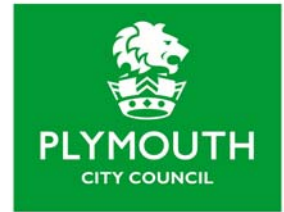


PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 12/01700/FUL

Applicant: Taylor Wimpey (Exeter) UK Ltd

Description of Application: Demolition and clearance of existing industrial and warehouse premises; hybrid planning application with detailed proposals for development of 209 dwellings, with access, landscaping and public open space; and outline proposals (with all matters reserved except for access) for the development of 1000sqm in total of A1 Shops (maximum floorspace of 1000sqm), A2 Financial and Professional Services (maximum floorspace of 1000sqm), A3 Restaurants and Cafes (maximum floorspace of 500sqm), A4 Drinking Establishments (maximum floorspace of 250sqm) and A5 Hot Food Takeaway (maximum floorspace of 250sqm), and 1300sqm of B1 (a, b and c) employment

Type of Application: Full Application

Site Address: LAND EAST AND WEST OF PENNYCROSS CLOSE
PLYMOUTH

Ward: Ham

Valid Date of Application: 10/10/2012

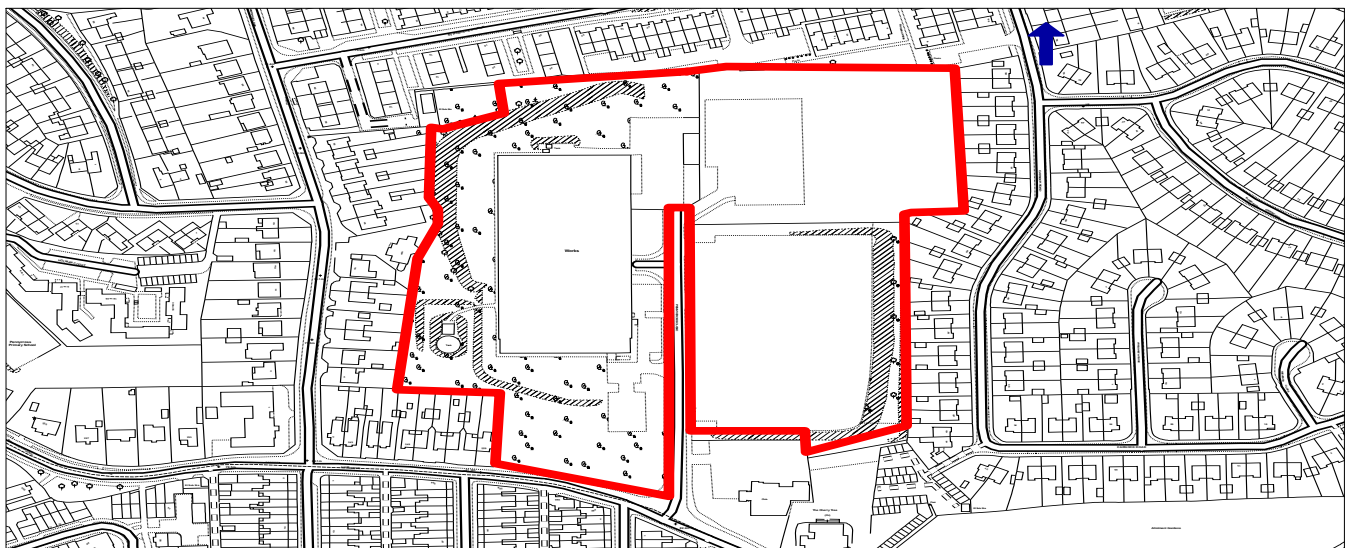
8/13 Week Date: 09/01/2013

Decision Category: Major – More than 5 Letters of Representation received

Case Officer : Ray Williams

Recommendation: Refuse

Click for Application Documents: www.plymouth.gov.uk



Site Description

As described in the submitted Design and Access Statement, the site consists of two distinct land parcels: to the east of Pennycross Close the land consists of hard standing concrete, a result of the demolition of the Merchant Navy Industrial Unit in 2009. The site is open in character, vacant and unmanaged. The periphery of this part of the site has a number of trees on a bank rising to the adjoining residential development. On the western parcel of land is a corrugated steel and redbrick warehouse which was previously the warehouse and office of Hellerman Tyton electrical manufacturing company. The remaining building was used to manufacture and produce electrical parts. The surrounding grounds are landscaped, with a lawned grass area to the south which is split by the employees and visitors car park.

The development site is generally open with views to and from Pennycross Close and Ham Drive. There are some trees and shrubs in the south. The north and western boundaries fall steeply away to the steel boundary fence which borders adjoining residential development. There are groupings of mature trees on the banks which currently form a visual screen between the existing warehouse and adjoining residential properties. The topography of the site is generally flat other than the site boundaries which are steeply banked in parts.

Proposal Description

This is a hybrid planning application (ie. it seeks outline planning permission for one part of the site and full planning permission for another) for the following;

- Demolition and clearance of 7,525sqm of B2 use Warehousing
- Detailed approval for 209 dwellings including;
- 27 x 2 bed apartments
- 45 x 2 bed houses
- 102 x 3 bed houses
- 35 x 4 bed houses
- Ancillary car parking, public open space and landscaping
- On site affordable housing contribution of 25%
- Outline consent for 1300 sqm of B1, a, b c, employment
- Outline consent for 1000sqm of A1, A2, A3, A4 and A5 retail uses

Pre-Application Enquiry

The site was the subject of a scheme for housing and employment buildings, based on a master plan, in 2008/2009, and this scheme was submitted to the Council seeking pre application advice. It was also presented to the South West Design Panel. The pre application discussions were not progressed to a conclusion, and this process was not followed then by any planning application.

A further proposal was submitted as a formal Development Enquiry Service scheme in May of this year. Your officers engaged with the developers and their agents during the summer months. Before these discussions could be drawn to a conclusion, and before any agreement could be reached on the final form and content of the scheme, the planning application (which is the subject of this report) was submitted on 26 September 2012.

In paragraphs 14.1-14.4 of this report, comments are made on the future handling of the development proposals for this scheme. These paragraphs describe the negotiations held with the applicant since the planning application was submitted, and the actions recommended now.

Relevant Planning History

The site was used as a greyhound track between 1928 and 1931. It was then a speedway track until 1970 - the stadium being demolished in 1972.

Planning permission notice no. 67/2382 granted consent, in 1972, for the development of the site for industrial and warehousing purposes.

Planning permission notice no. 74/1199 granted consent for the erection of a factory for the manufacture of dental equipment (the premises being occupied by Dentsply Ash Instruments until 2007). The building was demolished in 2008.

Planning permission notice no.77/472 granted consent for the erection of a factory with offices in 1977 (subsequently occupied by HellermanTyton – a cable fixing component firm). Subsequent planning permissions were granted for the extension and alterations to these premises. The Company was relocated to the Plymouth International Medical Technology Park in August 2011.

Despite marketing attempts, the whole site has remained vacant since 2011.

Planning permission notice no.11/01605/fult granted consent for temporary site hoardings – and the site has been enclosed with these for some 14 months.

Consultation Responses

Local Highway Authority (LHA)

Negotiations are ongoing with the transport consultants for the applicant, but at the present time the position is:-

The LHA considers that the development would add approx 5% to the saturation levels of traffic in some parts of the immediate highway network, resulting in the degree of saturation, in some cases, to over 90%. This must be addressed.

Improvements to the traffic light system at the Honicknowle Lane/Ham Drive junction are required, since it is considered that the development will exacerbate the peak hour congestion there.

The development will also have an impact on traffic conditions in Outland Road, but there are no proposals by the Council to improve this road – therefore this development should look towards reducing the number of car trips it generates – as an alternative form of mitigation. Work is being carried out to investigate the option of subsidising, through a S106 Agreement, to provide an enhanced evening and weekend bus services past the development site. This would cost circa £35,000 for a year and would help to reduce car trips and subsequent impacts. It would also tie-in well with any modal shift targets within the Travel Plan. A subsidy for 2 years would be required.

Improvements are required to the junction immediately outside of the site, at the junction of Ham Lane and Langstone Road, since the development will exacerbate traffic difficulties here as well. It is considered that it should contribute £20,000 towards the provision of a pedestrian refuge and other associated improvements.

Police Architectural Liaison Officer

Devon and Cornwall Police are opposed to the granting of planning permission for the current scheme. There is nothing in the Design and Access Statement to say how the applicant will comply with Core Strategy Policy CS 32 Designing out Crime. The site borders a “challenging area” for policing, and security should be paramount.

The crime statistics for the past 12 months, for an area of a one mile radius out from the centre of the proposed Pennycross site, (anti social behaviour and general crimes statistics) show that the numbers of incidents are very high. These figures give weight to the seriousness that the applicant should take any crime reduction measures proposed.

Most of the house types do not have gable end windows so there will be no overlooking of vulnerable areas, i.e roads, and public open spaces, car parking etc. There are no lockable gates shown on any of the footpaths to the rear and side of properties. Defensible space should be shown around end plots.

In respect of the footpath link adjacent to plot 67, it is feared that it will be a crime generator, and a quick escape route for offenders committing crime and anti social behaviour on this estate. The Police preference would be that it is not

included as part of the development. If it has to stay, then the Police would request that it linked into the proposed road so that there is added surveillance and lighting for persons using it, and that its design accords with government guidelines.

South West Water

No objection to the development – capacity exists in SWW infrastructure to support the proposals.

Public Protection Service

Overall recommendation is to refuse

Noise Assessment for the commercial unit does not provide sufficient detail to assess impact, especially for the A1, A2, A3, A4 and A5 uses and associated activities, and any associated extract and ventilation equipment. A construction code of conduct is recommended for the construction phase.

From a land quality perspective – no objections to the granting of planning permission, subject to recommended conditions.

Education Authority

The development at Pennycross Close will generate an additional 209 dwellings. Based on the mix indicated in the planning application, the Education Authority would expect an additional 43 Primary aged children and 33 Secondary aged pupils to live within the development once complete.

There are three primary schools within the vicinity of this development; Pennycross Primary School, Montpelier Primary School and Manadon Vale Primary School. Montpelier Primary and Manadon Vale Primary are both full or will be full within the next couple of years & Pennycross currently has some capacity. However, if the total expected numbers for each of these primary schools (NOR) are taken, and compared to the combined capacity, the numbers will exceed the capacity in 2013, and additional places will need to be added.

Since this development will add additional pressure to the primary schools within the surrounding area, a Section 106 contribution should be sought to mitigate the impact it has on the surrounding infrastructure. The Education Authority's current plans will expand Pennycross Primary school by 105 places and we would expect this development to contribute to the overall project cost; the suggested contribution is £398,914

Secondary school numbers are currently in decline and will continue to decline until 2015, at which point the numbers will begin to climb with all secondary school capacity being used up by the year 2020. The Education Authority is not suggesting contributions for adding additional secondary places as present, but the secondary capacity should be considered if this development begins to impact on pupil numbers after 2020.

Economic Development

We would have preferred to see the business element of the development to have been included in the detailed rather than the outline part the planning application. We would also have preferred that the office floor space was in a separate building from the retail. In view of these aspects of the scheme, we have concerns about the deliverability of the business elements of the scheme.

Street Services

Public open space adoption will require a commuted lump sum – this will need to be the subject of negotiation. Expresses concern at the design of the layout in terms of part of one of the open spaces, and questions aspects of the woodland belt management plan.

Street scene – asks if rear access lanes will be adopted? If not management needs to be clearly addressed for future occupiers – to ensure adequate maintenance.

In terms of Waste Collection, advises that care is needed regarding the size of storage units for the apartments. In respect of single family dwellings – has concerns that bins will not be returned to back garden storage areas, since bins will be emptied each time in front street. Bin storage should be in front of each property. The installation of “sacrificial boards” to stop bins damaging render are encouraged, and sufficient space should be allowed for green waste bins. It is advised that adequate space should be allowed for trade waste from commercial units.

Representations

At the time of drafting this report, 7 Representations have been received from local residents.

One objects in principle.

Two have concerns about the impact on a property in Honicknowle Lane, causing a loss of privacy, and allowing easy access to the rear garden. The letter seeks clarification on intended measures to preserve privacy, prevent access from rear woodland, and prevent fly tipping. It comments also that proposed drinking and hot food takeaway uses are not needed in area.

One comments on the likely aggravation of traffic difficulties on Ham Drive, between Honicknowle Lane and Outland Road, including at the Langstone Road junction. This writer also has fears about the impact of the commercial users’ car park in terms of noise, fumes and possible damage to rear wall.

Two from Carnock Road have concerns about the loss of the existing bank and the consequent impact on privacy, and the loss of existing trees, greenery and wildlife. One of these also expresses concern about the perceived aggravation of traffic difficulties in Ham Drive, and the possible resulting increase in traffic in Carnock Road.

One from St Pancras Avenue has severe reservations about the proposed pedestrian link to St Pancras Avenue, fearing that it will render the property and any cars parked in adjacent existing streets vulnerable to opportunist crime, reduce privacy, and cause parking problems – some new residents choosing to park in St Pancras Avenue rather than within the new estate.

Analysis

1.1 The main Local Development Framework (LDF) Core Strategy policies are CS01 – Development of Sustainable Linked Communities, CS02 – Design, CS15 – Overall Housing Provision, CS18 Plymouth’s Green Space, CS28 Local Transport Considerations, CS32 – Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 – Planning Application Considerations. The National Planning Policy Framework, (NPPF) and the adopted Design and Development Guidelines Supplementary Planning Documents also apply.

GENERAL LAND USE PLANNING POLICY

2.1 The National Planning Policy Framework is now an important material consideration, and the proposed development accords with many of this document’s key principles. It would bring forward development, which would be “sustainable” in some respects – except for the weaknesses identified in the following paragraphs of this report – from 3.1, “DESIGN” onwards.

2.2 It has been acknowledged by your officers, that the concept of developing this former employment land with essentially housing would be acceptable in land use terms, and would accord with the Core Strategy and the NPPF. Our, and the applicant’s, studies show that there is a sufficient supply of employment land to meet the City’s needs, that there are vacant sites currently on the market, and that new sites are coming forward. Furthermore the Pennycross Close site has proved unattractive to the market. (Never the less, negotiations have secured an element of mixed use – including retail and commercial uses to provide some local employment.)

2.3 The Pennycross and Beacon Park Sustainable Neighbourhood assessment suggested that this site was suitable for a residentially led mixed use development, and that intensifying the density of residential use in this way would assist in the support of local services. Furthermore the Strategic Housing Land Availability Assessment (2009), which identifies strategic sites which have potential to meet housing land requirements over the Core Strategy period (to 2021), described this site as a “deliverable site, unconstrained by policy”.

2.4 It is also important to note that the former employment site has come forward for residential development largely due to the relocation of Hellerman Tyton to the Derriford Technology and Medical Park, in 2011. The company generated approx 130-140 jobs on this site at this time (coincidentally this number of jobs is similar to the number predicted by the applicants to be generated by the retail/commercial development within the site). The Company advise that its long term sustainability is partially reliant on the capital receipts from the sale of this site. These receipts will ultimately be re-invested in the Company’s long term growth and development – ensuring further benefits beyond the site itself.

DESIGN

3.1 The submitted layout of the proposed development utilises the industrial estate access road of Pennycross Close, and sets out a grid/culs de sac road system from this central spine road. It is considered that the design of this layout has some unacceptable weaknesses, which cause it to conflict with design policies in the Core Strategy (policies CS02, and CS34), design advice in the adopted Design and Development Guidelines SPDs, and Core Strategy policy CS32 Designing Out Crime.

3.2 Firstly the street layout is unsatisfactory, since it incorporates some unnecessary culs de sac, which frustrate pedestrian and vehicular movement. The estate layout concept should, instead, be based on connective grids. Also the street layout has no clear street hierarchy, and the streets would lack individual character. It is likely, in the circumstances, that the road network within the site would also not be conducive to low vehicle speeds.

3.3 Car Parking spaces (at a ratio of between 1.5-2 spaces per household) are mainly provided within front gardens. This has resulted in a very unsatisfactory car dominated environment in most streets.

3.4 The site description part of this report makes reference to the steep slopes on parts of the western and northern boundaries of the site, in particular. The site contours were probably significantly remodelled at some time, perhaps in association with the creation of the dog racing stadium. The result is that there are some changes in level which need very careful handling. In the north west part of the site, hedges, or bunds exist – rising above the general site levels, before dropping very steeply to a level several metres below the main site. These banks have some tree cover, and in some places they are too steep to even walk along. The submitted layout proposes to make these areas into public open space. Your officers have severe concerns about the practicalities of this proposed land use. Members of the public seeking to use these spaces would be open to danger because of the extreme slopes, and there are tracts of land within this public open space designation which would not enjoy any natural surveillance at all. This combination of factors would make the surrounding existing residential properties very vulnerable. Their rear gardens and rear boundaries would be prone to vandalism and trespass, and there would be a severe overlooking issue between some of the elevated parts of the proposed open spaces to the existing properties' rear windows.

3.5 In some parts of the site, the street and housing layout has not taken full account of the site levels. There is insufficient information available about the treatment of levels in some areas, and in other parts of the site – it appears that the proposals would simply not work. The impact of the adjacent hedge/bund on the western boundary to the nearest new dwellings has not been properly addressed. The rising land and trees will cause the rear gardens in particular to be difficult to use, and in some cases to be overshadowed by high land and trees. The hedge/bund on the eastern side also might raise some practical issues, and further information ought to have been provided to clarify the intended treatment of this part of the site.

3.6 Boundary enclosure information is inadequate and in some cases unacceptable. The proposed development allows the public to gain access to new public open spaces – mainly around the periphery of the site. These areas are on land which has been part of a private and controlled employment estate, for years. We would expect the rear gardens of these neighbouring existing residential properties to be suitably enclosed and protected from these new public spaces, but there is nothing to confirm that this will be done. Also the visual environment of the new development will be down graded if the existing residential properties', uncoordinated, sometimes prominent and poor quality boundary enclosures are left to be visible from new public areas.

3.7 The success or otherwise of the public open spaces will to some extent depend on the manner in which they are managed in the future. No discussions have been held with the relevant Council officers over the adoption of open spaces, yet it is clear that the developer will expect many of them to come to the Council, for adoption. It would be inappropriate to grant planning permission for a development of this type, without have some guarantees that the undeveloped areas will be properly managed.

3.8 Furthermore, the comments by the Police Architectural Liaison Officer, having regard to the crime statistics for the area, highlight other significant design weaknesses, ie including the lack of overlooking to vulnerable areas, the lack of lockable gates, the lack of defensible space around end plots, and the lack of information on (or possible the poor design of) the northern footpath link.

3.9 There are also some site specific design issues and weaknesses, for example:-

- the new dwellings on the west side of the site turn their back or side elevations to the retained trees, and so fail to utilise the best amenity of the site.
- The retail/business building is sited on an inappropriate building line, compared with the rest of the new residential street.
- The sub station adjacent to the retail/business building is in an inappropriate place.
- The two dwellings in the south east corner of the scheme (plots 30 and 31), and the adjacent car parking spaces, would have an unacceptable impact on the functioning and appearance of the neighbouring proposed public open space.

HIGHWAY ISSUES

4.1 The LHA has advised (see Consultation Responses above) that the development would have a detrimental impact on the local highway network, and that mitigation measures are required. None have been put forward or agreed by the applicant. The development has, therefore, to be considered to conflict with LDF Core Strategy policies CS 28 Local Transport Considerations, CS33 Community Benefits/Planning Obligations and CS 34 Planning Application Considerations.

RETAIL DEVELOPMENT

5.1 The proposal seeks outline consent for 1000sqm of A1, A2, A3, A4 and A5 retail uses – to be accommodated in one building on the Ham Drive frontage. The submitted application shows that the applicants have assessed this part of the development by applying a sequential test to the floor space proposed (ie by showing that there are no other suitable sites for this retail floor space in the area). But your officers are concerned about the possible impact of the proposed new retail floor space on existing shops in the locality. To this end we have requested a retail impact assessment, but none has been forthcoming. We have therefore to conclude that inadequate information has been provided to demonstrate that the development will not have an unacceptable adverse impact on the vitality and viability of existing surrounding local and district shopping centres (contrary to Core Strategy policy CS08 Retail Development Considerations)

AFFORDABLE HOUSING

6.1 The Core Strategy sets out Plymouth's housing affordability problem (relatively low local incomes compared to high house prices). A further report for 2010 showed this affordability gap has widened, to create even greater Affordable Housing needs shortages than those cited in the Core Strategy. Para 10.19 sets out the strategy response to these unmet housing needs, by setting an 'Affordable Housing requirement' of at least 30%. The applicant treats this as an Affordable Housing "target".

6.2 Policy CS15 requires that on developments of 15 or more dwelling units a minimum of 30% affordable housing should be provided on site without public grant, at a ratio of 60:40 in terms of rented and shared ownership.

6.3 Applying policy CS15 to the development proposal, the requirement would be as follows:

209 total dwellings would require 62.7 Affordable Housing units at 30%. However, bearing in mind the policy wording of 'at least 30%' this figure should be rounded up to 63 Affordable Housing units.

6.4 The suggested Affordable Housing package of 52 units is outlined on the submitted proposed site plan, with further information provided in an affordable housing statement, and would equate to 24.8% Affordable Housing provision. No discussion or evidence has been submitted to justify this policy shortfall, and on this basis the proposal is not considered to be in accordance with national and locally adopted planning policy. In the absence of required justification/viability evidence affordable housing proposal is considered to be unacceptable.

6.5 In addition to the deficiency in affordable housing total units –it is notable that there is a deficiency in 4 bed houses and the over-supply of 2 bed apartments in the proposed package. Essentially the proposed affordable housing provision profile is skewed, proposing too many flats and insufficient larger houses. In order to make the affordable housing mix more representative (if not fully compliant), it is suggested

that the applicant should delete 2 flat blocks (ie 6 flats) from the proposed affordable housing package and to swap these flats for more 4 bed houses and 3 bed houses.

RENEWABLE ENERGY

7.1 Core Strategy policy CS 20 requires new residential developments of 10 or more units to incorporate on site renewable energy equipment to off set at least at least 15% of predicted carbon emissions. To date insufficient information has been submitted to address this issue.

BIODIVERSITY

8.1 Core Strategy policy CS19 requires that new development should seek to produce a net gain in biodiversity, by designing in wildlife, and ensuring that unavoidable impacts are appropriately mitigated for. To date insufficient information has been submitted to address this issue.

POLLUTION

9.1 Core Strategy policy CS22 requires that people and the environment should be protected from unsafe, unhealthy and polluted environments through ensuring that development proposals will be refused which cause unacceptable noise, nuisance or light pollution. Your officers have reservations about the submitted Noise Assessment for the commercial unit. It does not provide sufficient detail to assess the impact, especially for the A1, A2, A3, A4 and A5 uses and associated activities, and any associated extract and ventilation equipment. It will be noted that one of the letters of representation received comments on this matter. This writer has fears about the impact of the commercial users' car park in terms of noise, fumes and possible damage to rear wall. Whilst some of the impact might be able to be controlled by planning condition, (for example through hours of operation conditions), some elements- such as the relationship of the commercial car park to the neighbouring existing dwelling, and the possible impact of cooking food on neighbouring amenity remains an issue. It therefore has to be concluded that the development would be in conflict with policy CS 22.

OTHER ISSUES

10.1 There are several other issues which require further examination and negotiation. Given the nature of these matters, Members are advised that these would probably have been progressed further by your officers, in negotiation, and then controlled by planning condition, or through the expected S106 Obligation. Whilst they should be noted, they are not considered to be worthy of being identified within the recommended refusal reasons. The matters included in this list are:-

- the deliverability of A/B use class building

- landscaping specification/details

waste collection

Section 106 Obligations

11.1 The applicant advised, at the time of submitting the planning application, that the proposed development is on brown field land, and that this has led the company to pursue a market recovery submission, in accordance with the Market Recovery Scheme of July 2012. Unfortunately the viability assessment to justify this was submitted approximately 8 weeks after the planning application was registered, and your officers have not had sufficient time, yet, to analyse its contents and to negotiate – if appropriate.

11.2. As a guide in considering this planning application, in accordance with the current Planning Obligations and Affordable Housing Supplementary Planning Document, and having regard to the representations received from service providers, infrastructure mitigation costs for this location would normally be in the order of the figures set out in the table below:-

Infrastructure Element	Full (undiscounted) infrastructure mitigation payment for element
Local Infrastructure	
Schools	£398,914
Green space (see note 1 below)	£98,921.56
Children's play space (see note 1 below)	£70,794.52
Playing pitches	£179,440.47
Strategic Infrastructure	
Green space	£220,621.63
European Marine Site	£5,222.40
Sports facilities	£140,973.00
Public realm	£16,824.00
Transport (see note 2 below)	£621,501.00
Total Full Mitigation payment	£1,753,212.58

Table note 1.

These figures, for local green space and local children's play space, are included to indicate what would be normally the appropriate mitigation costs. In the proposed development, however, on site provision is proposed, and so a commuted sum for the adoption/maintenance of these facilities will be negotiated instead. The financial costs of adoption and maintenance has yet to be calculated.

Table note 2

This transport cost is included to indicate what would be the normally expected cost for this strategic infrastructure. In this proposed development, however, there are highway infrastructure mitigation requirements in the immediate locality of the site (see para 4.1 above). The final full costs of these works have yet to be confirmed (see Local Highway Authority Response in the Consultation Responses part of this report). This strategic transport mitigation element will need to be examined in more detail, and re-assessed, taking into account the local highway mitigation requirements.

11.3. Although the applicant has submitted a draft heads of terms, as described below, no agreement has been reached on the financial contributions which are required and will be paid to mitigate the impact of the development on local and strategic infrastructure. The applicants Heads of Terms statement offers no specific financial contribution figures, but comments:-

- a) that a 50% market recovery discount is sought on the basis of the viability of developing this brown field site.
- b) Primary school contributions are expected to be made for the increased number of primary children and other children's services for the open market housing only (the affordable units are considered to serve the local need for families already in Plymouth)
- c) Playing pitch contributions will be considered on the basis of further evidence and clarification of local need.
- d) Local green space and local play space is proposed within the site, and will be transferred into the control and management of the Council. The Heads of Terms therefore assumes that these contributions will not be required.
- e) The proposal of 25% affordable housing is re-iterated.
- f) A contribution towards off site strategic transport is anticipated.
- g) In respect of strategic sports facilities – The Heads of Terms comments that contributions must relate to local infrastructure which is directly impacted upon by the development, and that only a contribution for local sports facilities is anticipated.

11.4 In the absence of an infrastructure mitigation package, confirmed in a signed S106 Obligation, it has to be concluded that the development is not compliant with Core Strategy policy CS33. There is no evidence to demonstrate that the development will meet the reasonable costs of the new infrastructure, made necessary by the proposal, and where necessary, that it will contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.

Equalities & Diversities issues

LIFETIME HOMES

12.1 Core Strategy Policy Policy CS15- requires that 20% of all new dwellings built within Plymouth shall be constructed to Lifetime Homes. Your housing officers recommend that Lifetime Homes “Habinteg” Standards are applicable, which allow for the future proofing of all new dwellings (Habinteg is a Housing Association with nationally recognised expertise in Lifetime Homes matters).

12.2 Reference is made in the design and access statement to the provision of Lifetime Homes (LTH) as follows: The proposals include an excess of the min. 20% LTH standards, as the affordable units are readily adaptable to Joseph Rowntree LTH standards. This general statement is not considered to be sufficient to confirm capability to achieve compliance the new revised Habinteg LTH standards.

12.3 Adequate Lifetime Homes provision is required to in order to achieve compliance with policy CS15. Lifetime Homes provision should be available in both the open market and affordable properties – in order to allow potential purchasers the option of choosing a Lifetime Home. The applicant should identify the lifetime homes plots and annotate the related housing layouts/elevations/floor plans to illustrate how all 16 of the Lifetime Homes criteria are capable of being met. This requirement has not been met, to date, but could probably have been dealt with through the imposition of a planning condition, had the application been recommended to be granted permission.

Conclusions

13.1 The proposed development, as detailed in the current planning application, has several design problems, and these must be addressed before planning permission can be recommended to be granted. Negotiations must also be progressed to evaluate the highway and other infrastructure implications of the development, but to date the scheme seems not to be bringing forward adequate mitigations to meet its own impacts. There are also several other topic areas, explored in the analysis part of this report, and detailed in the recommended refusal reasons, which have not been adequately addressed in this application, and which therefore demonstrate that it should be refused.

Negotiations and the future handling of the development of the site.

14.1 This report’s analysis of issues demonstrates that the fundamental problems raised by this planning application centre around the subject areas of design, highway impact and general impact on infrastructure. It is unfortunate that the applicants chose to submit this planning application at the end of September, before the pre application discussions were concluded. These matters were under discussion then, and might well have been resolved – shaping the submitted scheme.

14.2 It had become clear to your officers and our statutory consultees, by November, that the scheme submitted with the formal planning application still had these serious issues to resolve. The applicants were invited to withdraw the scheme to allow both sides time to address the issues. They were advised that there was insufficient time, within the statutory 13 weeks planning application determination period, to redesign the scheme, reconsult the neighbours, report the planning application to the Planning Committee, and conclude a S106. The request to withdraw was declined by the applicants. Instead they chose to make significant changes to the layout and design, and these were submitted on Friday 14 December. The proposed changes, in the opinion of your officers, constitute a significant improvement to the development, and demonstrate the applicant's commitment to seek a way forward. However, the revised scheme includes changes which are significant to interested parties, and your officers are strongly of the opinion that the changed scheme should be progressed through a fresh planning application, and not by revising the existing one. The revised drawings have not been accepted as part of the current planning application. There is insufficient time to re-advertise the revised drawings, for public comment (3 weeks are required for this), to seek further statutory consultee comments, and to report the application to the Planning Committee. The statutory 13 week planning application determination period falls on 9 January.

14.3 It should also be noted that agreement has not yet been reached over the mitigation proposals required to deal with the impact of the development on the highway network, on the mitigation required for other infrastructure demands, and for the affordable housing proposals. There is insufficient time, before the 9 January, deadline to complete these negotiations, draft a legal agreement and for it to be signed by all parties.

14.4 The Committee is therefore recommended to refuse the application, with the originally submitted drawings, for the reasons given below, but to also note that the difficulties raised by the scheme appear capable of being resolved, assuming that the cooperation recently shown by the applicant, can be carried forward to the remaining issues.

15.1 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.

Recommendation

In respect of the application dated **10/10/2012** and the submitted drawings , it is recommended to: **Refuse**

Reasons for Refusal

LAYOUT

(1)The layout of the proposed development is unsatisfactory, providing unacceptable facilities for pedestrian and vehicular movement. The street layout has no clear street hierarchy, the streets would lack individual character, and it is likely, that the road network within the site would also not be conducive to low vehicle speeds. The development would therefore conflict with the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34) and design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents.

DESIGN PRINCIPLES

(2)The proposed development has been designed on the basis of most car parking spaces being provided in the front gardens of the proposed dwellings. This would create a new neighbourhood with a very unattractive car dominated environment, contrary to the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34) and design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents

PUBLIC OPEN SPACES

(3)The layout and design of the proposed public open spaces pays inadequate regard to the existing levels of the site, the siting of existing trees, and the existing means of enclosure of surrounding residential properties. The resulting public areas would function unsatisfactorily, would have a poor quality appearance, would cause detriment to surrounding residential properties and would be likely to increase the number of incidents of crime and antisocial behaviour in the area, contrary to the design policies in the Local Development Framework Core Strategy (2006-2021) (policies CS02, and CS34), and contrary to design advice in the adopted Local Development Framework Design and Development Guidelines Supplementary Planning Documents, and Local Development Framework Core Strategy Policy CS 32 Designing out Crime.

DESIGNING OUT CRIME

(4)Inadequate attention has been given to the need to design out crime in the proposed development. There would be a lack of overlooking to vulnerable areas, a lack of lockable gates, a lack of defensible space around end plots, and there is a lack of information on (and possibly a poor design of) the northern footpath link. As such the development would be in conflict with Local Development Framework Core Strategy (2006-2021) Policy CS 32 Designing out Crime.

IMPACT ON HIGHWAY NETWORK

(5)The development, because of the increase in traffic it would generate, would have a detrimental impact on the local highway network, and upon highway safety. No measures of mitigation measures are put forward. The development is considered to conflict with Local Development Framework Core Strategy (2006-2021) policies CS 28 Local Transport Considerations, and CS 34 Planning Application Considerations.

RETAIL IMPACT - INADEQUATE INFORMATION

(6) Inadequate information has been provided to demonstrate that the proposed retail development will not have an unacceptable adverse impact on the vitality and viability of existing surrounding local and district shopping centres. In the absence of this information, it is considered that the proposed development may have a detrimental impact on existing shopping centres in this part of the City, and as such might be contrary to Local Development Framework Core Strategy (2006-2021) policy CS08 Retail Development Considerations .

AFFORDABLE HOUSING

(7) The proposed development would bring forward an inadequate number of affordable housing units. Local Development Framework Core Strategy Policy (2006-2021) CS15 requires that, in developments of 15 or more dwelling units, a minimum of 30% affordable housing should be provided on site without public grant. The proposed development would only provide 52 units, which is less than 25% of the total number, and as such the proposed development is contrary to that policy.

INADEQUATE INFRASTRUCTURE MITIGATION

(8) No agreement has been reached with the applicant on the financial contributions which are required and should be paid to mitigate the impact of the development on local and strategic infrastructure. In the absence of an infrastructure mitigation package, confirmed in a signed S106 Obligation, it is concluded that the development is not compliant with the Local Development Framework Core Strategy (2006-2021) policy CS33. There is no evidence to demonstrate that the development will mitigate its impact, or will meet the reasonable costs of the new infrastructure, made necessary by the proposal, and where necessary, that it will contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.

RENEWABLE ENERGY INSUFFICIENT INFORMATION

(9) Insufficient information has been submitted to demonstrate that adequate on site renewable energy equipment will be provided for each dwelling to off set at least at least 15% of predicted carbon emissions, as required by Local Development Framework Core Strategy (2006-2021) policy CS 20.

BIODIVERSITY INSUFFICIENT INFORMATION

(10) Insufficient information has been submitted to demonstrate that the new development will produce a net gain in biodiversity, by designing in wildlife, and ensuring that unavoidable impacts are appropriately mitigated for, as required by Local Development Framework Core Strategy (2006-2021) policy CS19.

POLLUTION

(11) The siting of the proposed retail use building (with commercial offices above), its ancillary car park and vehicular access, are likely to give rise to conditions which would have a detrimental impact on the residential amenities of nearby existing neighbouring occupiers, and the occupiers of the proposed new nearby dwellings, by virtue of noise from pedestrian and vehicular comings and goings, and potentially by virtue of smell/odour nuisance from the cooking of food. As such, this part of the

proposed development is considered to be contrary to the Local Development Framework Core Strategy Policy(2006-2021) CS22 Pollution.

LIFETIME HOMES INSUFFICIENT INFORMATION

(12) Local Development Framework Core Strategy Policy (2006-2021) CS15- requires that 20% of all new dwellings built within Plymouth shall be constructed to Lifetime Homes standard. Insufficient information has been submitted to demonstrate the proposed development would bring forward an adequate number of Lifetime Homes, to the required standard, to meet this adopted policy.

REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision