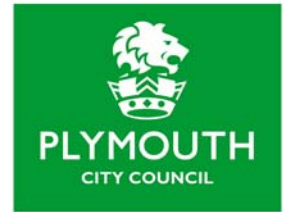


# PLANNING APPLICATION REPORT



**ITEM: 08**

**Application Number:** I1/00940/FUL

**Applicant:** Taylor Wimpey (Exeter) UK Ltd

**Description of Application:** Erection of 60 dwellings including 16 apartments and 44 houses, new access, ancillary roads, car parking and landscaping

**Type of Application:** Full Application

**Site Address:** LAND ON THE JUNCTION OF TAVISTOCK ROAD AND PLYMBRIDGE ROAD PLYMOUTH

**Ward:** Moor View

**Valid Date of Application:** 29/06/2011

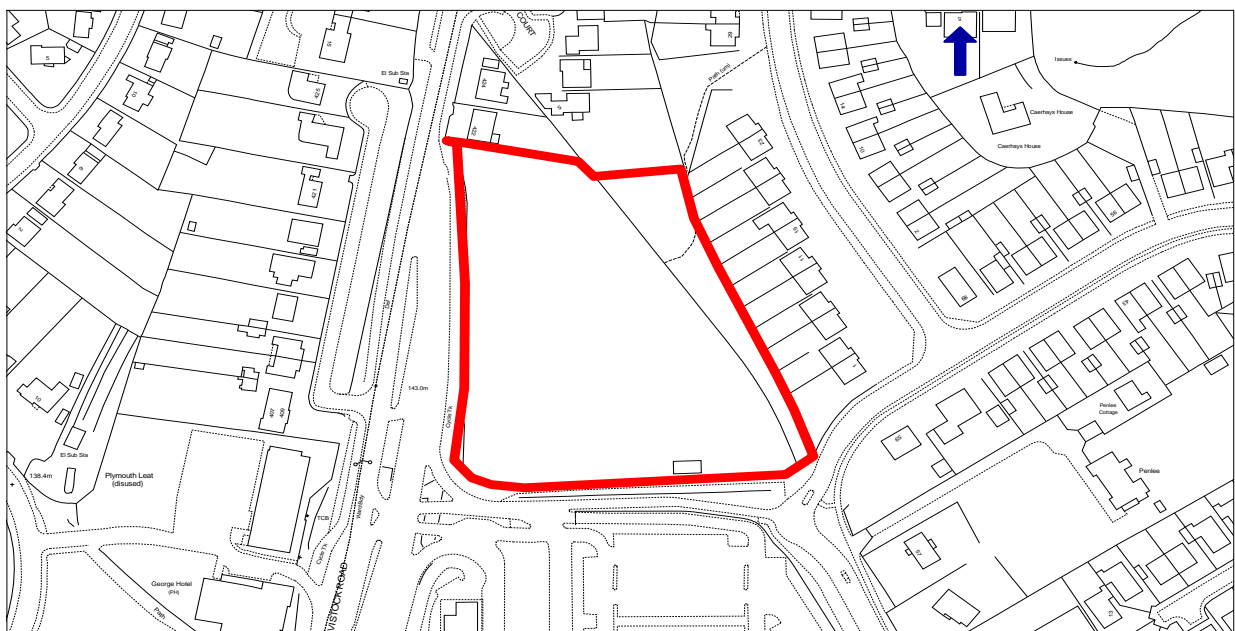
**8/13 Week Date:** **28/09/2011**

**Decision Category:** Major Application

**Case Officer :** Robert McMillan

**Recommendation:** Refuse

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### **Site Description**

The site is the paddock (former polo field) on the corner of Tavistock Road, Plymbridge Road and Buena Vista Drive. Housing lies to the west, north and east with The George Park and Ride to the south and the Toby Carvery (formerly The George ) and Travel Lodge to the south west.

The area is 1.28 hectares with frontages to Tavistock Road, Plymbridge Road cycle way/footway and Buena Vista Drive of 136m, 112m and 12m respectively. The site is in two parts: the main area comprising 1.1 hectares is open grassland and the eastern 0.18 hectares is a woodland area adjoining the rear gardens of properties in Frensham Avenue. This part is protected by Tree Preservation Order No 247. There are two lines of large mature trees running along two hedgebanks on the eastern and western edges of the woodland. The northern boundary comprises a blockwork wall, trees and vegetation, the eastern boundary with the properties in Frenssham Avenue is one of the treed hedgebanks, the southern and western boundaries comprise post and rail fences with hedges and vegetation. The land slopes gently from the south west to the north east. There is a small single storey building on the southern boundary. There are two mobile phone masts next to the site along Tavistock Road.

There are utility company easements for a sewer, water main and gas main that cross the site.

### **Proposal Description**

The proposal is for 60 dwellings comprising 44 houses, 14 flats and two flats over garages (FOGs). The majority of the houses are two storey with six at three storeys and five with dormer windows. The block of flats on the corner of Tavistock Road and Plymbridge Road is four storeys and the other block between the access road and woodland is three storeys. There would be 18 affordable homes and 12 built to Life Time Homes standards.

The access would be off the mini-roundabout at Plymbridge Road and Buena Vista Drive following the route of the bus lane. It would swing northwards into the site 45m west of the mini-roundabout. And then turn to the west ending in a turning head by the mobile phone mast. There would be two large parking courtyards on the western part of the site containing two FOGs. The materials would be render and artificial stone under grey concrete tiles.

### **Relevant Planning History**

There is no recent planning history on the site. There have been recent prior notification approvals for the two mobile phone masts on Tavistock Road adjoining the site.

### **Consultation Responses**

#### **Environment Agency**

No objection subject to conditions on surface water drainage and ground contamination.

## **Highways Agency**

No objection.

## **Local Highway Authority**

The point of access is acceptable. The access road is not following the Home Zone approach and is not acceptable to the LHA. (The Internal road layout generally is not acceptable to the LHA, and therefore it would not be prepared to adopt it, under S.38 of the Highways Act 1980; it would therefore remain in private ownership.) There is concern that the parking level is not at least one space per property. Some spaces are distant from the homes they serve, and fewer units would help to overcome this concern. Some of the drives are considered to be too short to meet LHA standards. The principle of the Travel Plan is welcome but transport officers are still negotiating on the duration of the travel passes.

## **Public Protection Services**

There are possible sources of contamination in the vicinity of the proposed development with the possibility of fuel tanks at Turners on Tavistock Road and a former quarry north east of the airport. The effects have not been covered adequately in the report and must be dealt with by condition. Given the noise environment there will be the need for ventilation. There are no objections subject to conditions relating to ground contamination, noise and code of practice.

## **Housing Strategy**

Objections have been raised as the application does not comply fully with policy CS15 and the Planning Obligations and Affordable Housing SPD First Review. Housing Strategy welcome the proposed provision of 30% affordable housing, but the mix does not represent the overall range of size of properties with too few of the 3 and 4 bedroom houses. The units are not spread right across the site. The application does not state how the 60% rented and 40% intermediate housing would be met. Housing Strategy believes these concerns could possibly be overcome in further discussions.

## **Police Architectural Liaison Officer (PALO)**

The PALO is opposed to the scheme because aspects of the design are contrary to the principles of Secured by Design. The footpath through the woodland is not overlooked and is a security risk and should be removed. Where there are pathways between properties they should be gated with locks at the front of the building line. The parking spaces for plots 1 – 7 are a security risk. This part of the site should be re-designed with the parking spaces provided within the properties' curtilages. The parking courts should have gated entrances

## **Plymouth City Airport**

No objection.

## **South West Water**

No objection. There is a public sewer and public water mains in the vicinity. No development should occur within 3 metres of the sewer or 3.5 metres of the water mains. If it does the apparatus will need to be diverted.

## **Representations**

Planning Services received nine letters and emails including three from the same property. They raise the following points:

1. Out of keeping with the area;
2. The landmark four storey building is an eyesore;
3. Three and four storey buildings are out of character;
4. Over-dominance from the three storey flats and this is exacerbated as the properties in Frensham Avenue are at a lower level;
5. Overlooking;
6. Loss of outlook;
7. The two lines of trees in the woodland should be retained;
8. The woodland should be maintained and managed,
9. The residents in Frensham Avenue have been long campaigning for proper maintenance of the trees behind them. If the Council does not do the maintenance work approved in TPO consent 11/00630/TPO the developer should do so;
10. Harm to wildlife;
11. The proposed footpath/cycle path in the woodland will harm wildlife;
12. The proposed footpath/cycle path will be a security risk and should be removed as suggested by the Police Architectural Liaison Officer;
13. Harm from lighting of the footpath/cycle path in the woodland;
14. Inadequate parking;
15. Increased traffic will add to existing congestion;
16. The application disregards residents' views given at the community involvement stage;
17. Inadequate sewerage;
18. Adequate surface water drainage must be provided;
19. All properties especially the flats must have adequate laundry and drying facilities to prevent washing drying in the front;
20. Health risk from the presence of Arsenic;
21. Should the mobile phone masts be moved? and
22. Property devaluation.

### **Cyclists' Touring Club**

It is pleased that the support statement states that the application will provide links to the wider cycling network and the provision of cycle route maps. It makes suggestions for improvements to cycle routes north of the site. The developer should provide this.

## **Analysis**

### **Introduction**

The main issues with this application are: the principle of the development; density; design matters; affordable housing; transport; impact on the protected woodland; nature conservation and renewable energy; and section 106 and measures to mitigate the impacts of the development.

Relevant national policy guidance in Planning Policy Statements (PPS) and Guidance Notes (PPG) include: PPS1 Delivering Sustainable Development; PPS3 Housing; PPS9 Biodiversity and Geological Conservation; and PPG13 Transport. The recent draft

National Planning Policy Framework (NPPF) is also capable of being treated as a material consideration.

Regional Planning Guidance for the South West (RPG10) is still part of the development plan. The relevant strategic policies are: Policy SS 2: Regional Development Strategy, Policy SS 3: Sub- Regional Structure and Policy SS 17: Plymouth. The draft Regional Spatial Strategy for the South West is a material consideration until and if it is abolished. The key strategic policies are Policy CSS – The Core Spatial Strategy and Development Policy A.

The main Core Strategy policies relevant to the application are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations, CS34 Planning Application Considerations and Area Vision 9 Derriford/Seaton. The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply. The Derriford and Seaton Area Action Plan Pre-Submission Version 2011 (DSAAP), although not yet adopted, is still a material consideration. This has relevant draft policies and proposals in particular: Policy DS01 Improving the Urban Form, Policy DS02: Improving Communications and Proposal DS16 Buena Vista Drive.

## **Background**

The applicant has been involved with the site for a number of years and with this proposal made a formal pre-application submission using the Development Enquiry Service in August 2010. Officers had previously prepared a Site Planning Statement setting out the planning and design criteria for the site. The applicant had two meetings with officers in September 2010 and January 2011. There were unresolved issues relating to density, design, scale, layout, appearance, landscaping and renewable energy matters and section 106 issues of measures to mitigate the infrastructure impacts of the development. Officers were expecting the applicant to continue with the pre-application process to achieve an acceptable scheme including negotiating on the section 106 agreement on which no discussions had occurred. In this period the applicant carried out a community consultation exercise.

There was a gap of over four months with no further communication from the applicant. In this period the applicant carried out a community involvement exercise. It then made the planning application in June 2011. There were problems at the validation stage obtaining all the information at sufficient detail particularly with the section 106 heads of terms and renewable energy. The sections below explain the officers' concerns. Several changes are required to make it acceptable in design terms and to mitigate the infrastructure impacts of the development. This would result in effectively creating a new application.

The report is based on the original submission. There has been subsequent communication and meetings and officers appreciate the applicant's agreement to consider carrying out some changes. Officers will continue negotiating with the applicant to strive to achieve an acceptable development with the necessary

mitigation measures which would then be the subject of a fresh application. If the applicant submitted this within a year it will not incur a planning fee. A deferral is not possible as the necessary changes are too extensive and there would be insufficient time to carry out the re-consultation exercise in time to meet the performance target.

### **Principle of development**

The site is a greenfield site but has long been identified by the Council as a housing site. PPS3 states that local planning authorities should identify a five year supply of housing on sites that are deliverable, available, suitable and achievable drawing on information in the Strategic Housing Land Availability Assessment (SHLAA). This site is identified in the SHLAA 2009 and is included in the Annual Monitoring Statement that identifies a five year housing supply in Plymouth from 2011/12 to 2015/16. Core Strategy policy CS16 states that one of the priority locations for new housing is the Derriford/northern corridor for about 3,500 new dwellings by 2021.

In the Derriford and Seaton Area Action Plan Pre-Submission Version 2011 it is identified as Proposal DSI6: Buena Vista Drive as a housing site for 50 dwellings of which at least 15 will be affordable housing units. Following the AAP public consultation exercise there was only one comment on this proposal. It did not object to the principle but simply stated it was wrong to consider it as part of the Derriford and Seaton AAP when in reality it is in Glenholt. The site is a sustainable location on bus routes and next to the George Park and Ride within walking distances of two primary schools and a local parade of shops with Southway local centre and Roborough district centre reasonably close.

The Sustainable Neighbourhood Assessment identifies a need to increase the catchment population for the Woolwell Road neighbourhood centre and St Anne's Road local centre. It also shows a need for a greater range of house types and tenure for more terraced houses, flats and rented properties.

The principle of the application would meet these policy requirements and comply with policy CS01.1 in meeting the needs of the neighbourhood in helping to support a sustainable linked community.

### **Density**

Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in assessing schemes. PPS3 states that LPAs should develop housing density policies. Paragraph 46 sets out the relevant criteria including: capacity of infrastructure services and facilities; using land efficiently; accessibility; the characteristics of the area including the current and proposed mix of uses; and achieving high quality, well designed housing having regard to the considerations in paragraph 16. The previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in an earlier version of PPS3 has been removed. The draft NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Density does not have to replicate that of the surroundings provided that the standard of design does not compromise the quality of the local area. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate

type form, scale, mix and density in relation to its location relative to the neighbourhood's centre.

The density of development surrounding the site is low and varies from 9.7 dwellings per hectare (dph) to 22.2 dph. This compares with the application of 46.9 dph and if the woodland is excluded it rises to 54.5 dph. Proposal DSI6 of the Derriford and Seaton AAP states that the site could be developed for 50 homes.

It is accepted that the presence of protected woodland, sewer, utility and mobile phone mast easements make this a difficult site to develop. These constraints further affect the density at which the site can be developed. The proposed density gives rise to instances of unacceptable overlooking between plots 39-41 and 42-43 and plot 42 over-dominating plot 41 contrary to Core Strategy policy CS34. There are other problems associated with this high density raised in the sections below. The applicant accepts some of these points and will seek to rectify these shortcomings in the subsequent application

### **Design issues**

PPSI states that good design is indivisible from good planning and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. This approach is repeated in PPS 3 in paragraphs 12 -13 and 48-49. The draft NPPF endorses this approach and attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors. Area Vision 9 identifies the locality as a city gateway location to provide a high quality northern gateway into the city with a strong sense of place. It is essential that the development of the site is at a standard of design appropriate to its location and this is what officers have been trying to achieve. Unfortunately officers do not believe the submitted scheme complies with these policy objectives.

### Layout

Officers consider that the entrance and street design needs to include a more generous threshold (incorporating the pedestrian crossing point) and reduce the dominance of the highway in line with Manual for Streets. The entrance should be bolder and make a positive statement. Plots 7 and 14 should be designed to have returns to front the access road and the bin collection must be re-positioned so it is not so prominent. Officers consider that the applicant should re-examine the design of the entrance to address these concerns.

The street alignment needs to take its cue from the building line, and consideration should be given to a more integrated and comprehensive design, using more generous thresholds and changes in surfaces. The streets should also be designed in conjunction with any adjoining open spaces. Details of the design and management of the woodland open space should be provided. Currently there are no proposals for open space on the site, which are complementary to the development, providing safe, attractive and useable space for the residents, as there is limited access to other open land in this neighbourhood.

There is a large area of courtyard parking and the southern one is excessive. The two “flats over garages” (FOGs) have a poor relationship with the site as a whole and plot 48 has no amenity space and would provide a poor level of residential amenity for the occupiers. Preferably both should be removed. In discussions the applicant implied that it might do this in an amended scheme. There is a large area of parking fronting Tavistock Road giving rise to a wide open gap of 30m between buildings next to the footway. This is caused by the phone mast easement. At pre-application meetings officers first asked the applicant to consider relocating the phone masts to allow greater design flexibility and to improve the street frontage. The applicant declined on the basis of costs and viability. Officers then suggested possible ways to reduce the gap and officers consider that the applicant should do so in any revisions.

Some of the amenity areas do not meet the guidelines in part 2.8 of the Development Guidelines SPD including plots 3-6, 15-16, 41 and 54. Others are too close to the mature trees that would over-dominate the gardens as at plots 1 and 60 and the northern part of the flats 6-13. Officers consider that the applicant should make changes to address these concerns.

#### Street elevations

The site is at a city gateway location and its development should reflect this in a design of appropriate quality. Officers consider this is not the case in particular on the Tavistock Road frontage with houses of little quality giving a bland appearance. There are several house types of different roof heights with poor street definition and lack of continuity, consistency and cohesiveness contrary to national advice and Core Strategy policy CS01.2, CS02.1 and Area Vision AV9.4 and 6.

There is insufficient space to establish a strong line of street trees along this frontage and therefore the building line needs to be set back, both to accommodate street trees, but also provide a better residential amenity along this busy road frontage. With this change, a better building line could also be introduced.

Plots 1-7 could align with plots 14-19 with the access lane moved to the rear serving parking areas within the back gardens or the access road could be repositioned with the parking provided in the curtilages. This would also improve the design and security of the site. Officers consider that the applicant should consider rearranging the layout in this part of the site.

#### Scale and massing

The corner building is also of concern. The design and proportions of this 'landmark' building are, in officers' opinion, poor and are not well integrated into this street elevation. Its height steps up abruptly, giving an uneasy relationship with the rest of the with a taller corner element, which is recessed from the front line and a poorly resolved. A significant part of the ground floor is also blank without any active frontage. The Pre-Submission Derriford & Seaton AAP also covers this point stating: “In order to support the sustainable development of new homes in this location, consideration needs to be given to: a) Ensuring a form of development that reflects the site's location on Tavistock Road and overlooking the Park and Ride site. Proposals for a landmark building, of between 3 – 4 storeys in height, on the south-



west corner of the site, incorporating a small retail unit on the ground floor would be encouraged.”

The “landmark building” is four storeys and rather than 3 – 4 storeys and is a point that local residents have objected to. There is scope to improve the design quality particularly on the Tavistock Road frontage by lowering it in part to three storeys and stepping up to four storeys on the corner. But it needs to be handled with more sensitivity. The current proposal would conflict with Core Strategy policies CS01 and CS02 and Area Vision 9 and Derriford and Seaton AAP Policy DS01.2. Other corners of the built form in the development are, in officers’ opinion, poorly handled, particularly plots 14 and 41.

#### Appearance

Officers consider that the choice of materials is poor and does not add to local distinctiveness. The artificial stone cladding should be replaced with natural stone, timber cladding or slate hanging should be incorporated and natural and re-constituted slate roofs used instead of concrete tiles. This palette has worked successfully at the applicant’s own site nearby at Southway and the Cobham Field development further along Plymbridge Road. At a recent meeting the applicant was reluctant to alter its choice of materials which is unfortunate at such a prominent location.

#### Summary

There are a number of design shortcomings that officers believe could be overcome with a revised proposal. This could result in a lower density. Part II of the Design SPD makes reference to monitoring the design quality of developments by assessing schemes against the Buildings for Life 20 criteria. Paragraph 11.9 states that the Council should be achieving scores of at least “Good” (14/20). In-house accredited assessors have carried out an interim evaluation and the projected score is 10.5/20 which is not an appropriate design standard at this prominent location.

#### **Footpath in the woodland rear of Frensham Avenue**

The residents, Police Architectural Liaison Officer and officers are concerned about the security risk of the footpath through the woodland connecting Buena Vista Drive to the estate access road. It serves little purpose and is contrary to Core Strategy policy CS32 and officers consider that it should therefore be deleted. The applicant has stated that it will remove in any amended scheme.

#### **Affordable housing**

The provision of 18 affordable housing units in principle is a benefit of the scheme providing accommodation for people on lower incomes in an area where there is a shortage to help support a sustainable linked community.

Housing Strategy has concerns that there is clustering of the affordable units in one main area of the site and the fact that based on the initial information submitted with the application there is not a representative mix of units. There is an over supply of 2 bedroom apartments and too few 3 bedroom and 4 bedroom houses. It is likely that these concerns could be addressed in a revised application. But the application as submitted does not comply with Core Strategy policy CS15.1.

#### **Transport issues**

The point of access is acceptable. The access road is not following the Home Zone approach discussed previously and is not acceptable to the LHA. Some of the drives are considered to be too short. The principle of the Travel Plan is welcome but transport officers are still negotiating on the duration of the travel passes. The LHA believes that the bus shelter should be re-located. The applicant will be responsible for arranging for the Traffic Regulation Order to be amended to allow for the access along part of the bus lane.

It has been confirmed that not all properties will have access to an off street parking space. Although the average across the site is 1.15 spaces per unit, several larger units have 2 off street car parking spaces. This has led to 4 of the flats within the block of social housing having no off street car parking provision. Even though the site benefits from excellent accessibility by public transport, residents are still likely to use private transport for some trips because it is a considerable distance from the City Centre. There are also concerns about the distance between some residential units and the car parking spaces that serve them. This could lead to parking problems either within the estate or vehicles parking on the A386 for short periods to load/unload – and this would be a major concern in terms of highway safety and capacity.

#### **Trees, nature conservation and renewable energy**

The tree survey has not identified the trees that are important as individual specimens and could be crowded by trees of lesser quality. It would have helped the process if officers could have agreed a tree work schedule with the applicant. This could have influenced the design to resolve the problem of the closeness of some of the buildings to the protected trees outlined previously. There would always be potential pressure from the occupiers of those properties close to the trees seeking to have the trees, felled or pruned to obtain more light to their homes and gardens. Such a spatial relationship would not safeguard these important trees in conflict with Core Strategy policy CS18.4.

Officers support the removal of the footpath in the woodland to avoid harming and severing this area. The ecological impact assessment recommends mitigation and enhancement measures in relation to habitats and species. If the recommendation was favourable conditions would be attached to secure them together with an ecological management plan. The applicant accepts it needs to mitigate the loss of biodiversity and this is dealt with in the Section 106 Obligations part below. There are no objections on the principle of the nature conservation impacts subject to adequate mitigation.

Officers raised the limitations of the energy statement at the validation stage and sought additional information. No additional information has been provided to confirm how the on-site renewable energy production would be provided to ensure a sustainable development. This conflicts with Core Strategy policy CS20.4

#### **Other issues**

Local residents are concerned about the height of the three and four storey blocks of flats. The block for plots 8-13 is to the rear of 1-9 Frensham Avenue. It is 7.5 metres to eaves and 11 metres to ridge. The height is accentuated as the ground level is higher than the existing dwellings. The distances from the backs of the adjoining houses to the block of flats range from 38m – 42m. There is an intervening

area of woodland comprising two rows of protected tall mature trees. This will provide effective screening particularly in the period April – October when the trees are in leaf. Given these facts officers believe that there would not be undue harm to residential amenity from overlooking or over-dominance to warrant a refusal for this reason.

The block on Tavistock Road and Plymbridge Road is four storeys with an eaves height of 10.5m and ridge of 13.5 with the tower “feature rising to 15.5m. This block is 65m from the dwellings on the other side of Tavistock Road across the busy street. Paragraph 6.22 of the Derriford and Seaton AAP states that a landmark building of 3-4 storeys would be encouraged. There were no objections to the AAP on this issue. As stated previously officers do not consider the building to be of an appropriate quality. On the Tavistock Road frontage there is scope to keep the building at three storeys rising to four storeys on the corner. This could be considered with any revised scheme.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant’s reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Section 106 Obligations**

The proposed development would have direct impacts on local and strategic infrastructure and the environment requiring mitigation. These impacts are summarised below.

There was no pre-application discussion on these impacts and there no opportunity for officers to negotiate with the applicant on planning obligations sought to mitigate the impacts. Furthermore, when the applicant submitted the application he provided the barest minimum of information on heads of terms with no detail on the level of mitigation it would provide. Officers provided advice on 24 June and 14 July and specifically asked the applicant to reply promptly. The applicant only responded on 25 August, eight weeks into the 13 week determination period, agreeing that some but not all of the obligations sought were justified. It is unclear whether viability was an overriding concern of the applicant and no viability appraisal has been provided. Officers appreciate there needs to be negotiations to reach an agreement but these must be done in a timely manner. There is insufficient time to do this with this application. Officers are happy to continue negotiating to attempt to reach agreement with the applicant with a revised proposal.

### Impacts

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010. (The applicant’s response is given in italics.)

The impacts relate to the following areas:-

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is a deficiency of school places in the locality given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £104,748. *The applicant agrees to this mitigation measure.*

2. 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 £46,324.

*The applicant has not agreed and is seeking further clarification from officers.*

3. Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £25,538.

*The applicant agrees in principle but has sought further information on the location of the green space and the development's impacts on its maintenance.*

4. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically through the need for play facility improvements. The estimated cost of mitigating this impact is £18,277.

*The applicant agrees to this mitigation measure.*

5. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has 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 £56,957.

*The applicant does not agree with this mitigation measure.*

6. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has 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 £1,349.

*The applicant does not agree with this mitigation measure.*

7. 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 £36,394.

*The applicant does not agree with this mitigation measure.*

8. 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 £175,150.

*The applicant believes this mitigation measure is excessive and unreasonable asserting that the development will have a negligible on the strategic transport network. He is willing to provide a contribution but seeks a breakdown of costs justifying the sum required.*

9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £4,340.

*The applicant does not agree with this mitigation measure.*

10. The applicant's ecologist has acknowledged that the scheme would not provide net biodiversity gain on the site. To mitigate for this shortcoming and conflict with Core Strategy policy CS19 an additional contribution of £10,000 is required to be spent on Strategic Green Infrastructure (Derriford Community Park).

*The applicant agrees in principle to this mitigation measure but seeks more information on how the sum was calculated.*

The total estimated current cost of mitigating these impacts would be in the region of £480,000 if this is to be delivered through financial contributions. There is also the requirement for 18 Affordable Housing units.

In addition the estimated management fee is £16,210, to meet the Council's costs relating to monitoring and implementation of the obligations.

*The applicant is suggesting a fee of £6,000.*

#### Other factors

Officers drew the applicant's attention to having the application considered under the Market Recovery Scheme, should viability be a constraint on the development. The applicant has chosen not to do so to date.

#### Recommended heads of terms

The Heads of Terms have not yet been agreed with the applicant. The section sets out the Council's initial position with applicant's comments in italics. Officers are willing to continue negotiating with the applicant on a revised proposal.

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: £104,748, to be allocated to the provision of additional school places within the vicinity of the application site.

*The applicant agrees to this term.*

b. Playing pitches tariff. £46,324, to be allocated to the provision of improved playing pitch facilities in the Central and North Eastern sub-area, as identified in the Playing Pitch Strategy.

*The applicant has not agreed and is seeking further clarification from officers.*

c. Local green space tariff. £25,538, to be allocated to the improvement of local green space.

*The applicant agrees in principle but requires further information before giving full agreement.*

d. Local play space tariff. £18,277, to be allocated to the improvement of local play facilities.

*The applicant agrees to this term.*

e. Strategic green space tariff. £56,957 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.

*The applicant does not agree to this term.*

f. European Marine Site tariff. £1,349, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

*The applicant does not agree to this term.*

Strategic sports facilities tariff. £36,394, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

*The applicant does not agree to this term.*

g. Strategic transport tariff. £175,150, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Northern Corridor Whole Route Implementation Plan.

*The applicant believes this mitigation measure is excessive and unreasonable; this term has not been agreed.*

h. Public realm tariff. £4,340, to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.

*The applicant does not agree to this term.*

i. The provision of 18 Affordable Housing units.

*The applicant agrees to this term.*

k. Nature conservation. To mitigate the development's failure to provide a net gain in biodiversity an additional contribution of £10,000 is required to be spent on Strategic Green Infrastructure (Derriford Community Park)

*The applicant agrees in principle to this mitigation measure but requires more information on how the sum was calculated.*

The Planning Obligations Management Fee is approximately £16,210 to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

*The applicant has offered £6,000.*

The applicant's provision of 18 affordable housing units is welcome. The other mitigation measures sought by officers equate to about £480,000. Officers have always been willing to negotiate on these should have begun earlier in the process at the pre-application stage. Officers attempted to commence the negotiation process in June but the applicant did not respond promptly enough. Additionally, the applicant has not sought consideration under the Council's Market Recovery Scheme which could have led to the discounting of some of the contributions and obligations that would otherwise have been sought. The applicant's response does not provide sufficient measures to mitigate full the infrastructure impacts of the development. Officers are willing to continue to negotiate the heads of terms with a revised proposal. But the applicant's current heads of terms do not show that how impacts of the development would be fully mitigated and as such they conflict with Core Strategy policies CS01 and CS33 and guidance in the Planning Obligations and Affordable Housing SPD First Review 2010.

### **Equalities & Diversities issues**

The application provides a range of house types and will be available to all equality groups including 18 affordable units suitable for young families and people on lower incomes. 12 properties will comply to Lifetime Homes standards suitable for people with disabilities and the elderly and frail. The application does not have any adverse impacts on any equality groups.

### **Conclusions**

The proposed development of this site for housing is acceptable in principle and encouraged by officers as it supports the city's ambitious growth agenda. It would provide much needed homes of different sizes including 18 affordable dwellings and 12 Lifetime Homes. This would increase the catchments for the local centres and help in part in creating sustainable linked communities in Glenholt and Widewell. There are difficulties developing the land given the site's constraints. It is unfortunate that officers and the applicant have not been able to reach agreement on overcoming the shortcomings of the scheme primarily on density and design issues causing harm to visual and residential amenity, inadequate car parking, and the section 106 measures to mitigate the infrastructure impacts of the development. The report highlights that several of these concerns could be overcome. This would most likely depend upon a reduction in density and a fewer number of units. There also needs to be further negotiations on the section 106 agreement to ensure that the applications provides a sufficient level of measures to mitigate the impacts of the development. There has been too little time in the 13 week determination period to remove the objections and, to do so in any case would result in a different form of development requiring a fresh application. Officers are willing to continue working with the applicant to seek to achieve a proposal of the appropriate quality of design at this prominent gateway location on the main northern corridor.

The draft NPPF states that at the heart of the planning system is a presumption of sustainable development. Permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the whole of the draft NPPF. The report has demonstrated that the application as submitted does have harmful effects and it is for those reasons that the recommendation is to refuse.

### **Recommendation**

In respect of the application dated **29/06/2011** and the submitted drawings 1025-01 – 1025-19 incl, 1025-106, 1025-101F, 1025-102D, 1025-131A, 1257-01A, 1025-104B, 31341/PDL/01B, 31341/PDL/01C, 31341/PDL/101B, 31341/PDL/102A, PHL-02D, design and access statement, planning statement, transport statement, flood risk assessment, site investigation (ground conditions), arboricultural constraints report, ecological impact assessment, statement of community involvement, lifetime homes assessment, air quality assessment, sustainability report, noise levels and utilities statement, it is recommended to: **Refuse**

### **Reasons for Refusal**

#### **DENSITY**

(1) The proposed density gives rise to a cramped form and poor layout of development harmful to visual and residential amenity with instances of poor street definition, large areas of courtyard parking, inadequate room for street trees, Flats over Garages unrelated to streets, overlooking, over-dominance, sub-standard gardens and properties located too close to protected trees. For these reasons the application does not comply with policies CS01, CS02, CS15 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007, the adopted Design Supplementary Planning Documents 2009 and the adopted Development Guidelines Supplementary Planning Document 2010.

#### **DESIGN**

(2) The proposed form of development gives rise to instances of poor design: with a low quality of street frontage to Tavistock Road lacking in continuity, cohesiveness and articulation; the “landmark building” having poor design and proportions not well related to the street elevation; a weak entrance to the site with gable ends and a waste bin collection point facing the access road; and a use of materials that will not provide local distinctiveness. It is a sub-standard level of design inappropriate at this prominent gateway location on the northern approach corridor. It would cause harm to visual amenity in conflict with policies CS01, CS02, and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007, the adopted Design Supplementary Planning Documents 2009 and policy DS01 of the Derriford and Seaton Area Action Plan Pre-Submission Consultation Version 2011.

#### **MITIGATION OF COMMUNITY IMPACTS**

(3) The proposed development has not satisfactorily mitigated the infrastructure impacts of the development and consequently it also fails to support fully the



development of a sustainable linked community. As such it is contrary to Policies CS01 and CS33 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007, and to the guidance set out in the adopted Planning Obligations & Affordable Housing Supplementary Planning Document First Review 2010.

#### TREES

(4) The proximity of plots 1, 8-13 and 60 to the protected trees would lead to potential pressure from the occupiers to fell or prune the trees to provide more light to their properties thereby jeopardising the safeguarding of these important trees contrary to policy CS18.4 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### RENEWABLE ENERGY

(5) The application does not demonstrate how on-site renewable energy production equipment to offset at least 15% carbon emissions from the development would be provided contrary to policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### INADEQUATE PROVISION OF PARKING

(6) No adequate provision is proposed to be made for the parking of cars of all persons either residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

- (a) Damage to amenity;
- (b) Prejudice to public safety and convenience;
- (c) Interference with the free flow of traffic on the highway

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

#### Relevant Policies

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

PPG13 - Transport  
PPS3 - Housing  
PPS9 - Biodiversity and geological conservation  
PPS1 - Delivering Sustainable Development

CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
SO11 - Delivering a sustainable environment  
CS30 - Sport, Recreation and Children's Play Facilities  
SO1 - Delivering Plymouth's Strategic Role  
SO2 - Delivering the City Vision  
SO3 - Delivering Sustainable Linked Communities  
SO4 - Delivering the Quality City Targets  
AV9 - Derriford/Seaton  
SO10 - Delivering Adequate Housing Supply Targets  
SO14 - Delivering Sustainable Transport Targets  
SO15 - Delivering Community Well-being Targets  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines  
SPD3 - Design Supplementary Planning Document