAILS

(4) The proposed development could result in a net loss of biodiversity at the site. No enhancement or mitigation details have been produced in association with adequate survey work to determine if the application could result in a net gain in biodiversity as required by CS19 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and PPS9. The development is therefore contrary to Core Strategy Policy CS19 and PPS9.

#### ABSENCE OF DETAILS OF RENEWABLE ENERGY PRODUCTION EQUIPMENT

(5) The application fails to include details of how the building will limit energy consumption and how onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the periods up to 2016, is to be provided. Considerations associated with delivering this requirement could materially alter the scheme and in the absence of such information the proposal is contrary to Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), which seeks to secure sustainable resource use.

#### POOR LIVING CONDITIONS

(6) The accommodation proposed contains habitable rooms that have only obscure glazed openings and therefore very limited outlook. This creates poor living conditions for potential future occupiers and provides an unacceptable living environment that does not provide a decent standard of accommodation at the site. The application is therefore contrary to the advice given in the Adopted Development Guidelines Supplementary Planning Document (2010) in section 2.3 (Residential Conversions to HMOs and Flats) and Policy CS15 of the adopted Plymouth Local Development Framework Core Strategy (2007).

#### INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) Had the Local Planning Authority been minded to approve the application, the applicant's attention is drawn to the fact that the application contains no provisions to mitigate the impacts of the proposal, in accordance with Policy CS33 of the Adopted Core Strategy and the guidelines set out in the Adopted Planning Obligations and Affordable Housing SPD (2010). The methodology of mitigating the impacts of the proposed development is outlined in the Committee Report (addendum) and in the event of an approval would be secured via Section 106 Agreement.



### Relevant Policies

The following (1) 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, were taken into account in determining this application:

- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS19 - Wildlife
- CS20 - Resource Use
- CS01 - Sustainable Linked Communities
- CS02 - Design