

# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** 13/00449/FUL

**Applicant:** Miss Beth Roberts

**Description of Application:** Development of site by erection of detached two-storey dwellinghouse with associated access and parking

**Type of Application:** Full Application

**Site Address:** LAND ADJACENT TO COMMONWOOD COTTAGE,  
ESTOVER CLOSE PLYMOUTH

**Ward:** Moor View

**Valid Date of Application:** 13/03/2013

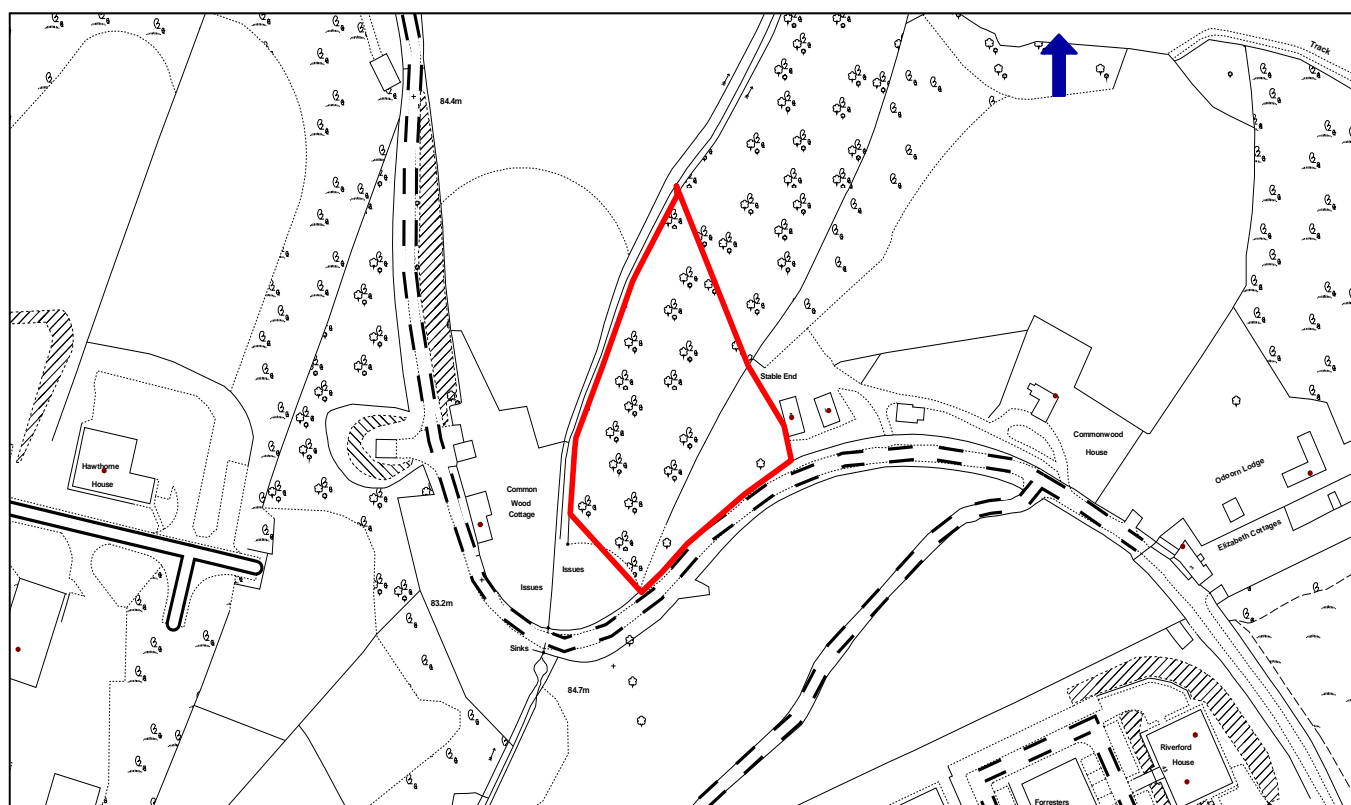
**8/13 Week Date:** 08/05/2013

**Decision Category:** Member Referral

**Case Officer :** Simon Osborne

**Recommendation:** Refuse

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## **OFFICERS REPORT**

1. This application has been referred to Planning Committee by Councillor Fox who supports the application.

### **Site Description**

2. Commonwood Cottage is situated at the end of a narrow lane that serves a handful of properties all of which are accessed via the lane that runs down from Forresters Business Park, which is an extension to the Estover Industrial Estate. The proposed site lies to the east of the existing buildings between Commonwood Cottage and Stables End which have been converted to holiday accommodation. The existing dwelling and grounds are substantial and enjoy extensive views to the east and north over the greenscape area, which the site falls within. The site also falls within the Holt and Commonwood Biodiversity Network Feature.

### **Proposal Description**

3. Development of site by erection of a two-storey dwellinghouse with associated access and parking.
4. The application describes the proposed dwelling as an 'eco home' and it is understood it is intended to achieve a high code level in the 'Code for Sustainable Homes'. The building itself would be 2 storeys facing the existing dwelling to the west and single storey to the east. Walls would be constructed from Local Mudstone forming structural 'bookends'. An oak frame infills the structure finished with vertical timber cladding. The proposal would incorporate a 'green roof'.

### **Pre-Application Enquiry**

5. There has been previous pre-application discussions for land surrounding commonwood cottage relating to the provision of ancillary accommodation to the main dwelling. Issues of Greenscape, visual amenity and the sustainability of the location were raised.

### **Relevant Planning History**

#### **COMMONWOOD COTTAGE**

6. 98/00272/FUL - Outline application to develop land by erection of detached dwellinghouse - REFUSED
7. 08/01856/FUL- Conversion and extension of detached garage, workshop and stables to form three-storey dwelling –REFUSED for the following reasons:

#### **INTRUSION INTO GREENSCAPE**

*(1) The Local Planning Authority considers that there is no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of informal recreation, habitats and species, visual amenity, separation/buffer zone and access corridors. The dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions*

of the Greenscape Area. The proposals are therefore contrary to policy CS18 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### VISUAL IMPACT OF PROPOSED BUILDING

8. (2) The existing building would be converted from a part two-storey/part single-storey building into a wide, three-storey structure complete with bulky half-hipped roofs and dormers, which is higher than the existing two-storey dwelling on the site. The visual impact of the proposed building is therefore considered by the Local Planning Authority to be harmful to the open vista across the greenscape area, which is regionally important in respect of its visual amenity qualities. The proposals are therefore contrary to policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### UNSUSTAINABLE LOCATION

9. (3) The site is considered to be isolated from other facilities needed for sustainable residential development and is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys. The proposals are therefore contrary to policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and guidance set out in PPG13 (Transport).
10. The subsequent appeal was dismissed with the inspector concurring with the councils refusal reasons.

#### COMMONWOOD HOUSE

11. 07/01631/FUL - Develop site of former stable blocks by erection of 2 dwellings. PERMITTED. Conditions include the following:

12. The dwellings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Commonwood House'.

Reason:

13. Due to the close relationship between the proposed dwellings/lodges and the existing dwelling and shared access and amenity areas, the accommodation is considered unsuitable for independent occupation, in accordance with Policies CS34 and CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

14. 06/00828/FUL - Change of use and conversion of stables to two holiday chalets. PERMITTED. Conditions include the following:

15. The premises shall be used solely for holiday accommodation and for no other purpose (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

16. The proposed development is located in an area where residential development would be contrary to Policy AHR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

17. 03/00637/OUT - Outline application to erect dwellinghouse (including means of access). REFUSED for the following reason:

18. *The site is located on the urban fringe within a woodland area identified in the adopted City of Plymouth Local Plan First Alteration as an Area of Great Landscape Value AGLV and a Site of Local Importance for Nature Conservation SLINC, further more the area has recently been included within the City's Greenscape designation in the emerging Local Plan First Deposit. In the opinion of the Local Planning Authority the unjustified proposal to erect a dwellinghouse and vehicle access would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape and nature conservation value of the site. As such the proposal would be contrary to policies AHR2, AEV3,7 and 10 of the City of Plymouth Local Plan, Policy 69 of the City of Plymouth Local Plan First Deposit and to guidance set out in PPG7.*

19. *In the opinion of the Local Planning Authority the site is considered to be isolated from other facilities needed for sustainable residential development and as such its development would be contrary to policy AHR2 of the City of Plymouth Local Plan First Alteration and Policy 24 of the City of Plymouth Local Plan First Deposit and to guidance set out in PPG13 insofar as the site is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys.*

20. *Access to the site can only be obtained by way of an accessway (ie an extension off Estover Close) which is neither intended nor fit to carry traffic from residential development, and in particular pedestrian traffic which the proposed development would be likely to generate. As such the increased use of this road would be contrary to ATR5 of the City of Plymouth Local Plan First Alteration and Policy 38 of the City of Plymouth Local Plan First Deposit.*

21. 01/00422/FUL - Change of use of stables to two holiday chalets. PERMITTED Conditions include the following:

22. *The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*

Reason:

23. *The proposed development is located in an area where residential development would be contrary to Policy AHR2 of the adopted City of Plymouth Local Plan First Alteration 1996.*

### **Representations**

24. 27 Letters of representation have been received in support of this application  
Comments are summarised below:

- The development will help to sustain the small community
- It will allow management of the site.
- The electric vehicle will be sustainable

- Encourage wildlife
- Allow care for elderly parents
- Buildings have been allowed next door.
- Benefits of working from home
- Sustainable eco design
- No negative visual impact
- Natural materials proposed.
- Set a good example of eco development in the city
- Good investment in the city
- No impact compared to nearby industrial units.
- It would sit on the site of a disused barn not a green field site.
- The site is currently unsightly

### **Analysis**

25. This application primarily turns upon policies, CS01 ( CS02 (Design), CS03 (Historic Environment) CS15 (Overall Housing Provision), CS18 (Plymouth's Greenspace) CS19 (Wildlife) CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document (SPD). Consideration will also be given to the National Planning Policy Framework (NPPF).
26. The primary planning considerations in this case are deemed to be: the impact on the character and the visual quality of the area; the impact on neighbouring amenity; the residential amenity of the proposed accommodation; the provision of parking and highway safety implications; sustainability issues; contaminated land; the impact on the protected trees ; greenspace and nature conservation issues, and local finance considerations, as discussed below.
27. It should be noted that due regard should be given to the inspectors decision and comments in the dismissed appeal for application 08/01856/FUL .

### **NEIGHBOURING AMENITY**

28. The proposed dwelling would be located well within the site and would be screened by natural vegetation. It is therefore considered that the proposal would have no unreasonable impact on neighbouring amenity.

### **STANDARD OF ACCOMODATION**

29. The Development Guidelines Supplementary Planning Document (SPD) sets out minimum floor space guidelines for new dwellings. The SPD advises that the minimum size for a 4-bed property should be 106m<sup>2</sup>; it would appear that the proposed dwelling meets this standard. In addition, the SPD sets out recommended minimum standards for outdoor amenity space. The proposal exceeds the required 100sqm. Further to this all habitable rooms would have adequate light and outlook. The proposal is therefore considered to provide a good level of accommodation and in this respect complies with policy CS34.

#### CHARACTER OF AREA, GREENSCAPE AND BIODIVERSITY

30. The proposal lies on and within the southern edge of the designated Plym Valley Greenscape network. It is considered relevant that a previous application for a development on an adjacent site located to the north of the existing dwellinghouse was refused due to the proposals unacceptable impact on the greenscape. A planning inspector agreed with the Council and dismissed the subsequent appeal
31. With regard to greenscape, policy CS18.1 states that development on or adjacent to strategically and locally important greenscape areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area.
32. Despite the fact that the proposal is for a single dwelling there appears to be no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of informal recreation, natural habitats/biodiversity, visual amenity, separation/buffer and access corridors. It is considered by officers that despite the proposed design that has sought to minimise the proposals impact the dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions of the Greenscape Area, contrary to policy CS18 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007). It is considered relevant that a previous application for a development on an adjacent site located to the north of the existing dwellinghouse was refused due to the proposal's unacceptable impact on the greenscape. A planning inspector agreed with the Council and dismissed the subsequent appeal.
33. It is noted that the proposal site is in close proximity to the industrial units however in the previous appeal the inspector commented that '*while this maybe visible from certain locations within the protected area, it is land designated for such uses that does not physically intrude in to the AGLV (Area of Great Landscape Value)*'
34. The site lies within a Biodiversity Network Feature (BNF). An ecology report has been submitted with the application however it is just over 3 years old and therefore is considered to be inadequate to represent the current situation. It is therefore considered that proposal does not adequately demonstrate that there would no unreasonable impact on biodiversity and habitats contrary to policy CS19.

#### TREES

35. The site is subject to a TPO and as such the dwelling has been carefully positioned to limit impact on the trees. The building footprint further away from the most significant trees on the site; the row of Oaks on the South East boundary adjacent to the drive. As a result they will be less dominant reducing any possible future pressure to remove them.

36. The woodland in general is in a poor state and there is ample opportunity to improve its management and increase diversity with a woodland management plan (ref: 03494 WMP 7.3.13). The plan as proposed is welcomed.
37. In respect to trees the proposal for a wildlife pond/reed bed system is welcomed as long as its location does not disturb roots of trees that it is proposed should be retained. Trees to be retained will need to be robustly protected during the construction to avoid damage from excavation /fill, spill form contaminants such as concrete and storage of materials. The outline method statement submitted with the application from Aspect Tree Consultancy is a good starting point and the Tree Protection Plan (ref: 03494 TPP 07.03.2013) must be followed and be put in place prior to any works commencing on site.
38. Officers consider that with conditions in place to ensure tree protection during construction, and an appropriate method statement, then the proposal would have an acceptable impact on the protected trees.

#### HIGHWAYS, PARKING AND SUSTAINABILITY ISSUES

39. In the planning appeal for the adjacent site the inspector agreed with the Council that the site was in an unsustainable location. It was noted that the site was a considerable distance from the nearest public transport system (approx. 1.3 km) and there were no shops or services in the immediate area. The inspector therefore considered that as a result future occupiers would be likely to be highly dependent on the use of the private car which was considered to be contrary to policy CS28.
40. The submitted Design and Access Statement states that there is public transport located within 300m and 500m of the proposed dwelling. While there may be a bus stop located on Plymbridge Road a little over 500 metres away, this is very poorly served. Since 2008 the local bus service, known as the Northern Connect service, has been withdrawn and the nearest service runs through Estover Road but not into Estover Close. However, the service is limited and only offers 3 early AM trips and 1 relatively late PM trip. Therefore in terms of accessibility the situation has worsened. The closest well served bus stop is in excess of 1.3 km from the proposed dwelling. The proposal is therefore considered to be located in an unsustainable location contrary to CS01 and CS28. It is noted that the applicant proposes to install an electric car charging station and make use of an electric car, however there is no guarantee that future occupiers of the property would use this.

#### CONTAMINATED LAND

41. Having reviewed the submitted Preliminary Risk Assessment Desk Study and Site Reconnaissance dated 28th June 2010 that has been submitted with the application the Council's Public Protection Service does not have any objection to the granting of planning permission. Public Protection officers are satisfied that the report demonstrates a low risk from contamination. However, a condition requiring the reporting of unexpected contamination is recommended because the report does identify potential sources in the area.

## OTHER ISSUES

42. The Environment Agency (EA) has raised concerns regarding the proposed foul drainage system. The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no information has been submitted. The application does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.
43. The applicant has since provided a Foul Drainage Assessment . We are currently awaiting further comments regarding this from the EA. This matter will be further addressed in an addendum report.
44. There are no recorded public rights of way within the development boundary. However in 1988 the Ramblers Association set out all those paths which, at the time, they alleged to have enjoyed uninterrupted use of for a period in excess of 20 years. Such a route abuts the development site. It has of course been more than 20 years since that document was published and therefore the public rights of way officer maintains that there is a *prima facie* case for the statutory presumption of dedication of a public highway. The council therefore hold evidence which suggests public rights may have accrued abutting the application site. However having considered the supporting material submitted the council's public rights of way officer does not consider the development to adversely interfere with public use of these paths and so offer no objection.
45. Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article I 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.

## Section 106 Obligations

46. N/A

## Equalities & Diversities issues

47. No further issues

## Local Finance Considerations

48. Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £12,471 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material



considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

### **Conclusions**

49. Although it is recognised that the dwelling has been carefully designed to limit its impact for the reasons given above it is recommended that the application be refused.

### **Recommendation**

In respect of the application dated **13/03/2013** and the submitted drawings I398-PL-005 Rev B, I398-PL-003, I398-PL-004, I398-PL-002, I398-PL-001, R1020-01, Tree Survey (03494AIA 7.3.13) including tree protection plan and woodland management plan, extended Phase I Habitat Survey, 'Reports for Planning' Desk Study and Site Reconnaissance, and accompanying Design and Access Statement, it is recommended to: **Refuse**

### **Reasons for Refusal**

#### **INTRUSION INTO GREENSCAPE**

(1) The Local Planning Authority considers that there is no justification for the proposed intrusion into the countryside and defined greenscape area. The greenscape area is of regional importance in respect of, habitats/biodiversity, visual amenity, separation/buffer zone and access corridors. The dwellinghouse and associated curtilage would be seriously damaging to the high degree of natural beauty and amenity contributing to the landscape value of the site and it is therefore considered that the proposed development would result in unacceptable conflict with the role and functions of the Greenscape Area. The proposals are therefore contrary to policies CS18 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### **UNSUSTAINABLE LOCATION**

(2) The site is considered to be isolated from other facilities needed for sustainable residential development and is distant from public facilities and is not close to a public transport route. The development of the site is therefore not considered to be sustainable in that the occupants would be dependent on the private car as a means of getting to and from the site for almost all journeys. The proposals are therefore contrary to policies CS01 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

#### **NATURE AND BIODIVERSITY**

(3) The Local Planning Authority considers that the submitted phase I Habitat Survey by virtue of its date may not represent the current situation on the site and is therefore inadequate to sufficiently demonstrate that the impact of the proposal on nature and biodiversity is acceptable or that adequate mitigation can take place. The proposal is therefore contrary to policy CS19 of the Core Strategy of Plymouth's Local Development Framework 2007.

## **INFORMATIVE: PROACTIVE WORKING**

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

### **Relevant Policies**

The following (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, were taken into account in determining this application:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS01 - Sustainable Linked Communities
- CS15 - Housing Provision
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012