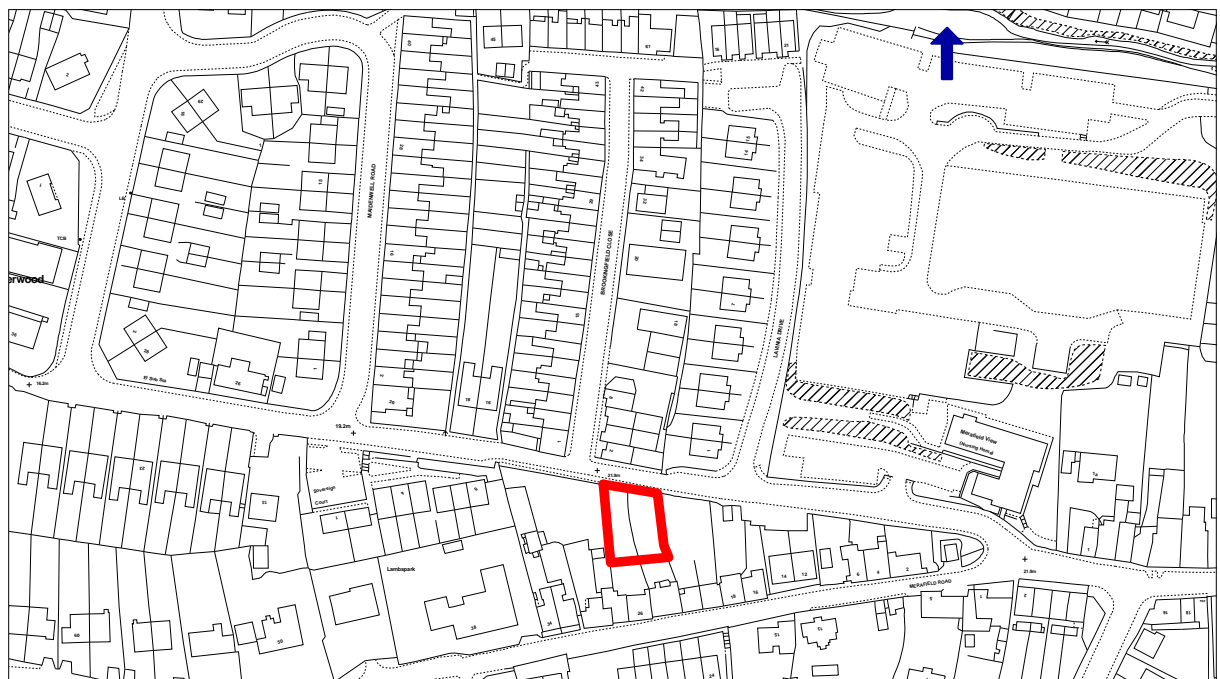


# PLANNING APPLICATION REPORT



**ITEM: 06**

<b>Application Number:</b>	13/01922/FUL
<b>Applicant:</b>	Mr Steve Pearce
<b>Description of Application:</b>	Erection of pair of detached three-storey dwellings with integral garages with access from Underlane
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	24-26 MERAFIELD ROAD PLYMOUTH
<b>Ward:</b>	Plympton Erle
<b>Valid Date of Application:</b>	08/10/2013
<b>8/13 Week Date:</b>	<b>03/12/2013</b>
<b>Decision Category:</b>	Member Referral
<b>Case Officer :</b>	Kate Saunders
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2013 Scale 1:2000

**This application has been referred to Planning Committee by Councillor Beer.**

### **Site Description**

The site is the lower half of the gardens to 24 and 26 Merafield Road, where it fronts Underlane. The site levels vary. The site is approximately 3m higher than Underlane and the boundary with the road is marked by a stone wall topped by a partial hedge containing immature elms, and the sites are on two levels. There are mature fruit trees on the site. There are residential properties on both sides of 24 and 26 Merafield Road. There is a section 30 order along the front of the site

### **Proposal Description**

Erection of pair of detached three-storey dwellings with integral garages with access from Underlane

### **Pre-Application Enquiry**

None

### **Relevant Planning History**

06/00727 – 24 Merafield Road outline application for residential REFUSED  
06/00721 – 26 Merafield Road outline application for residential REFUSED  
06/01503 – 26 and 24 Merafield Road outline application for 2 dwellings – GRANTED  
07/00820 – 26 and 24 Merafield Road full application for 2 dwellings – REFUSED  
08/00218 – 26 and 24 Merafield Road, Erect a pair of three storey semi-detached dwellings, with integral garages – WITHDRAWN  
08/01559/FUL - Erect a pair of three storey semi-detached dwellings, with integral garages – WITHDRAWN  
08/02188/FUL- Erect a pair of three storey semi-detached dwellings, with integral garages – GRANTED  
12/1715/FUL - A full application to develop the rear gardens with a pair of three storey semi-detached dwellings with integral garages (following expiry of permission 08/02188/FUL) – WITHDRAWN

In addition, planning application 04/01256 for a site to the rear of 28-34 Merafield Road, adjacent to the application site, was refused on grounds of loss of trees and the impact this would have on the character of the area. Furthermore it was considered that the houses would be out of character and cause overlooking of properties to the rear. This proposal was however allowed by appeal and work has commenced on site.

## **Consultation Responses**

Highways Authority – No objections subject to conditions

Public Protection Service – No objections subject to conditions

## **Representations**

Seven letters of representation have been received and raise the following issues:

- Loss of trees
- Harmful to the character of the area
- Add to road congestion
- Parking problems will be made worse
- Obstruct existing hardstanding at I Lavinia Drive
- Overlooking of neighbouring properties
- Unsafe for pedestrians
- Overdevelopment
- Likely to contribute towards a car accident
- Inadequate parking

## **Analysis**

The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

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.

This application follows the expiry of planning permission for a similar scheme 08/02188/FUL which was granted permission on 31/03/2009 (expired 31/03/2012). The only real difference is that the properties were previously semi-detached .

The site circumstances appear to have changed little since the expired permission was granted, likewise local planning policy has not changed however it should be noted that since that approval the 'Development Guidelines' Supplementary Planning Document has been adopted and the National Planning Policy Framework 2012 introduced. Much of the original officer report is reiterated below with appropriate updates where necessary.

This application primarily turns upon policies CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document First Review 2013 (SPD). Appropriate consideration has also been given to the National Planning Policy Framework 2012

The area is characterised by compact residential property as referred to in the inspectors report for the adjacent site.

#### Residential Amenity

The properties will be three-storey townhouses that will accommodate a garage and bedroom on the lower ground floor, living, dining and kitchen on the ground floor and two bedrooms and a bathroom on the first floor. All rooms will be of a sufficient size and have adequate levels of natural light. The houses are considered to enjoy a reasonable level of amenity. The proposed rear gardens are approximately 6m deep and 8m wide ( 48 sqm) which is lower than the recommended standard of 100 square metres for detached dwellings in the Development Guidelines SPD. However the SPD also states that within more densely developed neighbourhoods of Plymouth it is not unreasonable to assume that outdoor amenity space provision might be lower. Although quite small the gardens are considered to be adequate and in character with development in the vicinity. Therefore, officers consider the plot is of adequate size to accommodate 2 dwellings that would be in character with the area and have all required amenities. Officers therefore consider that there is no conflict with policies CS15 or CS34.

#### Character and amenity

In terms of appearance it is recognised that the design of the dwellings is relatively simple however this is reflective of the properties on the adjacent plots that were allowed on appeal. The use of natural stone, render and slate respects the local materials palette, further details of which will be requested via condition. The proposal will involve considerable excavation, which officer's consider allows the massing as a 3 storey building onto Underlane and 2 storey dwelling to the rear to be acceptable. The proposal is therefore considered to comply with policies CS02 and CS34 in terms of design.

#### Neighbour amenity

The distance between habitable room windows stands at approximately 14 - 17m. As with the guidance used in the previous approval the more recent Development Guidelines SPD suggests a minimum distance of 21m between habitable room windows for 2 storey development (the development to the rear is 2 storey as seen from Merafield Road). In this case, privacy concerns have been overcome by the sensitive location of windows. There are no habitable room windows at first floor level to the rear and ground floor kitchen windows would be screened by the provision of a 2m fence along the rear boundary. The provision of the fence and need to insert obscure glazing to the first floor window would be secured by condition. Therefore officers consider that there would not be an unreasonable loss of privacy to the houses and gardens in Merafield Road.

With regard to dominance of the proposed building, the development would be approximately 6m from the boundary of the rear garden and 14-17m from the main houses in Merafield Road. As with the guidance used in the previous approval the SPD suggests a distance of 12m between gable walls and habitable rooms to prevent dominance. It is considered that the distances shown are acceptable and that refusal is not justified on grounds of dominance in this instance.

To the front of the development is a terrace of houses in Brockingfield Close with a gable end facing the site. An 11- 12m distance from windows to boundary wall has been achieved and therefore officers consider that privacy for these dwellings would be retained at a reasonable level. Both outlook and privacy would therefore be maintained even with this 3 storey development.

Furthermore noise and disturbance from the site will be controlled through a code of practice in order to protect the amenities of existing residents. On balance the proposal is considered to comply with policies CS15 and CS34.

### Trees

The current boundary wall, hedge and planting are a welcome feature of the area however the trees along this section of hedge are immature. It was considered on the adjacent plot at 28-34 Merafield Road that suitable landscaping could be introduced to compensate for the loss of the hedge and trees. Areas of landscaping are shown on the submitted plans and further details will be required via condition. Officers therefore consider that there will be no significant harm to the amenity of the area or conflict with policy CS18.

### Highways

The Highways Authority notes the similarity of this application to earlier applications on the site and reiterate their previous comments. Underlane is narrow at the proposed point of access but the applicant has set-back the development line which will widen the highway at this point, thus allowing two-way passing on the carriageway. This will comply with the Section 30 Order, Public Health Act 1925 which must be adhered to.

Officers consider that further details are required in order to ensure the works to the highway will be carried out to a suitable standard. As such no development should take place on site until such time that a scaled engineering drawing is submitted to and approved in writing by the Highway. Any works within the highway will be subject to a Section 278 Agreement, Highways Act 1980 and the resulting increase in road / footway width will be adopted by the Highway Authority as Highway Maintainable at Public Expense, HMPE. The provision of a full width footway in this locality will help to improve safety for pedestrians in the area.

The improvement to the highway, as a result of the above s30 order, is considered against the impact of any associated vehicle movements. In coming to a view the Highways Authority has been mindful of the advice contained within PCC adopted policy guidance and the National Planning Policy Framework, in particular paragraph 32 states "Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe".

It is noted that concerns have been raised regarding parking in the area. This development will provide two spaces per dwelling which is in accordance with the current maximum standards.

Further conditions are also recommended to address the finish of the drive and garage door type. Officers therefore consider that the proposal complies with policy CS28.

### Contaminated Land

The Public Protection Service notes that an appropriate contamination assessment has been submitted to accompany the application and are happy with its findings. A condition is however recommended to cover the matter of unexpected contamination.

### **Human Rights**

Human Rights Act - 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.

### **Local Finance Considerations**

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 £17,268 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.

The provisional Community Infrastructure Levy liability (CIL) for this development is £3,120.00. This information is based on the CIL information form submitted with the application and the submitted breakdown of floorspace

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. You 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 that they do not intend to apply for social housing relief on the CIL form.

### **Equalities and Diversities**

No further issues to be considered.

## **Conclusions**

The application will result in the creation of two detached properties which will provide a decent standard of accommodation with adequate off-street parking and amenity space. The use of conditions will ensure neighbouring amenity and the character of the area is preserved. The application is therefore recommended for approval.

## **Recommendation**

In respect of the application dated **08/10/2013** and the submitted drawings Location Plan, 2083/3A, Cornwall Geoenvironmental Ltd Phase One Contamination Status Report and accompanying Design and Access Statement, it is recommended to:

### **Grant Conditionally**

## **Conditions**

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

(1) 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.

### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2083/3A.

#### **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.

### **CODE OF PRACTICE DURING CONSTRUCTION**

(3) 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 .

### **REPORTING OF UNEXPECTED CONTAMINATION**

(4) 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;
- (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 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.

**ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

(5) No development shall take place until drawings are submitted, for the proposed access and improvements to the existing highway to accommodate carriageway widening and footway provision as required, to the Local Planning Authority and approved in writing and furthermore no occupation of any dwelling shall be permitted until such a time that all the highway works 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.



#### SURFACING OF DRIVEWAY/PARKING AREAS

(6) Before the development hereby permitted is occupied, the driveway and parking area shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 5 metres from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

#### Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway 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.

#### GARAGE DOOR TYPE [RESTRICTED DRIVE]

(7) The door to the garage hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

#### Reason:

In order that the door can be opened even when a car is parked in front of it, due to the limited length of the driveway 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.

#### 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.

#### 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.

#### FURTHER DETAILS

(9) No development shall take place until details of the external window reveals have been submitted to and approved in writing by the Local Planning Authority . The works shall conform to the approved details.

#### Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

#### DETAILS OF ENCLOSURE AND SCREENING

(10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

#### Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity 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.

#### LANDSCAPE DESIGN PROPOSALS

(11) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

#### Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(12) Notwithstanding the provisions of Article 3 and Classes A, B, C and E 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 or construction of an outbuilding, shall be constructed to the dwellings hereby approved.

#### Reason:

In order to protect the amenities of the neighbouring properties, 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: CODE OF PRACTICE

(1) 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 (including local access arrangements, timing of lorry movements, and weight limitations on routes), 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: PUBLIC HIGHWAY APPROVAL

(2) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. 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 and an appropriate Permit must be obtained before works commence.

#### INFORMATIVE: [CIL LIABLE] DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(3) 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.

#### INFORMATIVE: CONDITIONAL APPROVAL (4)

(4) 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.