

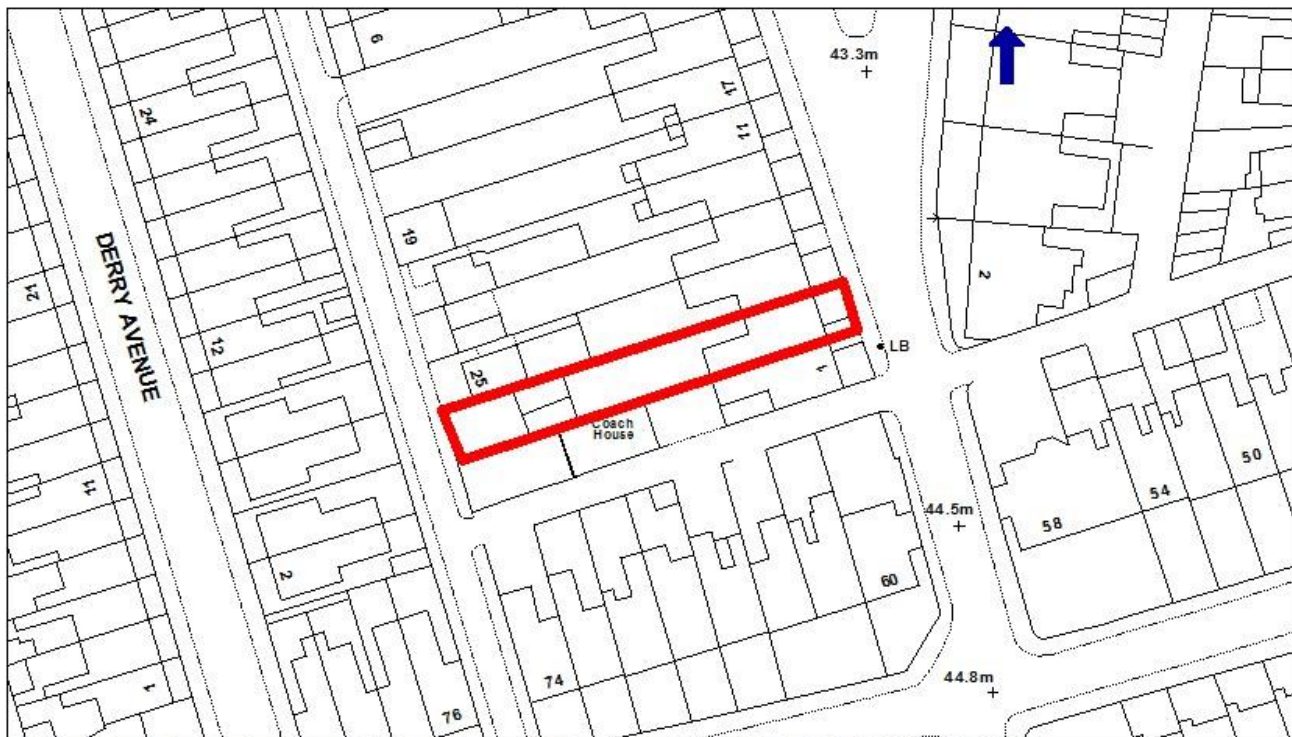
PLANNING APPLICATION REPORT



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|---------------------------|--------------|-------------|-------|
| Application Number | 14/00818/FUL | Item | 04 |
| Date Valid | 29/05/2014 | Ward | Drake |

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|--------------------------|---|-----------------------|---|
| Site Address | 3 THE ARGYLE, SUTHERLAND ROAD PLYMOUTH | | |
| Proposal | Removal of rear garage and construction of 2 mews style dwellings | | |
| Applicant | Mr Sergio Shemetras | | |
| Application Type | Full Application | | |
| Target Date | 24/07/2014 | Committee Date | Planning Committee: 17 July 2014 |
| Decision Category | Member Referral | | |
| Case Officer | Rebecca Boyde | | |
| Recommendation | Grant Conditionally | | |

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This application is a member referral and was called in by Councillor Ricketts

1. Description of site

3 Sutherland Road is located in the Drake ward of the city. The property is surrounded by residential properties and highways. The rear garage to 3 Sutherland Road is situated at the south end of the street. 3 Sutherland Road itself was previously used as a guesthouse; subsequently the use has changed to that of a HMO - specifically student accommodation.

2. Proposal description

Removal of rear garage and construction of 2 mews style dwellings

3. Pre-application enquiry

None

4. Relevant planning history

None

5. Consultation responses

Local Highway Authority recommends approval

Public protection recommends approval

6. Representations

8 letters of representation have received. These letters object to the erection of the dwellings on the grounds of:

- Noise
- Litter
- Insufficient parking
- Over-population of student accommodation

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.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Development Guidelines SDP 1st Review

8. Analysis

(1) 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 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

(2)The NPPF states "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". Although the adopted policies of the LPA do not contain specific reference to the development of residential gardens the assessment will be made based upon other material planning considerations which include the NPPF.

Principle of development

(3)The proposal is to demolish the existing garage, and replace with 2 residential units; each with private outside space, one car parking space per dwelling, cycle and refuse storage. The garden belonging to 3 Sutherland Road will be retained; as will the exiting rear access from Restormel Road. Following a site visit it is considered that the site would be able to accommodate the additional dwelling. A number of garages along this street have already been converted to dwellings similar to the one proposed in this application.

Design

(4)The two units are identical in terms of layout, with bedroom accommodation situated on the ground floor and living accommodation on the first. Both units are accessed from the shared path, with the entrance door recessed within a covered porch area. The ground floor accommodates 2 No. double bedrooms, and a bathroom. A roof light from the terrace and roof above provide additional natural light to the hallway and staircase.

(5)The Supplementary Planning Document (SPD) states that all habitable rooms should receive adequate amounts of natural daylight and be of a minimum size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance. It should be noted that the SPD states that each occupier should have adequate access to amenity space. Whilst there is an enclosed terrace at first floor it does not comply with the minimum standards however the dwellings will be within close proximity to Central park and the waterfront it is therefore deemed acceptable in terms of amenity space.

(6)The layout of the site and design of the proposed dwelling is deemed satisfactory. The proposal is not considered to have a significant detrimental impact upon the amenity of the existing dwellings to the immediate east of the site as the boundary treatment would provide a large barrier. In summary, it is considered that the dwelling will not have a negative impact upon the neighbouring properties. It is therefore considered compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Supplementary Planning Document 1st review (2013).

Transports

(7)The application site is occupied with a garage building that provides two garage parking spaces (although the applicant informs us that the garages are in use for storage purposes); there is also a large hard-standing in front of the garages that is apparently used for car parking. The application indicates that the donor dwelling is occupied as student lets, and the garage and car parking areas are not associated with use of the donor property. The proposed development would result in the removal of the existing garage and the construction of a pair of two, 2-bedroom, semi-detached (mews style) dwellings; with two parking spaces, one per dwelling, and refuse and cycle storage. The application site is conveniently situated in terms of accessibility, and the surrounding streets are subject of permit parking. Whilst the development is deemed acceptable the applicant should note that the proposed development would be excluded from the entitlement of parking permits.

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

The provisional Community Infrastructure Levy liability (CIL) for this development £3,232.90 (index-linking applied, but subject to change before final liability confirmed).

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 will be 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 for guidance.

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 £11,512 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.

11. Planning Obligations

Not applicable

12. Equalities and Diversities

Not applicable

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 policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

13. Recommendation

In respect of the application dated **29/05/2014** and the submitted drawings pl001,pl002,pl003,pl011,pl012,pl013,pl014,it is recommended to: **Grant Conditionally**

14. 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: pl001,pl002,pl003,pl011,pl012,pl013,pl014

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.

Pre-occupation Conditions

CAR PARKING PROVISION

(3) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details and that area shall not thereafter 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 the approved plan for a minimum of 2 cycles to be securely stored. 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

CODE OF PRACTICE

(5) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ASBESTOS IN BUILDINGS

(6) No demolition works shall commence unless and until a full Asbestos Survey of buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Following completion of measures identified in the approved survey, verification and/or completion documentation that demonstrates the effectiveness of any asbestos removal works carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(1) 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. 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 (NO NEGOTIATION)

(2) 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: MANAGEMENT PLAN

(3) Given the number of noise complaints in the surrounding vicinity; should the dwellings be intended for rental accommodation, we recommend that an appropriate management plan should be formulated and adopted.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(4) 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.