

PLANNING APPLICATION REPORT



Application Number 14/01144/FUL

Date Valid 25/07/2014

Item 03

Ward Plympton Erle

Site Address 26 LONGBROOK STREET PLYMOUTH

Proposal Single storey side extension and extension to existing outbuilding

Applicant Mr Steve Vitali

Application Type Full Application

Target Date

19/09/2014

Committee Date

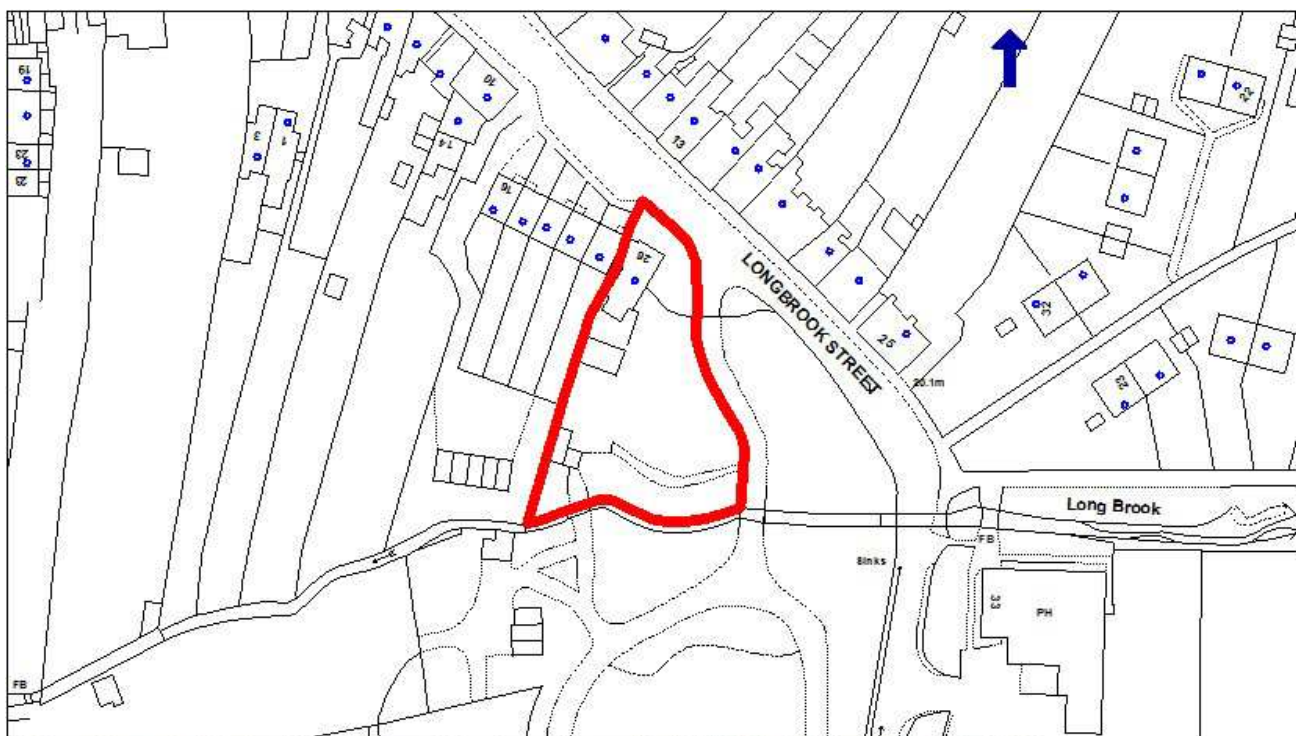
**Planning Committee: 11
September 2014**

Decision Category Member Referral

Case Officer Liz Wells

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by the Cllr Beer.

1. Description of site

26 Longbrook Street is a detached residential property. It is a grade II listed building. The listing description describes it as a house or farmhouse, probably dating back to the 17th Century, remodelled as a cottage ornée in the 19th Century. It is likely it was extended when it was remodelled as a 'cottage ornée' or decorated cottage, around the same time as the adjacent St Elizabeth's House was built (also Grade II). In more recent years, 26 Longbrook Street has been interpreted by some as a lodge to St Elizabeth's although historic maps would not support this. Both buildings lie within the Plympton St Maurice Conservation Area.

2. Proposal description

Single storey side extension and extension to existing outbuilding

The proposal comprises the replacement of the existing flat roofed side extension (existing kitchen) with a larger contemporary flat roofed side extension within the existing courtyard wall. This extension links the house to the existing outbuilding which it is proposed to convert and extend to the east side. The proposal is to create additional living accommodation for the property.

3. Pre-application enquiry

The proposal follows a number of pre-application discussions relating to two storey extensions to the house and a much larger single storey extension – refused by two previous applications - and a proposal for a more contemporary extension to the outbuilding. Officers did not support these schemes due to their scale and bulk fundamentally changing the character of the listed building and its setting.

4. Relevant planning history

- 13/01284/FUL - Single storey side extension including link to existing outbuilding - REFUSED
- 13/01286/LBC - Demolition of existing flat roof kitchen, conversion of outbuilding, extension to link house and outbuilding to form additional accommodation - REFUSED
- 12/00847/FUL – Two storey extension and single storey conservatory/dining room (existing outbuilding and kitchen removed)
- 12/00848/LBC - Demolition of outbuilding, two storey extension and associated internal alterations to listed building

Tree works application:

- 11/01868/TPO, conditionally APPROVED the removal of three trees and pruning of one. Some trees protected by Conservation Area status and some by Tree Preservation Order.

5. Consultation responses

South West Water (SWW) –the applicant/agent is advised to contact SWW if they are unable to comply with the requirements set out in their letter. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. They will discuss with the applicant/agent whether their proposals will be affected by the presence of SWW apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Public Protection Unit – overall recommendation for approval subject to conditions requiring a Phase I Land Quality assessment prior to commencement of development and a hours of construction.

6. Representations

Two letters of representation have been received from nearby residents. One letter is in full support, and the other commenting about the proportions of the lodge house and raising concern with the problems of flooding in Longbrook Street still not fully been addressed and querying whether soakaways adequately deal with the loss of natural drainage.

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 I 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 (SPDs) are also material considerations to the determination of the application:

- Development Guidelines SPD First Review 2013

8. Analysis

1. Policy context / Main considerations

1.1 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, Development Guidelines SPD and is considered to be compliant with National Planning Policy Framework guidance.

1.2 The main considerations in assessing the planning application are the impact on the neighbouring properties' amenities, the impact on the building itself in terms of design, and the impact on the streetscene and conservation area in which it lies. The most relevant policies of the Core Strategy are CS34, CS02, CS03, CS19 and CS28.

1.3 The previous application was refused on the basis of being out of character with the existing buildings and this part of the conservations area by virtue of its scale, design, position and orientation. Consideration needs to include whether the previous reason for refusal has been overcome with this revised application.

2. Design/impact on building/Conservation Area

2.1 The proposal has been much reduced in scale compared to previous schemes and significant work has been carried out to improve the understanding of the existing outbuilding and to address the principal concerns that officers previously had relating to overdevelopment and disproportionate scale. Officers consider that the current proposal overcomes the previous reason for refusal and has an acceptable impact on the existing buildings and the conservation area.

2.2 The flat roof extension within the existing courtyard is proposed to have a glazed section along its front edge, referred to as a chlerestory, with the rest being a membrane roof with two low profile skylights. A glazed door is proposed in an existing gap in the wall and window inserted into this wall will give visible indicators of its residential use, without altering its form. The existing wall will be repointed. The use of glass in the glazed up stand will give a transparent separation between the existing wall and proposed roof, and the set back of the roof will reduce the visual impact of this proposed extension.

2.3 The proposal includes replacing the roof of the existing outbuilding which is currently corrugated sheets, with a slate roof, at the same level. The extension to the east side of this outbuilding projects forward of the front elevation of the main house but is separated from it, and the proposed stone finish will match with the outbuilding and distinguish it from the main cottage. This extension may be visible from the street if the hedge that currently screen the majority of the garden were to be removed or die but is clearly subordinate to the main house and Officers consider it is in keeping with the Conservation Area. A condition securing details of materials is recommended.

2.4 The proposal also includes converting the rear store to form an en-suite to include the insertion of a rooflight; the insertion of two rooflights in the rear roofslope of the main house and the insertion of rooflights in the rear roofslope of the existing outbuilding and the replacement of the existing windows facing the garden. These alterations would not be readily visible from outside the site but a condition to secure further details for approval will be recommended as part of the accompanying Listed Building Consent to ensure the quality and appearance of materials.

3. Impact on neighbouring properties amenities

3.1 The proposal is not considered to result in any unreasonable impact on neighbouring properties amenities. The boundary wall with the neighbouring property, 24 Longbrook Street, is proposed to be retained and the projection of the flat roof above the existing wall is small – of the order of 0.5m. Proposed rear rooflights will be high level and not result in any unreasonable loss of privacy.

4. Trees

4.1 Many of the trees on site are protected either by virtue of the Conservation Area or by a Tree Preservation Order. The proposed extension will come closer to existing trees and hedge in the garden although officers do not consider the proposal itself will result in any harm to existing trees

4.2 Of more concern is the potential impact of the construction traffic, materials storage, location of a site office etc. due to the limited site area on other trees in the grounds. At the moment the access to the site is quite informal and provides parking for 1-2 cars. If heavy plant and materials are going to be used on site then there will need to be put in place robust ground protection carried out in accordance with BS:5837 Section 6.2.3 and trees to be retained must be fenced off and robustly protected during construction to avoid damage to roots or canopy. This could be secured by condition for an Arboricultural Method Statement and plan to provide details of how the trees on the site will be protected should be required prior to commencement.

5. Wildlife and Biodiversity

5.1 An updated bat and barn owl survey of the outbuilding to be converted and re-roofed undertaken in July 2014 shows no signs of bats or barn owls so with respect to these species the development can go ahead unmitigated. Recommendations have been provided within the report (dated July 2014) to enhance the building for bats and Officers would support this recommendation in accordance with policy CS19. There is also an opportunity to install bird boxes to further enhance biodiversity. A condition is recommended to secure these recommendations.

6. Land Quality

6.1 The Public Protection Service recommend that considering the scale and scope of the proposed development and the level of uncertainty over previous use of existing historic outbuildings to be incorporated into the extension, a condition is included to support provision of a full phase I desk study risk assessment, plus any other intrusive investigation, remediation and in situ validation work that may subsequently be required. This should be submitted for approval prior to commencement.

7. Flooding / Drainage

7.1 Concern has been raised in a letter of representation about flooding. The house and proposed extension lie outside the area flood zones defined by the Environment Agency, and in this instance, no flood risk assessment is required. However, it is noted that the flood zone is close by and the developer has submitted a Flood Mitigation Letter to support the application which details. The proposed construction will drain into soakaways and Officers do not consider this will result in any increase in flooding. However, Officers recommend a condition for further details of the proposed position of soakaways to ensure they do not cause damage to nearby trees, to be included in the Arboricultural Method Statement to be submitted for approval prior to commencement.

8. Parking and Local Highways Considerations

8.1 The proposal will provide for further accommodation in association with the existing dwelling but officers do not consider it will result in a significant increase in parking demand or traffic generation and no changes are proposed to the parking arrangement.

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

None relevant for this application. The proposal does not attract a Community Infrastructure Levy under the current charging schedule.

11. Planning Obligations

Not relevant for this application.

12. Equalities and Diversities

None.

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 and specifically has overcome the refusal reason of the previous proposal, will preserve and enhance this part of the Conservation Area and will not result in any unreasonable impact on the neighbouring properties amenities. The proposal is therefore recommended for approval subject to conditions as detailed above.

13. Recommendation

In respect of the application dated **25/07/2014** and the submitted drawings LO1, LO2,LO2R, LO3, EX01, EX02, EX03, GA1, GA2, GA2R, GA3, GA4, GA5 and accompanying photomontages GA6, GA7, GA8, design and access statement, historical evolution report, heritage statement, bat survey, flood mitigation letter, parking statement and land registry document,it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: LO1, LO2,LO2R, LO3, EX01, EX02, EX03, GA1, GA2, GA2R, GA3, GA4, GA5 and accompanying photomontages GA6, GA7, GA8.

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-commencement Conditions

PRE-COMMENCEMENT: EXTERNAL MATERIALS

(3) 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, specifically a sample of the slate to be used in the replacement roof. 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-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

(4) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone', areas to be used for storage of materials during construction, proposed location of soakaways and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: CONTAMINATED LAND

(5) 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.

Other Conditions

BIODIVERSITY ENHANCEMENT

(6) The development shall be completed in accordance with the recommendations of the bat and barn owl survey submitted in support of the application. There is also an opportunity to install bird boxes to further enhance biodiversity.

Reason:

To ensure the development achieves a net gain in biodiversity on the site in accordance with policy CS19 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS OF DEMOLITION AND CONSTRUCTION

(7) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 of Plymouth City Council's Local Development Framework.

INFORMATIVE

INFORMATIVE: CONDITIONAL APPROVAL

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: (2) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).