

# PLANNING APPLICATION REPORT



Application Number 14/00537/OUT

Date Valid 09/04/2014

Item 4

Ward Drake

Site Address SOUTHVIEW, WOODSIDE PLYMOUTH

Proposal

Outline application with appearance, landscaping and layout reserved for future consideration for the erection of 6 dwellings (demolition of existing building). Resubmission of 13/02432/OUT

Applicant

Mr R Boco

Application Type

Outline Application

Target Date

**04/06/2014**

Committee Date

**Planning Committee: 19 June 2014**

Decision Category

Member Referral

Case Officer

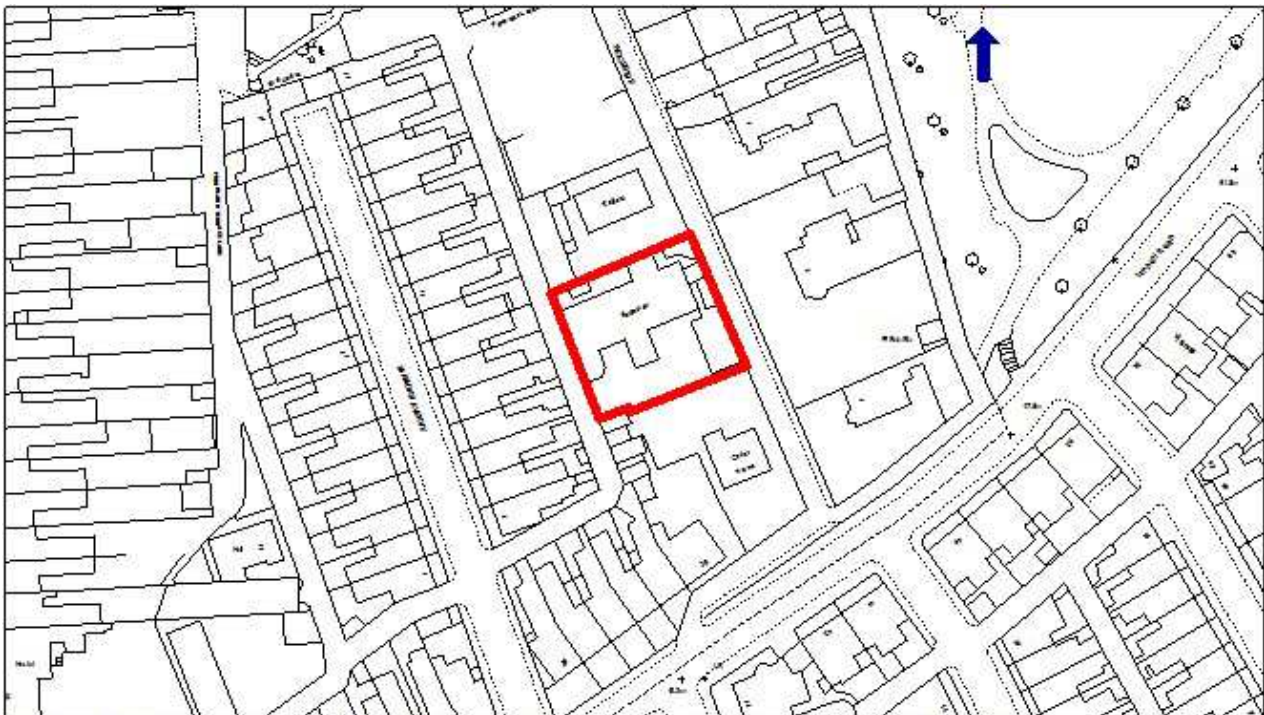
Olivia Wilson

Recommendation

Grant Conditionally

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This application has been called to Planning Committee by Councillor Ricketts.

## **1. Description of site**

Southview is a vacant residential home in the Lipson area of the city. It fronts onto Woodside and backs onto the rear service lane of Diamond Avenue. The existing building is single-storey and has been extended over the years. There is a driveway and entrance off Woodside. The Woodside elevation is screened by a high historic limestone wall. On either side of the property are detached residential properties (Cedar House and Radford), and there are large, detached properties on the opposite side of Woodside.

## **2. Proposal description**

Outline application with appearance, landscaping and layout reserved for future consideration for the erection of 6 dwellings (demolition of existing building). Resubmission of 13/02432/OUT.

## **3. Pre-application enquiry**

A meeting was held with the applicants following the withdrawal of the previous application. The Local Planning Authority advised that the scheme should be reduced in scale to reduce the impact on neighbouring residential amenity. Officers also advised that each property should have its own private amenity space.

## **4. Relevant planning history**

13/02432/OUT - Outline application with all matters reserved for future consideration for the erection of 6 dwellings (demolition of existing building)- withdrawn

## **5. Consultation responses**

The Devon and Cornwall Police has no objection to this application.

The Public Protection Service has no objection to this application subject to conditions on land quality, code of construction practice and asbestos removal from the existing building.

The Highway Authority has no objection to the application subject to conditions on car parking and cycle parking.

South West Water notes the approximate location of a public sewer in the vicinity of the site. It states that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

## **6. Representations**

8 letters of representation have been received. These raise the following concerns:

- The wall along the front of the property is historic and the wall should be retained – this isn't clear from the proposal.
- The proposal is over-development of the site in terms of height and massing and will be out of character with other development in the area.

- The traffic is already bad in the area and this development will make it worse.
- There are restrictive covenants in place on the site to limit the height of buildings to single-storey.
- The dwellings would become student housing and will cause noise and disruption to local residents.

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

The key policies that are relevant to this application are: CS02 (Design); CS34 (Planning Application Considerations); CS28 (Local Transport Considerations); CS15 (Provision of Housing) and the Development Guidelines SPD.

## 8. Analysis

1. This application is to demolish the existing vacant residential nursing home and to construct a terrace of 6 two-storey dwellings with parking to the rear.
2. This is a resubmission of a previous application that was withdrawn (13/02432/OUT). The application has been revised to reduce the roof heights of the two end properties by changing the design from a gable to a hipped roof and to change the layout of the rear gardens and parking area. Instead of a communal refuse storage area, it is proposed that each dwelling have its own bin storage area and cycle store in a small rear amenity space. It is an outline application with all matters reserved except for scale.
3. The main planning considerations with this application are considered to be: principle of the development; design and impact on the street-scene; highways and parking; impact on the amenity of neighbouring properties; standard of accommodation; drainage and landscaping.

### Principle of the use

4. The site is in existing residential use as a residential care home. The principle of residential use on the site is therefore established, although a residential home is a different use class to a residential dwelling.

5. The site is located in a residential area, and therefore officers consider that the principle of change of use from nursing home to dwellings is acceptable. Concerns have been raised that the properties may become student flats in future. Officers note that the site lies within the Article 4 Direction area which removes permitted development rights for change of use from C3 (dwellings) to C4 (small HMO) uses, and therefore any change of use to student housing would require a planning application.

### **Design and impact on the street-scene**

6. Concerns have been raised about the visual impact of the dwellings within the street-scene. Reference has been made to a covenant on the site which limits the height of buildings to single-storey and also to the high boundary limestone wall that currently screens the site from the road. Officers note that covenants are not material planning considerations and therefore should not be a consideration with this proposal.
7. Policy CS02 states that new development should be well designed to respect the character, identity and context of Plymouth's historic townscape, and should contribute positively to an area's identity and heritage in terms of scale, density, layout and access. In this case the application is an outline application and details of design and layout are reserved matters for future consideration. Only scale is not reserved and therefore needs to be considered at outline stage. However, indicative drawings have been submitted to indicate design and layout.
8. Although the dwelling to the north of the site (Radford) is single-storey, the dwelling to the south (Cedar House) and other dwellings further up the street are two-storey developments, and therefore from a design viewpoint officers consider that the proposed height would be in keeping with other developments in the street in terms of scale.
9. In relation to appearance and layout, the indicative plans show a terrace of 6 dwellings with the end two houses having hipped roofs. Officers consider that the hipped roofs at either end serve to reduce the massing of the development. An informative can be included to highlight the importance of hipped roofs to the appearance of the development, to ensure that this is addressed at reserved matters stage.
10. The application states that the limestone wall along Woodside will be retained. The proposed indicative ground floor plan shows the wall retained but with 6 openings to provide access to the individual dwellings. Officers consider that the retention of the wall to its full height, and the restoration of the wall where the current driveway is, is important to retain the historic character of the street-scene. There would be less impact on the appearance of the historic wall if 3 wall openings were created instead of 6. Officers consider that these details can be considered at reserved matters stage. An informative can be attached to require full details of the stone wall along the frontage to be shown at reserved matters stage.
11. The indicative plans show the dwellings to have slate roof tiles, aluminium windows and doors and white render. Further details of these can be requested by condition.
12. Officers consider that the scale of the development proposed is acceptable in terms of the height and massing of the development, and that the appearance of the scheme can be determined at reserved matters stage. Officers would expect the appearance to include hipped roofs at either end of the development, and the wall along the Woodside frontage to be retained to its full height.

## Highways and parking

13. Concerns have been raised about the impact of the development on parking and access along Woodside. The rear service lane from which the proposed development car parking area is accessed already serves as the primary means of vehicular access to a number of properties and associated car parking areas. Whilst it is accepted that the proposed development will clearly lead to an increase in the use of the service lane by both vehicles and pedestrians alike, the extra number of trips generated by the proposed development of 6 houses is not considered to be significant. Officers consider that the main traffic impact will be to the rear service lane rather than to Woodside.
14. It is also worth noting that the primary means of pedestrian access to the development is from Woodside rather than the rear service lane and that the current use of the site as a residential home would have generated a level of pedestrian and vehicle movements. A total of 12 off-street car parking spaces have been provided which will ensure that each property has access to 2 off-street car parking spaces. This accords with the maximum car parking standards for residential development as outlined within the Development Guidelines SPD.

## Impact on neighbouring residential amenity

15. Concerns have been raised about the closeness of plot 1 to the boundary of the neighbouring dwelling to the north (Radford). This property faces south (towards the development site) and has principle windows on this elevation plus a garden. Officers note that the eaves of the end property (plot 1) will be about 1m above the side boundary of Radford, and that the roof ridge will be about 5m above the boundary. The new dwelling will extend for about 11m along the length of the side boundary of Radford. The roof of the end dwelling is shown as a hipped roof which means that the ridge is offset from the boundary by about 5m to reduce the impact of the building. The designs have also been amended to remove a rear balcony from the end dwelling (plot 1) so as to maintain the privacy of occupiers of Radford. No windows are proposed in the end elevation, although two skylights are proposed in the hipped roof.
16. Concerns have been raised that there will still be an element of overlooking from the proposed new dwellings to the side elevation of Radford. Officers note that the rear elevation of plots 1 and 2 do not have a balcony. Officers do not consider that there would be any direct overlooking of Radford from the rear windows of plot 1. Officers note that the end elevation of Plot 6 is close to the side boundary with Cedar House to the south. Officers consider that there should be no side windows in the end elevation of Plot 6 to preserve the privacy of occupiers of Cedar House.
17. Officers consider that the design of the development has been amended to reduce the impact on the neighbouring property. While it will result in a loss of outlook (currently, Radford has an uninterrupted outlook), officers do not consider that this would be detrimental enough to warrant a refusal, as there will still be outlook to the front and rear of the proposed dwelling, and there will be sufficient sunlight to Radford. Officers also do not consider that the proposed dwellings would result in any detrimental loss of outlook to the dwellings opposite. Restrictions on permitted development should be attached to prevent any alterations to the properties in future from taking place that might be detrimental to neighbouring residential amenity.

## Drainage

18. South West Water has commented that drainage plans show a mains sewer pipe running underneath the site, and that the applicant should contact South West Water prior to development to agree drainage. This can be brought to the attention of the applicant through an informative.

## Landscaping

19. The indicative plans indicate the layout of amenity space to the front and rear of the new dwellings and the car park to the rear, but do not provide details of planting or hard surfacing. Officers consider that these details can be agreed by a landscaping condition.

## 9. 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.

## 10. 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 £40,292 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 scheme will be liable for CIL, however the calculation will be made at Reserved Matters stage.

## 11. Planning Obligations

Planning obligations have not been sought in this instance.

## 12. Equalities and Diversities

One dwelling should be constructed to lifetime homes standards in accordance with Policy CS15.

## 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. It is therefore recommended to grant conditional approval.

## 13. Recommendation

In respect of the application dated **09/04/2014** and the submitted drawings, it is recommended to:  
**Grant Conditionally**

## 14. Conditions

### TIME LIMIT FOR SUBMISSION

(1) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

#### APPROVAL OF RESERVED MATTERS

(2) Approval of the details of appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### TIME LIMIT FOR COMMENCEMENT

(3) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

#### SUBMISSION OF RESERVED MATTERS

(4) Plans and particulars of the reserved matters referred to in condition (2) above, relating to the appearance, landscaping and layout of the proposal, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### **Pre-commencement Conditions**

#### CODE OF PRACTICE DURING CONSTRUCTION

(5) 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

(6) 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.

#### ACCESS

(7) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity 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.

#### 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.

#### LANDSCAPE DESIGN PROPOSALS

(9) 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. These details shall include hard surfacing materials; planting plans including the location of all proposed plants, species and numbers.

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.

## BOUNDARY TREATMENT

(10) No development shall take place until details of the boundary treatment 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. For the avoidance of doubt, these details shall include details of the treatment of the boundary wall fronting Woodside.

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.

## WINDOWS AND DOORS

(11) No development shall take place until details of the windows and doors to be installed in 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.

## **Pre-occupation Conditions**

### PROVISION OF PARKING AREA

(12) 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

(13) 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 6 bicycles 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.

## **Other Conditions**

### **RESTRICTIONS ON PERMITTED DEVELOPMENT**

(14) 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 residential amenity 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.

## **Informatives**

### **INFORMATIVE: SPECIAL WASTES**

(1) If any demolition is involved, the Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

### **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

(2) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

### **INFORMATIVE: ILLUSTRATIVE DETAILS**

(3) In granting this outline planning permission, the Local Planning Authority has had regard to the details shown for illustrative purpose on the submitted plans and drawings, and would expect the principles shown to be reflected in any subsequent application for the approval of reserved matters. In particular, the roof design should be as shown on the indicative drawings, with both end properties having hipped roofs.

#### INFORMATIVE: BOUNDARY WALL

(4) In granting this outline planning permission, the Local Planning Authority has had regard to the statement by the application that the boundary wall with Woodside will be retained to its full height. Any future application for reserved matters shall provide full details of boundary wall treatments.

#### INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(5) 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: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(6) 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: ARTICLE 4 DIRECTION

(7) The applicant is advised that the site lies within the City Council's Article 4 Direction Area which removes permitted development rights for change of use from C3 (dwellings) to C4 (HMO). For the avoidance of doubt, planning permission will be required for any change of use from C3 to C4.

#### INFORMATIVE: SOUTH WEST WATER

(8) The applicant is advised that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.