

PLANNING APPLICATION REPORT



ITEM: 01

Application Number: I3/00053/FUL

Applicant: Vital Homes

Description of Application: Development of site by erection of 4 terraced dwellinghouses with 4 off street parking spaces and new footpath

Type of Application: Full Application

Site Address: FORMER BLUE MONKEY SITE, 538 CROWNHILL ROAD
PLYMOUTH

Ward: Honicknowle

Valid Date of Application: 11/01/2013

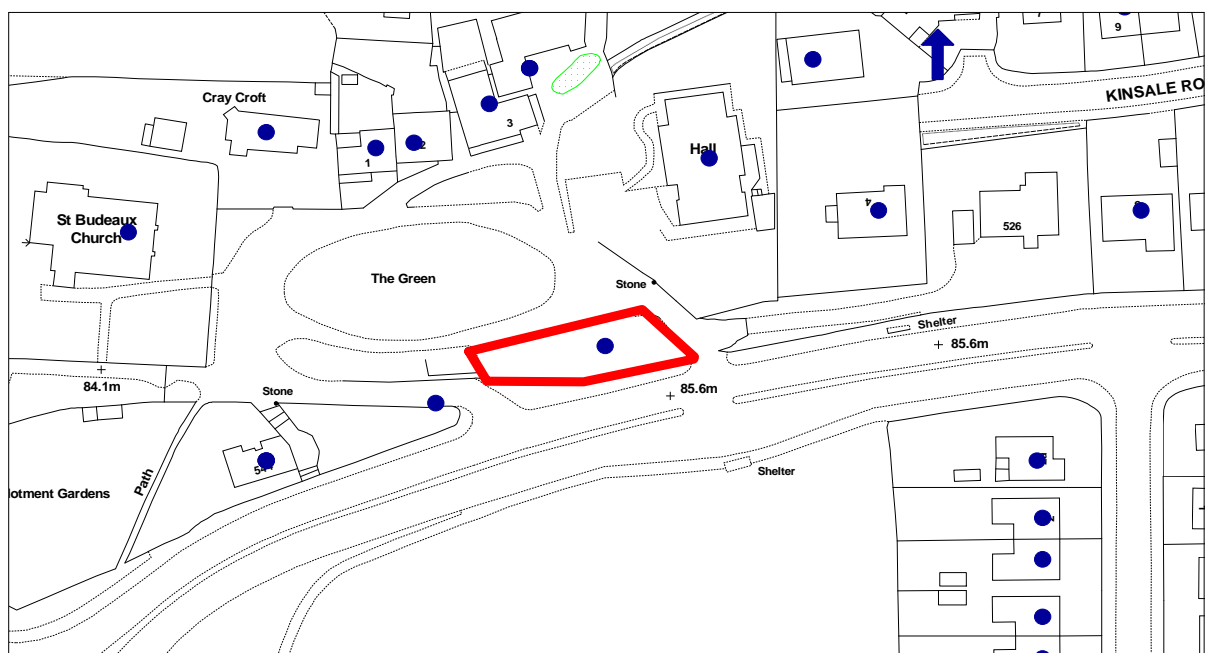
8/13 Week Date: **08/03/2013**

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

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OFFICER'S REPORT

This application has been referred to Planning Committee by Councillor Nicky Williams.

Site Description

This is the site of the former Blue Monkey pub which was demolished about 10 years ago and now lies vacant. The site is in a prominent elevated position, facing Crownhill Road on the south side site and facing 'The Green' on the North side which is a historic green space surrounded by the listed St Budeaux Church to the west, residential dwellings to the north and the Community Hall to the east. The access ways off Crownhill Road and the road around the Green are owned by the City Council and are private roads.

Proposal Description

Development of site by erection of 4 terraced dwellinghouses with 4 off street parking spaces and new footpath

Pre-Application Enquiry

Pre-application advice was sought for the previous application (11/01863/FUL). This identified the need for a footpath along the site frontage, the need to incorporate off-street parking and cycle parking into the proposal, and to provide sufficient amenity space and space for refuse storage. The advice noted that the development should not appear too dominant in the street-scene.

A follow-up meeting was held in December 2012 following the previous refusal and appeal decision, at which options for car-parking and development layout were discussed. It was emphasised that a modern design would detract from the setting of the listed church.

Relevant Planning History

11/01863/FUL Development of the site by erection of 5 terraced dwelling houses, with 5 off street parking spaces and a new footpath – REFUSED. An appeal was dismissed on the grounds that the proposed development would harm the character and appearance of The Green, the setting of the listed church and the neighbouring dwellings to the north.

09/01265/FUL Development of site by erection of 5 two-storey terraced dwelling houses with one off street parking space and new footpath - REFUSED.

02/01727/FUL Demolition of public house and redevelopment of site by erection of 5 two storey terraced dwellings- REFUSED. This decision was appealed, the appeal was allowed and permission granted.

02/00374/FUL Demolition of public house and redevelopment of site by erection of a terrace of two and three storey houses - REFUSED.

Consultation Responses

The Highway Authority does not object in principle to the application. The Green, including the access way roads, is in the ownership of the City Council. The roads around The Green are of variable width. Although The Green is not a classified public highway, it is subject to parking restrictions. The parking restrictions would apply to any occupiers of the proposed new dwellings. The proposed development includes a narrow private footway along the side and front of the development to provide safe access to and from the dwellings on foot.

There are four off-street parking spaces proposed to serve the four dwellings. While this is considered to be a low level of provision, giving rise to concerns over unauthorised parking occurring on the private road, the Highway Authority does not object to this provision. In order to protect against unauthorised parking occurring as a result of the development, the Highway Authority has recommended that a S106 obligation be drawn up to require the developer to agree to inform any potential occupiers of the development that they do not have rights to park on the private road and land known as The Green. A condition is proposed relating to the reservation of the parking areas for car-parking only. A Code of Practice During Construction condition is also recommended to prevent detriment to residential amenity during construction.

The Public Protection Service notes that the noise assessment concludes that the site falls within Noise Exposure Category C which is considered to be a high level for residential development without suitable noise protection. Public Protection also recommends that a code of construction condition be applied and further land quality investigation carried out and necessary remediation undertaken prior to construction commencing.

Representations

15 letters of representation have been received.

The following concerns have been raised in the letters of representation:

- The development is too high and dominant
- The houses are higher than the former pub
- The development is over-dominant and will destroy the character of the Green
- It is detrimental to the setting of the listed building.
- The proposed timber cladding is out of character
- The revised plans are an improvement but still out of character and over-development of the site.
- There will be disruption from construction
- Parking around the Green is already grid-locked
- There is insufficient off-street parking provided for the development
- The garages may be used for storage rather than parking
- There is not enough private amenity space
- It will be visually over-bearing from the Crownhill side and the amenity areas will look messy.

- There is an astronomy club that runs from the Churchyard and it will be affected by light pollution and restrict the view.
- The end house with the large window will affect the privacy of the adjacent property (3 The Green).
- Is the whole development within the red line of the development?

Analysis

1. This proposal is for a terrace of four dwelling houses: two, two-bedroom dwellings (both end of terrace) and two, four-bedroom dwellings. The two end-of-terrace dwellings are raised above undercroft parking.
2. They are two-storey dwellings but with loft conversions and dormers to create a small second floor. Access to the dwellings will be from the Green and via a new pedestrian footpath.
3. The main planning considerations with this application are:

Principle of the development

Standard of accommodation

Highways and parking

Visual impact of the design on the listed Church and the Green

Visual impact on Crownhill Road

Impact on the amenities of neighbours

Local Financial implications

Principle of the development

4. The site is a former pub and has been a derelict site for a number of years. It is bordered by residential uses to the north, east and west and by Crownhill Road to the south. While Crownhill Road is a busy road, close to the A38 interchange, and therefore subject to traffic noise, officers do not consider that this is a reason to refuse residential development in principle (the issue of noise will be considered in relation to amenity below). The principle of residential use has been established through previous applications. Officers consider that the residential use is appropriate for this area of The Green.

Standard of accommodation

5. The two middle dwellings will have small amenity spaces to the rear of 30 sq m and 23 sq m respectively. There will be patio doors opening onto the rear gardens which are south-facing. The rear elevations of all the properties at first floor level will have Juliette balconies, with full first floor balconies for the end two dwellings.
6. A noise report has been submitted because of the location adjacent to Crownhill Road. The report suggests use of mechanical ventilation to supply ventilation without the requirement to open windows.
7. Officers are satisfied that the proposed dwellings meet the internal space guidelines for properties of this size as set out in the Development Guidelines Supplementary Document

8. Concerns have been expressed that there is insufficient amenity space for the occupiers. The level of amenity space is below the recommended standard of 50 sq m for private amenity space that is set out in the Development Guidelines SPD, but this is a guideline rather than an absolute standard and needs to be applied in the context of the individual site. Officers recognise that the site is constrained in size and that the location adjacent to Crownhill Road will compromise the privacy and amenity of occupiers. Officers note, however, the proximity of the development to public green space which provides a green setting and easily accessible public amenity space for occupiers. Officers consider, therefore, that a smaller amount of private amenity space is acceptable in this instance. However, a landscaping condition can be attached requesting landscaping along the boundary for screening purposes.
9. Concerns have been raised about the level of noise for occupiers associated with nearby traffic. Officers consider that noise concerns can be dealt with by condition requiring adequate levels of sound-proofing.
10. Refuse storage provision is provided for all the dwellings to prevent bins being stored on the footpath or road.

Highways and parking

11. Concerns have been raised that there is insufficient off-street parking provided for the dwellings which will add to already existing parking pressures in the area. The plans provide for one off-street parking space per dwelling to be provided in undercroft parking areas below the two end properties. There is also secure cycle parking provided for each dwelling. The dwellings are located on Crownhill Road which has a regular bus service.
12. One off-street space per dwelling is the minimum acceptable level, and it is recognised that this level may lead to pressure for on-street parking. The access roads and road around The Green are owned by the Council and are not public highway. There is no rights to on-street parking on the land, although unofficial on-street parking takes place already at certain times (especially when services are taking place in the Church).
13. The Highway Authority has recommended that the applicant enter into a S106 obligation to require the developer to inform any occupiers of the development that they will have no right to park on the private land. Officers understand the reasons behind this recommendation but believe that the same aim can be more reasonably achieved through a planning condition.
14. The number of dwellings has been reduced by one since the previous application, and this is seen by officers as a more appropriate number in terms of reducing pressure on highways and parking. It is also noted that the parking spaces are now car ports and therefore are more likely to be used for car parking than for storage. This can be secured by condition.

Visual impact of the design on the listed church and The Green

15. Concerns have been raised about the visual impact that the dwellings will have on the historic setting of The Green and the Listed Church. There is concern that the proposal will be too dominant and will be out of character.

16. The plans have been revised in relation to design details. The north elevation (facing onto The Green) has a traditional design with stone cladding at ground floor level and render above. Both central dwellings have an entrance door and ground floor windows to achieve natural surveillance, and roof dormers. The properties are 8.2m high. The two end properties are off-set, with the western-most set slightly forward and the eastern-most set slightly back. Both have stone-cladding details at ground floor level and timber cladding at first floor. The eastern-end design has been revised to reduce the amount of timber cladding. The western end property fronts onto The Green with a ground floor entrance door and a row of five windows above and two dormer windows in the roof. The eastern end dwelling has a gable end facing The Green with large, high windows at loft level. The entrance door is set back and to the side. Undercroft parking spaces are provided.

17. The development site lies 60m away from the edge of St Mary's Church which is Grade II* listed and set back within a churchyard. There is a strip of grass adjacent to the site on the western end of the development site to provide further separation. Officers consider that the development is sufficiently removed from the Church and Churchyard to provide a clear visual separation. The development site is to the south east of the Church, and therefore will only impinge on views of the Church from the South East. Officers note that a pub was previously on the site and that the proposed development, while more substantial in height than the pub, is not considered to be so substantially larger in scale as to damage the setting of and views of the Church.

18. The dwellings will impact more directly on the setting of The Green which is an historic area of green space and retains a 'village' feel to it. The Inspector in the previous appeal decision noted that the Green has a pleasant, compact, tranquil, historic feel to it. He was of the opinion that the height and mass of the proposed terrace with its 'vertical emphasis' and tall zinc cladded windows would visually dominate The Green. He felt that the design was too modern and would detract from the setting of the listed church. In addition, his view was that the lack of ground floor windows and dominance of garages would create a poor visual relationship with The Green with a lack of natural surveillance.

19. Officers consider that the design of the dwellings in this proposal has been revised from the previous application to be more sympathetic to the historic character of the Green and the Church, with greater use of stonework and render. While the height is similar to the previous scheme, the 'vertical emphasis' of the development which the inspector referred to in the appeal decision is less dominant with the more traditional pitched roofs and dormer windows.

20. The timber cladding on the end properties could be seen as alien to the historic setting, but will help to soften the outline of the dwellings and therefore reduce their visual dominance as well as add variety to their appearance.
21. Officers recognise that the dwellings to the north of The Green are detached dwellings that are set back and down from the Green and the Church. The Community Hall is also set back from The Green although is more visually dominant.
22. Officers recognise that a terrace of dwellings fronting directly onto The Green will have a much more visually direct relationship with it and will appear dominant. However, they consider that the proposed design allows a more positive relationship than the previous application, achieving natural surveillance over The Green.

Visual impact on Crownhill Road

23. Concerns have been raised about the appearance of the proposal from Crownhill Road as it is considered to be over-bearing and messy.
24. The south elevation (fronting Crownhill Road) has a more modern design with large, Juliette balconies at first floor level, and on the two end dwellings at loft level. The plans have been revised to reduce the number of Juliette balconies at roof level. Private amenity space is provided for the two central dwellings in the form of small gardens that will be accessed from patio doors. The two end properties have been revised to include private balconies at first floor level as the amenity space to the rear of these end properties lacks privacy. The two central dwellings are stone clad and render and the two end dwellings are timber clad. Railings will be installed along the existing wall fronting Crownhill Road.
25. In the previous appeal decision, the Inspector did not agree that the proposed development would dominate the view from Crownhill Road significantly more than the previous pub would have done. He was of the view that the amenity areas to the rear could be screened from the road by planting.
26. In this application, the design has been modified to create a more traditional design, but of similar height and boundary treatment. There will be more fenestration than previously with provision of balconies on the end two properties.
27. Officers consider that the design is an improvement on the previous design and will be visually acceptable within the street-scene. A landscaping condition can be attached to require planting along the boundary.

Impact on the amenities of neighbours

28. Officers do not consider that the development will be detrimental to the privacy or outlook of neighbouring properties around The Green because of the distance between the proposed development and surrounding dwellings.

Local financial considerations

29. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £28,780 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

30. 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

None

Equalities & Diversities issues

None

Conclusions

Officers consider that the proposal has adequately addressed the concerns relating to design raised with the previous application and confirmed in the appeal decision. It is recommended to grant conditional approval.

Recommendation

In respect of the application dated **11/01/2013** and the submitted drawings Amendments to windows on 2nd floor of development and changes to external materials

11849_EX101 Site location plan, EX102 Existing site survey plan, EX103 Site Analysis Plan, SD101B Ground floor plan, SD103B First floor plan, APPI03B Second floor plan, SD104A Roof plan, SD108 Proposed section AA, SD106B Proposed north elevation, SD105B Proposed south elevations, SD107B Proposed east and west elevations, Design and access statement, Noise assessment, Desk study report.,it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 11849_EX101 Site location plan, EX102 Existing site survey plan, EX103 Site Analysis Plan, SD101B Ground floor plan, SD103B First floor plan, APPI03B Second floor plan, SD104A Roof plan, SD108 Proposed section AA, SD106B Proposed north elevation, SD105B Proposed south elevations, SD107B Proposed east and west elevations, Design and access statement, Noise assessment, Desk study report.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The

written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(5) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the undercroft parking area shall not be used for any purpose other than parking of a car and shall not in any way be enclosed or converted into habitable accommodation.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

NO PARKING ON THE ADJOINING PRIVATE LAND

(6) Prior to the marketing and occupation of the dwellings hereby approved, the developer shall submit marketing materials relating to the dwellings to the local planning authority for written approval. These materials shall include a statement to draw to the attention of any prospective occupier that the occupiers of the development will not have any rights to park on the adjoining private land, accessways and roads, comprising and known as 'The Green'. The approved statement will thereafter be used for any marketing of dwellings on the site.

Reason:

To protect the residential and general amenity of the area and to prevent interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 – 2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(7) No development shall take place until full details of both hard and soft landscape works for the rear amenity areas of the development hereby approved and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant

specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(8) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: Principle of the development, Standard of accommodation, Highways and parking, Visual impact of the design on the listed Church and the Green, Visual impact on Crownhill Road, Impact on the amenities of neighbours, Local Financial implications, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

INFORMATIVE: CODE OF PRACTICE

(1) A copy of the Public Protection Service Code of Practice for Construction and Demolition Sites is available from:
www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(2) 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 [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS03 - Historic Environment
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
SPDI - Development Guidelines
NPPF - National Planning Policy Framework March 2012