

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00903/FUL	Item	01
Date Valid	26.06.2020	Ward	MOORVIEW
Site Address	10 St Johns Close Plymouth PL6 8BR		
Proposal	First floor side extension above garage; porch; and alterations to southern boundary wall along Miller Way.		
Applicant	Mr & Mrs Arthurs		
Application Type	Full Application		
Target Date	21.08.2020	Committee Date	17.09.2020
Extended Target Date	30.09.2020		
Decision Category	PCC Employee		
Case Officer	Mr Peter Lambert		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee as it has been submitted by an employee of Plymouth City Council.

1. Description of Site

10 St Johns Close is a semi-detached dwellinghouse in the Moorview Ward. The dwelling has an original garage extending from the south west facing elevation. The side and rear garden backs on to Miller Way tapering west to east.

2. Proposal Description

First floor side extension above garage; porch; and alterations to southern boundary wall along Miller Way.

The original plans were for a side extension / garage build over and porch only however, boundary treatments are currently underway and the intention of the applicant is to extend the boundary

higher than the original, exceeding permitted development rights under Class A - gates, fences, walls etc of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and requiring full planning permission. It was therefore decided to amend the current proposal to include the boundary treatments.

3. Pre-application Enquiry

None

4. Relevant Planning History

There is no planning history at 10 St Johns Close.

5. Consultation Responses

Highways Authority, received: 29.07.2020. Second Consultation response pending.

First Consultation: No objections to the reduction in internal garage dimensions for the reason that the dwelling retains a policy compliant two spaces within the hardstand / driveway area.

Second Consultation following inclusion of boundary treatments: Pending response.

Urban Design, received: 26.08.2020

No objection to the side extension and consider the Oriel window to improve natural surveillance across Miller Way. Objections raised to the height and materiality of the boundary treatment.

Negotiations have since take place regarding the boundary treatments. See section 8.1 for more details.

6. Representations

No letters of representation have been received.

The application was advertised from 14.07.2020 for 21 days and again from 21.08.2020 for 21 days following the inclusion of the boundary treatment details.

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.

As a result of Government policies and guidance regarding lockdown due to Covid 19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from Covid 19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

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

-The Plymouth and South West Devon Supplementary Planning Document (2020)

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies DEV1 (Protecting Health and Amenity); DEV20 (Place shaping and the quality of the built environment); DEV26 (Protecting and enhancing biodiversity and geological conservation); and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

2. The predominant considerations are impact on the amenity of neighbouring dwellings, impact on street scene and character of the area; and impacts to the public highway.

8.1 Design

3. Officers consider the scale to be acceptable for the reasons that the garage-built over first floor extension is to be set back 1m from the principal elevation of the garage, in accordance with the 1m requirement of paragraph 13.38 of the SPD.

4. Officers consider the glazed porch area to fit neatly between the projecting parts of the original dwelling, not extending beyond the line of the lean-to roof of the existing external porch or the principal elevation of the garage. The addition of an Oriel window on the south / south west face will bring activity to the side elevation, in accordance with paragraph 13.44 of the SPD.

5. The proposal seeks to remove the mock Tudor beams in favour of render. Officers consider the alteration to remain in-keeping with other properties in the area such as no. 8 and 15 St Johns Close and acceptable. The Windows shall be replaced with grey uPVC. The current windows are brown uPVC. Officers consider the change to the modest colour of grey acceptable.

6. The second revision to the proposal included a boundary wall of rendered blockwork leading to fence panels on top. The site previously had a conventional 6 foot fence running along Miller Way, and a second fence panel set behind. The second fence provided privacy to the garden of 10 St Johns Close, which, due to the land levels in the area, sits substantially higher than Miller Way. The initial boundary treatment was considered by Officers to create an overbearing and hard boundary, not in-keeping with the softer edges of the foliage along Miller Way. As such, Officers negotiated the top

300mm of fence to be trellis with climbing plants trained through to be more sympathetic to the character of the area whilst continuing to provide privacy to the residents. The revision also introduces some net biodiversity gain, in accordance with policy DEV26 of the Joint Local Plan. The Council's Urban Design team were hesitant towards the use of rendered blockwork, preferring instead either brick or timber fencing. However, Officers consider that the use of planting will soften the overall impact of the boundary treatment and the use of rendered blockwork will not cause demonstrable harm to the street scene.

7. For the reasons stated above, Officers deem the proposal acceptable and compliant with policy DEV20 of the Joint Local Plan.

8.2 Amenity

8. The proposal does not impact on the outdoor amenity space of the dwelling. The front elevation window of the extension sits forward of the building line of no. 11 St Johns Close, therefore Officers consider there to be adequate outlook from the extension. There are no side elevation windows on no. 11 therefore no impact on privacy. The side elevation Oriel window is set 30m away from the windows of the side elevation of 22 Challock Close opposite, 9m more than the distance required to protect privacy under paragraph 13.19 of the SPD. Officers consider the Oriel window to introduce greater natural surveillance along Miller Way, in accordance with paragraph 13.44 of the SPD which seeks to avoid blank elevation facing the highway. For the reasons stated, Officers consider the proposal acceptable under policy DEV1 of the Joint Local Plan.

8.3 Transport

9. The property currently benefits from a garage; 5.5m in length and 2.7m in width which is considered to be an acceptable size for 1 car to park off-street. The plans seek to reduce the size of the garage to 3.7m in length and 2.7m in width, to create a store area. The proposed garage dimensions are considered too small for a car to park off street which results in the loss of 1 off-street car parking space. However, the property also benefits from a large hardstand where at least 2 cars can park off-street. On this basis Officers consider the proposal to be compliant with policy DEV29 of the Joint Local Plan .

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 local finance considerations applicable to the proposal.

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 proposal accords with policy and national guidance. Officers consider the proposal to be in-keeping with the character of the area and to introduce no impacts to amenity. Officers deem the proposal compliant with policies DEV1 (Protecting health and amenity); DEV20 (Place shaping and the quality of the built environment); and DEV26 (Protecting and enhancing biodiversity and geological conservation) of Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019. The proposal is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 26.06.2020 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Site Plan 26062020 - received 26/06/20

Location Plan 26062020 - received 26/06/20

Proposed plans and elevations 2 of 2 - received 27/08/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

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.

3 CONDITION: PLANTING

The planting of climbing plants shall be carried out in accordance with approved plans and elevation drawing '2 of 2' (received 27.08.2020) during the next planting season from the grant of permission herein and shall be trained through the trellis and remain in-situ in perpetuity.

Reason:

To provide a soft edge between the south / south west boundary of the residential garden and the public highway Miller Way in the interests of the street scene, in accordance with policy DEV20 (Place shaping and the quality of the built environment); and to contribute to net biodiversity gain in accordance with policy DEV26 (Protecting and enhancing biodiversity and geological conservation) of

the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

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).

2 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 planning permission.

3 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

Design and Access Statement, received 17th August 2020.