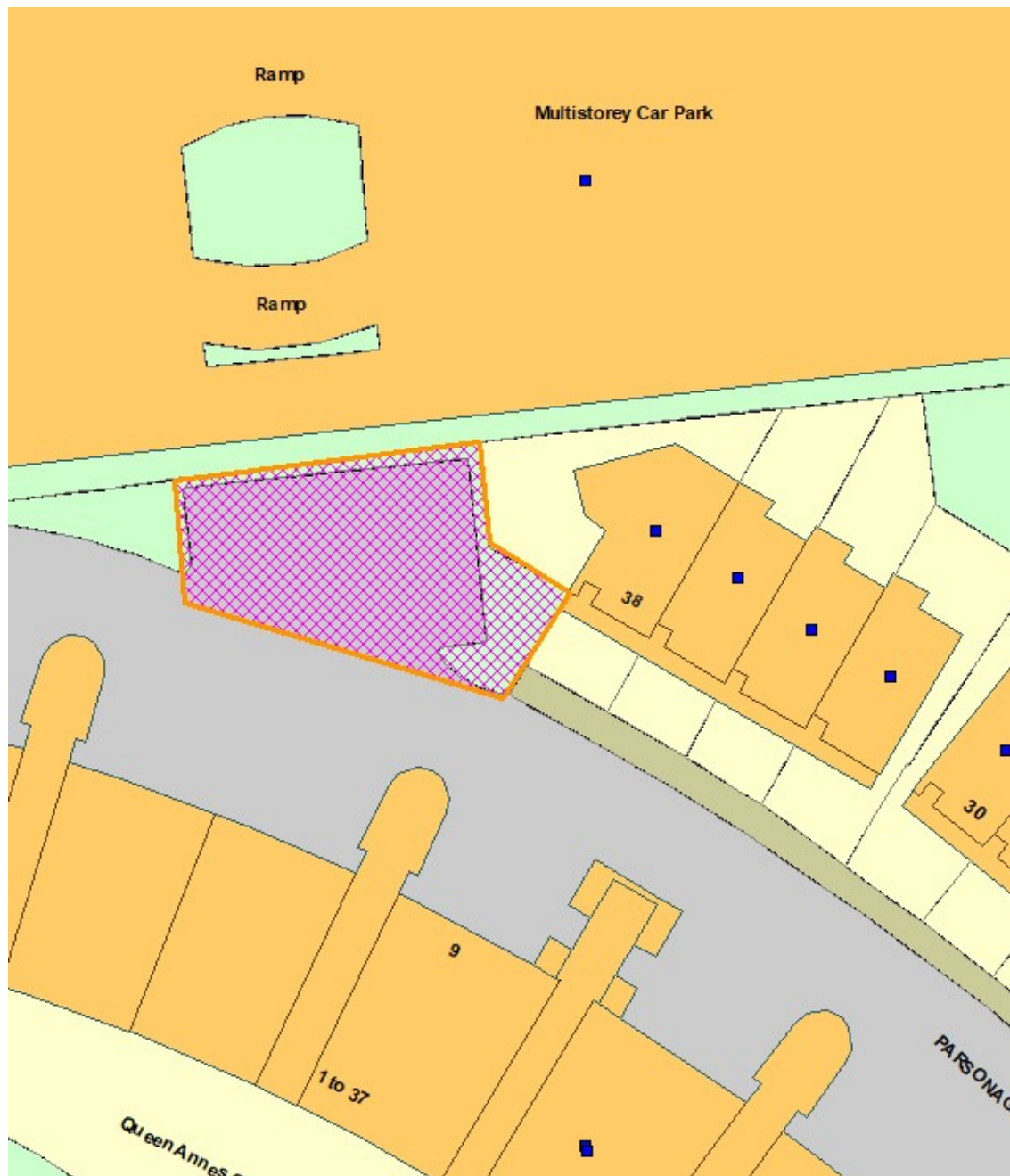


PLANNING APPLICATION OFFICERS REPORT



Application Number	24/01455/FUL	Item	04
Date Valid	05.11.2024	Ward	SUTTON AND MOUNT GOULD
Site Address	Land Adjacent To 38 Parsonage Way Plymouth PL4 0LY		
Proposal	Erection of 1 no. detached dwelling (Class C3)		
Applicant	Ms Susan Beesley		
Application Type	Full Application		
Target Date	31.12.2024	Committee Date	24.04.2025
Extended Target Date	28.02.2025		
Decision Category	Councillor Referral		
Case Officer	Mr Sam Lewis		
Recommendation	Grant Conditionally		



The application has been referred to the Planning Committee by Cllr. Sue Dann.

1. Description of Site

The site is a patch of land at the western end of Parsonage Way - much of which is paved and used for parking. 38 Parsonage Way sits to the east of the site, with the Queen Anne Terrace flats sitting to the south. The site falls within the Sutton and Mount Gould ward of the city.

2. Proposal Description

The proposal seeks to erect 1 no. part single-storey, part two-storey dwelling on the site, which would be served by a private garden and 2 no. off-road parking spaces. 2 no. of the wider site's parking spaces are proposed to be retained but these fall outside of the scope of the application.

At the longest point, the dwelling is proposed to be approx. 8.7m wide at ground floor level and approx. 6m wide at first floor level. The dwelling is proposed to be approx. 8.8m deep, which

includes a front stairwell protrusion measuring approx. 1.7m beyond the main front elevation. The dwelling is proposed to be approx. 7.7m tall to the ridge - with a pitched roof proposed. The garden is proposed to sit to the east of the dwelling, alongside the proposed parking spaces and cycle parking. The dwelling is proposed to be finished in render, topped with a zinc roof, and include aluminium doors/windows. Solar PV panels and an air-source heat pump are proposed to serve the property, alongside an EV charging point.

The above measurements are taken from amended plans which were submitted following concerns being raised by Officers relating to the amenity impacts of the original proposal - which was taller than proposed now. The scheme was re-advertised following the receipt of the amended plans.

3. Pre-application Enquiry

Pre-application advice was given to the applicant via 24/00263/MOR. Whilst Officers raised no in-principle objections to the development of the site, they noted that for a scheme to be considered acceptable it should not have a significant impact on the amenity of neighbouring properties.

4. Relevant Planning History

00/01047/FUL - Demolish warehouses (Parr St.) and develop, with allotment land, with 5 to 7 storey residential units (38), retain allotments (reduced extent), provide public parkland, provide turning head to Parr St (Granted Conditionally).

10/00198/FUL - Redevelopment of site and erection of 17no 3 bed terraced houses and 6no 2 bed apartments with associated car parking and landscaping (Withdrawn).

10/00499/FUL - Redevelopment of site and erection of 17 no 3 bed terraced houses and 6 no 2 bed apartments with associated car parking and landscaping (Granted Conditionally).

17/00808/FUL - Detached dwelling (Withdrawn).

5. Consultation Responses

Highway Authority - Raised no in-principle objections and considered that the loss of parking would not be a significant enough reason to recommend refusal of planning permission. Recommended conditions relating to the remaining parking spaces, a Construction Traffic Management Plan (CTMP), and a Highway Dilapidation Survey.

Environmental Health Team - Raised no in-principle objections and recommended conditions relating to the reporting of unexpected contamination and the provision of an Construction Environmental Management Plan (CEMP).

Natural Infrastructure Team - Raised no in-principle objections, noting that the BNG proposals are considered to be acceptable. A proposed tree was re-located on amended plans following the team's advice.

Environment Agency - No response received.

Waste Services - No objections.

Lead Local Flood Authority - Considered that further information should be submitted relating to the ownership of the existing on-site drainage alongside information relating to how the remaining part of the site would drain.

6. Representations

Letters of representation have been received from 49 individuals - 48 of which objected to the scheme, whilst one expressed a neutral view. Some individuals submitted multiple letters, and the scheme was re-advertised following amended plans being submitted. The material concerns raised include:

- The site was reserved for parking as part of a previous planning approval;
- Design impacts including scale, building line, and relationship to other properties;
- Amenity impacts on neighbouring properties (including privacy impacts, massing, loss of light, and noise from the air-source heat pump);
- Ground contamination concerns;
- Traffic and parking impacts;
- Disruption and noise during construction.

These issues will be discussed in detail in Section 8 of this report. Additionally, the following non-material issues have been raised:

- Party Wall Act-related issues and other private land/utility concerns;
- A request to ensure that development on the site does not take place until proposed cladding replacement to the adjacent flats has taken place.

7. Relevant Policy Framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the Planning and Compensation Act 2004 sets out that the determination of any matter under the Planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 (2019) (JLP) is part of the development plan for Plymouth City Council. The Plymouth & South West Devon Joint Local Plan 2014 - 2034: Supplementary Planning Document (2020) (SPD) sets out guidance relating to the implementation of the policies of the JLP.

The relevant policies and/or provisions of the following documents also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (2022) (CEPS), and the Joint Local Plan Five Year Review Report (2024).

Following adoption of the Joint Local Plan, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor their housing requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the Five-Year Housing Land Supply (5YHLS) assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 12 December 2024, MHCLG published the HDT 2023 measurement. This confirmed the Plymouth, South Hams, and West Devon's joint measurement as 113% and that there are no policy consequences.

A 5% buffer is required to be applied for the purposes of calculating a 5YHLS at the whole plan level. As a result of the new standard method set out in the PPG, and the housing provisions of the NPPF, the combined authorities are only able to demonstrate a 2.53year housing land supply. This means that the presumption in favour of sustainable development set out in paragraph 11d of the NPPF applies for decision-making purposes, and that planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in the same paragraph are satisfied.

Additionally, the following planning documents are also material considerations in the determination of the application:

- o Technical Housing Standards: Nationally Described Space Standards (March 2015).

8. Analysis

8.1 This application has been considered in the context of the development plan, the NPPF, and other material considerations as set out in Section 7.

8.2 The JLP policies relevant to this application are SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), SPT3 (Provision for new homes), DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV7 (Meeting local housing need in the Plymouth Policy Area), 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), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development), and DEV35 (Managing flood risk and water quality impacts).

8.3 Principle of Development

8.3.1 Prior to considering the specifics of the proposal, Officers must first consider the acceptability of developing the land in principle. Many of the letters of representation received flag a condition relevant to the land relating to its retention for parking. As such, the view has been expressed that development of the site should not be permitted. The condition in question is Condition 6 of 00/01047/FUL which states:

The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter 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.

8.3.2 00/01047/FUL permitted the Queen Anne Terrace development which preceded the housing development on Parsonage Way. The condition covered the site and other parking areas throughout the wider development of the flats - some of which no longer exist due to the houses which have since been built. Crucially, in the context of this application at least, the condition did not specify an end user for the parking area (e.g. residents of/visitors to the flats) - merely only that the space should be used for such. The site is in private ownership and is currently chained off - meaning that only the owner of the land can park there. Officers are unsure how long this has been the situation - but are aware of correspondence relating to this condition taking place back in 2016 in relation to an enforcement investigation. As such, it is likely that the site has not been 'open' for a wider parking use for some time - although it is noted that under previous ownership of the land the spaces were available to be parked in.

8.3.3 The fact that the site is chained off and used privately is not a breach of Condition 6 of 00/01047/FUL, something which was confirmed by the Local Planning Authority in 2016. Officers are not aware of any planning breaches relating to the site - and during both site visits undertaken as part of this scheme (pre-app and this current application) the land was being used for parking. Despite what was allowed under previous ownerships, no one apart from the owner of the site has a right to park there from a planning perspective and there is no planning mechanism by which the land could be 'opened up' for unrestricted parking for residents/visitors. As such, the site is generally lightly parked - so, in practice, the loss of the spaces is not considered to be sufficiently harmful to warrant a refusal of planning permission. It is noted that two spaces would be retained for the owner

of the land to continue parking on - and these spaces fall outside of the scope of the application. As such, the de facto parking situation on the site would not significantly change should the scheme go ahead.

8.3.4 The Highway Authority have accepted such in their consultation response and the application was also accompanied by a Transport Technical Note which, despite containing some conjecture regarding local car ownership and makes assumptions which are disputed in many of the letters of representation, is helpful in setting out the current situation and use of the site. The key consideration here, though, is the wording of the condition and the actual reality of the situation - which has been set out above. It is considered, then, that the loss of the parking area, which the Local Planning Authority have no power to make available for a wider use, would not be sufficiently harmful to warrant a refusal of planning permission. Additionally, as an overarching consideration, Officers must also consider the recently updated NPPF paragraph 125c which states:

Planning policies and decisions should...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

8.3.5 Officers consider that the above NPPF paragraph applies to this site - and the issues discussed in this section of the report would not lead to substantial harm. As such, no in-principle objections are raised by Officers with regard to developing the land.

8.4 Need for Housing Development

8.4.1 The publication of the updated NPPF on 12th December 2024, alongside new guidance, sets out a new standard method to calculate local housing need with the clear aim of increasing housing delivery nationally. Policy SPT3 of the JLP sets an overall housing requirement for the Plan Area of 26,700 dwellings (net), which is 1,335 per annum for the Plan Period between 2014 and 2034.

8.4.2 The new standard method, however, identifies a housing need for the Plan Area of 2,643 dwellings per annum. The LPA therefore accepts that, given the provisions of paragraph 62 of the PPG and paragraph 34 of the NPPF, SPT3 is now out of date.

8.4.3 The extent of the shortfall in relation to the 5YHLS is such that significant weight needs to be given to the provision of new housing in the planning balance.

8.5 Visual Impacts

8.5.1 Officers consider that the proposal is acceptable on design grounds, and that the overall visual impact of the proposal would not be significant. Parsonage Way is a private road with a gated access - with the site also screened from view from nearby public spaces by Queen Anne Terrace to the south and by a large multi-storey car park to the north. As such, views of the site itself are limited to Parsonage Way itself and from windows of nearby properties. Parsonage Way is made up of modern-looking terraced properties with a mixture of pitched and flat roofs (largely the former). There are no contemporary detached properties on the street, although Parsonage Way does provide access to an older property to the west of the site which sits some distance from the site. Whilst detached properties are not a part of the street's character, then, Officers do not consider that the proposal would have a significant visual impact. Following changes made to reduce its overall height, it would be similar in scale to the nearby terraced properties - slightly taller than the shorter end terrace property and slightly shorter than the rest. As such, the scale of the property is considered to be in-keeping with the local scale of development.

8.5.2 It has been flagged in some of the letters of representation received that the proposal would sit forward of the building line of Parsonage Way. The terraced properties are set back from the road,

with parking spaces in between, which would not be the case with the proposed property - which would have parking to one side and part of the property closer to the street. The main front elevation would be set back from the street, though, and the shape of the site means that a design similar to the nearby properties would not be possible. The site also somewhat turns the corner - providing separation between the proposed dwelling and the terrace. The proposed dwelling would be seen on its own, then, rather than in line as part of the terrace - so this difference in building line is not considered to be significant, and not comparable to poor quality front garden development as suggested in some of the letters of representation. Bike and bin storage is also proposed, but limited detail has been provided relating to them. Their locations are considered to be acceptable in principle, despite being prominent, but the provision of final details relating to the design of both has been conditioned below. The scale of them would, again, not be comparable to erecting a garage forward of a front elevation - as stated in some of the letters of representation.

8.5.3 With the overall scale of the development considered to be in-keeping with the rest of the street, the material finishes which again would be in-keeping, and the general secluded nature of the site, Officers consider that the scheme would not have a significant visual impact in line with DEV20 of the JLP.

8.6 Amenity Impacts

8.6.1 This section of the report will consider the impact of the proposal on the surrounding residents as well as the enjoyment of it by its future occupiers.

8.6.2 A number of amenity-related concerns have been raised in the letters of representation received. From visiting the site, it is considered that the property which would be most impacted by the proposal would be 38 Parsonage Way, immediately to the east of the site. No. 38 is shorter than the rest of the terrace but has additional floorspace at ground and first floor level on the western side - with windows that overlook the application site. Officers will first consider the amenity impacts on no. 38 before turning to other properties.

8.6.3 The scheme originally proposed showed a taller property with a ridge height of approx. 9.4m. Following a site visit, Officers considered that the original proposal would have had a significantly harmful impact on the amenity of no. 38. The applicant then amended the scheme in an attempt to overcome the concerns. Whilst Officers still consider that there would be an impact on the amenity of no. 38 as a result of the amended scheme, these impacts are not considered to be significantly harmful enough to warrant a refusal of planning permission. When considering how close development should sit in relation to neighbouring windows to limit outlook and light impacts, Figure 23 of the SPD advises that there should be a 12m gap. The ground floor element of the property would be approx. 8.8m away from no. 38's windows, whilst the first floor would be approx. 12m away. Officers acknowledge that the scheme as a whole would not therefore strictly comply with the guidance. The main single storey element of the property is proposed to be approx. 3.2m high, although parapet walls at the northern and southern ends would be higher. Whilst this would be closer to no. 38's windows than the SPD recommends, it is the bulk of the proposal as a whole which would have the impact - and the addition of the single storey element is not likely to significantly contribute to the outlook and light impacts in and of itself. It is also noted that there are existing boundary treatments between no. 38's ground floor window and the single storey element of the scheme, lessening any specific impacts, whilst no. 38's first floor window would be higher than the proposed single storey element. The reduction in the height of the proposal further mitigates these impacts.

8.6.4 In further consideration of outlook and light, Officers have assessed the scheme in the context of the 25-degree guideline set out in Figure 26 of the SPD. Using the BRE standard, the height of the proposal would breach the line by approx. 55cm. The line would also extend approx. 1.2m into the proposed dwelling. Should this triangular portion of the roof be removed, the scheme would comply

with the 25-degree guideline. Given that doing so would only remove a small portion of the proposed property's roof, it is not considered that doing so would significantly alter the impacts of the proposal on no. 38. The main bulk of the property would be essentially the same, with the chamfered roof corner not likely to materially affect the amount of light no. 38 would receive. The breach of the 25-degree rule is considered to be minor and not significantly harmful enough to insist that changes be made to the design, which would leave the proposed property with a lop-sided roof.

8.6.5 Turning to privacy, the first-floor windows which would look towards no. 38 are proposed to be obscure glazed. This means that there would be no opportunities for overlooking of no. 38's garden or into its windows. A condition has been added below to ensure that these windows are indeed obscure glazed - as well as non-opening - to protect neighbouring privacy. It has been noted that there would be views possible between the ground floor French doors of the proposed dwelling and the first-floor window of no. 38. Officers consider that the angle between the two would mean that any views between them would be limited. To further protect the amenity of no. 38 more widely, Officers have added a condition to remove the proposed property's permitted development rights - to ensure that no harmful additional windows or extensions are added at a later date. An additional storey would not be able to be added under permitted development, as has been mentioned in some of the letters of representation, as this permitted development right does not apply to properties built after 28th October 2018. Finally, in relation to no. 38, it is acknowledged that the removal of the grassed area to the east of the site would mean that the parking spaces which would serve the proposed dwelling would be close to the shared boundary. This is typical of the street, though, with the parking areas for each terraced property adjacent to each other.

8.6.6 Looking now at the amenity impacts the proposed dwelling would have on the flats to the south, Officers consider that such impacts would not be significant. It has been flagged in some of the letters of representation that the windows of the proposed dwelling and of the flats would be less than the recommended distance apart as set out in paragraph 13.19 of the SPD. Officers consider, though, that the opportunities for mutual overlooking between these windows would be limited due to the angle of the proposed dwelling compared to the flats. The proposed windows would directly face one of the flats' stairwells rather than onto the main rear elevation itself - meaning that views between the two sets of windows would be obscured by this angle. The distance between the flats' windows and the proposed property would exceed the 12m distance previously detailed, too, and due to the flats' being significantly larger than the proposed property no other amenity impacts are considered to occur.

8.6.7 Concerns have also been raised more generally relating to the noise which would be generated by the proposed air-source heat pump. Air-source heat pumps can be installed within the curtilages of residential properties under permitted development. As such, the noise which the proposed air-source heat pump may generate is not considered a harmful impact - as similar impacts could be caused without the need for planning permission. Officers note the air-source heat pump is proposed to be installed on the rear elevation, away from the boundary with no. 38, therefore any noise generated is unlikely to result in harm to current background noise levels.

8.6.8 Turning now to the level of amenity which the proposed property would provide its future occupiers, Officers consider that it would be acceptable. The floorspace over the two proposed storeys would be approx. 86.3sqm which exceeds the space set out in the Nationally Described Space Standards for a 2-bed 4-person property. All of the main habitable rooms would be served by windows - meaning that they would receive light and outlook comparable to the local area (which is very constrained due to the flats to the south and the car park to the north). Excluding the parking area, the property would be served by approx. 75.3sqm of outdoor amenity space. This is below the 100sqm recommended for a detached property in Table 11 of the SPD - but is typical of, and likely exceeds, garden sizes in the area. Bike and bin storage are proposed as set out previously.

8.6.9 It is noted that the Environmental Health Team recommended a condition relating to a CEMP being provided. Officers consider that the Council's existing Code of Practice relating to construction would be sufficient in this case to minimise amenity impacts during any construction, particularly with a CTMP conditioned, and an Informative below has been added accordingly. A condition has been added relating to the reporting of any unexpected ground contamination, though, as recommended by the Environmental Health Team in line with the recommendations of the submitted Phase I Environmental Desktop Report. No specific contamination concerns have been flagged by the Environmental Health Team.

8.6.10 Officers are therefore of the view that the amended scheme is acceptable on amenity grounds. The proposed property would have an impact on the light and outlook on 38 Parsonage Way, but based on the SPD guidance and the local circumstances these impacts are not considered to be sufficiently harmful to warrant a refusal of planning permission - referring again to NPPF paragraph 125c. The scheme is also considered to provide a suitable level of amenity for future occupiers. The scheme is therefore considered to accord with DEV1, DEV2, and DEV10 of the JLP.

8.7 Highway Impacts

8.7.1 The acceptability of the loss of the existing on-site parking area has already been discussed above, so this section of the report will focus on the parking and wider transport impacts of the proposed development itself. 2no. parking spaces are proposed for the dwelling, both of which would accord with the dimensions set out in Table 29 of the SPD. Given the number of bedrooms proposed, 2no. parking spaces is considered to be sufficient - meeting the recommended provision set out in Table 30 of the SPD. As mentioned above, bike storage is also proposed - with the final details relating to such conditioned below.

8.7.2 2no. parking spaces are proposed to be retained to the west of the site for the landowner to park on - although they fall outside of the red line of the development. The Highway Authority recommended that the proposed dwelling should be set further away from these spaces but consider that they would still be useable as proposed. The Highway Authority recommended that these remaining spaces be conditioned to allow their free use for local residents/visitors - but given that the spaces are not currently conditioned in such a manner implementing such now is not considered to be reasonable.

8.7.3 It has been flagged that local residents would lose the ability to park alongside the front of the site should the development go ahead - but Officers do not consider this to be a harmful impact. This has only likely been possible due to how the site is currently used - and such parking likely leads to conflict between those parking on the street and those parking on the site in any case.

8.7.4 Letters of representation have raised that there is no footway proposed along the front of the proposed dwelling. The terrace has a footway along the front of it, which stops before the site. Given that the road is a dead end, with only one further property beyond the site, Officers do not consider this to be a significant issue. The road is only used by residents and visitors, so it not likely to be very busy, and has clear visibility. As such, anyone walking to the proposed property from the end of the footway would be visible to any car driving on the road. Those accessing the property at the western end of the street currently need to walk in the road in any case - so the proposal is no different in this regard. The Highway Authority did not raise this as a concern, either.

8.7.5 The additional traffic that 1no. additional dwelling would generate would not be significant in the context of the residential street. Given the constrained nature of the site, though, a poorly-managed construction site could lead to impacts on local residents during the build - so conditions have been added below relating to both a CTMP and a Highway Dilapidation Survey. With these conditions in place, the scheme is considered to accord with DEV29 of the JLP.

8.8 Biodiversity Net Gain and Ecology Impacts

8.8.1 Due to an area of grassland which would be lost, the mandatory BNG condition is considered to be applicable. The metric provided shows that the scheme would lead to a 29.29% net gain - provided through the garden of the property proposed. This would include 1 no. tree planted to the north of the site, alongside a lawned area and some planting beds. The Natural Infrastructure Team was consulted on the scheme and raised no objections - although the tree's location was moved at their recommendation. As the scale of the enhancements are considered to be non-significant in BNG terms - there is no requirement to secure the enhancements for 30 years, which would not be possible given that the enhancements in this case would all be part of the site's garden. Nevertheless, a condition relating to a Landscape and Ecological Management Plan (LEMP) has been included below to ensure that the landscaping throughout the site is implemented and has some protection going forward.

8.8.2 The scheme is therefore considered to accord with DEV26 of the JLP and would provide a suitable net gain relating to national BNG legislation.

8.9 Climate Emergency Considerations

8.9.1 SAP calculations have been provided to show that the proposed property would accord with DEV32 of the JLP and the CEPS to reduce carbon emissions by over 20% in excess of Buildings Regulations requirements. Solar PV panels and an air-source heat pump are proposed to help enable this. The heat pump is shown on the plans, but the PV panels are not. The proposals in terms of low carbon mitigation are considered to be acceptable in principle but a condition relating to the provision of the final details relating to such, particularly the PV panels, has been added below - alongside the provision of an as-built SAP Assessment.

8.10 Other Matters

8.10.1 The site falls within a Critical Drainage Area, so the Lead Local Flood Authority were consulted on the proposed drainage system. The site is not noted as being at particular risk from surface water flooding, and the proposal includes on-site attenuation which would connect into the area's wider surface water drainage system. The site's current drainage system also connects into such. The wider site's drainage system, though, appears to be privately owned and is not managed by South West Water. As such, Officers have discussed this with the applicant as there are concerns relating to the implementability of the proposed drainage should the owner of the system not allow the connection. The applicant considers that the title deeds of the land allow for the right to use the on-site drainage system and to make connections into such - alongside changes to existing arrangements. Officers have seen the relevant wording and consider it sufficient to allay the concerns - although it is noted that private land matters are not for Officers to consider. A condition has been added to ensure that the proposed drainage is implemented prior to the property being occupied. It is noted that the scheme would not significantly increase the area of non-permeable surfacing around the site - as it is noted that the parking area is proposed to be permeable.

8.10.2 It has been flagged that services which serve other nearby properties run under the site. This is not a material planning consideration so forms no part of the recommendation being made. The applicant would be responsible for re-directing/re-providing any services which would be impacted by the development, though, at their cost and they should discuss such with the impacted properties and providers as part of the process.

8.11 Planning Balance

8.11.1 Paragraph 11d and footnote 8 of the NPPF state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority (LPA) cannot demonstrate a 5YHLS, or where the HDT indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless at least one of two exceptions set out in sub paragraphs (i) and

(ii) are met. Given the significant shortfall in the JLP's 5YHLS assessment, it is considered that the most important policies are out-of-date and therefore, unless either of the exceptions apply, the NPPF says that planning permission should be granted.

8.11.2 Exception (i) relates to whether the application of NPPF policies that protect a pre-specified list of assets of particular importance provide a strong reason for refusal. These are set out in footnote 7.

8.11.3 Exception (ii) relates to whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 9 sets out the NPPF policies that this particularly relates to.

8.11.4 It is acknowledged that the LPA do not currently have a 5YHLS, however, in this instance no conflict has been identified against the development plan. The proposal is considered sustainable development, providing 1 no. dwelling in an accessible location, close to services and facilities, and providing a good standard of accommodation whilst not significantly prejudicing the amenity of existing residents or the wider area. Officers do not consider that the scheme would significantly breach any of the identified planning policies, SPD guidance, or wider NPPF paragraphs. In fact, the updated NPPF heavily supports brownfield re-development for residential use as referenced via paragraph 125c. Whilst impacts have been identified, particularly in relation to amenity, these are not considered to lead to substantial harm as set out in NPPF paragraph 125c. As such, the scheme is recommended for conditional approval.

9. Human Rights

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 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). Additionally, the proposal underwent a Habitat Regulations Assessment (HRA) to ascertain whether there would be an impact on the Tamar Estuary Marine Site. The scheme would trigger an additional sum of money to be paid.

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 are not required due to the size of the 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 is acceptable. It is considered sustainable development, providing 1 no. dwelling in an accessible location, close to services and facilities, and providing a good standard of accommodation whilst not significantly prejudicing the amenity of existing residents or the wider area. Officers do not consider that the scheme would significantly breach any of the identified JLP policies, SPD guidance, or wider NPPF paragraphs. In fact, the updated NPPF heavily supports brownfield re-development for residential use as referenced via paragraph 125c. Whilst impacts have been identified, particularly in relation to amenity, these are not considered to lead to substantial harm as set out in NPPF paragraph 125c. As such, the scheme is recommended for conditional approval.

14. Recommendation

In respect of the application dated 05.11.2024 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

Proposed Ground Floor Plan 446 P-101 Rev B received 21/01/25
Proposed First Floor Plan 446 P-102 Rev A received 21/01/25
Proposed Roof/Block Plan 446 P-104 Rev A received 21/01/25
Proposed Landscaping Plan 446 P-105 Rev A received 21/01/25
Proposed South Elevation 446 P-120 Rev A received 21/01/25
Proposed East Elevation 446 P-121 Rev A received 21/01/25
Proposed North Elevation 446 P-122 Rev A received 21/01/25
Proposed West Elevation 446 P-123 Rev A received 21/01/25
Proposed Sections - AA + BB 446 P-200 Rev A received 21/01/25
Proposed Section - CC 446 P-201 Rev A received 21/01/25
Existing Site Location + Block Plan 446 P-001 received 03/11/24

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: HIGHWAY DILAPIDATION SURVEY

PRE-COMMENCEMENT

No works shall commence until the applicant has undertaken a Highway Dilapidation Survey and it has been approved in writing by the Local Planning Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic. The scheme shall then proceed in line with the approved survey.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

Justification: To ensure that the current highway condition can be suitably recorded and ensure that any damage caused by the development is made good.

4 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall include details relating to the detailed programme of works; details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractor parking arrangements. The works hereby proposed shall then be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

Justification: To limit impacts on neighbouring residents during the build.

5 CONDITION: PROVISION OF PARKING AREA

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until each parking space shown on the approved plans is constructed, drained, surfaced, and made available for use for residents of/visitors to the approved dwelling - 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 policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

6 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with final details to be submitted to and approved in writing by the Local Planning Authority for a minimum of 2no. bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall then remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars and ensure that the bike store has an acceptable appearance in accordance with policies DEV20 and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

7 CONDITION: BIN STORAGE

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until space has been laid out within the site and made available for use for the storage of bins, in accordance with final details to be submitted to and approved in writing by the Local Planning Authority. This area shall remain available for its intended purpose and shall not be used for any other purpose without the written 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 and ensure that the bin store has an acceptable appearance in accordance with policies DEV1, DEV2, DEV20, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

8 CONDITION: ELECTRICAL VEHICLE CHARGING PROVISION

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until 1 no. EV charging point, as shown on the approved plans, has been installed and is in working order. This charging point shall be retained in perpetuity.

Reason:

In order to promote sustainable and low carbon modes of transport in accordance with policies DEV29 and DEV32 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019).

9 CONDITION: PLANTING/SOFT LANDSCAPING

PRE-OCCUPATION

Prior to the dwelling hereby approved first being occupied, the agreed planting scheme as set out in P-105-A Rev A shall be fully implemented.

Reason:

To ensure that suitable landscaping is provided in line with policies DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

10 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

PRE-OCCUPATION

Prior to occupation of the dwelling hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan should clearly identify areas of management responsibility and outline in detail how each element of the landscape will be managed and maintained. The site shall then be managed in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed planting is implemented and that the wider suit is suitably managed in line with policies DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

11 CONDITION: LOW CARBON MITIGATION MEASURES

PRE-OCCUPATION

The dwelling hereby approved shall not be occupied until full details of the proposed low carbon mitigation measures, include PV panels and an air source heat pump, have been submitted to and approved in writing by the Local Planning Authority and these have been installed/implemented in accordance with the approved details and are in working order. These measures shall then be maintained in perpetuity, and replaced as and when necessary.

Reason:

In order to promote on-site renewable energy systems, ensure a reduction in carbon emissions in line with policies DEV26 and DEV32 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the Plymouth and South West Devon Climate Emergency Planning Statement (2022).

12 CONDITION: AS-BUILT SAP ASSESSMENT

PRE-OCCUPATION

Prior to the occupation of the dwelling hereby approved, an as-built SAP Assessment shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the scheme has achieved regulated carbon emissions levels of 20% less than that required by Building Regulations Part L.

Reason:

To ensure that the scheme provides sustainable and low carbon development in line with policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the Plymouth and South West Devon Climate Emergency Planning Statement (2022).

13 CONDITION: SURFACE WATER DRAINAGE

PRE-OCCUPATION

The development shall not be occupied until the surface water drainage solution shown in the Flood Risk Assessment & Surface Water Drainage Strategy (submitted on 3rd November 2024) has been implemented in full. No changes shall then be made to it unless approved in writing by the Local Planning Authority.

Reason:

To ensure that the site can suitably deal with on-site surface water and limit localised flooding to the wider area in line with policies DEV29 and DEV35 of the Plymouth and South West Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

14 CONDITION: UNEXPECTED CONTAMINATION

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

15 **CONDITION: OBSCURE GLAZING**

As depicted on approved plan P-102-A Rev A, the east-facing windows at first floor level shall at all times be obscure glazed (which shall have an obscurity rating of not less than level 5) and non-opening, unless the parts that open are above 1.7m from floor level.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent property in accordance with policy DEVI of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

16 **CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Classes A, B, E, and F of Part 1 of 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 additional windows shall be inserted into the property hereby approved, no extensions shall be erected, no alterations/additions shall be made to the property's roof, no outbuildings/other structures shall be erected, and no additional hard surfaces shall be created without first getting consent from the Local Planning Authority.

Reason:

In order to prevent loss of privacy, light, and outlook to neighbouring dwellings in line with policy DEVI of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

INFORMATIVES

I **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, 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: 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.

4 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>

5 INFORMATIVE: BIODIVERSITY GAIN PLAN REQUIRED

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the Local Planning Authority; and
- (b) The Local Planning Authority has approved the plan.

The Local Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required, in respect of this permission would be Plymouth City Council.

Based on the information available this permission is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.