

# PLANNING APPLICATION REPORT



**ITEM: 05**

**Application Number:** 13/02019/FUL

**Applicant:** Mr Laurie Clear

**Description of Application:** Demolition of commercial buildings, removal of wall along front elevation and erection of 3 3-bedroom dwellings with associated parking (resubmission of 12/02125/FUL)

**Type of Application:** Full Application

**Site Address:** 18 BROOKINGFIELD CLOSE PLYMOUTH

**Ward:** Plympton Erle

**Valid Date of Application:** 23/10/2013

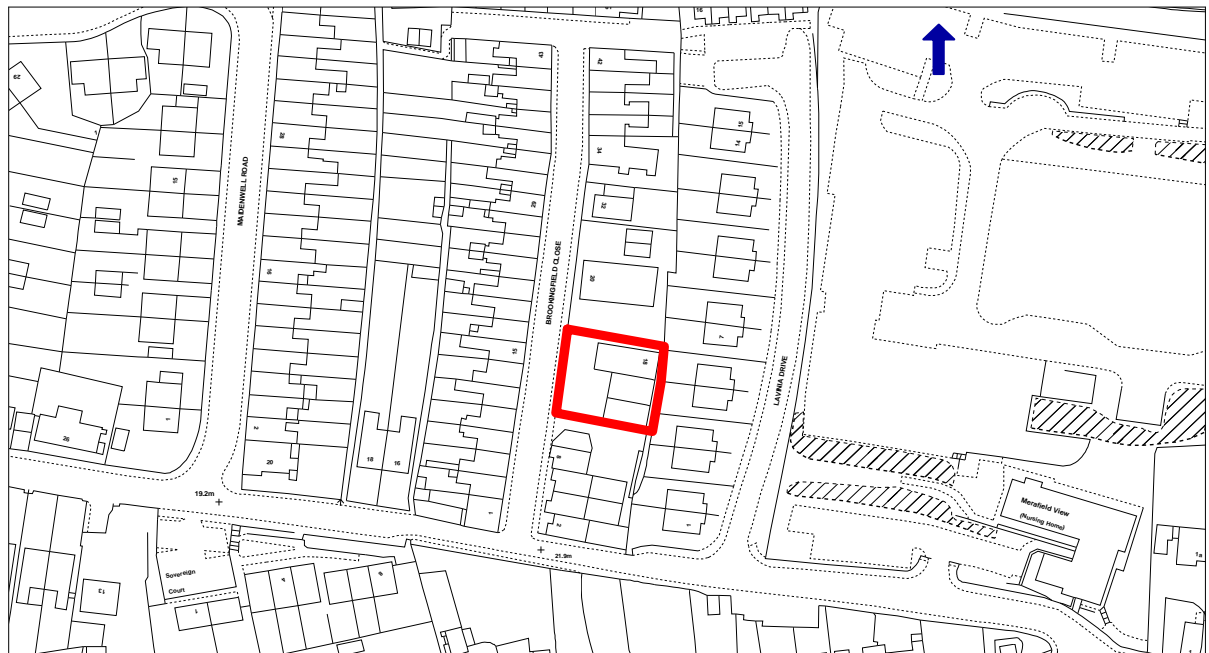
**8/13 Week Date:** 18/12/2013

**Decision Category:** Member Referral

**Case Officer :** Olivia Wilson

**Recommendation:** Grant Conditionally

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## **OFFICERS REPORT**

This application has been called in to Planning Committee by Councillor Beer.

### **Site location**

18 Brookfield Close is a largely residential street in the St Maurice area of Plympton that slopes down from south to north. The site is on the eastern side of the street facing a terrace of late Victorian terraced cottages. There is a modern mews-style development of 4 dwellings to the south and a single detached bungalow to the north. The site backs onto Lavinia Drive which has modern semi-detached housing.

### **Proposal Description**

Demolition of commercial buildings, removal of wall along front elevation and erection of three 3-bedroom dwellings with associated parking (resubmission of 12/02125/FUL).

### **Pre-Application Enquiry**

A follow-up meeting was held following refusal of an earlier planning application. Officers recommended that the scheme be reduced in size to 3 dwellings to achieve a better standard of accommodation and parking. Officers also discussed the relationship to the properties to the rear.

### **Relevant Planning History**

79/03309/FUL – Erection of pair of semi-detached houses with integral garages – permitted.

84/03573/FUL – Erection of workshop/ store – permitted.

12/02125/FUL - Demolition of commercial buildings, removal of wall along front elevation and erection of 4 semi-detached 2-bedroom houses with associated parking and landscaping - refused.

### **Consultation Responses**

The Public Protection Service has no objection to the application but notes that further site investigations will be required. Conditions are recommended related to controlling noise during construction.

The Highway Authority has no objection to the revised application. There are two car parking spaces per dwelling which is considered sufficient to meet the needs of the development. The existing use would generate a similar amount of traffic. A condition is proposed to request cycle parking.

## **Representations**

Four letters of representation have been received from residents of Brookfield Close.

These raise the following concerns:

1. The new dwellings will add to existing on-street parking problems.
2. Would like clarification on drainage from the new properties.

## **Analysis**

1. The existing use is an office/commercial building of 180 sq m and up to 6m in height with flat roof and a parking area at the front that was constructed in the 1980s. It is surrounded by residential properties. There is a block wall along the street frontage with a gate and forecourt parking.
2. This is a revised application following refusal of an earlier application to construct two pairs of semi-detached dwellings (12/02125/FUL). This application was refused on the grounds of inadequate parking provision, substandard accommodation and detrimental impact on residential amenity.
3. This revised proposal is to construct a terrace of three dwellings with parking at the front and rear gardens.
4. The main planning considerations with this application are: principle of demolition and new residential development/ loss of employment; design; standard of accommodation; impact on neighbouring residential amenity (including drainage) and highways and parking. The relevant policies are: CS05, CS34, CS15, CS28 and the Development Guidelines SPD as well as the National Planning Policy Framework (NPPF). This seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level. In particular, Para. 17 states that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

## **Principle of demolition and new residential development**

5. The existing office/ commercial building was constructed in the 1980s and is still in use. The site is no longer considered acceptable for commercial use because of the location within a residential area.
6. Officers consider that the loss of this small employment site is acceptable in relation to Policy CS05 in that its loss is not considered to be detrimental to the area's economic development needs, given the small size of the unit. A residential development is considered to be an acceptable use in this location.

## **Design**

7. The proposed dwellings are two-storey terraced dwellings with gable-end roofs, bay windows on the front elevation and slate roofs with brick on the front elevation and render on the side and rear elevations. There is a shared passage between the units to provide access to the rear for bin storage. Unit 1 is set down from Units 2 and 3. They are set back from the street by 5m to allow two parking spaces in front.
8. Officers consider that the dwellings have been designed to reflect the design of other dwellings in the street. The dwellings opposite are terraced two-storey cottages that front directly onto the street with rendered elevations and slate roofs. On the east side of the street, there is no clear pattern of street frontage. Officers note that new dwellings have been built to the south (above the site) and are similar in scale to those proposed with rendered facades and slate roofs. These have parking to the rear.
9. In terms of design officers consider that the proposed dwellings are acceptable in scale and appearance.

## **Standard of accommodation**

10. The Development Guidelines SPD sets out internal space standards and amenity space standards for residential development.
11. The internal space guideline for a residential dwelling with three bedrooms is 82 sq m. The proposed dwellings all exceed this standard (88 sq m).
12. The recommended guideline for amenity space for a terraced dwelling is 50 sq m. These dwellings would provide about 40 sq m of private amenity space. Officers consider that while small, this would provide acceptable amenity for occupiers.

## **Impact on neighbouring residential amenity**

13. The site is surrounded by the following residential properties: No. 8 Brookingfield Close is above the site (to the south) and separated by a driveway. Officers do not consider that the new dwellings would be detrimental to the amenity of this dwelling.
14. No. 20 is below the site (to the north) and is a detached bungalow with amenity space to the side (south) of the dwelling. As the new dwellings will have a similar footprint to the existing office building, although they will be taller, officers do not consider that the construction of the new dwellings will be detrimental to the outlook or amenity of No. 20.
15. The site backs onto Lavinia Drive. The rear elevation of the new dwellings is only about 15m from the rear elevation of No. 6 Lavinia Drive. The Development Guidelines SPD states that habitable room windows facing directly opposite each other should be a minimum of 21m apart. These properties on Lavinia Drive have small rear gardens and would be directly overlooked by the first floor rear windows of the new dwellings. In order to avoid detrimental overlooking, the properties have been designed with

obscure glazed windows at first floor level to the rear and rooflights. This can be controlled by condition.

16. The height of the dwellings would be 7.5m compared to 5m with the existing factory. Officers also note that the existing factory is set back on the site adjacent to the rear boundary, whereas the new dwellings would have rear gardens behind.
17. Given the existing arrangement and the closeness of the existing building to the boundary, officers consider that the revised plans are sufficient to protect the privacy and amenity of residents of 5 and 6 Lavinia Drive. There would be a 2.5m high screen wall at the rear of the gardens to screen the ground floor windows.
18. Concerns have been raised about the drainage for the scheme. The proposal is to connect the properties to the mains sewer that runs along the street. Surface water will also be linked to the mains drain. This would be covered by Building Regulations and subject to the permission of South West Water.
19. A code of practice condition can be required to by condition to protect the amenity of residents during construction.

#### **Parking**

20. Concerns have been raised by residents about the impact of the development on parking pressures from additional on-street parking.
21. The proposal provides 2 off-street parking spaces per dwelling in front of each dwelling. Each space is 5m long by 2.4m wide. Officers consider that this provision is adequate to serve the needs of the development without adding to on-street parking pressures, and therefore cannot be considered to be detrimental to residential amenity. Officers note that the existing commercial use will generate parking demand, and consider that the residential use will not generate a significantly higher level of traffic.
22. It is important that cycle parking is also provided, but this can be requested by condition.
23. Due to the gradient of the street it would be preferable to provide a continuous dropped kerb vehicle crossover along the entire site frontage. This can be required through a condition so that the necessary works are completed before the dwellings are occupied.

### **Local Financial Considerations**

This application is not subject to a S106 obligation.

The provisional Community Infrastructure Levy liability (CIL) for this development is £2,430. This information is based on the CIL information form submitted with the application. A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. The applicant should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance. It is noted that the applicant has indicated they do not intend to apply for social housing relief on the CIL form.

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 £20,146 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.

### **Equalities and Diversities**

There are no issues arising from this application.

### **Conclusions**

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance. It is recommended to grant conditional approval.

### **Recommendation**

In respect of the application dated **23/10/2013** and the submitted drawings I389-PL-001 Rev B Existing site arrangement; I389\_PL-003 Rev Proposed elevations; PL-002 Rev A Proposed plans. Design and Access Statement., 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: I389-PL-001 Rev B Existing site arrangement; I389\_PL-003 Rev Proposed elevations; PL-002 Rev A Proposed plans. Design and Access Statement.

#### **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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(2) 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.

### **PROVISION OF PARKING AREA**

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

#### **Reason:**

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

### **CYCLE PROVISION**

(4) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 1 bicycle per dwelling to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

#### **Reason:**

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## ACCESS/HIGHWAY IMPROVEMENTS

(5) No development shall take place until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

### Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## CODE OF PRACTICE DURING CONSTRUCTION

(6) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

## CONTAMINATED LAND

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

### Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. 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;
- (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'.

#### Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and 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.

#### Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation 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.

#### Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

#### EXTERNAL MATERIALS

(8) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. These details shall include details of render, brick and timber cladding.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

#### OBSCURE GLAZING

(9) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the windows at first floor level in the east elevation of the proposed dwellings, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5).

#### Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(10) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwellings hereby approved.

#### Reason:

In order to protect the amenity of 5 and 6 Lavinia Close, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120-123 of the National Planning Policy Framework 2012.

#### INFORMATIVE: KERB LOWERING

(1) Before the accesses hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossings with the consent of the Local Highway Authority. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

#### INFORMATIVE: CODE OF PRACTICE

(2) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (2), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

#### INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(3) 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 has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

#### INFORMATIVE: (4) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(4) 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](http://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 any pre-commencement conditions are satisfied.