

# PLANNING APPLICATION REPORT

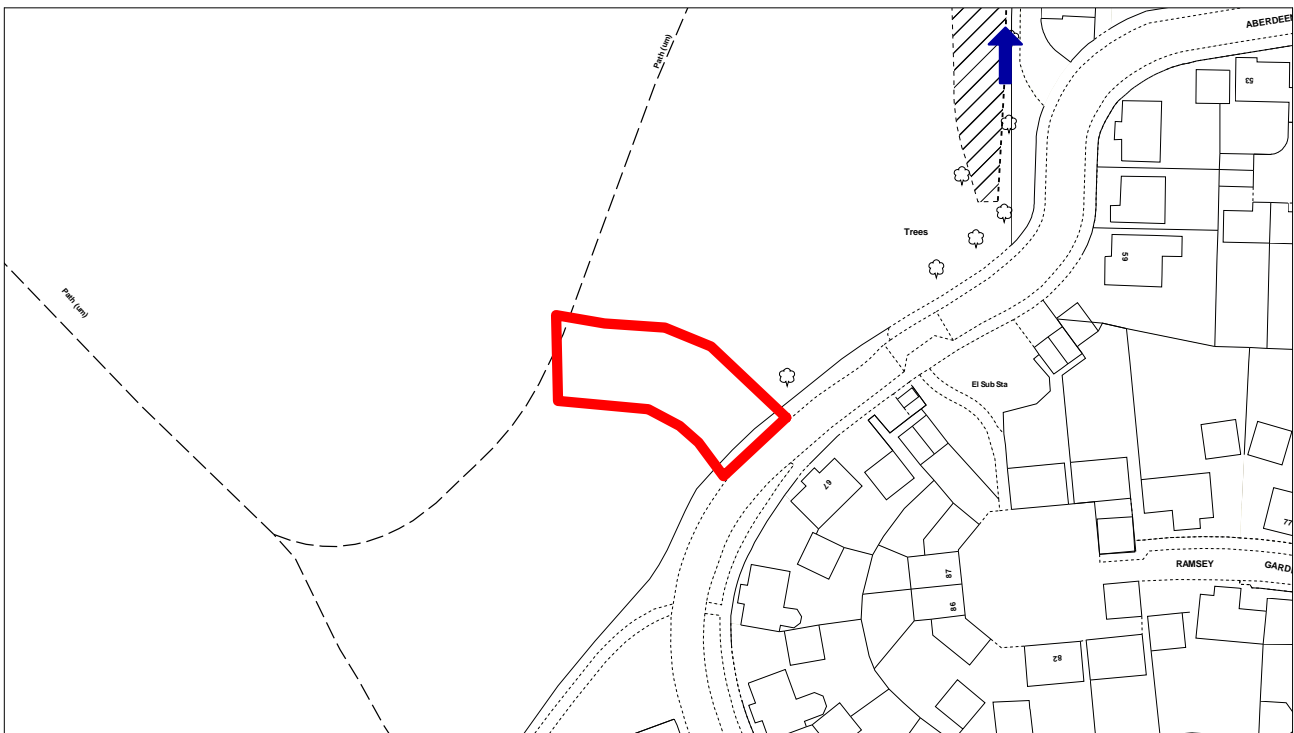


<b>Application Number</b>	15/01380/FUL
<b>Date Valid</b>	30/07/2015

<b>Item</b>	04
<b>Ward</b>	Eggbuckland

<b>Site Address</b>	LAND FORMERLY ASSOCIATED WITH THE RNEC, ABERDEEN AVENUE, PLYMOUTH		
<b>Proposal</b>	Provision of new vehicular access from Aberdeen Avenue to serve proposed residential development (Planning permission 14/00152/OUT)		
<b>Applicant</b>	Beavertail Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>23/10/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 22 October 2015</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Kate Saunders		
<b>Recommendation</b>	Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (23rd October 2015) or other date agreed through an extension of time		

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**This application has been referred to Planning Committee by Councillor Ian Bowyer.**

## **1. Description of site**

The application site covers just a small strip of land off the eastern most section of Aberdeen Avenue, opposite no. 67. The land currently forms part of a larger greenspace with a line of protected trees being located along the frontage of Aberdeen Avenue.

## **2. Proposal description**

Provision of new vehicular access from Aberdeen Avenue to serve proposed residential development (Planning permission 14/00152/OUT)

Planning permission was approved on 2<sup>nd</sup> December 2014 for the provision of 86 dwellings on approximately 3.9 hectares of greenspace located adjacent to Aberdeen Avenue. This consent approved access to the site from St Peters Road however given legal difficulties in delivering this access, which will be explained further below; the applicant is now seeking to secure access from Aberdeen Avenue.

## **3. Pre-application enquiry**

Informal discussions have taken place with the former case officer of this site prior to the submission of this application.

## **4. Relevant planning history**

14/00152/OUT - Outline application with details of access submitted (via St Peters Road) for the erection of up to 86 dwellings with associated public open space, sustainable urban drainage system, car parking and associated works (details of appearance, landscaping, layout and scale reserved for future consideration) – Granted conditionally subject to S106

13/00813/OUT - Outline application with details of access submitted for the erection of up to 90 dwellings with associated public open space, sustainable urban drainage system, and associated works – Withdrawn

02/00622/OUT – Outline application to develop private playing field land between St Peters Road and Aberdeen Avenue by creation of new all-weather sports pitch and new housing – Refused and dismissed at appeal

## **5. Consultation responses**

Highways Officer – No objections subject to conditions

## **6. Representations**

114 letters of representation have been received. 110 letters are objecting to the development and raise the following issues:

Highways

- Extra traffic will be detrimental to the area
- Extra traffic will damage roads and pedestrianised areas in the region

- Access to the area by car, bike and foot will be hindered by this development
- More traffic will lead to an increased risk of vehicle accidents
- More traffic will lead to increased risk of accidents involving children
- The new road is on a bend and cars already drive too fast in that area
- The existing roads/courtyards on the estate are narrow and the use of bollards also restricts traffic movements. The proposal will simply force more traffic through problems areas.
- Streets in the area are already heavily parked with cars making many of them only one vehicle wide.
- Car parking on pavements is already an issue in the area
- Traffic lights at St Boniface already cause long delays and this will be exacerbated by the additional vehicles
- Extra traffic will be a particular hazard to school pupils and playground users
- If access cannot be provided off St Peters Road then then houses should not be built
- Manadon Park roads are unsuitable for construction vehicles
- Construction traffic will cause noise, dust and fumes.
- Estate is already used as a “rat run” with people failing to comply with the “bus only” access from Frobisher Approach to St Peters Road and this problem is likely to be heightened by development
- Opening bus gate will be ineffective and not help with existing congestion problems or create more capacity
- Use of the bus gate should be trialled
- A “No Entry” sign should be placed at the end of Temeraire Road where it joins Aberdeen Avenue to ensure cars use Frobisher Approach to access Aberdeen Avenue as was originally intended.
- Who will repair the damage roads after construction as the roads are not adopted?
- Increased traffic will lead to pollution problems (noise/fumes)
- Vanguard Close exists with just access from St Peters Road so why does this development need access from Aberdeen Avenue
- Traffic survey underestimates the likely impact/additional number of cars
- Pedestrian crossing needed to access playground given the increase in traffic
- Development will put increased pressure on other junctions in area through people trying to access Manadon Park from the Southbound A386.
- New junction is close to footpath linking Ramsey Gardens with Aberdeen Ave which is used by children
- Development may increase likelihood of parents driving children to school due to safety concerns
- Inadequate parking on new estate
- Existing trees will restrict visibility from the new junction
- Extra/construction traffic will cause delays for emergency vehicles trying to enter/exit the area.

- Roads are used by local schools for cycle training and extra traffic will pose a hazard
- Key cycle lane on Tavistock Road will be at risk from additional traffic
- St Peters Road access is not deliverable due to building work on Chaucer Way school site.

### Housing

- The housing that will be served by this road is not required
- New access is only being proposed so the housing can be advertised as more exclusive
- New access will lead to increased house prices for new dwellings
- Existing dwellings in Manadon Park are situated close to the road and therefore increased traffic will cause disturbance for residents
- There are 3 “Care in The Community” homes on the estate which should be taken in to account

### Other

- This is a “sneaky” application by the developer
- Application shows disregard for the planning process
- Waste of council’s time considering this application
- Unacceptable loss of greenspace and wildlife
- Tree has been killed where no road is proposed
- This access road has been previously declined permission and nothing has changed
- Insufficient site notices and consultation over busy holiday period
- Covenant prevents in and outbound traffic to Frobisher Approach
- Extra traffic/people poses an increased security risk
- Application forms have been completed incorrectly as trees will be affected by the development
- Point 10 of the application form says no new parking will be created but the new road will be parked if double yellow lines are not added
- Car insurance for homeowners in the area is already high due to number of collisions/accidents.
- Devaluation of house
- The developer appears to have influential channels to affect planning process
- Developers view should not be afforded more weight than local taxpayers
- Disappointed the decision could be delegated to officers and not taken to committee
- Local schools and medical facilities are already oversubscribed
- There was no discussion with the local community prior to the submission of this application
- Loss of sports facilities

4 Letters of support have been received and suggest that the opening up of the bus gate will be of benefit to existing residents of Manadon Park.

Several of the comments summarised above are clearly not material planning considerations and cannot be taken in to account in the consideration of this application.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document

- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document

## 8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS15 (Overall Housing Provision), CS18 (Plymouth's Greenspace), CS19 (Wildlife), CS22 (Pollution), CS28 (Local Transport Considerations), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).
3. Outline planning permission has previously been approved for up to 86 dwellings on a proportion of the larger area of greenspace, spanning 3.87 hectares, which was formerly part of the Royal Naval Engineering College. This previous application was debated three times at Planning Committee before being approved with full details of the access being approved from St Peters Road. This application considered the loss of greenspace, the impact on sports facilities, affordable housing, biodiversity and sustainable energy. These issues will not be considered further as part of this application; only the direct impacts of this new access will be considered these being the effect on residential and general amenity and highway safety.

### Issues Surrounding Delivering the St Peters Road Access

4. Officers are aware that the issue of the access to the wider site to provide the new dwellings was the subject of extensive discussion at Planning Committee. Members deferred the application on two occasions so officers could investigate the feasibility of providing vehicular access from St Peters Road and this was eventually secured and the application was approved.
5. Unfortunately there are legal issues with delivering the St Peters Road access, which are currently being dealt with but it is not clear if and when these will be resolved. However, these issues are not relevant to the determination of this particular application.

### Highways Issues

6. This application has been accompanied by a Transport Assessment which has been fully assessed by the Highways Authority.
7. Whilst the proposed development of a maximum of 86 units would only generate around 45 trips during each of the peak traffic hours (14 arrivals and 31 departures during the am and 29 arrivals and 16 departures during the pm), traffic modelling work undertaken by the applicant's traffic consultant has revealed that any increase in traffic movements (however small) at the Bladder Lane/A386 junction would have a significant impact upon its' operation.
8. As outlined in the previous application, the applicant is seeking to reduce the level of impact upon the operation of the Bladder Lane/A386 junction by removing the existing bus gate on

Frobisher Approach which prevents residents of the wider Manadon Park Estate from either exiting or entering the estate from St Peters Road.

9. The results of the traffic modelling work undertaken reveals that the removal of the bus gate does improve capacity of the Bladder Lane/A386 junction on the Bladder Lane arm of the junction whilst the inclusion of background growth leads to the Tavistock Road (South) arm remaining over-capacity in all scenario's (both in the am and pm peaks). However the removal of the bus gate does lead to a slight improvement on the Tavistock Road (North) arm.
10. The previously consented scheme with all vehicular access off St Peters Road resulted in an additional 20 movements through the Manadon Roundabout during the peak traffic hours on the basis of traffic being distributed through the use of Census Data. By removing the bus gate and allowing access to Manadon Park via St Peters Road, the number of movements through Manadon increases to 37 outbound and 11 inbound trips in the am peak and 35 inbound and 15 outbound during the pm peak (roughly an extra 15-20 trips on St Peters Road).
11. An additional 37 outbound trips equates to just 1 extra vehicle passing through the junction every 100 seconds. Independent surveys commissioned revealed that just 3-4 vehicles per minute travel along St Peters Road between 0730-0900 with a maximum queue of just 7 vehicles recorded across 2 lanes of traffic at the junction of St Peters Road with Manadon Roundabout. However this queue reduces down to just 3 vehicles across 2 lanes of traffic for the majority of the survey period.
12. Therefore the additional movements passing through this junction as a result of the removal of the bus gate will not lead to any capacity issues at the junction which would justify a highway recommendation of refusal on the basis of the associated traffic impacts being 'severe'.
13. Furthermore as right turn movements off the A386 are restricted at the Bladder Lane junction, the removal of the bus gate also provides a significant benefit to those making trips to and from the north of the City (Derriford, Southway etc.) as vehicles travelling southbound along the A386 would be able to access Manadon Park via Crownhill Road and St Peters Road rather than having to U-turn around Manadon Roundabout. This would ultimately result in a reduction in trips occurring around Manadon Roundabout in the peak traffic hours.
14. Officers are therefore satisfied that despite concerns raised by residents the development would not have a significant adverse impact on the free flow of traffic in the area or prejudice highway safety.

#### Residential Amenity

15. A number of the letters of representation received raise concerns regarding the potential impact of construction traffic. When the outline application was originally submitted it proposed access for Aberdeen Avenue but it was the intention that construction traffic would access the site from St Peters Road. It remains the intention of the applicant to secure construction access from St Peters Road and this would be agreed through the

Construction Traffic Management Condition. Even if difficulties did arise in securing construction access from St Peters Road officers are confident that the impact on existing residents could be carefully managed through the appropriate outline planning conditions.

### Trees

16. The line of trees located along the boundary of the informal greenspace and Aberdeen Avenue are protected by Tree Preservation Order. The location originally proposed for the new access road would have necessitated the removal of an early mature sycamore. Although officers considered the loss of this tree could have potentially been mitigated through new planting this would have not been ideal. The applicant has therefore slightly amended the position of the road to allow the sycamore to be retained. Another tree will have to be lost however this tree is already dead and officers consider its removal will not have a detrimental impact on the visual quality of the area.

### Other Issues

17. Many of the letters received suggest that this application is a “waste of time” as the merits of this access have been debated before. Officers accept that access discussions with both officers and members took place last year when the previous outline application was being considered however the applicant has never received a formal decision notice refusing access from Aberdeen Avenue.
18. Early concerns were raised with officers concerning the level of notification surrounding this application. As a result officers placed 10 further site notices around Manadon Park to notify the wider area of the development. Officers note the comments regarding the consultation period being over the summer but unfortunately this is a matter which is beyond our control. Members of the public did however receive an additional 2 week consultation period during October once the road layout was amended to allow the retention of the Sycamore tree.

## **9. Human Rights**

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.

## **10. Local Finance Considerations**

There are no financial considerations specifically related to this application although approving this proposal will facilitate the delivery of up to 86 dwellings which will generate in the region of £250,000 Community Infrastructure Levy liability. However the final figure will not be finalised until reserved matters stage.

## **11. Planning Obligations**



The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

The S106 for the approved outline permission 14/00152/OUT is still of relevance. The obligations for this agreement are as follows:

- Provision of a 4 team changing pavilion with ancillary clubroom at a final location to be agreed at land north of the site on the adjacent Cricket Pitch, to be used in connection with the existing Council owned cricket and football facilities. Details to be agreed and approved by the Local Planning Authority and shall conform to Sport England guidance.
- Minimum of 24% of total number of dwellings to be provided as affordable homes to be sold to be managed by an RSL and occupied by local people in housing need.

Other contributions agreed to mitigate the impacts of the development include the following:

- Education contribution of £125, 000 towards the identified expansion of Pennycross Primary School.
- Greenspace contribution of £33, 000 for children's play space towards improvements to the Bladder Meadow play space.
- Transport contribution of £35, 000 for identified Travel Plan measures and the funding of installation of a bus boarder at the outbound bus stop on St Peters Road.
- Contribution of £20, 000 for siting and ongoing maintenance of Manadon Spire

A supplementary agreement will be required to link this current application to the previously approved scheme. It is noted that a number of representations received advise that if access to this development is provided from Aberdeen Avenue the new dwellings will command a higher value. Whilst officers accept that this is likely it does not mean that higher levels of affordable housing or infrastructure payments can be achieved.

The original S106 was negotiated when access was proposed from Aberdeen Avenue. The applicant did not seek to re-negotiate the S106 when the access was changed to come from St Peters Road. Officers are therefore satisfied that the existing S106 provides the maximum benefit to the local community.

## **12. Equalities and Diversities**

There are no further equality and diversity issues specifically related to this application although approving this proposal will facilitate the delivery of up to 86 dwellings. A percentage of these dwellings are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord and the rest will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated. A condition is also secured attached to the outline to ensure that 20% of the development will be made available as Lifetime Homes.

## **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and it is therefore recommended to grant conditionally subject to the completion of the supplementary S106 agreement.

Officers consider that the development will not have a severe impact on the free flow of traffic in the vicinity of the application site and will not raise significant highway safety concerns. Appropriate conditions imposed on the linked outline application will ensure that the impacts of the proposal on surrounding residents will be kept to a minimum and the general amenity of the area will not be compromised.

#### 14. Recommendation

In respect of the application dated **30/07/2015** and the submitted drawings Location Plan I2705 L 01 02, Proposed access I5215/700/P2, Access redline I2705 L 02 01, Tree protection plan I3.051.2.TPP, Arboricultural Statement by Devon Tree Services dated 28th September 2015, Ecological Mitigation and Enhancement Strategy Addendum dated 17th July 2015, Planning Statement dated July 2015, Transport Assessment WI5215/TAR01/A dated July 2015 and accompanying addendum to design and access statement dated October 2015, it is recommended to: **Grant conditionally subject to S106 Obligation** Recommending approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (23rd October 2015) or other date agreed through an extension of time

#### 15. Conditions

##### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

##### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan I2705 L 01 02, Proposed access I5215/700/P2, Access redline I2705 L 02 01, Tree protection plan I3.051.2.TPP.

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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

## **Informatives**

### **INFORMATIVE: [NOT CIL LIABLE] DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(1) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended). However the related outline consent 14/00152/OUT will be CIL liable.

### **INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]**

(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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **INFORMATIVE: OUTLINE PERMISSION 14/00152/OUT**

(3) The applicant should note that the supplementary planning agreement completed as part of this application links this permission to planning permission 14/00152/OUT. No development can therefore commence on this application until development commences on the associated outline. Furthermore the agreement states that no work shall begin from 6 months from the date of this permission to give the Council time to try and secure access from St Peters Road.