

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/01190/FUL	Item	01
Date Valid	18.08.2020	Ward	PLYMPTON ST MARY
Site Address	170 Hemerdon Heights Plymouth PL7 2TY		
Proposal	Part two-storey and part first floor side extension with part ground floor front extension		
Applicant	Mr & Mrs Sharp		
Application Type	Full Application		
Target Date	13.10.2020	Committee Date	10.12.2020
Extended Target Date	11.12.2020		
Decision Category	PCC Employee		
Case Officer	Mr Macauley Potter		
Recommendation	Grant Conditionally		

3. Pre-application Enquiry

No pre application enquiry associated with this application.

4. Relevant Planning History

No planning history at this address.

5. Consultation Responses

Highway Authority – no objections (based on revised plans).

Plympton St Mary Neighbourhood Forum – no comments received.

6. Representations

None received.

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).

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 (SPD) (2020).

8. Key Issues/Material Considerations

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. This application turns upon policies DEVI (Protecting health and amenity), DEV20 (Place shaping and quality of the built environment) and DEV29 (Specific provisions relating to transport) of the adopted Joint Local Plan. The material planning considerations for this application are:

- Design
- Residential amenity
- Impact on the current parking arrangement

Principle of Development

2 Joint Local Plan policies indicate that the proposal is acceptable in principle.

Negotiations Undertaken

3 The assessment has been based on revised plans. Changes include a further set down on the extension height and a first floor level setback from 0.5 metres to 1 metre in order to mitigate against the effect of 'terracing'.

Visual Impact

4 Officers have considered the visual impact of the development against the guidance in the SPD and consider the revised plans acceptable. Following negotiated changes, the proposed extension demonstrates subordination and in-keeping in finish (rendered masonry and concrete tiles to match existing).

Amenity

- 5 Officers consider there to be no demonstrable adverse impact to natural light, privacy and outlook for the adjacent neighbour at 171 Hemerdon Heights. Note that no public comments have been received throughout both consultation periods.

Parking

- 6 Under the original plans the side extension aspect resulted in the loss of a single garage. As part of the revised plans, it was the applicant's desire to retain the front garden and extend the garage forwards to accommodate the utility room to the rear. As this resulted in a forward projection, the original description was altered and the application re-advertised for 21 days to reflect the changes. The Local Highways Authority were re-consulted and maintained support the scheme and furthermore noted that the proposed arrangement does not change the current parking situation.
- 7 Officers have therefore taken the view that it would be unreasonable to refuse the application due to the small reduction in the size of the garage space. Under the General Permitted Development Order a garage can be converted into a habitable room. Additionally a single storey side extension can be constructed without permission resulting in a net loss of 1 parking space.

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

N/A.

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 part two-storey and part first floor side extension with part ground floor front extension accords with policy and national guidance (specifically JLP Policies DEV1, DEV20 and DEV29). The proposal is therefore recommended for conditional approval.

I4. Recommendation

In respect of the application dated 18.08.2020 it is recommended to Grant Conditionally.

I5. Conditions / Reasons

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

1 CONDITION: APPROVED PLANS

Block Plan I5082020 - received 15/08/20

Location Plan I5082020 - received 15/08/20

Proposed Plans and Elevations DWG 2 of 2 - received 14/10/20

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: MATCHING MATERIALS

For the avoidance of doubt, the materials to be used in the construction of the external surfaces of the extensions hereby permitted shall consist of the following:

- External extension walls - rendered masonry
- Extension roof - concrete tiles

Reason:

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with Policy DEV20 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of 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: COUNCIL CODE OF PRACTICE

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>