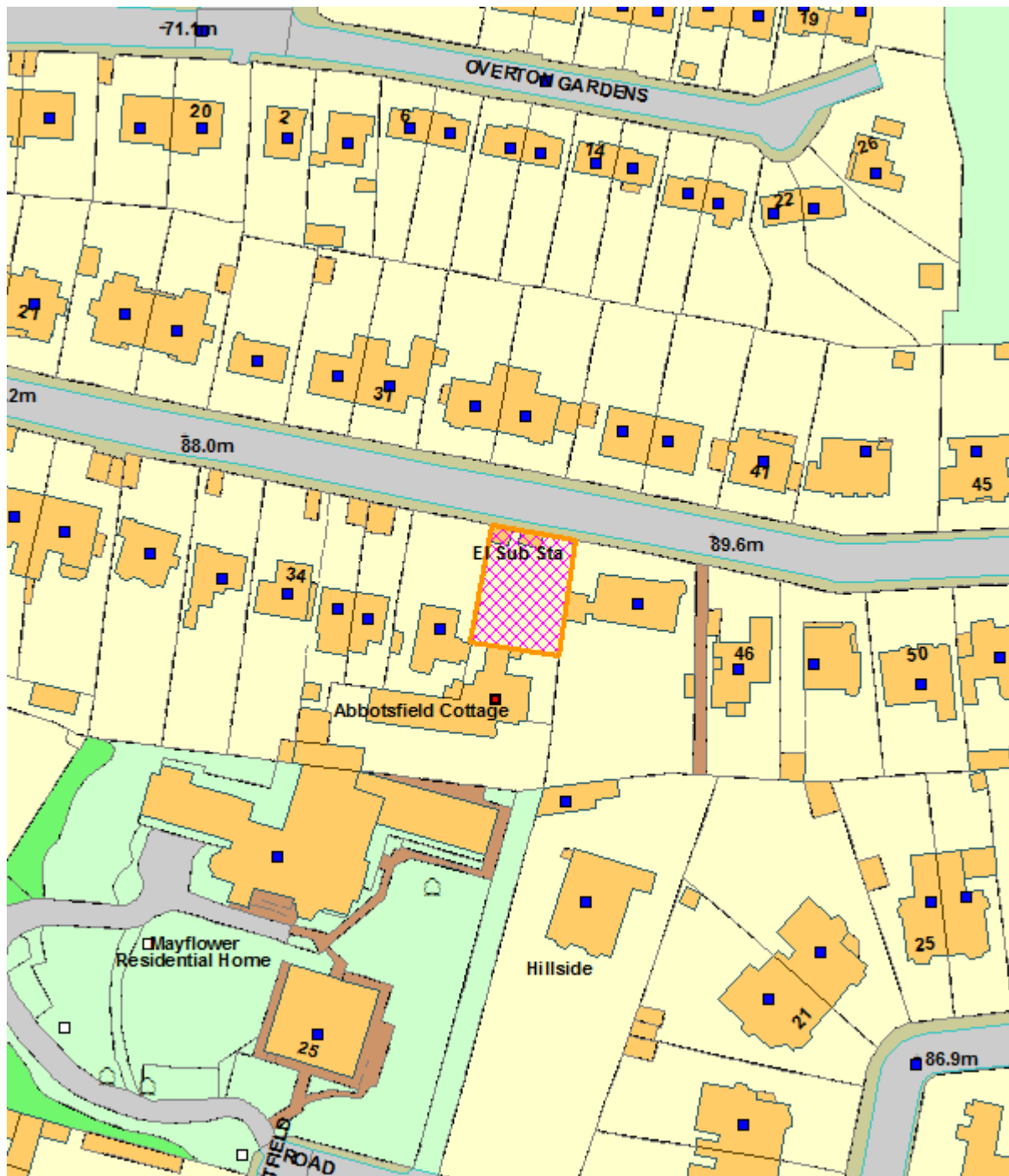


PLANNING APPLICATION OFFICERS REPORT



Application Number	20/01112/FUL	Item	03
Date Valid	05.08.2020	Ward	COMPTON
Site Address	42 Compton Avenue Plymouth PL3 5DA		
Proposal	Detached dwelling and associated landscaping and car parking		
Applicant	Mr & Mrs Byers		
Application Type	Full Application		
Target Date	30.09.2020	Committee Date	11.02.2021
Extended Target Date	20.11.2020		
Decision Category	Councillor Referral		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee by Cllr Andrea Johnson

1. Description of Site

The application site is the garden of 42 Compton Road which is a large detached property, located in the Compton area of the city. The site has two accesses, a pedestrian access form Compton Avenue and a vehicular entrance with a drive from Courtfield Road. The application site is adjacent but outside of the Mannamead Conservation Area. The application site is set above the road level at Compton Avenue.

2. Proposal Description

Detached dwelling and associated landscaping and car parking

3. Pre-application Enquiry

19/01/19/MOR- Pre-application for a new dwelling - Officers did not support the proposal and considered the proposed new dwelling unacceptable.

4. Relevant Planning History

None.

5. Consultation Responses

Local Highway Authority- No objection subject to recommended conditions that ensures the proposed dwelling is not occupied until the parking area is provided, the sight lines are preserved and that any door or canopy does not overhang the public highway.

Public Protection Service- No objection subject to recommended condition restricting construction hours.

Natural Infrastructure Team- No objection subject to recommended condition to require two bat boxes/ bored bricks within the fabric of the building.

Local Lead Flood Authority- No objection subject to recommended condition requiring further drainage details.

6. Representations

Six public comments received during the initial public consultation period, which raised objections on the following grounds:

Design

- Inappropriate style and location, out of character
- Visually intrusive
- Overdevelopment of a garden
- Close proximity to Mannamead Conservation Area
- Loss of visual character from demolishing substantial section of historic wall
- Out of character with the layout of existing housing
- If the opening in the wall is made larger as per highway comments it will expose the inappropriate (design & materials) of the proposed dwelling
- Large opening within wall that would be detrimental to streetscape

Highways

- Loss of on street parking, impact on parking provision
- Impact on highway safety
- Access for emergency services

Neighbour Amenity

- Disturbance to neighbours, highway through constructions
- Impact on standard of living
- Loss of day/sunlight
- Loss of privacy/ overlooking
- Large opening within wall that would be invasive for people who live opposite.

Other

- Setting a precedent
- Structural safety of boundary wall
- Concerns the property would be sold on, be a buy to let, B&B, Air B&B or business
- Concerned the loft will be converted to a bedroom
- Close proximity to sub-station and potential health risks
- No submitted plans showing how the donor dwelling will look once part of it has been demolished

- Bin store could cause a smell when entering the property
- The property could be used as an annexe

The application has been amended twice. Following further publicity of the latest plans, a further 26 public comments have been received, which raised additional objections on the grounds of:

- * Lack of garden space
- * Increased footprint and height
- * Harmful to local residents amenity
- * conflict with policy DEV10.6 regarding garden development
- * Question how the soakaway will work and consider flooding of sub-station
- * Ridge line above donor dwelling
- * Not in keeping with building line
- * Overshadowing
- * Concerns of damp voids between donor and neighbours properties and height on new boundary wall
- * Plans misrepresent the line of sight

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 on 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 (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) 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. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

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:

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

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. This application has been assessed against the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan policies are SPT1 Delivering sustainable development, SPT3 Provision for new homes, DEV1 Protecting health and amenity, DEV2 Air, water, soil, noise, land and light, DEV7 Meeting local housing need, DEV9 Meeting local housing need in the Plan Area, DEV10 Delivering high quality housing, DEV20 Place shaping and the quality of the built environment, DEV26 Protecting and enhancing biodiversity and geological conservation, DEV28 Trees, Woodlands and Hedgerows, DEV29 Specific provisions relating to transport, DEV31 Waste management, DEV32 Delivering low carbon development, DEV35 Managing flood risk and water quality impacts and the National Planning Policy Framework (NPPF).
3. The primary planning considerations in this case are deemed to be: the principle of the development, the impact on character and appearance of the area; the design; drainage; the impact on amenity; and impact on the natural environment and biodiversity.

Principle of Development

4. Paragraph 70 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Local Planning Authority has created policies to assess such matters, with the JLP recognising the importance of preventing inappropriate and harmful back land development and to protect gardens that significantly contribute to the established character of the area.
5. Retaining and enhancing the character of an area and responding to established patterns of development is a core theme of the adopted Joint Local Plan. Policy DEV10 (6) 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'.
6. The application site is a large L shaped parcel of land that is accessed either from Compton Avenue or Courtfield Road. The donor dwelling is a large bungalow property that the supporting statements states has 14 rooms, double garage, parking area and driveway. The proposal seeks to erect a new dwelling within the garden area to the north of the site with access from Compton Avenue. The donor dwelling is proposed to retain the existing garage, drive and parking area and will be accessed via Courtfield Road.
7. Compton Avenue is made up of a mixture of semi-detached and detached two storey properties and bungalows. To the west of the site is a detached two storey dwelling and to the east is a detached bungalow. There is not a clear building line or architectural style within Compton Avenue. It is therefore considered that there is not a set pattern of development within the area. The application site is larger in size when compared to the surrounding plots. Therefore, subject to satisfactory layout, design and protection of amenities officers consider the principle of redevelopment is accepted.

Design and impact on the street-scene

8. The application was originally submitted as a two storey dwelling that fronted onto Compton Avenue with little set back from the road. Public comments received raised concerns with regards to the design and made reference to a low level single storey bungalow set back towards the current building would be more acceptable. Officers also considered the proposed dwellings design and

layout to have a negative visual impact on the street scene. These concerns were raised with the applicant who therefore amended the scheme to amend the design of the property from a two storey dwelling to a bungalow and set the property back towards the donor dwelling.

9. The amended proposal seeks to erect a detached two bedroom bungalow within the garden of the donor dwelling. The proposed dwelling will front onto Compton Avenue and will have a front garden area and off-street parking area. Access from Compton Avenue which will be created by removing a section of the existing tall stone boundary wall. The application site is set above road level at Compton Avenue therefore the proposal seeks to reduce the ground level of part of the garden to allow for off-street parking. Due to the ground level changes the proposed dwelling will be set above road level, similar to the donor dwelling and neighbouring properties to the west of the application site.

10. The dwelling is proposed to be finished in coloured render, with a slate roof and UPVC or powder coated aluminium windows and doors.

11. As previously mentioned there is no clear building line or architectural style within Compton Road, the proposed design and materials are considered to be acceptable and would not be overbearing, dominant or significantly harm the character or appearance of the area. The bungalow design and its set back from Compton Road reduces its impact on the street-scene and would ensure it would not have a domineering impact when viewed from Compton Avenue.

12. While the loss of part the stone boundary wall is regrettable it is not considered a reason to refuse this application considering that the wall is not listed or in a Conservation Area. The applicant has agreed to re-use the stone which will be removed from the boundary wall and face the retaining wall behind it to reduce the visual impact.

13. It is officers' opinion that the amended scheme has improved from the originally submitted scheme, the applicant considered the concerns raised and submitted an amended scheme that is of an improved design. The proposed materials, design and scale of the dwelling would not dominate or be overbearing when considered with the context of the local area. The proposal is therefore considered to be in accordance with Policies DEV10 and DEV20 of the Joint Local Plan.

Neighbour and Occupier Amenity

14. The proposal seeks to provide a two bedroom property. The proposal exceeds the minimum standard of a two bedroom property set out National Space Standards, with a proposed internal floor space of approximately 191sqm.

15. Table 11 of the Plymouth and South West Devon SPD (2020) sets out the minimum standards for outdoor amenity space and states that detached dwelling should have a minimum of 100m². The proposed external amenity space exceeds this guideline.

16. It is important that new developments do not have an unreasonable impact on the amenity currently enjoyed by neighbouring properties.

17. To the east of the site is 44 Compton Avenue, a detached bungalow which is set forward of the proposed dwelling. Between 44 Compton Road and the application site is a pitch roof garage that serves 44 Compton Road and a stone boundary wall. 44 Compton Road has ground floor and first floor windows that overlook the application site. The ground floor windows are largely screened by the boundary wall and partly screened by the garage. The upper floor window would overlook the garden of the proposed dwelling but would not directly overlook the proposed dwelling due to its proposed positioning. The proposal therefore would comply the guidance set out in the Supplementary Planning Document with reference to outlook and privacy.

18. The proposal seeks to have all upper floor side windows within the gable ends to be obscured glazed to protect neighbours privacy. While the proposal does not include any windows on the lower ground floor that would directly face 44 Compton Avenue the proposed lounge window on the eastern elevation which is the closest to the neighbouring property would be a high level window to further protect the privacy of the neighbours and occupiers. It is also noted that the boundary wall would also act a screen to further protect neighbours privacy.

19. 44 Compton Avenue will be able to overlook the proposed garden of the new dwelling however this is considered acceptable considering that it currently is able to overlook the garden of 42 Compton Avenue, therefore officers consider it would be unreasonable to refuse this application on these grounds.

20. To the west of the application site is 40 Compton Avenue, a two storey detached property, which would be set just behind the proposed dwelling. The neighbouring property has no ground floor windows that overlook the application site however does have windows at first floor level that serve a bathroom, a hallway/ stairwell and office that overlook the application site.

21. All the proposed windows on the western elevation that face 40 Compton Avenue are proposed to be obscured apart from one on the ground floor that will serve a utility room. It is therefore considered that the proposal would not impact on the privacy of 40 Compton Avenue.

22. Paragraph 13.28 of the Plymouth and South West Devon Supplementary Planning Document (SPD) states that in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m. The proposal would be built in front of the side first floor windows of 40 Compton Avenue. The proposed dwelling would be approximately 6.5 metres away from the side window that serve an office and approximately 5.3m from the windows that serve the bathroom and hall way. The bathroom windows are obscured glazed, the other window serves a hallway/ stairwell which is not considered a habitable room and another window that serves an office. The office room is considered to be a habitable room but the window is considered to be a secondary window as the room is also served by a larger additional window on the front elevation. The windows would overlook the roof of the proposed dwelling and would not look out onto a blank wall. It is therefore considered the proposal would not have a significant impact on the outlook of the neighbours at 40 Compton Avenue.

23. When considering the loss of light to the habitable room windows of neighbouring properties the SPD sets out the 25 and 45 degree guideline which should be followed. The 45 degree angle is taken from the closest habitable room window of the closet ground floor habitable room of the neighbouring property towards the proposed development. In this case the closest habitable room window would be the window within the front elevation of 40 Compton Avenue, which is within a recently constructed side extension that serves a kitchen and family room.

24. The proposed corner of the dwelling sits on the 45 degree line from the neighbour's window. Paragraph 13.34 of the SPD states that development is normally only considered acceptable if it does not cross the 45 degree line, however relaxation of this guideline may be considered where there is a high boundary wall between the properties. Having considered the tall boundary wall and vegetation between the properties and the corner of the property sitting on the 45 degree guideline it is considered that the proposal would not result in an undue loss of sunlight/daylight to the neighbouring property at 40 Compton Avenue. It is noted by officers that the side extension that serves the kitchen/ family room has roof lanterns that may result in the loss of light from the proposal however these are considered to be secondary windows and is not considered to be reason to refuse this application.

25. Officers have also considered the 25 degree elevated guideline for the windows of the neighbouring property and due to the positioning and height of the proposed property the development complies also complies with this guideline. It is therefore considered that the proposal would not cause a determinately loss of sunlight/daylight to the neighbours property.
26. Due to the positioning and distance between the proposed dwelling and the neighbouring property at 44 Compton Avenue to the east it is considered that the proposal would not cause a significant loss of sunlight/daylight to the neighbour's property.
27. To the north of the proposed site is 35 Compton Avenue, which is a two storey semi-detached property that faces the proposed dwelling but is separated by the Compton Avenue. Due to the topography of the site the proposed dwelling would be set above the neighbouring property at 35 Compton Avenue. The approximate distance between the front elevation of the proposed dwelling and the 35 Compton Avenue is 31m.
28. Paragraph 13.9 of the Plymouth and South West Devon Supplementary Planning Document (SPD) states that habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development or increased to 28 metres when one or more of the buildings are three-storeys in height. The proposal exceeds this guidance therefore it is considered that the proposal would not have a detrimental impact on the neighbour's privacy. Having considered this distance it is also considered that the development would not impact on the neighbour's outlook either.
29. Part of the donor dwelling is proposed to be demolished to allow for the new dwelling. The demolished part of the building currently serves a pool room, kitchen and toilet. The donor dwelling is therefore seeking to convert an existing dining room into a kitchen to serve the donor dwelling. The wall of the donor dwelling will have no windows that will overlook the application and the site will be separated to ensure that there is a clear boundary between the donor and proposed dwelling. It is not considered that the proposed dwelling would impact on the privacy, outlook or access to sunlight of the donor dwelling.
30. It is considered that the proposed development would not harm the adjacent neighbouring buildings or future occupiers of the proposed or donor dwelling in the context of the existing amenity enjoyed by residents and is therefore acceptable in accordance with policies DEV1, DEV7 and DEV20 of the Joint Local Plan and the NPPF.

Highways and Parking

31. The proposal seeks to provide two off-street car parking spaces with new vehicular access taken from Compton Avenue. The proposed parking area complies with the Development Guidelines SPD and the Local Highway Authority have raised no in principle objections to the proposed parking arrangement.
32. The Local Highway Authority (LHA) originally sought amendments to ensure that the proposal provided adequate visibility, therefore amended plans were provided by the applicant that reconfigured the access point to address the Highway Authority concerns. The Local Highway Authority reviewed the amended plans and stated that the plans will achieve an acceptable amount of inter-visibility to safeguard vehicular access and pedestrian movement. The Local Highway Authority therefore has no objections to the proposal subject to conditions that ensure the proposed dwelling is not occupied until the parking area is provided, the sight lines are preserved and that any door or canopy do not overhang the public highway.
33. Having considered the advice of the LHA and the relevant policies, Officers consider that the proposed development is acceptable in principle and subject to the added recommended condition

the proposal will comply with Policy DEV29 of the adopted Plymouth and South West Devon Joint Local Plan.

Ecology, biodiversity, trees

34. The site does not fall within any green space or biodiversity network area and the submitted information states there are no trees on site.

35. A tree report was requested at pre-application stage however the Tree Officer noted that the agent advised that the neighbour had removed the one significant Pine tree adjacent to the site. The Tree Officer therefore stated that they had no objection to the scheme as there are now no trees of note on or adjacent to the site and the fruit trees are to be retained.

36. While it is not considered that the proposal will have a particularly negative impact on the surrounding natural environment, DEV26 seeks to achieve a biodiversity net gain from developments in the Joint Local Plan area. The Natural Infrastructure Team does not object to the scheme, however a condition would be attached to any consent that requires the installation of two bat/bird bricks installed within the fabric of the property.

37. With the use of conditions the proposal is considered acceptable in terms of biodiversity and accords with Policy DEV26 and DEV28 of the Joint Local Plan.

Habitats Regulation Assessment

38. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Drainage

39. The submitted information states that the proposed surface water drainage strategy will be using infiltration with a soakaway proposed.

40. The site is in Flood Zone I and is located within a Critical Drainage Area. It is considered that the development will not be at risk of flooding. The Local Lead Flood Authority has not raised any objection to the proposal but has recommended a condition requiring details of the proposed drainage strategy to be submitted prior to work commencing on site.

41. The principle of the drainage proposal is considered acceptable and accords with policy DEV35 of the Joint Local Plan.

Public Protection Service

42. The Public Protection Service has not raised any concerns with regards to contamination but have recommended a condition restricting construction and demolition hours to between 08.00 to 18.00 hours Monday to Friday and 08.30 to 13.00 on Sundays. An informative would be added to the consent that requires construction work to comply with the the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites.

Refuse

43. There is proposed to be bin storage area within the parking area to the front of the site and a condition is recommended on any approval to ensure a clear area is set up for bin storage and they are kept in this area on all days except for collection day. This is considered to be acceptable as the proposal complies with policy DEV31 of the Joint Local Plan.

Other issues

44. Concerns have been raised regarding the impact on human life due to the close proximity of the substation, which is a source of electric and magnetic fields (EMF).

45. Planning policy and guidance does not specifically refer to substations (or matters regarding electric & magnetic fields), in terms of the Development Plan or the National Planning Policy Framework. However, there are policies referring to the amenity of nearby occupiers in the Local Plan, and there are general references regarding health matters in the National Planning Policy Framework (NPPF). The NPPF indicates that impacts from pollution (upon amenity) should be considered, and pollution is defined as 'anything that affects the quality of land, air, water, or soils, which might lead to an adverse impact on human health, the natural environment, or general amenity (pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise, and light)'.

46. The UK Government set exposure guidelines for EMFs and the electricity system complies with these. All substations comply with these limits. There is no set "safe distance" between a property and a substation to achieve compliance, and there are no restriction on how close a property can be to a substation.

47. Given that there is no specific planning policy or referring to substations or electric & magnetic fields next to residential properties it is considered that a planning application for a new dwelling within close proximity to a substation such as this should not be refused on the grounds of health safeguarding.

48. Concerns have also been raised regarding a precedent being set for future development in this area however each applications is determined on its own accord and on a case by case basis.

49. Public comments have raised concerns that the property would be sold on, be a buy to let, B&B, Air B&B or business. Planning permission would first need to be sought to change the use the property to a bed and breakfast or business, but it is not a planning consideration if the property was to be sold on or was available to let.

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 proposal is considered to be CIL liable development.

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 and is therefore recommended for conditional approval.

The development has been the subject of pre-application discussions and the applicant has taken on board the advice of officers and has amended the scheme to overcome the concerns raised. Officers consider the scale, massing and design approach is appropriate and takes in to account the context and design of surrounding buildings. In addition the impacts on the amenity of surrounding properties has been controlled.

In conclusion officers consider the proposal will not have a significant detrimental impact on neighbouring amenity or have a significant impact on the character or appearance of the area. The application is therefore recommended for approval.

14. Recommendation

In respect of the application dated 05.08.2020 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

Location Plan 1108/3/3 - received 07/01/21

Floor Plans - Concept 3 1108.3.2 - received 07/01/21

Elevations - Concept 3 1108.3.3 - received 07/01/21

Site Layout As Proposed 1108.3.4 - received 07/01/21

Elevations To Compton Avenue 1108.3.6 - received 18/01/21

Section Through Site Showing Existing and Proposed Dwellings 1108.3.5 - received 18/01/21

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: SURFACE WATER DRAINAGE

PRE-COMMENCEMENT

No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building hereby permitted is first occupied. Details include:

- a) The proposed development is located within a Critical Drainage Area and is required to submit a drainage strategy that meets the design standards in the Plymouth Local Flood Risk Management Strategy.
- b) It is recommended by BRE365 to not include infiltration through the base of any infiltration device in the design of a surface water drainage system. Any infiltration device should be located greater than 5m from property or public highway.
- c) For infiltration drainage systems, a ground investigation study including an assessment of the underlying geology should be undertaken to assess and confirm the anticipated path the water will take having been discharged to the proposed soakaway. This is to confirm that water will not follow a pathway that ultimately impacts upon third party land or property.
- d) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan from the point of surcharge that shows the route exceedance flows will take both on and off site and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.
- e) A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phase.
- f) Details should be submitted of how and when the system is to be managed and maintained.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy DEV 35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

Justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

4 CONDITION: DETAILS OF BOUNDARY TREATMENT

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy DEVI and DEV20 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework

5 CONDITION: ECOLOGICAL MITIGATION

PRE-OCCUPATION

The dwelling shall not be occupied until 2no. enclosed bat boxes/bird bricks have been installed within the fabric of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT11 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

6 CONDITION: PROVISION OF PARKING AREA

PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

7 CONDITION: BIN STORAGE

PRE-OCCUPATION

No dwelling shall be occupied until the bin storage area shown on the approved plans has been made available for use. The bin storage area shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with Policies DEVI, DEV2 and DEV31 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

8 CONDITION: OBSCURE GLAZING

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the east and west elevation first floor windows shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy of occupants and that of occupiers of adjacent dwellings in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan 2019 as permitted by article 4 paragraph 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling hereby approved.

Reason:

In order to protect the amenity of neighbouring dwellings, in accordance with Policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

10 CONDITION: PRESERVATION OF SIGHT LINES

No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

11 CONDITION: OVERHANG ON PUBLIC HIGHWAY

No part of the proposed canopy shall overhang onto the public highway and the underside of the canopy shall maintain a minimum vertical clearance of at least 2.4 metres from the ground level at any time.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

12 CONDITION: GARAGE DOOR TYPE (RESTRICTED DRIVE)

Any door to the garage hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

Reason:

In order that the door can be opened even when a car is parked in front of it, due to the limited length of the driveway in accordance with DEV29 of Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

13 CONDITION: EXTERNAL MATERIALS

In accordance with the details set out in the submitted plans the external materials of the dwelling hereby approved shall be: external walls finished in render, slate roof tiles, UPVC or powder coated aluminium window frames and doors. The proposed retaining wall adjacent to Compton Avenue will be faced in re-used natural stone from the demolished part of the boundary wall on site.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

14 CONDITION: BEDROOMS

No more than two rooms at the property shall be used as bedrooms. Only the rooms labelled "bedroom" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms proposed in the application is considered acceptable any further bedrooms could have an impact on neighbour amenity and would need to be assessed on its merits. This condition is in accordance with policy DEVI and DEV10 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework

INFORMATIVES

1 INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

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 including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: KERB LOWERING

Before the access hereby approved are first brought into use it will be necessary to secure dropped kerb with the consent of the Local Highway Authority. The applicant should contact Plymouth Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

4 INFORMATIVE: CODE OF PRACTICE

During development of the scheme approved by this planning permission, the developer shall comply 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.

The Code is available from the Plymouth City Council website