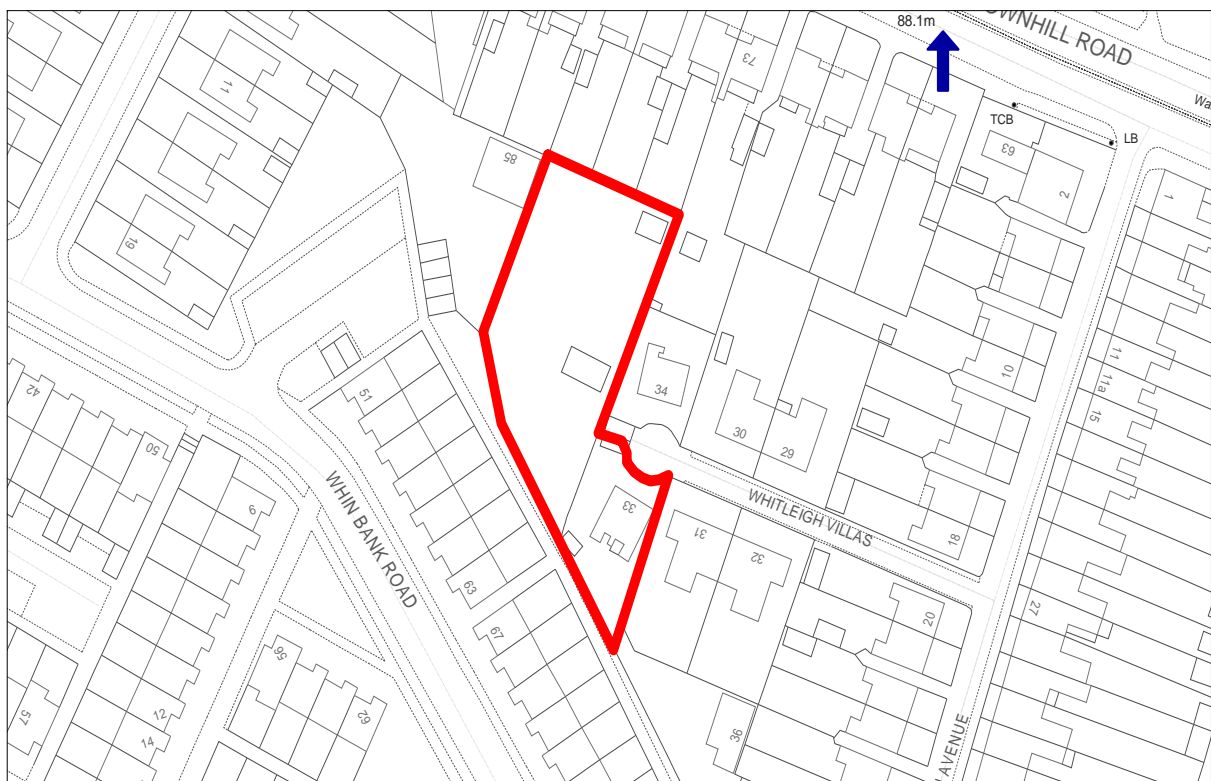


**ITEM: 07**

<b>Application Number:</b>	10/01880/REM
<b>Applicant:</b>	Messrs James and Adam Fritzsche
<b>Description of Application:</b>	Reserved matters application (scale, appearance and landscaping) for the erection of four new dwellings
<b>Type of Application:</b>	Reserved Matters
<b>Site Address:</b>	33 WHITLEIGH VILLAS AND ADJACENT LAND CROWNHILL PLYMOUTH
<b>Ward:</b>	Eggbuckland
<b>Valid Date of Application:</b>	04/11/2010
<b>8/13 Week Date:</b>	<b>30/12/2010</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Janine Warne
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## OFFICERS REPORT

**This application is being brought before Committee as a result of a member referral from Councillor Ian Bowyer. Councillor Bowyer wishes the application to be considered by Committee because of ‘the continuing high level of public concern over issues with this application involving scale, appearance, and landscaping’.**

### **Site Description**

The site is located at the end of a small cul-de-sac called Whiteleigh Villas. It is currently an overgrown and unkempt parcel of land that is part of the garden of no.33 Whiteleigh Villas. Surrounding development is residential.

### **Proposal Description**

This is a reserved matters application for the erection of four new dwellings, following the outline approval of application 07/01221/OUT. The reserved matters are scale, appearance and landscaping.

### **Relevant Planning History**

07/01221/OUT – Outline application for the erection of four dwellings – Permitted.

10/01280/OUT – Outline application for the erection of four two-storey semi-detached dwellings and one detached dormer bungalow (existing dormer bungalow to be removed) – Refused (Officer’s recommendation overturned by Planning Committee).

### **Consultations**

Transport – No objections, however refer to conditions recommended at outline stage.

Public Protection – No objections.

South West Water – No objections, observations: no development should be allowed within 3 three metres of the public sewer that crosses the site. If soakaways are not acceptable the developer should contact SWW for more information.

Police Architectural Liaison Officer – No objections, observations: the cobbles to the front of the dwellings should be replaced with small planted areas with a 0.9m fence in front; gable end windows should be inserted on the two elevations to add to security; the bin store should have a door that can be secured to prevent unlawful access.

## Representations

Two letters of support have been received which, in summary, observe that the scale and design of the dwellings reflect the character of the area and the proposed landscaping will be visually attractive, support biodiversity and enhance boundary treatment.

Seventeen letters of objections have been received from eleven immediate neighbouring properties in response to the Council's statutory notification procedure. Fifty-four additional letters of objection/petitions have been received from properties beyond the immediate site surroundings.

This application seeks approval for the reserved matters: appearance, scale and landscaping only. Your Officer's have very carefully summarised the material planning objections that have been made in the submitted letters of representation:

### MATERIAL PLANNING OBJECTIONS

- Impact on neighbouring dwellings – loss of light, outlook and privacy
- Detached bin store – unsightly and health hazard
- The dwellings are insufficient in size
- Insufficient outdoor amenity space
- Garages are 'unsightly'
- Design of dwellings not in keeping with area and would be out of character with 1930s housing
- Too few windows
- Landscaping is insensitive - Silver Birch, Magnolia and Whitebeam are unsuitable due to size and encroachment on other tree roots
- Hard landscaping (block paving) is unsuitable for purpose

The application has been amended in an attempt to address some of the material planning concerns noted above. In summary, the following changes have been made: the bins stores have been integrated into the design of the dwellings, the scale (footprint and height) of the dwellings has been reduced, the roof design has been amended, and the garages have been replaced with parking spaces. The amended scheme was re-advertised to allow neighbours to comment. Nine additional letters of representation have been received, however no further material planning considerations have been raised.

Further to the above, many non-material objections have been raised in the submitted letters of representation; **these are beyond the remit of the outstanding reserved matters and therefore cannot be validly considered in this case**, however these have been summarised below for information purposed only.

## NON-MATERIAL PLANNING CONSIDERATIONS

- Insufficient turning provision
- Inadequate parking provision
- Car parking bays/garages encroaches on turning bay
- Inadequate access for refuse lorries and other large vehicles
- Junction of Whiteleigh Villas and Whiteleigh Ave is hazardous by reason of its substandard forward and inter-visibility and narrowness
- Large emergency vehicles are able access Whiteleigh Villas when approaching from both directions of Whiteleigh Avenue (confirmed by Devon and Somerset Fire & Rescue)
- Highway damage has caused gas leaks
- Cycle parking not provided
- Loss of protected trees
- Loss of greenspace / garden
- Terraced, two-storey dwellings are out of character with the bungalows on Whiteleigh Villas
- Harm to bats
- Loss of existing garage would appear incongruous
- Insufficient drainage / increase flood risk
- Impact on leat
- Noise disturbance caused by additional residential activity
- Disturbance during construction
- No consideration to lifetime homes
- The position of the homes does not make use of natural light
- Overdevelopment

## Analysis

### Introduction

Firstly, it should be noted that a local authority cannot use the submission of reserved matters as an opportunity to rethink the principle of a development or the matters agreed at outline stage. Rather, consideration can only be given to the outstanding reserved matters. Circular 03/09 (England only), which gives advice on the award of costs, explains at para.B29 that a planning authority may be at risk of an award where it refuses to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.

At the outline stage (ref: 07/1221/OUT), consent was granted for four two-storey dwellinghouses on the land adjacent to no.33 Whiteleigh Villas. Details relating to access and layout were also permitted at this stage; these matters are defined in CLG Circular 01/2006 as follows:

- Access – means accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- Layout – means the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

Therefore **these matters cannot be reconsidered here. In this case, approval is being sought for the reserved matters: scale, appearance and landscaping; these are the only matters which can be validly assessed in this case** and are therefore discussed, in no particular order, below.

### **Scale**

CLG Circular 01/2006 defines 'scale' as the height, width and length of each building proposed within the development in relation to its surroundings.

Whilst objections have been raised regarding two-storey development, such concerns are beyond the remit of this application, as outline consent has been given for two-storey dwellings. Notwithstanding this, the precise height, width and length of the dwellings can be considered in this case. Overall, it is deemed that the size of each dwelling provides good quality residential accommodation and relates well to the character of this established residential area.

At outline stage, the principle and layout of the development was carefully considered in relation to neighbouring dwellings; this was deemed acceptable. However, by reducing the scale of the proposed dwellings the potential impact on neighbours has been lessened further. Specifically, amended plans show the depth of the proposed properties reduced from 11.5m to 9m, the associated ridge height has been lowered from approximately 8.5m to 7.9m and the side gables have been replaced by a hipped roof. It is considered that such amendments have significantly reduced the bulk and massing of the proposed development when viewed from neighbouring sites.

The scale of the proposed dwellings is deemed to be consistent with other terraced houses in the area (on Whiteleigh Avenue for example) and does not appear unduly out of character with its surroundings.

The proposed two-bed dwellings have approximately 90m<sup>2</sup> of internal floor space across two floors. This exceeds the minimal size standards set out in the Council's adopted Development Guidelines Supplementary Planning Document (SPD), which seek at least 72m<sup>2</sup> for a two-bed house. In addition adequate outdoor amenity space has been provided. Your Officers are satisfied that the scale of the dwellings and associated plot sizes provide good quality residential accommodation in accordance with the Council's policy standards.

The scale of the proposed dwellings accords with the relevant Core Strategy policy criteria, CS02 and CS34, and the Development Guidelines SPD.

## **Appearance**

CLG Circular 01/2006 defines 'appearance' as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

The surrounding residential area is characterised by a mix of housing types and design features. The architectural approach adopted in this case is deemed to be modest and discreet; the dwellings are sympathetic to surroundings, yet adopt their own character. It would not be possible, nor appropriate, to slavishly imitate surrounding urban form of a much earlier era. Instead, the design approach introduces a distinctly modern built form, which incorporates significant local architectural features. It is considered that the resulting development would not appear especially prominent nor unduly out of character with its suburban setting.

Hipped roofs are predominant in this area. Therefore the proposed roof design has been amended to reflect this.

Bin stores have been integrated into the front elevation of each dwelling. As a result, the isolated bin store has been removed and replaced with soft landscaping. The front façade of each dwelling has been altered to reflect this amendment. A mono-pitched roof has been incorporated over each new bin store and across the entrance of each dwelling. This design solution is practical and adds interest to this elevation; it is therefore supported by your Officers.

Certain materials prevail in the immediate neighbourhood and these contribute to the visual appearance and character of the area. Such materials include smooth painted render, red concrete roof tiles and white uPVC fenestration. The proposed palette of materials has been selected to reflect and respect the local vernacular. As a result, the proposed external appearance of the development is deemed to be in keeping with its setting.

As noted above, the scale of this development has been reduced. As a result, the proposed dwellings have been set further back from the highway. This allows for a small garden area to be incorporated in front of each dwelling. These gardens segregate the dwellings from the highway and soften the appearance of the built form.

In addition, the approved block of private motor garages to the east of the approved dwellings has been replaced with parking bays thereby reducing the amount of built form on the site and opening up this space in visual terms.

Finally it should be noted that, despite the objections raised, it is considered the proposed fenestration provides adequate light and outlook to all habitable rooms; and whilst the Police Architectural Liaison's advice is noted, introducing additional windows in the side elevations is deemed undesirable due to the potential loss of privacy to neighbouring dwellings.

The proposal achieves a sufficient standard of design and appearance expected by the Core Strategy and complies with policies CS02 and CS34 and the principles in the Development Guidelines SPD.

### **Landscaping**

CLG Circular 01/2006 defines 'landscaping' as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

By virtue of the approved layout, consent has been granted for the removal of two protected trees on the site (an Indian Bean and Cherry tree). This has been established and cannot be reconsidered here. However it is considered that the detailed landscaping scheme, which has been submitted as part of this reserved matters application, seeks to mitigate against this loss by planting new specimens and enhance much of the existing soft landscaping at the site.

Your Officers are satisfied that a good soft landscaping scheme has been proposed. It is sensitive to the existing site and the setting of properties surrounding it. The choice of species is logical and befitting of the location and character and can be maintained to provide a robust landscape long term with little expertise on behalf of future residents.

Existing blockwork boundary walls to the north, west and east will be retained. However there is a need to further structure these boundaries. Therefore a new native hedge mix is proposed here. This is deemed to be an appropriate solution and has been further enhanced with a greater proportion of evergreen. This will soften the urban form and help protect neighbouring residential amenity.

In accordance with the approved layout, a communal garden is located to the south of the site. It is considered that this area will visually enhance the site and retain a sense of openness. The existing trees and shrubs to the south-west boundary will act as the backdrop to a turfed or seeded communal garden. The existing boundary treatment here will be supplemented by new planting. Specifically, there is a large gap in the southern hedge bank between the existing Oak (tree 04) and small Hawthorn (tree 03), and whilst replanting of this boundary is being achieved by the mixed hedgerow within the site, the applicant has agreed to actually repair the existing hedge bank itself with new planting, using holly & hawthorn to physically strengthen this historic piece of old Devon countryside.

Two specimen trees (one Silver Birch and one Whitebeam) will be planted to frame the site entrance, with a Magnolia adjacent to the parking area.

Adequate notes relating to planting have been provided and a simple schedule of maintenance operations for the aftercare of the planting including weed control, mulching, litter picking, firming, replenishing of any stock subject to disease, death or damage.

Hard landscaping proposals include timber fencing to the rear of each dwelling; this will designate the boundary line between each property. Additional timber fencing is proposed to the eastern boundary above the existing wall (to a combined height of 1.8m). Private footpaths are proposed in block paving. The highway shall be formed in block paving (however this can be reviewed and agreed under the provision of a section 38 Agreement of the Highways Act). Contrasting permeable paving is proposed for the parking bays. Your Officers raise no objections in this regard.

A carefully considered landscaping scheme is proposed that would be sensitive to its surroundings, enhance the visual appearance of the site and its ecology and protect neighbouring residential amenity; it is therefore considered that the proposal would comply with Policies CS18, CS19 and CS34 of the adopted Core Strategy.

### **Conclusion**

As detailed above, the applicant has worked with your Officers to develop and improve the scheme within the remit of the reserved matters. Your Officers are satisfied that the proposed scale, appearance and landscaping is acceptable in accordance with the relevant policy constraints. Therefore this application is recommended for approval.

### **Recommendation**

In respect of the application dated **04/11/2010** and the submitted drawings, **Site Location Plan, MM1024-PL12A, MM1024-PL1D, O9610/01 Rev .B, 1017.01, accompanying Design and Access Statement and supporting information (Supporting Statement; Arboricultural Implications Assessment, dated 01/11/10; 10.067.2.TPP; Extended Phase 1 Habitat Survey and Bat Survey, dated 02/11/10; Phase 1 Environmental Desktop Study Report, dated May 2010)** , it is recommended to: **Grant Conditionally**

### **Conditions**

#### **APPROVED PLANS**

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, MM1024-PL12A, MM1024-PL1D, O9610/01 Rev .B, 1017.01.

#### **Reason:**

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.



## RESTRICTIONS ON PERMITTED DEVELOPMENT

(2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, and F of Part 1 of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

### Reason:

In order to prevent over-development of the site and protect the amenity of the area, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## INFORMATIVE: OUTLINE CONDITIONS

(1) The applicant is advised that the conditions attached to and specified upon the Notice of Planning Permission No: 07/01221/OUT are still in force insofar as the same have not been discharged by the Local Planning Authority and must be complied with. For clarification, outstanding conditions are 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

## INFORMATIVE: SOUTH WEST WATER

(2) The developer's attention is drawn to the comments and/or requirements of South West Water, a copy of which has been sent direct to the applicant.

## INFORMATIVE: CONTAMINATION

(3) The Council's Environmental Protection Officer (Land Quality), Public Protection Service refer to the Phase I Environmental Desktop Study Report for the site. It is advised that the recommended soil samples are carried out to assess risks posed by metals in the garden areas. It is also recommended that when sampling is carried out the risk from the nearby garage is reconsidered. The garage is some years old and historically tanks were present on site, the Council's records do not indicate that these tanks have been removed and as such could pose a risk of contamination. Normal garage activities could also lead to contamination and given the proximity to the site further risk assessment is needed.

## **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: scale, appearance and landscaping, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration  
CS34 - Planning Application Consideration  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS02 - Design  
SPD1 - Development Guidelines