

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00492/FUL	<b>Item</b>	04
<b>Date Valid</b>	29.03.2020	<b>Ward</b>	EGGBUCKLAND
<b>Site Address</b>	14 Cameron Way Plymouth PL6 5WB		
<b>Proposal</b>	Change of Use from public open space to a residential garden (Class C3) including extension and construction of boundary wall at 14 Cameron Way, Plymouth, PL6 5WB (re-submission of application 19/02045/FUL)		
<b>Applicant</b>	John Purchase		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	24.05.2020	<b>Committee Date</b>	08.04.2021
<b>Extended Target Date</b>	01.03.2021		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Peter Lambert		
<b>Recommendation</b>	Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.		



This planning application has been referred to Planning Committee by Cllr Lynda Bowyer.

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

14 Cameron Way is a two-storey detached dwellinghouse in the Eggbuckland Ward. The property is at the end of a lengthy driveway leading from Cameron Way. The garage of 14 Cameron Way sits at the end of the driveway, in front of the dwelling. To the immediate west and south of the dwelling is designated City Green Space "Land at Cameron Way".

### **2. Proposal Description**

Change of Use from public open space to a residential garden (Class C3) including extension and construction of boundary wall at 14 Cameron Way, Plymouth, PL6 5WB (re-submission of application 19/02045/FUL).

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

None.

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

19/02045/FUL - 14 Cameron Way, PL6 5WB - Change of use from public open space to a residential garden (Class C3); and single storey side extension and construction of boundary wall - Refused.  
Reason: Unacceptable loss of designated green space.

95/00826/OUT - Sports Ground Fort Austin Avenue, Plymouth - Outline application to develop land for, residential purposes with associated open space, landscaping, parking, roads and footpaths - Approved

97/01235/REM - Sports Ground Fort Austin Avenue, Plymouth - Erection of 89 detached houses and garages with associated access roads and open space - Approved Conditionally

00/00780/FUL - 1 Coxs Close Plymouth PL6 5WD - Retention of 1.8 metre high boundary wall and fence (2.4m high to original ground level) - Grant Conditionally

07/00517/FUL - 3 Coxs Close Crownhill Plymouth PL6 5WD -Single-storey side extension, in front of existing garage, to form new private motor garage, with conversion of existing garage to habitable accommodation - Grant Conditionally

### **5. Consultation Responses**

Natural Infrastructure Team, final response received 22.03.21. No objections, subject to condition.

Lead Local Flood Authority, final response received 02.03.21. No objections, subject to condition.

### **6. Representations**

Due to the number of representations received during the course of the application, a full breakdown of the data is included below to show the number of letters received overall; letters received at point of initial public consultation; letters received in response to a draft alternative boundary proposal; and letters received at point of second public consultation. The number of letters are further divided into number of individuals, to account for multiple comments by single contributors.

#### **6.1 Total representations between 29.03.20 and 20.03.21 :**

Letters received:	90
Individuals:	62
Individuals objecting:	34
Individuals supporting:	28

#### **6.2 Letters received in response to the original plans:**

Letters received:	64
Individuals:	60
Individuals objecting:	32
Individuals supporting:	28

#### **6.3 Letters received in response to draft revision drawing**

The draft revision drawing was an amended boundary drawing only, submitted by the applicant as a precursor to the final revised drawings. No public consultation was undertaken at this point, however, letters were received as follows.

Letters received:	9
Individuals:	9

Individuals objecting:	9
Individuals supporting:	0

#### 6.4 Letters received in response to revised drawings

Letters received:	17
Individuals:	17
Individuals objecting:	17
Individuals supporting:	0

#### 6.5 Analysis / Conclusion of representation data

The above data shows significantly less letters of representation were received at point of second public consultation, however, due to the number of letters received at point of initial public consultation and the in-principle objections raised within those letters, Officers consider it reasonable to assume the objections raised initially stand for the revised drawings. Similarly, Officers consider it reasonable that letters of support received for the original drawings are considered to stand for the revised drawings.

#### 6.6 Reasons Objecting

Letters of representation raised the following points of objection:

- Construction dangers adjacent to public space;
- Precedent setting;
- Area of green space was, at time of housing development, to be a certain m2;
- Limited green space in the area;
- Proximity to protected trees;
- Proximity to sustainable urban drainage in the area;
- Contrary to Green Space strategy 2008-2023;
- Contrary to policy DEV27;
- Impact on biodiversity and wildlife;
- Impact on green space during construction phase;
- Mitigation planting will require maintenance;
- Planting will act as a litter trap;
- Property could be extended without the need for the change of use of green space;
- Green space should be for public use only;
- Heightens flood risk, and concerns soakaway requirements will impact further and require significant drainage works;
- Contrary to public health requirements for green space.

#### 6.7 Reasons Supporting

Letters of representation raised the following supporting reasons:

- Current boundary wall alignment encourages anti-social behaviour;
- Realignment of the wall will be clearer and more aesthetic for the area;
- Improves ease of access for maintenance of green space up to the property boundary due to wall realignment;
- Majority of park area remains;
- Little used area;
- Negligible amount of land that leaves most of the green space.

### **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:

- Plymouth and South West Devon Supplementary Planning Document (2020)
- Developer Contributions Evidence Base (2020)
- Plymouth Policy Area Open Space Assessment (2017)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## **8. Analysis**

- 8.1. 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.
- 8.2. The application turns upon policies DEL1 (Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy); SPT12 (Strategic approach to the natural environment); DEVI (Protecting health and amenity); DEV20 (Place shaping and the quality of the built environment); DEV23 (Landscape Character); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV27 (Green and play spaces); DEV28 (Trees, woodlands and hedgerows); and DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019), and the National Planning Policy Framework 2019.

## **Design**

- 8.3. Officers consider the proposed side extension is adequately subordinate in scale to the original dwelling, being a modest 2.5m width (28% the width of the main dwelling); having a ridge height of 3.5m and eaves height of 2.58m; and set back from the principal elevation of the main dwelling by 1.85m. The lean-to roof complements the traditional hipped and dual pitch roof-scape in the area. The materials are proposed to match the original dwelling.
- 8.4. Notwithstanding the change of use of the land proposed to form circulation space around the extension (see section 8.2, below), the side extension would be permitted development under Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.5. Officers consider the proposed brick boundary wall is in-keeping with those in the area. Officers consider the current wall alignment to be unusual, creating a unique concave boundary with the adjacent green space. The proposal will replace the concave alignment with a convex alignment closest to the garage, with a chamfered edge to step the green space around the south westerly corner of the curtilage of the dwelling. Officers consider the chamfered edge to be a design improvement for the betterment of the green space, removing what Officers consider to be an existing blind corner on approach from the east.
- 8.6. Officers are conscious that, following the grant of permission, 14 Cameron Way could opt not to erect the side extension proposed herein but instead erect a greater side extension up to the proposed curtilage boundary. Officers consider such an extension would likely be overbearing on the green space and remove the recess between boundary wall and dwellings characteristic of the area. For this reason, and others reasons within section 8.2 and 8.3 below, Officers recommend the removal of permitted development rights for no. 14 as part of the recommendation herein.

- 8.7. For the reasons stated above, Officers consider the design of the extension and boundary wall to be in-keeping with the character of the area, and the boundary wall to resolve an unusually angled curtilage for the betterment of the green space, in accordance with policy DEV20 of the Joint Local Plan.

#### Amenity

- 8.8 The following section divides amenity considerations into three sub-sections to address amenity risks to the neighbouring property; amenity impacts of the loss of green space; and biodiversity considerations.

#### Amenity to neighbouring property

- 8.9. The proposed side extension is single storey only, and extends no further back than the original rear elevation of the dwelling. Officers therefore consider the side extension to pose no amenity risk, such as loss of light or overbearing building mass, to adjacent property 11 Kimberly Drive, located to the north of 14 Cameron Way.
- 8.10. The section of wall to be realigned sits perpendicular to the boundary between 11 Kimberly Drive and 14 Cameron Way. The proposed boundary wall retains a 45 degree section closest to 11 Kimberley Drive as per the existing arrangement, assumed by Officers to be for the structural integrity of the wall. Consequently, the curtilage of 14 Cameron Way will further extend beyond the ground floor side elevation windows of no. 11. Through the removal of permitted development rights, no. 11 will be protected from unforeseen permitted development within no. 14 that might otherwise impact the side elevation windows of no. 11. The re-alignment of the boundary wall is therefore deemed by Officers to have no impact on 11 Kimberley Drive and acceptable under policy DEV1.

#### Loss of Green Space

- 8.11. (i) The proposal includes the change of use of a 33m<sup>2</sup> area of City Green Space "Land at Cameron Way" to provide a circulation space around the extension. Land at Cameron Way City Green Space is classified as a less than 2ha Amenity Greenspace within the Plymouth Policy Area Open Space Assessment. As the site is designated a City Green Space, point 2, 3 and 4 of policy DEV27 (Green and Play Spaces) of the Joint Local Plan applies, which sets out the following:
- (ii) 'Existing open spaces, which also includes designated City Green Spaces and Neighbourhood Green Spaces, should not be built on unless it is demonstrated that the open space is surplus to requirements; or the loss will be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss. In making this judgement regard will be had to evidence of the identified value of the green space's attributes as set out in relevant open space assessments and account will be taken of the plan's green space and play accessibility standards. Development will be resisted on sites where the functions and characteristics of the greenspace will be lost and mitigation is not possible.
- (iii) The quality and quantity of accessible green space and play space should be improved in line with local targets and standards for the provision of greenspace and play space. This can be delivered through on-site provision or financial contributions to off-site provision where appropriate.
- (iv) Local deficiencies in the accessibility and quality of green space and play space should be addressed in development, in line with local standards.'



- 8.12. Point 2 defines 3 tests to determine whether the loss of greenspace would be deemed acceptable:
- (i) the open space is surplus to requirements; or
  - (ii) the loss will be replaced by equivalent or better provision in a suitable location; or
  - (iii) the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.
- 8.13. Although the scheme still constitutes a minor loss of green space, overall Officers consider the revised proposal delivers an improvement to the green space as:
- o the area of green space lost has been reduced significantly, from 73m<sup>2</sup> to 33m<sup>2</sup>;
  - o Planting is proposed along the wall, turning a current blank façade facing the park into an amenity and wildlife feature, which will also reduce the potential for anti-social behaviour; and
  - o the current scheme does not impinge on the root protection area of trees protected under Bowden Park Sports Tree Protection Order (no. 348).
- 8.14. Officers therefore conclude the revised scheme meets test 2 of policy DEV27, subject to agreement to contributions from the Applicant to Plymouth City Council for the continued upkeep of the proposed planting, details for which are still being negotiated and members will be updated through an addendum report.
- 8.15. Officers are aware a number of letters have been received commenting on the loss of green space. However, the proposal is for approximately 0.84% of the Land at Cameron Way City Green Space to enable a circulation area around a side extension, resolving what Officers consider to be a peculiar wall alignment, and bringing with it the opportunity to secure planting along a currently blank façade. The specifics of the site, such as the existing boundary wall alignment caused by a uniquely placed garage at the south westerly corner, lead Officers to hold the view that the recommendation for approval does not set precedent for similar applications in future. Concerns raised over the planting becoming a litter trap are true of any planting and therefore has been given limited weight. To minimise the risk of damage to the wider green space during construction, a condition requiring the submission of a Construction Environment Management Plan is recommended, subject to the agreement of the applicant. Members will be updated through an addendum report.
- 8.16. Following the revisions to the proposal, Officers consider the proposal to be in accordance with policies DEV27 and DEV28 of the Joint Local Plan.

#### Biodiversity

- 8.17. Policy DEV26 (Protecting and enhancing biodiversity and geological conservation) of the Joint Local Plan seeks to deliver biodiversity net gain from development. In addition to the planting provided, Officers have included a condition requiring the inclusion of two bird or bat bricks within the fabric of the side extension, and hedgehog passages within the site's boundary.
- 8.18. Officers consider the proposal to be acceptable under policies DEV26 of the Joint Local Plan.

#### Drainage

- 8.19. The property is within a Critical Drainage Area. A drainage statement was submitted by the applicant and the Lead Local Flood Authority (re)consulted. The development proposes to discharge surface water from the proposed extension to a soakaway measuring 0.9m x 0.9m x 2m deep designed for a 1 in 100 year return period with a 40 % allowance for climate change, based on the results of an infiltration test providing a rate of  $1.06 \times 10^{-3}$  m/s. The location of the soakaway has not been shown, however progress on this matter will be

provided in an addendum. The drainage strategy also includes mitigation measures to be used during construction to prevent contamination of the proposed drainage system. BRE365 requires soakaways to be located greater than 5m from the property.

- 8.20. The Lead Local Flood Authority have recommend a ground investigation study to assess the underlying geology of the site and confirm the anticipated path any water will take having been discharged to the proposed soakaway. Such ground investigations will ensure water does not impact upon third party land or property. However, Planning Officers consider the submission of such details to be disproportionate for a development that, but for the change of use aspect of the application, would not have been subject to Lead Local Flood Authority consultation and recommendations. The overall amount of development is, in Officers view, small, resulting in limited alterations to the way in which surface water will behave. Therefore, and on balance, Planning Officers consider it reasonable in the circumstances to not request ground investigation studies in this instance.
- 8.21. Regarding surface water management of the land undergoing a change of use, and concerns raised within letters regarding drainage, Officers consider the removal of permitted development rights an appropriate and commensurate means of avoiding overdevelopment of 14 Cameron Way, in particular on the former green space, in the interests of protecting the sustainable drainage functions in the area.

### **10. Local Finance Considerations**

Plymouth City Council currently own the land proposed for a change of use. Plymouth City Council will make a financial gain from the sale of the land, however the sum is not fully known and is subject to conversations between the applicant and Council's Land and Property department. In addition, the development is not CIL liable.

### **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.

In line with Policy DEL1, a Section 106 contribution is currently being calculated to be negotiated with the applicant to cover the maintenance costs of the planting proposed along the west facing boundary wall.

### **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. The application results in the loss of publicly accessible open space however, Officers consider the application brings with it benefits to the green space including the resolution of an unusual wall alignment and removal of a blind corner, and softening of the boundary edge between residential and green space. As such, Officers consider that the application raises the quality and value of the green space for all.

### **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 have considered the scale of the change of use and opportunity to improve a wall alignment; activate a blank façade; and improve a hard edge between dwelling and green space, with minimal impact. The side extension is deemed modest in scale and without risk to the character of the area. Officers



therefore consider the proposal to accord with policies DEL1, SPT12, DEV1, DEV20, DEV26, DEV27, DEV28 and DEV35 and it is recommended to grant conditionally subject to a S106 agreement, delegated to Service Director of Strategic Planning and Infrastructure to refuse if decision not made in accordance with agreed timescales.

#### **14. Recommendation**

In respect of the application dated 29.03.2020 it is recommended to Grant conditionally subject to S106.

#### **15. Conditions / Reasons**

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

##### **1      **CONDITION: APPROVED PLANS****

Site Location and Layout Plans 09I\_001 Rev 2 received 29/01/21

Proposed Plans 09I\_004 Rev 2 received 29/01/21

Proposed Elevations 09I\_005 Rev 3 received 29/01/21

Alternative Planning Boundary 09I\_006 Rev 3 received 29/01/21

Landscape/Boundary Wall Plan, Elevation and Section Details 09I\_007 Rev 1 received 29/01/21

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: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN****

#### **PRE-COMMENCEMENT**

Prior to commencement of the development hereby approved, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved by the Local Planning Authority, that describes how the designated green space adjacent to the development site is to be protected during the demolition and construction of the proposed development, including how the water environment is protected during the demolition and construction phases.

Reason:

To reduce the risk of damage to a designated green space and to ensure the continued safety of users of that space during the construction phases of the development in accordance with policy DEV1, DEV27, and DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

Justification: Necessary because of the essential need to ensure the designated green space and its users are protected during the construction phases of the development, and the green space is not harmed by plant machinery.

#### **4 CONDITION: BIODIVERSITY ECOLOGICAL ENHANCEMENT MEASURES**

##### PRE-OCCUPATION

The extension hereby approved shall not be occupied until evidence has been submitted to the Local Planning Authority for written approval that 2 no. enclosed bat or bird bricks have been installed within the fabric of the extension hereby approved and 2no. holes have been cut into the bases of timber fences to allow the passage of hedgehogs. Bird bricks are to be installed at eaves level, with the west and east elevations being preferable. Enclosed bat boxes to be installed at eaves level on the southern elevation for bats. West and east elevations are acceptable.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies SPT12 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

#### **5 CONDITION: MATCHING MATERIALS**

The materials to be used in the construction of the external surfaces of the side extension and boundary wall hereby permitted shall match those used in the existing building 14 Cameron Way, and the boundary walls surrounding the adjacent green space. For the avoidance of doubt, the materials shall be:

- Roof: Natural Slate
- Extension Walls: Brick (to match)
- Boundary Wall: Brick (to match existing boundary wall)
- Windows and Doors: White uPVC

Reason:

To ensure that the materials used are in keeping with the appearance of the existing dwelling, and boundary walls characteristic of the area, in accordance with Policy DEV20 (Place shaping and the quality of the built environment) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

#### **6 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT RIGHTS**

Notwithstanding the provisions of Article 3 and Classes A, E and F of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvement or other alteration to the dwellinghouse, buildings etc, including hard surfaces incidental to the enjoyment of a dwellinghouse, shall be constructed within the curtilage of the dwellinghouse 14 Cameron Road.

Reason:

In order to protect the amenity of the occupiers of the adjacent dwellings; to protect the characteristic of the street scene and to ensure further development does not prejudice the natural drainage function of the permeable, formerly green space land subject to a change of use herein, in accordance with policies DEV1, DEV20, DEV27 and DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and paragraphs 127 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: SUPPORTING DOCUMENTS**

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

- Planning Statement, received 01.04.20
- Drainage Statement, received 10.02.21

### **4      INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

### **5      INFORMATIVE: 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>

### **6      INFORMATIVE: S106 DEVELOPMENT**

You are advised that this planning permission was granted subject to a legal agreement under S106 of the Town and Country Planning Act 1990. This agreement may contain obligations on the applicant and should therefore be read alongside this decision notice.