

PLANNING APPLICATION REPORT



ITEM: 09

Application Number: I1/00651/FUL

Applicant: Turnchapel Developments Ltd

Description of Application: Erection of 6 dwellings (4 terraced and 2 semi-detached) together with repairs and raising existing sea wall and associated parking area

Type of Application: Full Application

Site Address: TURNCHAPEL BOAT YARD, CLOVELLY VIEW
PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 29/06/2011

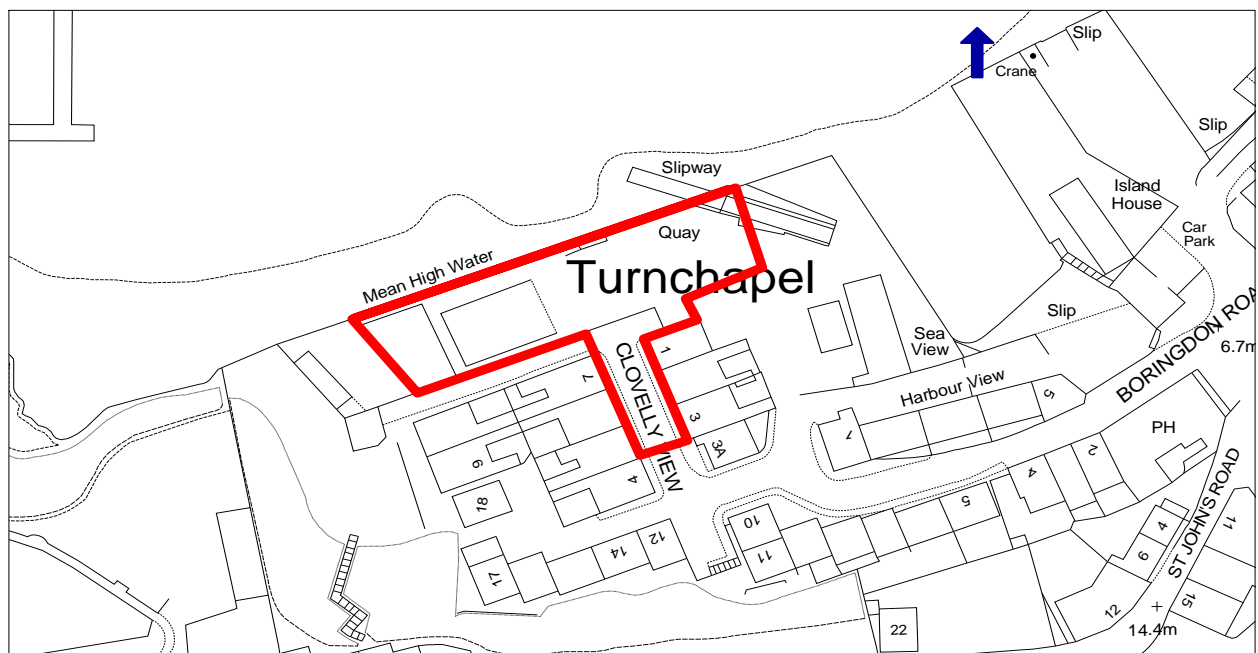
8/13 Week Date: **24/08/2011**

Decision Category: Member Referral

Case Officer : Jonathan Selman

Recommendation: Refuse

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OFFICERS REPORT

This application has been referred to the Planning Committee by Councillor Leaves, for the following reasons.

- This site is next to the water and constantly floods.
- The highways at Turnchapel cannot take this size of development the access to Turnchapel is down a very narrow road and the site access is off a side street with no spare capacity and would be dangerous to existing users.
- The site is too small for this size of development and was reduced at a previous planning application.

Site Description

The site is located in Turnchapel, an area which is situated to the east of Plymouth, and is a waterfront site formerly a boatyard, with one existing building on the site. It is accessed via Clovelly View in Turnchapel and is 0.072 hectares in area. It is in a prominent location, being visible from within Turnchapel and from a number of more distant viewpoints. The surrounding area of Turnchapel is predominantly residential in character and the site forms part of the Turnchapel Conservation Area.

Proposal Description

Erection of 6 dwellings (4 terraced and 2 semi-detached) together with repairs and raising existing sea wall and associated parking area.

Relevant Planning History

02/02014 March 2004 planning permission granted (now lapsed), for the re-development of site and erection of 6 dwellings (4 terraced and 2 semi-detached), together with associated parking area.

Consultation Responses

Environment Agency

Object to this on the grounds of the site falling within the Environment Agency's (EA) flood zone 3 and is therefore subject to the sequential test and (if this test were passed) the exceptions test as set out in Planning Policy Guidance Note 25 (Development and Flood Risk) (PPG25).

Public Protection Service

Support subject to conditions relating to land contamination.

Highway Authority

Object to this on the grounds that no suitable cycle storage is provided and the parking spaces are of insufficient width (2.35m). In the event that the application was recommended for approval, the Highway Officer suggests that an appropriate condition is included to secure; a £12,000 contribution for Real Time Passenger Information; appropriate cycle storage; and adequate car parking.

The Public Rights of Way (PROW) Officer was also consulted with regard to the query from a member of the public suggesting that a public right of way should be

provided through the new development. In response the PROW Officer has stated that the works required to do this are significant and require access across privately owned land outside of the applicant's control.

South West Water

No objection in terms of capacity within SWW infrastructure, but no development will be permitted within 3 metres of their sewers. The semi-detached building does encroach within this easement, and therefore its location would need to be reconsidered or the sewer diverted.

Representations

26 letters of representation received, the majority objecting to the application. The grounds of objection are summarised below:

- Insufficient parking/ cycle access.
- Restricted access, including for construction traffic, emergency vehicles and capacity of roads.
- Flooding issues and unrealistic sequential tests.
- Design – inappropriate design and use of materials in relation to Conservation Area character.
- Overdevelopment and dominating- too high and steep roof pitch in relation to adjoining properties.
- Loss of privacy and overlooking.
- Loss of employment and opportunities for other uses
- Loss of amenity for local people.
- Public access to quay/ landing steps must be provided.
- Right to light
- Development blocking the views to Cattewater
- Existing sewers problematic and some need to be relocated as affected by this development.
- Right of access restricted
- Restrictions needed on any construction activity due to proximity to adjoining residential properties.
- One letter recommends that the provision of a potential right of way through the new development into Clovelly View road be included in the development so that a new improved footpath could be provided to Mountbatten, although there is also some opposition to this.

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, the application proposes to erect 6 dwellings (4 terraced and 2 semi-detached) together with repairs and raising existing sea wall and associated parking area. The site is almost level and the development is therefore not

constrained by any existing topography, although the existing roads and access through Turnchapel is steep in places.

It is considered that the main issues in the consideration of this application are the principle of the proposed development; the impact that it will have on the character, design and visual amenity of the area; impact upon nearby properties residential amenities and parking and cycle facilities. These issues will now be addressed in turn:

Principle of Development

The site has been vacant for some time and is considered to be brownfield land. The site is within the Environment Agency's (EA) flood zone 3 and is therefore subject to the sequential test (outlined below) and (if this test were passed) the exceptions test as set out in Planning Policy Guidance Note 25 (Development and Flood Risk) (PPG25).

Although there has been a previous consent for a similar number of residential units in 2004, this has since lapsed and subsequently there have been pre-application discussions, which raised a number of issues, including flood risk. There has also been an update in planning policy with the adoption of the Plymouth Core Strategy. Policy CS21 of the Core strategy states that:

The Council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determining the suitability of land for development. Development in high risk flood areas will only be permitted where it meets the following prerequisites:

- 1. It can be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk.*
- 2. The development should be on previously developed land; if not, there must be no reasonable alternative sites on developable previously developed land.*
- 3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.*

Under the sequential test, the Local Planning Authority is required to review the availability of other sites for development in this locality to determine whether this site is required. A sequential test has been carried out and this site is not considered to be required. There are a number of large sites coming forward in this area already and this site is not identified as being required to meeting Plymouth's housing needs.

The site has formerly been used for marine employment uses and has direct waterfront access. Marine Industries are identified in the Local Economic Strategy and the Core Strategy as one of the six priority growth sectors which will drive economic growth in the City. Accordingly, Policy CS05 of the Core Strategy safeguards sites with direct waterfront access for marine employment uses. Sites with a history of use for marine employment uses and with direct waterfront access are becoming increasingly scarce in Plymouth and loss of these sites is jeopardising the future growth of the marine industry sector. This proposal would lead to the loss of such a site and therefore it is considered to be contrary to Policy CS05 of the Plymouth Core Strategy.

The draft National Planning Framework suggests a presumption in favour of sustainable development, however there are specific overriding policy reasons for refusal on this site.

The principle of development is therefore not accepted on this site, because of its location in flood zone 3, as it does not meet the sequential test but also because of loss of a marine employment site.

Layout, Character and Appearance, Design and Visual Amenity

Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character.

The site is very narrow and constrained, with limited space proposed between the terrace and the existing adjoining properties.

Access is maintained to the landing steps, however car parking is also provided, limiting access to this.

The waterfront site is small with limited access, and is seen against the backdrop of Turnchapel, which rises up the slope to the south. The form and character of existing development in the area is distinct, being part of the Turnchapel Conservation Area, which has a character reflecting its history as a fishing village with predominantly rendered or rubble stone terraced housing rising steeply up the slope away from the waterfront, with narrow streets. The village slopes steeply up the hill with mostly Georgian and Victorian terraces / cottages in a variety of styles following the contours of the land.

The site sits in a very prominent waterside position within the Turnchapel Conservation Area. Due to its location, the site is widely visible from a number of viewpoints across Clovelly Bay and the Cattewater and therefore all elevations are very visible.

Officers consider that the design is not sympathetic to the conservation area in a number of ways:

- **Massing and scale:** Massing is a key concern and in particular the terrace of four houses at the western end, as at three-storeys they would dominate their immediate neighbours, exacerbated by the steep pitches of the roofs which further increases the scale and not a local characteristic of the area. The existing building on site is approximately 2 storeys in height (including the roof), which would be increased in height to 4 storeys (including the roof). This would also affect the character, with the built form generally rising up the hill and following the contours, rather than increasing in height along the waterfront. If the terrace could be reduced in height to two-storeys instead of three, this could bring the properties to a more acceptable scale and relationship with the existing properties along Clovelly View.
- **Elevational treatment,** particularly facing Clovelly View and the side elevations are not sympathetic to the conservation area, with poor proportioning, composition and use of materials. The roof design should also be more sympathetic to the existing properties. Whilst the proposed materials (natural slate, stone, wooden windows and doors etc) appear to be of a good quality, which is a positive asset to the development, and a note has been taken of the vernacular materials used within the immediate area. Greater thought needs to be given to their use and the same treatment given to both the front, side and rear elevations of each property, as all will be equally visible.

The proposals therefore are not compliant with policy CS03 (Historic Environment), CS34 (Planning Application Considerations), or with Policy CS02 (Design) 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.

As the site is constrained, the layout of the development has been arranged along the waterfront, perpendicular to the existing properties along Clovelly View. The properties in closest proximity to the site are 1, 7 and 9 Clovelly View, which are 6.5m, 6m and 7.5m distance from the new residential properties respectively. The existing windows on these properties are on the second (1, 7 and 9 Clovelly View) and third storeys (1 Clovelly View only), which would be overlooked in part by the new development, with some windows to kitchens and bedrooms. Changes would be required to overcome any overlooking issues.

The relationship between the proposed dwellings and existing dwellings is not acceptable as it currently stands and the application is therefore not considered compliant with Policy CS34 of the City of Plymouth Local Development Framework Core Strategy (2007). Further changes to the design would be sought to address these points.

Highways Issues

The application indicates that nine car parking spaces would be provided to serve the proposed use, an apparent ratio in the right order of 1.5 spaces per dwelling. These provisions accord with current and emerging maximum parking standards.

Currently the application fails to indicate that suitable cycle storage would be provided to serve the proposed use

The 6 outside parking spaces, all appear to be slightly undersize in width which would make them impractical in their use. It is considered that the proposed car parking spaces are not of a sufficient standard to serve the intended purpose.

The Council's Highways Officer is unable to support the proposed development and would recommend that the application is refused. The application therefore does not comply with Policy CS28 (Local Transport Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007). In the event that planning permission be granted, then the Highways Officer suggests that appropriate conditions are included a £12,000 contribution for Real Time Passenger Information car parking.

Letters of Representation

As stated above in the representations section of this report, 25 letters of objection have been received, for reasons that have already been summarised above. Many of the issues raised and summarised have already been discussed above in the main part of this report. However, those not yet discussed are addressed below:

- *Restricted access, including for construction traffic, emergency vehicles and capacity of roads.* The Highway Authority has not objected to the principle of development in this location, but more detailed aspects. The activities of construction traffic can be limited by condition.
- *Right to light.* Affect on a legal "right to light" are unable to be taken into account in dealing with a planning application, however the proposed development would be to the north of the existing properties are therefore unlikely to cause issues in this respect.
- *Development blocking the views to Cattewater.* Any affect on private views are unable to be taken into account in dealing with a planning application.
- *Existing sewers problematic and some need to be relocated as affected by this development.* The easements or relocation of existing sewers where affected is an issue raised by South West Water in general terms and would need to be addressed.
- *Restrictions needed on any construction activity due to proximity to adjoining residential properties.* Specific conditions could be applied to address this point should permission be granted.
- *Provision of a potential right of way through the new development into Clovelly View road be included in the development so that a new improved footpath could be provided to Mountbatten.* The works required to do this are significant and require access across privately owned land outside of the applicant's control.

Equalities & Diversities issues

This development affects people of all ages and from all backgrounds as it provides open market housing that will be made available for sale to the general public. Public access to the quayside and the landing steps would be maintained.

No negative impact to any equality group is anticipated.

Section 106 Obligations

Given that there are fundamental policy objections to this proposal, officers have not sought to negotiate heads of terms for a Section 106 agreement. However, were the proposal to be approved there are impacts on local and strategic infrastructure and the environment which would require mitigation.

The impacts relate to the following areas:-

1. Primary schools.
2. Local health facilities
3. Local green space
4. Local play space
5. Playing pitches
6. Sport and leisure facilities
7. Strategic green infrastructure, including the European Marine Site
8. Strategic public realm
9. Transport impacts

Conclusions

To summarise, this application falls within the Environment Agency's (EA) flood zone 3, and the EA have objected to this development on these grounds, unless following a sequential test, the site is needed to meet demand locally.

A sequential test has been carried out and this site is not considered to be required. There are a number of large sites coming forward in this area already and this site is not identified as being required to meeting Plymouth's housing needs.

The principle of development is therefore not accepted on this site, because of its location in flood zone 3, as it does not meet the sequential test.

There are also other concerns on aspects of the development in terms of height and massing, design and impact on the conservation area, parking issues and residential amenity.

The application is therefore recommended for refusal.

Recommendation

In respect of the application dated **29/06/2011** and the submitted drawings 1006-102/PL, 1006-112/PL, 1006-102/PL 6, 1006-110/PL, 1006-108/PL, 1006-00, 1006-01, 1006-101/PL, 1006-113/PL, 1006-114/PL, Preliminary Geo-Environmental Assessment and Existing Building Information, Flood Risk Assessment, Planning Statement, Design and Access Statement (and additional information requested), Protected Species Survey, Visual Condition Inspection Report, it is recommended to: **Refuse**

Reasons for Refusal

FLOOD RISK

(1) It is considered that the site, by virtue of its location in EA flood zone 3 and following the completion of a sequential test that demonstrates the availability of alternative sites, is not suitable for residential uses. The proposed development is therefore contrary to the advice contained in Planning Policy Guidance Note 25 (Development and Flood Risk) (PPG25) policy CS21 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

LOSS OF MARINE EMPLOYMENT LAND

(2) It is considered that the loss of marine related employment land is contrary to policy CS05 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

INAPPROPRIATE DESIGN

(3) It is considered that the design is unsympathetic to the Turnchapel conservation area in terms of visual impact, massing, roof pitch and design, external appearance and elevational treatment, use of materials and detailing and does not contribute positively to the area's character and identity. The proposed development is therefore considered harmful to local visual amenity and contrary to advice contained in PPS1 and policies CS02, CS03 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the advice contained within the Design SPD.

LOSS OF RESIDENTIAL AMENITY

(4) It is considered that there is loss of residential amenity through proximity to existing residential properties and overlooking issues. The proposed development is therefore contrary to advice contained in PPS1 and policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the advice contained within the Development Guidelines SPD.

INADEQUATE PROVISION OF PARKING

(5) No adequate provision is proposed to be made for the parking of cars (due to the sub-standard size of the parking spaces) of persons 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

The development is therefore contrary to Policies CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007

INFORMATIVE: SECTION 106 CONTRIBUTIONS

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

INFORMATIVE: LACK OF CYCLE STORAGE

(2) Had the Local Planning Authority been minded to approve the application, the applicant's attention is drawn to the lack of provision of suitable cycle storage to encourage cycling as an alternative sustainable means of transport and to encourage modal shift and mitigate against the lack of off-street car parking contribution at the application property. This matter would need to be addressed in any resubmission.

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:

PPG25 - Flood Risk

PPS1 - Delivering Sustainable Development

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS21 - Flood Risk
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document
NPPF - Draft National Planning Policy Framework 2011