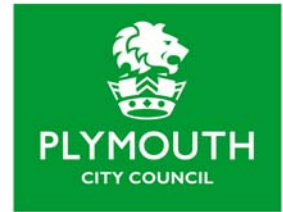


# PLANNING APPLICATION REPORT



**ITEM: 04**

**Application Number:** I1/00149/FUL

**Applicant:** Persimmon Homes South West

**Description of Application:** Erection of 12 detached dwellings with garages and ancillary access road, landscaping and public open space

**Type of Application:** Full Application

**Site Address:** LAND OFF CUNDY CLOSE PLYMPTON PLYMOUTH

**Ward:** Plympton St Mary

**Valid Date of Application:** 16/03/2011

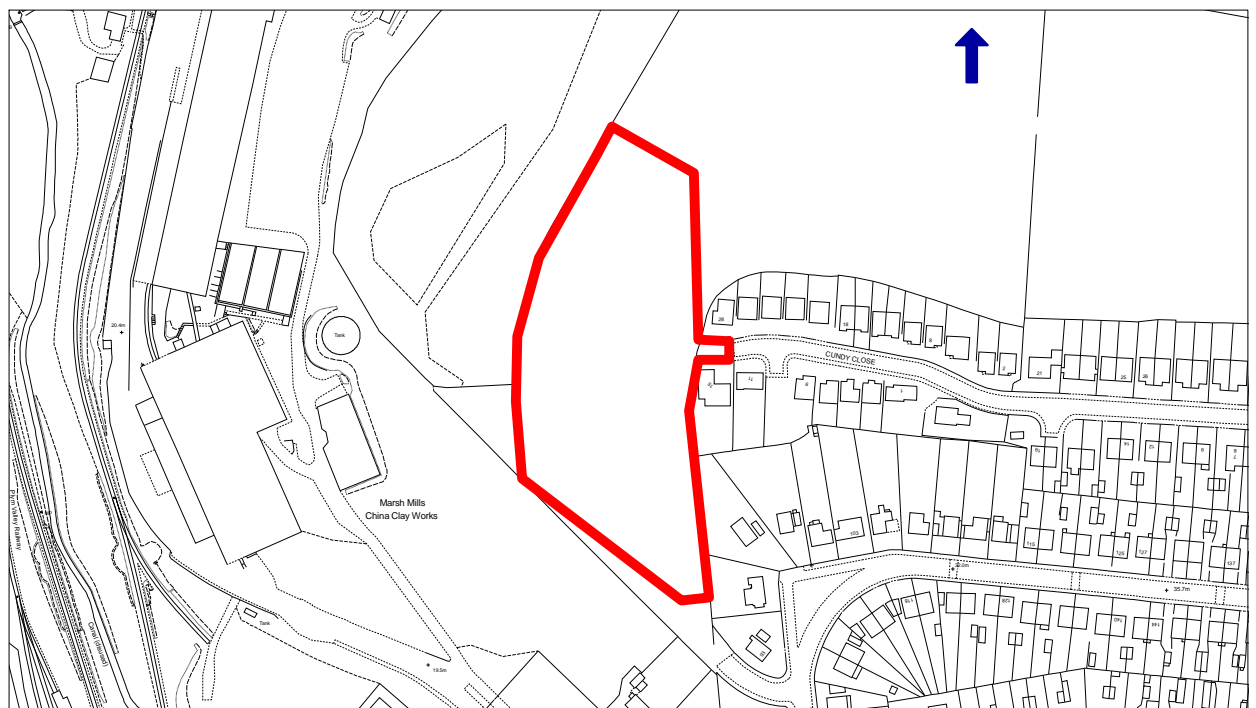
**8/13 Week Date:** **15/06/2011**

**Decision Category:** Major Application

**Case Officer :** Robert Heard

**Recommendation:** Refuse

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## Update

Following the previous deferral at the May Planning Committee meeting for a site visit this application was again deferred by members at the June meeting to allow the applicants time to submit a plan showing a public footpath link at the south end of the site, enabling pedestrian access from the south and through the site to the public open space at the north end of the site.

The amended plan now shows a narrow footpath link from the end of the proposed vehicle turning head, passing between proposed plots 8 and 9 and terminating to the rear of plot 9. It does not link into any formal footpath network or to Woodford Avenue due to the existence of a strip of land to the south of the site and to the rear of existing properties on Woodford Avenue that is not within the applicants ownership. Therefore there is no right of access to the footpath from any public area or from the street or the footway on Woodford Avenue. It is thus considered to be undeliverable.

It is considered by officers that the proposed footpath would present an undesirable and unsafe link at the site by providing a narrow and enclosed backland access that would not be well overlooked by the surrounding properties, would allow informal public access alongside private areas of the development and would compromise security and encourage anti-social behaviour. The Devon and Cornwall Police Architectural Liaison Officer in his consultation response to the new layout has stated that:

*It is my opinion that the proposed new public footpath link into this proposed development will compromise security and create an unsafe back lane into and out of the proposed development. This is contrary to the fundamental principles of secured by design by providing unrestricted public access to areas of the site that are not well overlooked, creating an enclosed public path adjacent to the private rear garden areas of the proposed dwellings. This will not provide a secure or safe environment at the site, particularly at night or in the evening when it is dark, and will provide opportunity for crime and anti social behaviour. I am also concerned that at the southern end, the proposed footpath does not link into any existing public footpath network or public highway, instead providing an access point onto land that is not in public ownership or the applicants ownership. The future of this piece of land is thus uncertain and I also have concerns that this area is isolated and unsafe, providing an ideal opportunity for people to congregate which could lead to anti social behaviour and increase the risk of crime in the area. The proposals are contrary to previous advice given regarding providing a successful, safe and secure layout at the site, with clear distinctions between public and private space.*

Six further letters of representation have been received following the amended plans being advertised for public comment. Four of the letters repeat previous comments made by nearby residents, stating support for the proposal. However, two new letters of representation have been received from the occupiers of numbers 93 and 95 Woodford Avenue, the closest properties to the proposed new footpath link in the southern part of the site. They raise concern about the potential for groups of youths to congregate in the area to the rear of their properties that is within third party ownership, which could

elevate noise levels and result in anti social behaviour. They state that it would also provide easy access for the public to the rear of their properties, which could encourage crime. Concern is also raised about bags of dog faeces being thrown over their hedge or left on the ground near the rear of their properties.

For the reasons outlined above, namely the unsatisfactory layout which will compromise security and create an unsafe back lane at the site, contrary to the principles of secured by design, the application is recommended for refusal.

The main report that follows the Previous Update section below was the original report to committee, the recommendation of which to grant conditionally subject to a Section 106 Agreement has been superseded by the section above and the recommendation to refuse this application.

### **Previous Update**

This application was deferred for a site visit at the previous committee and for the development to be considered within the context of development plan policy for the wider area. The site visit will be undertaken on the morning of the 30<sup>th</sup> June. With regards to planning policy for the wider area, there are no proposals within the Core Strategy to specifically develop any nearby site for residential development. It is also considered that development at this site will not prejudice options for development of the adjacent Imerys site and there is no vehicular or pedestrian link between the two sites.

This site is a remnant of former farm land and is now isolated from other agricultural land by residential development to the east, a substantial screening tree belt around the former china clay works to the south and west, and by the golf course to the north. As a potential development site it is more closely related to Cundy Close to the east, than to other adjacent land, and its development at this time would not be prejudicial to the proper planning of the area.

The parties that own the china clay works have submitted joint representations as part of the Sustainable Neighbourhood Development Plan Document consultation, which indicate three options for redevelopment of their site. These preliminary ideas are primarily residential based and do not address the allocation of a waste management facility on the northern part of the china clay works as contained in the Adopted Waste Development Plan Document. However, neither the adopted allocation, nor the owner's preference for residential development would impinge on the application site or prevent development of it. Both sites can be dealt with individually and any applications received determined on the basis of planning policy and relevant material considerations.

Should recreational or pedestrian access from the application site, or from Cundy Close, be required at some future time to any development, or to any open space on the china clay site, this could be achieved via the open space on the development now subject of this application, in the north of the site. Discussion on the final uses of the china clay site are likely to be made at some time in the future, and should not prejudice the determination of this current application.

## **Site Description**

The site is located on the northern fringes of the residential area of Woodford. It slopes significantly from north to south and is part of a wider area of fields that are fairly open and mainly grassed. It is irregular in shape, measuring at a maximum approximately 180 metres in length and 76 metres in width, with a site area of 1.18 hectares.

The south and west boundaries of the site are defined by dense tree planting. Beyond this planting to the west of the site lies Marsh Mills China Clay works and to the south is existing residential development within the Woodford suburb. The north is open and immediately adjacent to the northern boundary is Boringdon Golf Course, which also extends to areas to the north east of the site and to the north of the existing properties on Cundy Close. Adjacent to the east of the site lies Cundy Close, which is a residential street characterised by detached 1980's houses. Access to the site is proposed to be from the west end of Cundy Close.

The site is approximately 3 miles to the east of Plymouth City Centre although there are a number of local amenities, including shops, schools and community facilities within walking distance of the site.

## **Proposal Description**

This application proposes to develop the site for a residential development of 12 detached dwellings with private garages, including associated access road, landscaping and public space.

The dwellings proposed can be described as 'executive housing' with large plots and generous gardens, all with private garages and off street parking. The application proposes five 3 bed houses and seven 4 bed houses. All of the proposed dwellings are detached and 2 storey in height.

The application proposes that the site is accessed from Cundy Close, with the existing road being continued west into the site before turning south and terminating at the southern end of the site. The proposed access road is a shared surface street with a turning head at its end. All of the dwellings will be served by driveways leading from the proposed new street.

At the northern end of the site, between the development and Boringdon Golf Course, it is proposed to have an area of Public Open Space. This is proposed to remain open but will include planting. This area is intended to be a continuation of the existing 'strip' of open land between the existing dwellings on the northern side of Cundy Close and the golf course and its use will not be restricted to occupiers of the proposed new dwellings, as it will provide a link to the existing open land to the east.

## **Relevant Planning History**

MA/57/PRE – Pre-app under DES for residential development. The application has evolved in accordance with the discussions held under this pre-app reference.  
07/01717/OUT - Outline application for 14 houses (2 storey in height) with garages and public open space. REFUSED.

## **Consultation Responses**

### Highway Authority

No objection subject to conditions.

### Public Protection Service

No objections subject to conditions.

## **Representations**

Seven letters of objection received, raising the following points:

- There appears no good reason to access the site from Cundy Close.
- The proposed development will be detrimental to highway safety.
- There has been no change in circumstances at the site since the last application was refused.
- Loss of further green space is not acceptable.
- The development will incur a loss of wildlife at the site.

One letter received, stating that it is not a letter of objection, as long as pedestrian access is always maintained to the open area adjacent to the golf course.

The issues raised will be discussed below in the Analysis section of this report.

## **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 proposes to develop the site for a residential development of 12 detached two storey dwellings with private garages, including associated access road, landscaping and public space. It is considered that the main issues in the determination of this application are the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

### Principle of Development

The site is presently an open grassed area that slopes significantly from north to south. It has previously been allocated within the City of Plymouth Local Plan First Deposit (1995 – 2011) as an area of protected greenscape and is recognised in the Adopted City of Plymouth Local Development Framework Core Strategy (2007) as land forming part of a strategic greenscape network. A previous outline application at the site for residential development (ref: 07/01717) was refused due to it causing unacceptable intrusion into the surrounding countryside, which is part of the city's allocated Strategic Greenscape Network.

However, since the previous application was refused Boringdon Golf Course has opened, which means that the land to the north of the site which was previously open countryside and available for agricultural use is now in use as a members only golf course. This has resulted in the site becoming an isolated pocket of land that is no longer potentially suitable for agricultural use, for which it was considered most valuable. The site is no longer connected to the wider countryside and has no value for agricultural use due to its small size.

The site's value as an access corridor to the wider countryside has also diminished due to the development of the golf course. It no longer provides access to the wider greenscape network and is a piece of land that has become cut off and isolated from the areas it used to provide a link to. Hence its role as providing access to the wider greenscape network has been severely compromised.

Policy CS18 (Plymouth's Green Space) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) seeks to protect areas of greenscape from development proposals that will conflict with the function or role of a greenscape area. However, it is considered that the function and role of this particular greenscape area has already been significantly compromised by the development of the golf course, and that it no longer fulfils the function for which it was allocated a greenscape area. Therefore this application is not considered to conflict with the function or characteristics of the greenscape area and is not considered to be contrary to Policy CS18.

The site is not constrained by any other restrictive planning policy and is not located within a Conservation Area. It is therefore considered that the development of this site for residential purposes is acceptable in principle and compatible with the surrounding development which is residential in character.

The Sustainable Neighbourhoods Development Plan Issues and Preferred Options consultation has recently been undertaken and five replies were received for the Woodford Area. These revealed no overwhelming objection to the development of the site. Specifically, two stated that they thought all green areas in the neighbourhood should be retained, two identified the site as a good site for future housing development and one made no comment on either subject.

### Character and Appearance

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 form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.

Concerning issues of density and dwelling numbers, the density ratio at the site is just over 10 dph. Whilst previously this might have been considered low, in June last year the Government changed Planning Policy 3 (Housing) to remove reference to national minimum density levels. The proposed density level at the site is consistent with the surrounding area of Woodford, which is characterised by detached and semi detached lower than average density housing. This is considered acceptable, the site is on the fringes of the city and lower density housing with larger plots is most appropriate in these suburban, out of town locations.

Due to the application proposing 12 units, which is below the affordable housing threshold of 15 (as set out in Policy CS15 of the Core Strategy), issues of affordable housing avoidance need to be considered. Further to this, the councils Housing Strategy team have raised concerns that the proposed development is not an efficient use of land and that a higher density could ensure that Affordable Housing is delivered at the site. However, as described above, the proposed density level at the site is very similar to the existing density levels in this part of Plympton, and Woodford in particular is characterised by detached and semi detached dwellings on large plots with 91% of the housing stock being owner occupied. The development is therefore considered to be in keeping with the surrounding context and pattern of development, with larger plots and thus lower densities expected at edge of city sites such as this.

It is also not considered appropriate to seek the provision of off site affordable housing via this planning application. Due to the reasons outlined above, it is considered by officers that there has been no deliberate attempt to avoid having to provide affordable housing at the site, and that a low density 'executive' housing development is appropriate for the site due to the location and existing density and pattern of development in the surrounding areas. A higher density development is not considered suitable and the application is thus considered compliant with Policy CS15 of the Core Strategy.

Concerning the location of the site and context, it is located on high ground at the top of the Woodford suburb, on the very northern fringes of the existing built up area. Owing to the vegetation and built up nature of the context immediately to the east and south of the site, it is not prominent from the areas that are closest and is fairly well hidden, only becoming prominent when viewed from across the valley and areas of Merafield.

With regards to layout generally, the proposal is reflective of the existing built form in the area by providing detached dwellings in an area that is characterised by semi detached and detached family dwellings with large curtilages. The existing properties on the northern side of Cundy Close define the boundary between the urban environment of Woodford and the surrounding countryside beyond (and to the north). The proposed dwellings at the top (northern end) of the site respect this

building line and ensure that when viewed from areas to the south and across the valley, the development will appear as a natural extension of the existing building line established by the properties on Cundy Close, and will not appear as an incursion into the countryside, thus respecting the established pattern of development in the area.

As stated above, the development appears as a natural extension of Cundy Close, opening up the existing cul de sac arrangement at the west end of Cundy Close and continuing the street to the west and into the site before turning south where the road terminates near the southern end of the site, marked by a turning head. The proposed dwellings are arranged either side of the new shared surface street, oriented so that they face inwards overlooking the street. This helps to ensure that the public areas within the site benefit from natural surveillance from the front elevations of the proposed dwellings. The proposed layout of the site and orientation of the dwellings has been arranged in accordance with the key principles of 'secured by design' with no back lanes or areas where there might be confusion over whether land is private or communal, and it is not possible to access back gardens from any public space within the site, ensuring that the risk of crime at the site is reduced.

The proposed area of Public Open Space at the top (northern end) of the site is proposed to be planted but will remain open, joining up with the existing strip of public amenity space that lies between the existing properties on the northern side of Cundy Close and Boringdon golf course. This is the most natural location for an on-site amenity area, it ensures that the amenity land behind the existing dwellings is continued and that the informal footpath that runs alongside the western end of the golf course remains accessible (this is not a formal footpath but is a well used route that the golf course owner has made available and provides access from the site to the wider countryside to the north and west via a gate at the north west corner of the site). A new footpath within the site will provide access to the Public Open Space (from the new shared surface street) and the amenity strip behind the existing dwellings. The location of the POS is thus considered appropriate and provides a welcome link to the existing amenity space in the area whilst also providing mitigation for loss of the site as an informal recreation and dog walking area.

With regards to massing, design and external appearance, the whole site follows the same design form and the different dwelling types contain some very similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are residential and domestic in character, respecting the scale and proportioning of the existing dwellings on Cundy Close, being 2 storey with pitched roofs. Whilst generally being of traditional form to reflect the existing surrounding development, an element of contemporary design is reflected in the provision of more modern canopy shelters for the front doors and simple window and door designs that avoid the fussy detailing of past periods so that the development does not have too much of a pastiche feel to it. Glazed bays have been incorporated on the front elevation of some of the units and Juliet balconies are utilised to help give the development a modern appearance and to distinguish it from the surroundings.



The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but generous use of timber cladding helps to blend the development into the surroundings, which are defined by an almost rural character with a nearby wood ensuring that the use of timber is appropriate and a suitable material for this area. Viewed against the backdrop of the golf course and woodland the materials palette is respectful of the surrounding landscape, whilst helping to introduce some minor contemporary features such as the Juliet balconies, glass bays and box windows, and generally the proposal is in keeping with the character and identity of the context in which it sits.

Overall, it is considered that the proposed development provides a good quality housing scheme that is sensitive to the character of the surrounding area, proposing a development that is traditional in form but with contemporary features that give it its own identity whilst respecting the character of the existing housing stock in the local area. The building line established by the existing dwellings on the northern side of Cundy Close is respected and the scale and massing of the dwellings and proportioning of the plots is considered acceptable. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) and CS34 (Planning Application Consideration) of the City of Plymouth Local Development Framework Core Strategy (2007).

#### 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 layout of the site has been arranged in order to minimise impact on the surrounding properties. The existing residential properties in closest proximity to the site are numbers 15 and 28 Cundy Close, which are adjacent to the site entrance on either side of Cundy Close. Number 28 is on the northern side of the street and is oriented facing south, on the same building line and orientation as the closest proposed dwelling. At the closest point there is a 21 metres separation distance between the 2 dwellings and this alone ensures that there will be no impact from the proposed development on the residential amenities of 28 Cundy Close.

Number 15 Cundy Close is located on the south side of the street, adjacent to the western boundary of the site. The nearest dwelling to this property is 18 metres away at the nearest point, with garages proposed between them. They are both oriented facing north and therefore no residential amenity conflict will be created between the existing and proposed dwelling.

The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is not unacceptable. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

### Highways Issues

As already stated, access to the site for vehicles and pedestrians would be via Cundy Close, which is a residential estate road currently in the form of a cul-de-sac. The proposed residential development would be laid out and served by a shared surface street with a turning head at its end, which would form a short extension to Cundy Close with some form of demarcation at the entrance to the new street, possibly in the form of a rumble strip. A footpath off the new street would provide pedestrian access to the area of public open space retained at the north end of the application site.

Each of the proposed dwellings will have the benefit of a double garage and driveway, and each dwelling will be served by at least two parking spaces. All of the driveways either meet or exceed the minimum length driveway requirement of 5.5 metres. The application indicates that the street would be designed and constructed to an adoptable standard as a shared surface street, but that the street would not actually become public highway because it would fail to link with an adopted street.

The Highways Officer has stated support for the application, recommending approval subject to conditions.

### Letters of Representation

Seven letters of objection have been received, the points raised are listed above in the representations section and analyses below:

1. There appears no good reason to access the site from Cundy Close;
2. The proposed development will be detrimental to highway safety.
3. There has been no change in circumstances at the site since the last application was refused.
4. Loss of further green space is not acceptable.
5. The development will incur a loss of wildlife at the site.

With regards to these issues:-

1. The developer has proposed to access the site from Cundy Close and this is acceptable with regards to Highways policy. The Council's Highways Officer is supportive of the scheme and the main highways issues are discussed above in the Highways section of this report.
2. As above, the Highways Officer has considered the application and is supportive of the proposal. The application is not considered to be detrimental to highway safety.
3. The change in circumstances at the site is addressed above in the section concerning the principle of development.
4. Loss of green space has also been evaluated in the section of report concerning principle of development.
5. The application has been accompanied by an Ecological Assessment which makes recommendations for biodiversity gain at the site. This is considered in further detail below (other issues), but the Council's Ecologist has confirmed that the mitigation proposed for biodiversity gain is acceptable and this will be secured via planning condition.

### 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.

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. The site is entirely covered by grassland and no rare, scarce, or notable plant species (at a national, regional or local level) have been recorded at the site. The Ecological Assessment submitted with the application includes a comprehensive evaluation of the site and recommends that mitigation in the form of specific planting (broadland scrub and a diverse grassland mix) and the provision of swift and bat boxes within the development be provided. This is considered acceptable and the Council's Ecologist has stated support for this form of mitigation, which will be secured via planning condition.

With regards to Lifetime Homes, 3 of the units proposed are being made available as Lifetime Homes. These are shown on the drawings submitted with the application. This is in accordance with Policy CS15 and is proposed to be secured via planning condition.

### **Section 106 Obligations**

A planning obligation is required to mitigate the impacts of the proposal. The developers have asked for the development to be considered under Market Recovery and thus agree to the restrictions regarding making a substantial start on the development within 2 years of the date of any planning permission granted. They will benefit from a 25% reduction due to the site being Greenfield land. Impacts will arise in the following areas:

#### Local Infrastructure

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 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £25,677.

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 £2,097.

Childrens 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 through the need for play facility improvements. The estimated cost of mitigating this impact is £4,342.

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 £11,007.

#### Strategic Infrastructure

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's has an 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 £13,534.

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 an 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 £320.

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 £8,646.

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 £42,532.

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 £1,033.

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:

- a. Local schools tariff: £25,677, to be allocated to the provision of additional school places within the south east locality.*
- b. Libraries tariff. £2,097 to be allocated to the provision of improved library facilities in the area.*
- c. Playing pitches tariff. £11,007, to be allocated to the provision of improved playing pitch facilities in the south sub-area, as identified in the Playing Pitch Strategy.*
- d. Local play space tariff. £4,342 to be allocated to the improvement of local play facilities.*
- e. Strategic green space tariff. £13,534 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.*
- f. European Marine Site tariff. £320 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- g. Strategic sports facilities tariff. £8,646, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.*
- h. Strategic transport tariff. £42,532, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan.*
- i. Public realm tariff. £1,033, to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.*

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £109,188 is required.

### **Equalities & Diversities issues**

The application proposes 12 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. Three of the units proposed will also be Lifetime Homes. No negative impact to any equality group is anticipated.

## Conclusions

To summarise, this application will provide 12 new dwellings with associated car parking, landscaping and open space also provided as part of the development package. The applicant has agreed to pay the financial contributions considered necessary to mitigate the impacts of the proposal and comply with the requirements of the Councils Market Recovery Scheme.

It is considered that the application proposes a good quality housing development with a layout that is sensitive to the existing pattern of development in the area and constraints of the site. The design of the dwellings respects the existing local housing stock whilst introducing contemporary aspects of building design, ensuring consistency in appearance through subtle repetition of key features and materials. The layout is a positive response to the constraints of the site.

The proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a S106 legal agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 30 August 2011.

## Recommendation

In respect of the application dated **16/03/2011** and the submitted drawings New footpath link at southern end of site

Site Location Plan, I228-P-S3 Rev A, I264-P-S3 Rev A, I443-P-S3 Rev A, I475-P-S3 Rev A, I475-P-S4 Rev A, I475-P-S5 Rev A, I475-P-S6 Rev A, EF-02 Rev B, HT-02, TP-03 Rev A, SUR-01, Garage Blocks (1) and (2) and accompanying Design and Access Statement, Ecology Impact Assessment, Energy Statement and Contamination Assessment Report

Amended Plans, it is recommended to: **Refuse**

## Reasons for Refusal

### UNSATISFACTORY AND UNSAFE LAYOUT

(1) It is considered that the proposed development would have an unsatisfactory layout due to the existence of a narrow and enclosed footpath link at the southern end of the site. This would compromise security and create an unsafe back lane into and out of the site. This is contrary to the fundamental principles of secured by design by providing unrestricted public access to areas of the site that are not well overlooked, creating an enclosed public path adjacent to the private rear garden areas of proposed dwellings. This would not provide a secure or safe environment at the site, particularly at night or in the evening when natural light is limited and will provide opportunity for crime and anti social behaviour. The application is therefore contrary to Policies CS32 (Designing Out Crime) and CS34 (Planning Application

Considerations) of the adopted Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within Planning Policy Statement 1.

#### CREATION OF UNSAFE AREA AND ADDITIONAL RISK OF ANTI SOCIAL BEHAVIOUR

(2) The proposed footpath would not link into any existing public footpath network or public highway; it would provide access to and from a piece of land that is in third party ownership. The piece of land in question that is in third party ownership (and not part of the site or public highway) is secluded from public view. It would thus provide an isolated and unsafe area presenting an ideal setting for youths to gather, increasing the risk of anti social behaviour in this area. The future of this piece of land would also not be secure, or be able to be controlled. The application is therefore contrary to Policies CS32 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within Planning Policy Statement 1.

#### INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) The proposed residential development generates the need for contributions under Section 106 in order to provide adequate mitigation obligations and the need for other community benefits. Had the Local Planning Authority been minded to approve the application, the applicants attention is drawn to the Section 106 Obligations part of the officers report which sets out the methodology of mitigating the impacts of the proposed development.

#### **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:

- PPS9 - Biodiversity and geological conservation
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines