

# PLANNING APPLICATION REPORT



**Application Number** 14/01317/FUL

**Date Valid** 25/07/2014

**Item** 05

**Ward** Moor View

**Site Address** LAND ADJACENT YARDLEY GARDENS ESTOVER PLYMOUTH

**Proposal** Development of 6 affordable homes with associated works

**Applicant** Mr Andrew Mitchelmore

**Application Type** Full Application

**Target Date**

**24/10/2014**

**Committee Date**

**Planning Committee: 11  
September 2014**

**Decision Category** Member Referral

**Case Officer** Rebecca Boyde

**Recommendation** Grant Conditionally

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



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

## **1. Description of site**

The land adjacent to Yardley gardens is an area of green scape located in the Moor View ward of the city. To the South of the land is Miller Way which is a classified road and to the east and west the area is bounded by residential properties.

## **2. Proposal description**

Development of 6 affordable homes with associated works

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

14/00968/MIN- Subject to drawings being submitted

## **4. Relevant planning history**

None

## **5. Consultation responses**

Local Highway Authority recommends approval subject to conditions

Public Protection Unit recommends approval subject to conditions

## **6. Representations**

15 letters of objection have been received relating to this development. The objections relate to:

- Loss of green space
- Loss of habitat and wildlife from the hedge and trees
- Impact upon the highway and congestion

## **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.

Principle of development

(2)The proposal is to erect 6 affordable homes. These homes will comprise of 2no 2 x bedroom houses and 4no 3 x bedroom houses. Each property will accommodate off street car parking and have amenity space located to the rear of the properties. It is considered by officers that the site would be able to accommodate the additional dwellings.

(3)The delivery of Affordable Housing development is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy which supports policy CS15. With such high levels of Affordable Housing need – consistent delivery of Affordable Housing units can cumulatively make a big difference to catering for the City's overall housing need.

(4)CS18 of the Core strategy states relates to Plymouth's green space. The aim of this policy is to ensure development proposals improve the quality and quantity of accessible green space, where appropriate and this is supported by the Sustainable Neighbourhood Assessment of this area. It is not considered that the green space utilised as part of this proposal is strategically or locally important. The trees and hedgerows will be retained as part of this proposal.

## Design

(5) The 2 bedroom units are identical in terms of layout and design. The bedrooms will be located at first floor level with all living accommodation at ground floor. The three bedroom properties are also identical in terms of layout and will be situated either end of the development. The developer has indicated that the development would be built to a high specification eco building – achieving Code for sustainable homes level (CSH) 5. This requirement is also reflected in the land sale agreement. Such a high level of eco-specification will be expected to have associated benefits of reducing residents' fuel bills, making them less vulnerable to fuel poverty. The officers welcomes high quality design of the proposed development which will meet CSH 5 level – using super-insulation and renewable (especially user friendly) technologies. It is understood that the proposal will achieve compliance with policy CS20.

(6)The Development Guidelines 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. Each property has gardens located to the rear; which will adequately serve the occupiers. It is noted that the amenity space associated with the dwellings falls slightly short of the minimum standards set out within the SPD. It is however noted that there is a large recreational space located within close proximity to the proposed dwellings. The amenity space associated with these dwellings is therefore deemed acceptable.

(7)The layout of the site and design of the proposed dwelling are deemed satisfactory by officers. The proposal is not considered to have a significant detrimental impact upon the amenity of the existing dwellings to the immediate west of the site as the highway 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 1<sup>st</sup> review (2013).

## Trip Generation

(8)Based upon a trip rate of 0.5 movements per unit the 6 affordable units hereby proposed would generate around 3 trips during the morning (0800-0900) and afternoon (1700-1800) peak hours. Whilst it could be argued that a higher trip rate should be applied due to the limited number of units being proposed, were the trip rate to be doubled then the development would still only generate 6 vehicular movements. Such a low number would not give rise to any cause for concern from a network capacity viewpoint.

## Car Parking

(9)The issue of car parking has been raised by a number of residents in LORs received. In order to address those concerns a maximum car parking standard of 2 spaces per unit has been applied to the development which should ensure that no vehicles have to need to park on-street. It is also worth mentioning that the car parking provision provided is in the format of standard spaces and are therefore more likely to be used unlike garages which are often used as secondary storage resulting in vehicles of properties having to park on the highway.

In addition to car parking it would appear that each property includes for the provision of cycle parking within the rear garden areas.

## Highway Safety

(10) In order to improve pedestrian access to the large area of open space on the opposite side of Miller Way to the application site, the possibility of introducing a pedestrian crossing point has been raised. Further consultation with Amey has confirmed that there would be no safety issues with the introduction of such and therefore a condition will be attached which would require the crossing be in the form of tactile paving and dropped kerbs. Such a crossing would need to tie-in with the existing pedestrian route which provides access to the large area of public open space. This pedestrian would be secured by a S278 agreement.

(11) In view of the fact that some existing on-street car parking takes places along Yardley Gardens on the opposite side of the road to the application site, if kerbside parking were to take place along the frontage of the new development then the width of Yardley Gardens would be reduced to 1 vehicle in each direction. Therefore to address this concern it is recommended that the applicant fund consultation to extend the existing double yellow lines from the junction of Miller Way/Yardley Gardens along the entire frontage of the development. This will be secured by a Traffic Regulation Order (TRO)

## Tree preservation

(12) It is noted that to the rear of the proposed development is a large hedge with mature trees. It is considered that these trees will be subject to a tree preservation order which is currently being investigated by our tree officers. As all the existing trees are being retained, this should not affect Member's consideration of this planning application.

## 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 £16,516.61 (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](http://www.plymouth.gov.uk/cil) for guidance.

The applicant has indicated that the site will be 100% Social Housing, which will require an application for relief. If successful, the liability will be reduced to £0.

## 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 £56,729 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

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- 100 % Affordable housing

## 12. Equalities and Diversities

The application proposes 6 new residential units and will be available to people from all backgrounds. All of the proposed dwellings will meet lifetime home standards. No negative impact to any equality group is anticipated.

## 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) 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 **25/07/2014** and the submitted drawings 14.055.1.2.TCP,885/2A,885/1,885/3A,885/4,885/5,885/6,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: 14.055.1.2.TCP,885/2A,885/1,885/3A,885/4,885/5,885/6

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: CONDITION: 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 .

#### PRE-COMMENCEMENT: STREET DETAILS

(4) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard 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.

## 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.

### PRE-COMMENCEMENT: CONDITION: CODE OF PRACTICE DURING CONSTRUCTION

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

#### Reason:

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

## **Pre-occupation Conditions**

### **PRE-OCCUPATION: CAR PARKING PROVISION**

(7) None of the units hereby proposed shall be occupied until the car parking spaces shown on the approved plan have been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and those spaces 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.

### **PRE-OCCUPATION: PEDESTRIAN CROSSING**

(8) None of the units hereby proposed shall be occupied until a pedestrian crossing (including dropped kerbs and tactile paving) has been provided on Miller Way in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

#### **Reason:**

In order to provide improved access to the area of open space from 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.

### **PRE-OCCUPATION: WAITING RESTRICTIONS (TRO)**

(9) None of the residential units hereby proposed shall be occupied until the applicant has funded consultation relating to extending the existing double yellow lines on Yardley Gardens up to and including the development frontage and depending on the outcome of that consultation shall implement the agreed alterations to the existing double yellow lines as necessary.

#### **Reason:**

In order to limit the extent of on-street kerbside car parking that takes place along the frontage of the proposed development on Yardley Gardens 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

## **Informatives**

### **INFORMATIVE: KERB LOWERING**

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

### **INFORMATIVE: 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: CONDITIONAL APPROVAL (NO NEGOTIATION)**

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

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

(4) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.