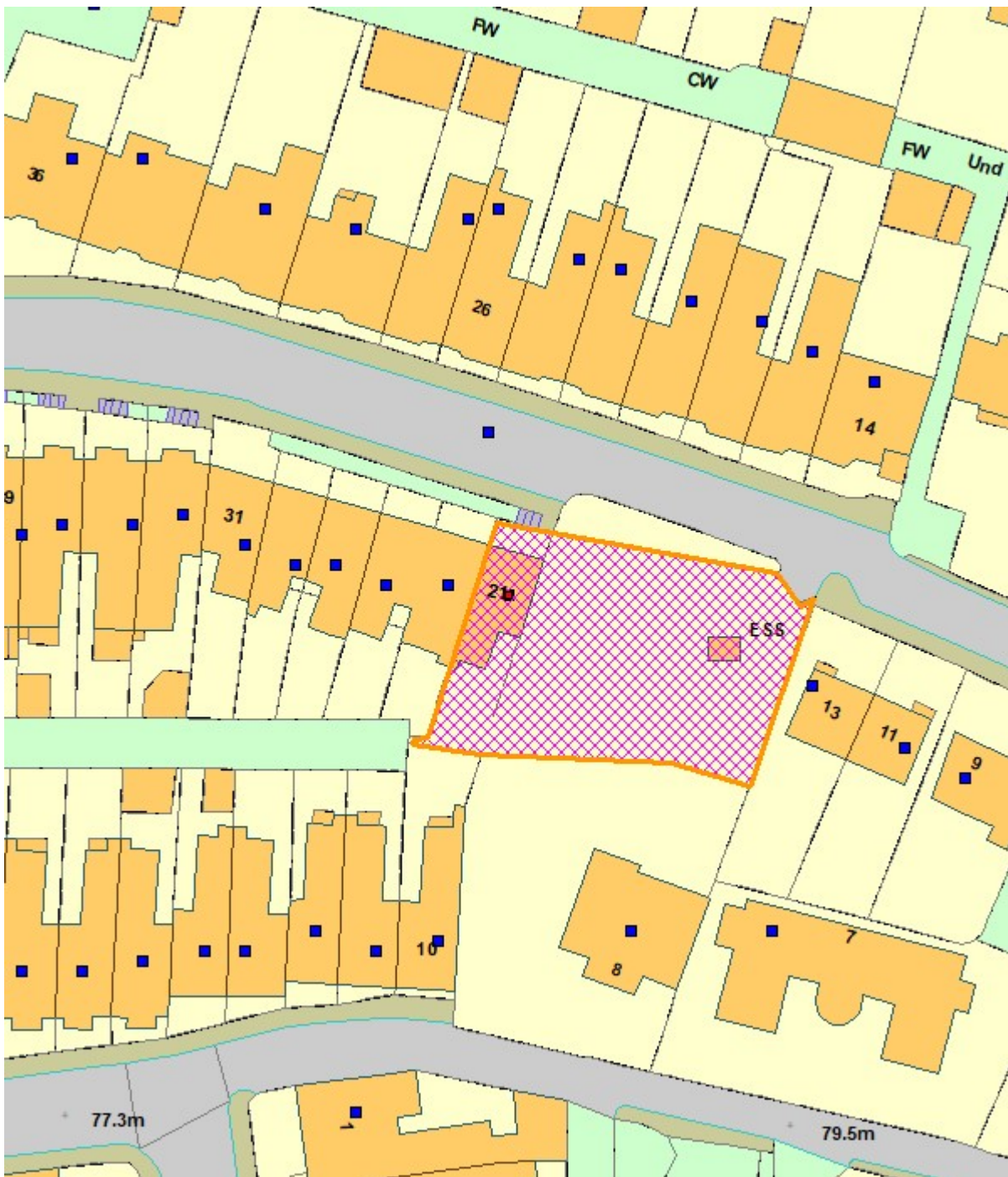


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	19/01646/PIP	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	16.10.2019	<b>Ward</b>	PEVERELL
<b>Site Address</b>	21 Mutley Road Plymouth PL3 4SB		
<b>Proposal</b>	4no. terraced dwellings inc. associated works		
<b>Applicant</b>	Mr N Bishop		
<b>Application Type</b>	Permission in Principle		
<b>Target Date</b>	<b>20.11.2019</b>	<b>Committee Date</b>	<b>05.12.2019</b>
<b>Extended Target Date</b>	<b>05.12.2019</b>		
<b>Decision Category</b>	Service Director of SPI		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Permission in Principle		



This permission in Principle application has been referred to Planning Committee by the Service Director for Strategic Planning and Infrastructure. There are finely balanced policy issues relating to evidence provided by the applicant to overcome previous refusal reasons.

### **1. Description of Site**

The site is located at the east end of a terrace of properties with a raised position above Mutley Road Mannamead. The site is understood to have previously formed part of the garden of Stourmont House located to the south. The site reflects the local topography, which banks up from the south side of Mutley Road. The site includes an Electricity Sub Station and is located in the Mannamead Conservation Area.

### **2. Proposal Description**

Permission in principle for 4no. terraced dwellings with off road parking, widen road and providing connection pavement, retain manage and plant new trees.

### **3. Pre-application Enquiry**

18/01632/MIN- Erection of 4 terraced houses- The Local Planning Authority raised concerns due to the loss of trees on site which also forms part of the character of the area and concluded that any future application be unlikely to gain officer support.

The Local Planning Authority advised that a revised proposal should consider reducing the number of proposed dwellings which would allow for the retention of trees on site and would allow for mitigation to be provided.

### **4. Relevant Planning History**

19/00461/PIP- Construct terrace of 4 houses, widen road and provide pavement- Refused due to the amount of development. The refusal reason was:

#### **AMOUNT OF DEVELOPMENT**

In the opinion of the Local Planning Authority the amount of development proposed at four dwellings would have an unacceptable impact on the protected trees on site and would not be able to provide adequate mitigation on site. The loss of these protected trees are considered to have unacceptable impact on the character and appearance of the Conservation Area.

The proposals are therefore contrary to policies DEV20, DEV21, DEV23 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 170 and 175 of the National Planning Policy Framework 2019.

13/00316/FUL- Variation of condition to alter the approved plans condition added by 13/00379/FUL to allow for material alterations of application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking) - Granted conditionally

13/00379/FUL- Variation of condition to add a planning condition listing the approved drawings on application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking) - Granted conditionally

12/01488/PRDE- Re-location of substation- Refuse lawful certificate (Existing)

10/01334/FUL - Erection of detached dwellinghouse, with off street parking -Granted conditionally

10/00258/FUL- Erection of detached dwellinghouse, with off-street parking- Application withdrawn

08/00291/FUL- Erection of dwellinghouse attached to side of existing dwelling at no. 21, with off street parking - Granted conditionally

07/02028/FUL- Erection of dwellinghouse attached to side of existing dwelling at no. 21, with off street parking - Application withdrawn

### **5. Consultation Responses**

Local Highway Authority- No objections in principle to the proposed development of 4 terrace houses, including the widening of the road and provision of a fronting footway, subject to satisfactory technical details including an adequate contribution to off-street car parking in accordance with the Council Development Plan Policies.

Local Lead Flood Authority- No objection subject to further details including a drainage strategy and construction environment management plan being submitted at technical details stage.

Natural Infrastructure Team - Initially raised concerns that the proposal would not be able to accommodate the tree mitigation measures and the required parking provision. New details were submitted showing the proposed parking arrangement and tree planting and the officer considered that it would be possible to achieve mitigation tree planting whilst still providing the required parking. Officers however did raise the issue of levels across the site in relation to retention of

existing trees on the southern boundary and the location of services and have stated that this will still need to be addressed at the technical details stage.

Public Protection Service - No objection in principle, however advised that a phase I contamination report will be need to be submitted at technical detail stage. Also recommends that during the development of the site the develop complies with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working.

## **6. Representations**

15 public comments were received, which raise objections on the following grounds:

- Loss and impact on protected trees and bats
- Lack of parking and infrastructure
- Increased traffic
- Existing street is very narrow for emergency service
- New build out of keeping with Conservation Area
- Loss of tree would impact on the appearance and character of the area
- Noise and disturbance on neighbours and local area from construction
- Loss of stone wall, trees, natural habitat and green space
- Overdevelopment of the site
- Loss of privacy
- Density of dwellings
- Replacement trees in Mutley Park is not suitable
- Change the ambience and aesthetic appearance of the area

At the time of writing this report the application was re-advertised for 14 days as new information has been provided. Any further comments will be addressed in an addendum report.

## **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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South

Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- The retained Development Guidelines Supplementary Planning Document 2013.

## **8. Analysis**

8.1. This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

### Keys for consideration

8.2. This is an application for permission in principle for the development of four dwellings.

8.3. The application is made under the provisions of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, which came into force on 1st June 2018. This amends the Town and Country Planning (Permission in Principle) Order 2017 to allow Local Planning Authorities to grant permission in principle on receipt of a valid application for housing-led development.

8.4. There are certain limitations set out in the relevant Order. For the avoidance of doubt the proposed development is not:

- (a) Major development
- (b) Habitats development
- (c) Householder development
- (d) Schedule 1 development which is Environmental Impact Assessment (EIA) development that requires an Environmental Statement

The proposed development is not considered to be Schedule 2 development within the meaning of the EIA Regulations, which would require EIA if the project is likely to give rise to significant environmental effects.

8.5. The Local Planning Authority is tasked with considering whether the location, land use and amount of development are acceptable in accordance with the relevant policies in the Development Plan unless there are material considerations, such as those within the National Planning Policy Framework and national guidance, which indicate otherwise.

8.6. The Planning Practice Guidance states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." The Local Planning Authority can inform applicants what they expect to see at the technical details consent stage, but cannot impose planning conditions.

### Amount of Development

8.7. A certain amount of residential development is considered acceptable in this location. However, the critical issue is how much residential development would be appropriate on the site. Paragraph 6 of policy DEV10 of the JLP states that, to protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.

8.8. The pattern of housing in the area is fairly regular and uniform, with some varying designs. Surrounding gardens vary in size, albeit the application site has a particularly large plot. Development within this context is likely to be detached, semi-detached, or possibly terraced single dwellings.

8.9. Policy DEV28 (Trees, woodlands and hedgerows) states that the loss of protected trees will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated. Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows, cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute to a 'net gain'. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.

8.10. This site consists of a protected mature Sycamore and several trees along the eastern boundary and northern boundary. TPO No.470 applies and two trees on the site are protected. Permission for the removal of a protected Lime has been granted on condition the tree was replaced on or in the immediate vicinity of the former tree to ensure continuity of canopy cover and amenity. The other, a Sycamore, is still present. The site is located in the Mannamead Conservation area and the trees are protected by this status as they are considered an important element of the character of a Conservation Area.

8.11. A Permission in Principle application for four dwellings has previously been refused on this site as it was considered that the amount of development proposed would have an unacceptable impact on the protected trees on site, provide adequate mitigation and would have unacceptable impact on the character and appearance of the Conservation Area.

8.12. The previous proposal would have resulted in the loss of all the existing trees on the site including a mature Sycamore that forms part of the character of the Conservation Area and no scope for the replacement of a protected Lime tree that has consent to be removed on condition it is replaced. It was therefore considered that the removal of these trees would be contrary to Joint Local Plan Policy DEV28.

8.13. The current application seeks permission in principle for the same amount of dwellings on this site. To support this application and overcome the reason for refusal of the last submission a Tree Impact Assessment Plan, Arboricultural Statement and Tree Constraint's Plan have been submitted. The submitted details show an indicative layout of a terrace of four dwellings that would result in one tree being removed from site and the rest would be retained and managed, with six new trees planted on site as mitigation, whereas the previous permission sought for all trees to be removed from site.

8.14. Having considered the submitted information officers raised concerns about the proposed amount of development and the size of the site not being able to accommodate mitigation for loss of trees on site and the required off-street parking provision.

8.15 To overcome these concerns the agent submitted an additional plan showing the site could accommodate four dwellings, two off street parking spaces per dwelling and mitigation tree planting.

8.16. The Planning Practice Guidance states that "bodies with an interest in the land proposed for a grant of permission in principle, may volunteer additional information to support decision-making, in particular, to give more certainty about how many dwellings the site is capable of supporting and whether mitigation of likely impacts that may result from development is possible".

8.17. The Natural Infrastructure Team was re-consulted due to the additional information and have stated that the "plan demonstrates that it should be possible to achieve mitigation tree planting on the frontage whilst still providing the required parking".

8.18. Having carefully considered the additional information and the comments from the Natural Infrastructure Team, it is considered that the site would be able to accommodate four dwellings, provide two parking spaces per dwelling in accordance with the Council Development Plan Policies and mitigation tree planting. The proposed amount of development is therefore considered acceptable.

#### Location

8.19. The site is located within the urban, built-up area of Mannamead. The site is a former garden area to an adjacent property. The site is considered to be within acceptable reach of transport and other facilities. The planning history for the site show two approved application that sought to erect a single dwelling on the site under applications 08/00291/FUL and 10/01334/FUL. The site is located in a residential area and considering the sites history there is no objection to the location of the proposed development.

#### Use

8.20. The proposed use is residential, and is within a residential area. In principle, therefore, the use is considered to be in accordance with surrounding land use and does not raise objections from this point of view.

#### Other issues

8.21. Concerns of the design and appearance have been raised within the public comments. As this application is for permission in principle these matters are not considered at this stage but will be carefully assessed at technical details stage.

8.22. Concerns have also been raised within the public comments with regards to parking provision and highway issues. The Local Highway Authority have raised no objection in principle to the proposed development subject to satisfactory technical details including an adequate contribution to off-street car parking in accordance with the Council Development Plan Policies.

8.23. The submitted information has demonstrated that the proposed four dwellings could be served by two off street car parking spaces, which complies with the Councils parking standards for new residential development. It is therefore considered that there are no in principle reasons to recommend refusal on highway grounds. Further highway considerations will be considered carefully at technical detail stage.

### **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**

The Community Infrastructure Levy (CIL) may apply to development consented through the permission in principle route if technical details consent has been granted. Charges will become due from the date that a chargeable development is commenced. Therefore, at this stage, the CIL is not applicable.

## **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.

Planning obligations not required due to the nature and size of proposal.

## **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

## **13. Conclusions and Reasons for Decision**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the principle of proposal in respect to the location, land use and amount of development accords with policy and national guidance and is therefore it is recommended that permission in principle be granted for four dwellings.

## **14. Recommendation**

In respect of the application dated 16.10.2019 it is recommended to Grant Permission in Principle.

## **INFORMATIVES**

### **1 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, 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 permission in principle.

### **2 INFORMATIVE: TIME LIMIT FOR PERMISSION**

It is considered appropriate to require submission of the technical details within three years. Applications for technical details consent must be determined within the duration of the permission granted.

### **3 INFORMATIVE: INDICATIVE PLANS**

The Local Planning Authority has had regard to the indicative plans submitted with the application.

### **4 INFORMATIVE: INFORMATION REQUIRED FOR TECHNICAL DETAILS CONSENT APPLICATION**

Government advice states that Local planning authorities should take a proportionate approach to any information they request in support of applications for technical details consent, which should be relevant, necessary and material to the application in question. Local planning authorities are encouraged to consider whether this could be achieved by requesting that such information is provided in a single concise statement.



In the case of any application for Technical Details Consent, the following information is considered necessary, although the applicant is advised to consult the Plymouth City Council Validation List prior to submission

1. Drainage Report.
2. Community Infrastructure Levy Form.
3. Phase I Contamination Report. The applicant is advised to check this requirement with the Public Protection Service prior to commissioning report.
4. Existing and proposed finished levels
5. Tree Protection Plan
6. Arboricultural method statement
7. Details for all special engineering within the Root Protection Areas
8. Bat Survey
9. Ecological Mitigation and Enhancement Strategy
10. Details of all planting

## **5 INFORMATIVE: BIODIVERSITY**

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.