

PLANNING APPLICATION REPORT



ITEM: 6.5

Application Number: 13/00901/FUL

Applicant: Littonwood Ltd

Description of Application: Erection of 4th storey and alterations to existing 3-storey building to create 14 additional dwellings, demolition of garages to rear and landscaping

Type of Application: Full Application

Site Address: 23-51 VICTORIA PLACE STOKE DEVONPORT
PLYMOUTH

Ward: Devonport

Valid Date of Application: 23/05/2013

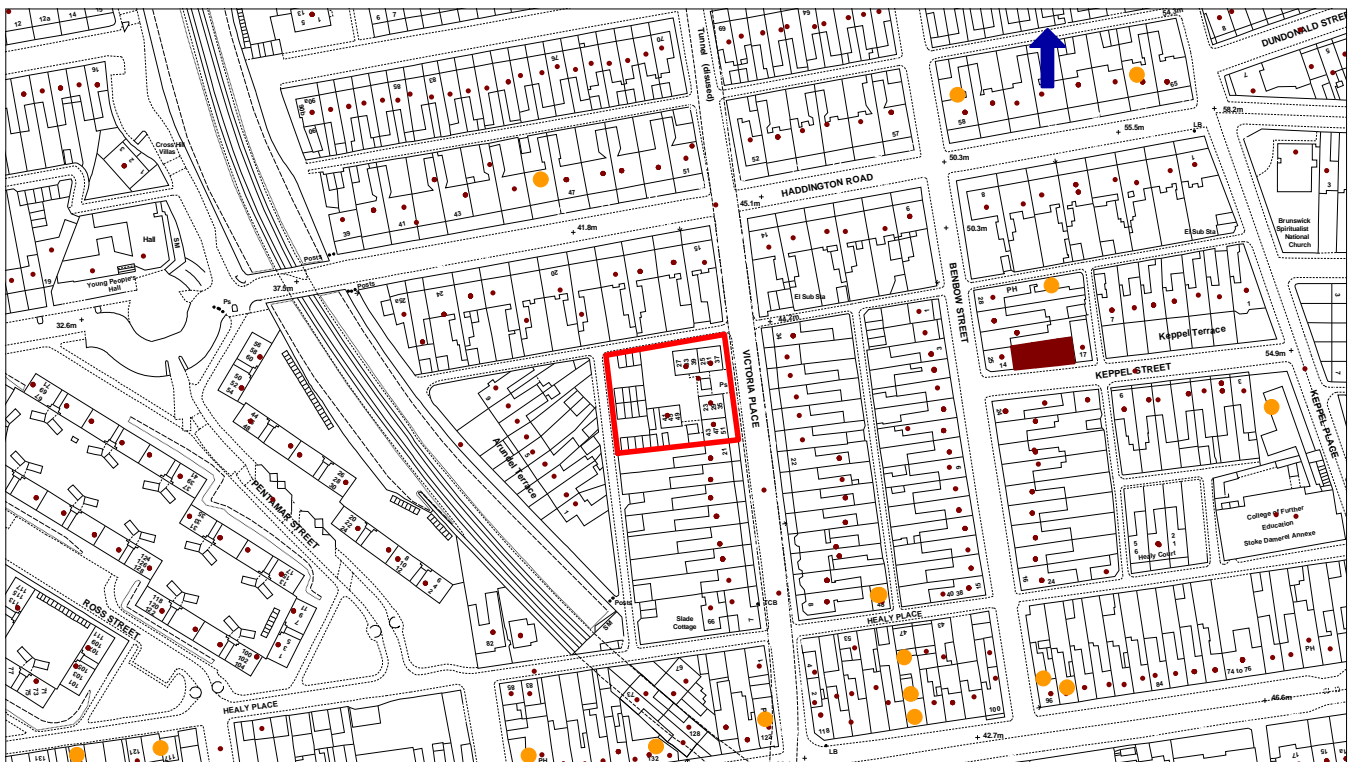
8/13 Week Date: 22/08/2013

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Olivia Wilson

Recommendation: Refuse

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



Site Description

The site is located on Victoria Place, a residential street in Stoke that is characterised by period terraced properties. The existing development comprises a 3-storey flat roofed building that is divided into 3 sections linked by external walkways and staircases. The building has a brutal, uncompromising appearance that is typical of many blocks of flats from the 1960s. Garages, parking spaces and a small grassed amenity area lie to the rear of the site. A rear service lane runs along the north of the site at the rear of Haddington Road and the west of the site at the rear of Arundel Terrace. There are mature street trees along Victoria Place, including a tree immediately outside the development site.

Proposal Description

Erection of 4th storey and alterations to existing 3-storey building to create 14 additional dwellings, demolition of garages to rear and landscaping.

Pre-Application Enquiry

No pre-application advice was sought.

Relevant Planning History

08/00285/FUL – Alterations and extensions to existing building to provide an additional 14 residential units – refused.

Consultation Responses

The Highway Authority objects to the proposal on the grounds that the level of off-street parking proposed is inadequate to serve the development and is likely to give rise to parking pressures leading to an exacerbation of the on-street car parking difficulties already experienced within this area.

The Public Protection Service has no objection to the application. It recommends a code of practice condition to protect residents from noise during construction and a noise condition requiring the new dwelling units to be built to good room criteria. An unexpected land contamination condition is also recommended in the event that contamination is found during the construction process.

The Devon and Somerset Fire Service notes that it normally comments in relation to Building Regulations but it sees no reason to object to the proposal.

The Devon and Cornwall Police Architectural Liaison Officer has no objection to this application.

Representations

Twelve letters of representation have been received from local residents of Victoria Place, Haddington Road and Arundel Terrace.

These raise the following concerns:

- The proposed building is too tall and out of keeping with the character of the area.

- It will cause overlooking of neighbouring properties and will block sunlight to nearby residents on Victoria Place and Haddington Road.
- It will lead to more on-street parking pressures.
- The installation of a fence around the boundary will restrict access for emergency vehicles to residents of Arundel Terrace.
- It will lead to an increase in noise.
- It is out of scale with the existing residential layout.

Analysis

1. This is a re-submission of a previous application (08/00285/FUL) with minor revisions to layout and design. This application was refused due to failure to complete the S106 obligation. There were no material planning objections to the application.
2. The proposal is to extend and alter the existing building (consisting of three linked blocks of flats), with infill and side extensions proposed to each of the three existing blocks and a new storey added together with a shallow curved aluminium standing seam roof, raising the height of the development from three storeys to four. In total, the number of flats will be increased from 15 to 29 with the addition of 14 flats (five one-bed and nine two-bed). New treatments are proposed to the external appearance of the buildings to upgrade them and create a unified appearance to the development. Existing garages to the rear are to be demolished and replaced by open car parking.
3. The key planning considerations with this application, as with the previous application, are: design and impact on the street-scene, impact on residential amenity, highways and parking. In addition, the standard of accommodation proposed is also a consideration. The main policies to be considered in relation to these considerations are: CS34, CS02, CS28, CS15 and the Development Guidelines and Design SPDs and the NPPF.

Design and impact on the street-scene

4. The majority of properties along Victoria Place are two storeys with dormer windows, but no. 34 Victoria Place, opposite the site, is three storeys. The properties along Haddington Road are large, two-storey terraced properties (some with loft rooms) while the properties along Arundel Terrace are smaller, two-storey terraced dwellings. The immediate area has a residential character.
5. The current buildings are considered to be of low architectural merit. The flat-roofed, block design and open stairwells between the blocks do not reflect the character of the area.
6. The proposals would remove the unsightly open stairwells by enclosing them and would create a continuous street frontage which is considered to be a positive element of the scheme. The increase in height to four storeys would raise the height of the scheme above the surrounding dwellings. The development would wrap around the side of the site along the rear service lane, extending the existing block and raising it, and would also extend back along the side boundary with 21 Victoria Place.

7. Officers consider that the scale of proposed development in terms of height and massing, particularly along the side elevations of the development, would appear dominant and overbearing within the street-scene and would be out of character with the residential character of the area, contrary to guidance contained in the Design SPD (adopted in 2009).
8. Officers also consider that the positioning of windows along the fourth floor of the front elevation do not reflect the fenestration on the floors below, and that the Juliette balconies on this elevation are out of character with fenestration on other buildings within the street, contrary to guidance set out in the Development Guidelines SPD (adopted 2010).
9. While the design has not significantly changed since the previous application in 2008, new guidance has subsequently been adopted to provide guidance on scale and massing of buildings (Design SPD) and the design of windows (Development Guidelines SPD). As outlined above, officers consider that the proposal does not conform with the guidance set out in these SPDs.

Impact on residential amenity

10. The site lies within a densely built up part of the city. To the north of the site the property faces onto a rear service lane serving the rear of properties on Haddington Road (Nos. 15, 16, 17, 18 and 19) and providing access to properties along Arundel Terrace to the west at the rear of the site. To the east, the development faces Victoria Place directly opposite to Nos. 43, 32, 30, 28 and 26. To the south, the existing building adjoins No. 21 Victoria Place which is a two-storey property with mansard roof and two-storey tenement to the rear. These properties are considered to be most affected by the development.
11. Currently, the block facing towards Haddington Road faces directly towards the rear of Nos. 15 and 16. No. 15 is well screened from the lane by a garage and high stone wall. No. 16 has an open rear hard-standing with a small amenity space. Officers consider that the rear windows of No. 16 are currently overlooked. The current block is 15.5m long and 8m high.
12. The proposed extension along the rear service lane is 9m in width, making this proposed side elevation 24m length in total. The addition of a fourth storey will raise the height of the whole block to 12m (an additional 4m).
13. Officers consider that the proposed extensions will cause overlooking to Nos. 17 and 18 Haddington Road in addition to Nos. 15 and 16. The distance from the proposed extension to the rear elevation of No. 17 is 25m. The Development Guidelines SPD sets out guidance on protecting of the privacy and outlook of residents in relation to house extensions, but these guidelines can also be applied to new development. It states (para. 2.2.22) that there should not be a harmful loss of privacy to neighbouring properties, and in para. 2.2.23 that the distance between windows of habitable rooms should normally be at least 21m, but that this distance should be increased where the building is 3 or more storeys in height. While this guideline can be applied flexibly to reflect the existing character of the neighbourhood, officers consider that the relationship between

the north elevation of the proposed development and the rear of properties on Haddington Road would create direct overlooking to these properties to the detriment of their privacy. While officers recognise that there is already an element of overlooking from the existing block, officers consider that the proposed extension would significantly increase the level and degree of detriment to residents through loss of privacy. Given the position of the site to the south of Haddington Road, officers consider that the proposal would also shade the rear amenity spaces of these properties.

14. The properties along Arundel Terrace lie at a greater distance and at an angle to the development site so officers do not consider that these properties will be directly overlooked by the proposed development. The demolition of the existing garages is likely to enhance the outlook of these properties.
15. Para. 2.2.30 of the Development Guidelines SPD states that an extension should not be constructed in close proximity to either a main window of a neighbouring property or its private garden where it would have an unacceptable overbearing effect on a household's outlook. Officers consider that the close proximity of the proposed development to No. 21 Victoria Place will have a detrimental impact on the outlook of outlook of occupiers.
16. No 21 Victoria Place lies directly to the south of the site. The existing rear block is sited 6m from the boundary. The proposed extension will take the building to about 1m from the boundary and will extend it from 7m to 11m width and from 9m high to 12m. While officers accept that the development is sited to the north of the property and therefore will not cause shading, officers consider that the 12m high development so close to the boundary will cause detrimental loss of outlook as well as overlooking from the proposed windows on the side elevation onto the rear amenity area and rear windows, detrimentally affecting the amenity of occupiers, and therefore is contrary to guidance as set out in the Development Guidelines SPD and policy CS34.
17. Nos. 34, 32, 30 and 28 Victoria Place lie to the east of the site on the opposite side of the street. Concerns have been raised about loss of privacy and loss of sunlight by the addition of a fourth storey and infilling. Officers do not consider that the increase in height would detrimentally affect the privacy of these dwellings, given that it would affect the front elevations which are already public elevations as they face the street. While the increase in height would block outlook for the upper storeys, officers do not consider that this would be detrimental enough to constitute a reason for refusal. However, officers consider that the inclusion of Juliette balconies on the fourth floor of the development would increase overlooking from these rooms and would be detrimental to the privacy of the dwellings opposite.
18. Overall, officers consider that the proposed development would have a detrimental impact on surrounding residents, contrary to CS34 and the Development Guidelines SPD. While residential amenity was not considered to be a planning concern with the previous application in 2008, new guidance on privacy and outlook has subsequently been adopted (The Development Guidelines SPD).

Highways and parking

19. The creation of the 14 additional flats will result in there being a total of 29 units, with 7 of those being 1-bedroom units and the remainder (22) having 2 bedrooms. Based upon application of the parking standards included within the Development Guidelines SPD, a maximum of 51 off-street car parking spaces would be required to serve the entire development. This is based upon a total of 7 spaces being considered necessary to serve the 1 bedroom units (1 space per unit) and 44 to serve the 2 bed units (2 spaces per unit). At a minimum, there should be 1 space per unit due to the high demand for car parking within the area.
20. The 24 car parking spaces proposed represent a shortfall of between 5 spaces (minimum) and 27 spaces (maximum). In view of the fact that each of the larger two bedroom properties are likely to have one dedicated off-street car parking space each, the level of car parking proposed will result in 5 of the 7 smaller 1 bed units having no off-street car parking at all. Furthermore, no provision has been made for visitor parking.
21. As a result of under-provision of parking, the proposal is likely to lead to an increase in demand for on-street parking. On-street parking is not controlled in this part of the city and it is likely that existing residents would be inconvenienced by additional parking pressure. Officers therefore consider that the proposal is contrary to policies CS28 and CS34 of the Core Strategy and the parking standards set out in the Development Guidelines SPD.
22. Concerns were raised about parking with the previous application, but it was accepted that each two-bed flat would have one space and the remaining two spaces would serve the 7 one-bed flats. Subsequently, parking standards have been reviewed and new standards published in the Development Guidelines SPD. These are maximum standards, but can only be reduced if it can be demonstrate that overspill parking will not occur.
23. Officers note that in the Design and Access it is stated that the applicant would apply for 2 disabled parking bays to be marked out on Victoria Place for any disabled residents, as the off-street parking to the rear is not suitable for disabled parking due to a change in levels. However, there is no certainty that this application would be successful or that the bays would be available for use by disabled residents of the development. In addition, the parking bays would reduce on-street parking for other residents. Therefore, this cannot be considered to be an adequate solution to parking provision, which should be provided on site.

Standard of accommodation

24. The proposed flats range in size from 53.5 sq m for the two-bed flats to 40 sq m for one-bed flats. This meet the required internal standards for one and two bedroom flats as set out in the Development Guidelines SPD.
25. The flats are laid out so that the flats are all dual aspect except for No. 8, 16, and 24 which face east only. Officers are satisfied that the flats will provide an adequate amount of daylight.

26. There is a communal refuse storage facility to the rear of the development with access onto the car park, and cycle storage provided within the central courtyard at the rear. There is a small grassed amenity space provided at the rear of the development within the courtyard.
27. Officers recognise that the proposal will also upgrade the quality of accommodation for existing residents and therefore will improve their standard of accommodation. The flats have been designed to be suitable for use by disabled persons (as set out in the Lifetime Homes Statement) and there is a communal lift to provide access to all storeys of the development.

Biodiversity and renewable energy

28. Officers note that ecological enhancement measures are proposed in the form of bat boxes and bird boxes. It is also proposed to install a roof mounted PV solar array to meet the renewable energy requirements of the scheme.
29. 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.

Local Finance Considerations

Section 106 Obligations

Due to a change on policy since the previous application, this application does not give rise to a requirement for a S106 obligation.

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development is £23,370. This information is based on the CIL information form submitted with the application.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance.

It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

New Homes Bonus

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 £80,584 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.

Equalities & Diversities issues

This proposal will provide additional housing for the city.

Conclusions

Notwithstanding the previous decision for application 08/00285/FUL, officers consider that representations made by members of the public and guidance set out in the Development Guidelines SPD and the Design SPD in relation to residential amenity and design as well as parking standards raise material planning concerns.

On the grounds that the proposal is considered to be detrimental to residential amenity, detrimental to the character of the area and to provide inadequate off-street parking, it is recommended to refuse this application.

Recommendation

In respect of the application dated **23/05/2013** and the submitted drawings Site location plan, 101 Existing site plan, 102 Proposed site plan, 120 Existing elevations 1- 4, 121 Existing elevations 5 - 8, 125 Proposed elevations 1- 4, 126 Proposed elevations 5 - 8, 103 Existing ground and first floor plan, 104 Existing second floor and roof plan, 110 Proposed ground floor plan, 111 Proposed First Floor Plan, 112 Proposed Second Floor Plan, 113 Proposed Third Floor Plan,,it is recommended to: **Refuse**

Reasons for Refusal

Relevant Policies

The following (1) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

HEIGHT, MASSING AND FENESTRATION

(1) The Local Planning Authority considers that the proposal is incompatible with its surroundings and the character of the area in terms of height and massing, particularly in relation to the height of the side extensions at the rear of the development which would appear dominant and overbearing, and that the design and positioning of windows on the fourth floor of the front elevation are inappropriate to the visual appearance and character of the building, contrary to policies CS34 and CS02 of the Plymouth Local Development Framework Core Strategy adopted 2007 (2006 - 2021) and the Development Guidelines SPD and Design SPD.

INADEQUATE PROVISION OF PARKING

(2) No adequate provision is proposed to be made for the parking of cars 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
- which is contrary to Policies CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

INFORMATIVE: (1) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

DETRIMENTAL TO RESIDENTIAL AMENITY

(1) The Local Planning Authority considers that the proposal would be detrimental to the residential amenity of the area in terms of loss of privacy, outlook and sunlight by virtue of the height and mass of the development, location of windows, and its proximity to residents of Victoria Place and Haddington Road, contrary to policies CS34 and CS02 of the Plymouth Local Development Framework Core Strategy adopted 2007 (2006 - 2021) and the Development Guidelines SPD.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(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 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.

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS02 - Design

CS15 - Housing Provision

SPD1 - Development Guidelines First Review

SPD3 - Design Supplementary Planning Document

NPPF - National Planning Policy Framework March 2012