

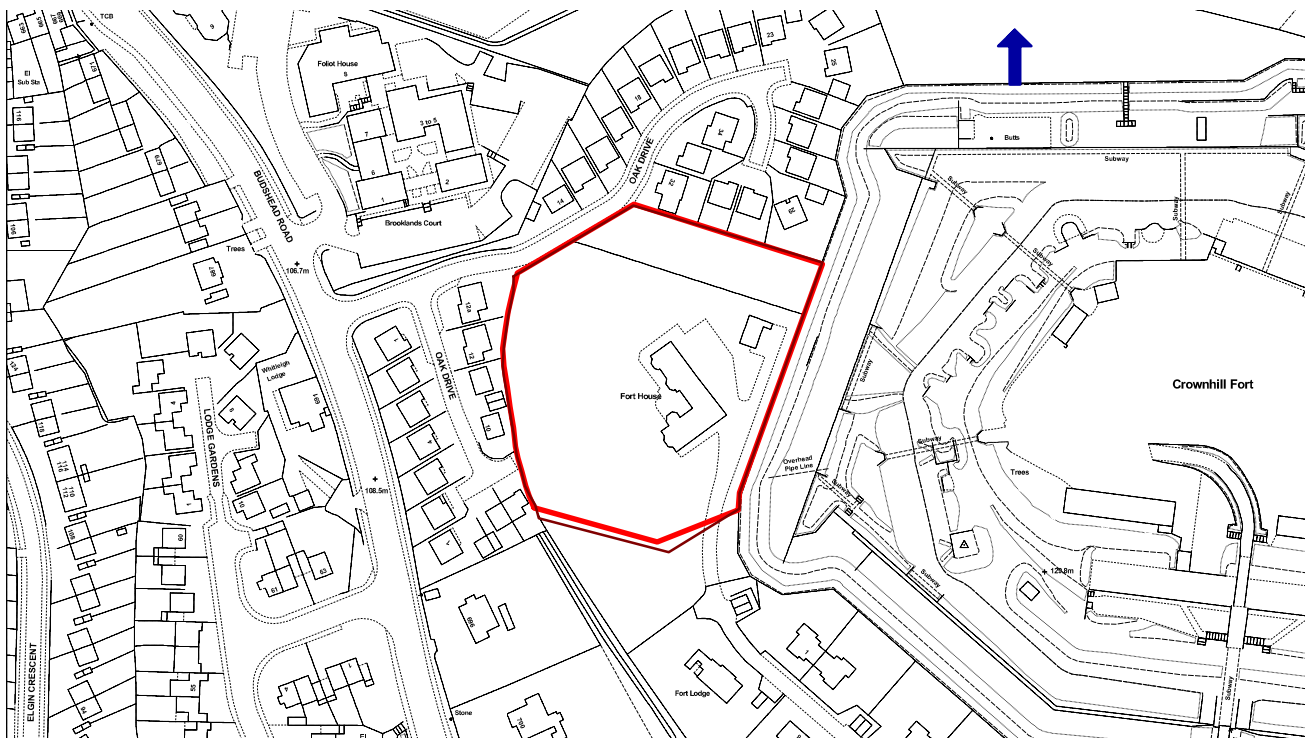
PLANNING APPLICATION REPORT



Application Number	14/01815/FUL	Item	6.2
Date Valid	24/09/2014	Ward	Budshead

Site Address	FORT HOUSE, FORT TERRACE PLYMOUTH		
Proposal	Development of land for 14 detached residential dwellings		
Applicant	Senate Properties (SW) Ltd		
Application Type	Full Application		
Target Date	01/04/2015	Committee Date	Planning Committee: 12 February 2015
Decision Category	Major - more than 5 Letters of Representation received and Member Referral		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally		

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This application has been called into committee by Councillor Jon Taylor

1. Description of site

Fort House is located in the Crownhill area of the city. To the east of the site is Crownhill Fort which is a Scheduled Ancient Monument. To the north west is Oak drive which is predominantly residential dwellings. The land slopes to the west therefore giving Fort House an elevated position. The site currently accommodates one dwelling house and a small cottage.

2. Proposal description

Development of land for 14 detached residential dwellings

3. Pre-application enquiry

None

4. Relevant planning history

98/00089/FUL- Two storey side extension, Approved

94/00753/C1884-Outline application to develop part of grounds by erection of a detached house with garage (married quarters), Grant conditionally

5. Consultation responses

Public Protection recommends approval subject to conditions

Local Highway Authority recommends approval subject to conditions

English Heritage has no objections to the proposal following an amended plan

6. Representations

The consultation period ran from the 30th 2014 September to 21st 2014 October however the scheme was revised and the application was re-advertised from 20th January 2015 to 3rd February 2015.

As a result of the re-advertisement of the application only one letter of representation has been received still objecting on the grounds discussed below.

In total 22 Letters of objection were received. These letters objected on the grounds of:

- Impact upon Scheduled Ancient Monument
- Sewage and drainage
- Impact upon on street car-parking
- Size, scale and massing of the units
- Overlooking and privacy

- Traffic impact and access
- Removal of trees
- Impact on wildlife

Non-material planning considerations

- Decrease in value of properties on Oak Drive

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 development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document

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 seeks to demolish the existing dwelling and cottage that is on site and erect 14 dwellings, comprising of both 4 and 5 bedroom dwellings. 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.

Design

(3) Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised in the main by residential development that comprises of a mix of terraced, semi-detached and detached properties. Since submission the scheme has been amended to address concerns from both local residents and English Heritage. The amendments submitted alter the design of plots 1-4 from a three storey unit to two storeys. This is now considered acceptable in terms of outlook from the Fort and in terms of impact upon privacy of the neighbouring residents.

(4) In terms of style, the character of the surrounding townscape has become more varied over the years as new development has been delivered on areas immediately to the south and west of the site. The proposal seeks to erect three different house types. House type A is two storey and will accommodate a hallway, lounge, kitchen / dining area and study at ground floor. At first floor the property will accommodate four bedrooms and a family bathroom. House type A relates to plots 7,8,9,10 and 12.

(5) House type B will be three storeys and will accommodate hallway, lounge, kitchen / dining area and study at ground floor level. At first floor the property will accommodate three bedrooms and a family bathroom whilst at second floor level there will be two additional bedrooms. House type B will relate to plots 5, 6, 11, 13 and 14.

(6) House type C is similar in layout to house type A and will be located on Plots 1-4 inclusive. House type C is a new design which has been proposed as a result of the comments from English heritage. The original application proposed that house type B (three storey) would be located on plots 1-4 however it was considered this would have a detrimental impact upon the visual amenity from the Fort and therefore the agent introduced a new house type that would only be two storey in nature.

(7)The dwellings proposed all meet minimum standards in terms of amenity space as set out within the Supplementary Planning Document. The proposal is reflective of the existing built form in the area by providing a good mix of terraced, semi detached and detached dwellings in an area that is varied in character, particularly with regards to the type and size of dwelling.

(8)The application is considered to comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by providing family housing, helping to meet the needs of the neighbourhood and by contributing to the provision of a sustainable linked community.

(9)The houses designs have been finished externally with a limited palette of similar materials to provide continuity of design across the entire site. It is noted that the house designs are different compared to the older houses within the vicinity however they are sympathetic and are considered to compliment the surrounding area.

(10)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. 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.

(11)The potential new development of 14 detached properties may give rise for disturbance during the construction phase. As such a condition will be attached to any decision to protect the nearby properties during any construction and demolition.

(12) A number of the letters of objection mention the impact upon privacy. The SPD states that habitable room windows facing directly opposite one another should normally be a minimum of 21 meters apart. Plots 1-4 will have the most significant impact upon the residents of Oak Drive however the minimum distance between the dwellings is 18 metres. The SPD goes on to state that that these guidelines should be applied flexibly to reflect the character of the neighbourhood. There are no balconies or roof terraces proposed on any of the dwellings and therefore the impact upon privacy is considered by officers to not be detrimentally affected.

(13)The trees and shrubbery on site will be retained and will provide some natural screening and boundary treatment for the dwellings on both Oak Drive and the new dwellings. The proposal seeks to include some public open space on the western side of the site.

(14)This amenity area is where the majority of the trees are currently situated and will remain. It is considered that this amenity space will as a result provide a buffer zone between the new dwellings at those currently located on Oak Drive. It is considered that 14 dwellings is an acceptable number of units for a site of this size. It is officers opinion that anymore than 14 units will constitute as over-development and not meet minimum requirements in terms of size and parking standards.

Impact upon Crownhill Fort

(15)It is noted that the proposal would be within close proximity to Crownhill Fort. Crownhill Fort is the best of Plymouth's Palmerstonian Forts, and a heritage asset of the very highest significance. In terms of design plots 5-7 look over towards the Fort, in order to minimise any impact upon the fort the existing boundary will be retained and strengthened creating a 5 metre buffer between the dwellings and the Fort.

(16) Given that the proposed dwellings at plots 1-4 have been reduced in height it is considered that the views from Crownhill Fort towards the city will be enhanced, better revealing the significance of the heritage asset in line with the guidance of NPPF paragraph 137.

(17) It is acknowledged that the proposals will inevitably cause a degree of harm as the former military commander's house (Fort house) will be demolished. However as noted in the applicant's heritage assessment and by English Heritage the building is much-altered and has no direct connection to Crownhill Fort. This being the case, it is considered that the benefit of opening up of views from the fort towards the city outweigh the harm caused by the loss of Fort House.

Biodiversity

(18) The applicant has provided an Ecological Assessment and Mitigation and Enhancement Report (dated August 2013) conforming to CIEEM guidelines which includes a bat activity survey report (surveys undertaken in April and May 2013).

(19) This report also recommends that the badger survey will need to be updated at least eight weeks prior to the commencement of work on site to ensure that any new badger activity is recorded and appropriate mitigation designed. This will be secured via condition. The condition will also relate to further information relating to the exact locations of the proposed bird and bat boxes.

Sustainable development

(20) Policy CS20 in the core strategy sets out a requirement for development to incorporate onsite renewable technologies to reduce carbon emissions:-

"All non-residential developments exceeding 1,000 square meters of gross floor space and new residential developments comprising 10 or more units to incorporate onsite renewable energy production equipment to offset at least 10% of predicted carbon emissions for the period up to 2010 rising to 15% for the period 2010 -2016"

(21) Given that the development is for 14 detached dwellings this policy is relevant. The energy statement submitted with the application states that the preferred option will be via photovoltaic panels which will be located throughout the site. Each dwelling will have approximately 7-8 panels located on the roofs and will be located south or southeast. It is considered that the information submitted is acceptable and complies with policy CS20.

Highway comments

(22) The application is to construct 14 detached houses in the garden of the existing Fort House. Existing buildings on the site will be demolished. A new access to the development will be provided by construction of a new priority junction onto Oak Drive. Oak Drive is a standard residential estate road of 4.8m width with 2m footways. The road provides access onto the B3378 Budshead Road for approximately 33 existing dwellings. The road is adopted public highway (Highway Maintained at Public Expense HMPE)

(23) A Transport Statement was produced as part of a previous identical application (14/01621/FUL) and is considered to still be valid for this application. Officers would have no material issues with the contents of the Transport Statement and would concur with its conclusion that the development will cause no material detriment to the highway network. The Transport Statement indicates that the development will produce approximately 14 two-way vehicle trips during the morning peak (3 in 11 out) and 12 two-way trips in the PM peak (8 in 4 out).

(24) All parking within the development will be accommodated within the curtilage of the individual dwellings and meets the minimum requirements as set out within the SPD. Access for refuse vehicles

has been demonstrated to be adequate. Both the proposed new priority access junction and the existing Oak Drive junction with Budshead Road are considered to have adequate capacity to accommodate the proposal.

(25) It is noted that the footway on Oak Drive, where it borders the application site frontage is of substandard width, the application should provide, as part of the new junction construction, a full width footway (2m) for the length of its frontage onto Oak Drive. Oak Drive is a quiet residential estate road with significant frontage activity and as such the applicant should be aware of the need to manage construction activities accordingly, particularly the access of contractor's vehicles to the site. A condition will be attached to make sure the applicant complies with the code of practice.

5 year housing supply

(26) When determining applications for residential development it is important to give consideration to housing supply.

(27) Paragraph 47 of the NPPF stipulates that *“to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*

(28) Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

(29) For the reasons set out in the Authority's Annual Monitoring Report (December 2013) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,536 dwellings which equates to a supply of 3.16 years when set against the housing requirement as determined by the requirements of the NPPF or 2.64 years supply when a 20% buffer is also applied.

(30) The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

(31) Paragraph 14 of the NPPF states *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *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, when assessed against the policies in this framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted”*

(32)As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

(33)In summary, it is officers view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The new amended scheme which took into consideration residents and English Heritages opinions provides a traditional and distinguished housing scheme that in terms of scale, massing and design is reflective of the character and appearance of much of the existing surrounding development, making a positive contribution to local visual amenity. The layout and design of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Sustainable Design SPD and NPPF section 7 (Requiring Good Design).

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 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).

11. Planning Obligations

No planning obligations have been sought relating to this application

12. Equalities and Diversities

The application proposes 14 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. 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), 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 **24/09/2014** and the submitted drawings 804-300, HMPE Plan,208/01, 804-302P, 804-301P, 03912TCP, • 804_310 Proposed Layout_Rev P2,• 804_311 Proposed Site Sections _Rev P3

804_312 Proposed Boundary Treatment Drawing_Rev P1, 804_321 Type B Housetype - 5 Bed house ,804_322 Type C Housetype - 4 Bed house

Plots 1-4 have decreased in size and are now two storey instead of three,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: 804-300, HMPE Plan,208/01, 804-302P, 804-301P, 03912TCP, •804_310 Proposed Layout_Rev P2,•804_311 Proposed Site Sections _Rev P3 804_312 Proposed Boundary Treatment Drawing_Rev P1, 804_321 Type B Housetype - 5 Bed house ,804_322 Type C Housetype - 4 Bed house

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: HABITAT PROTECTION AND ENHANCEMENT

(5) No development shall take place until an Ecological Mitigation and Enhancement Scheme for the site including details of:

- Exact location, number and specification of bat and bird boxes, marked on plan.
- Lighting information with respect to minimising disturbance to bats.
- A method statement for the watching brief by an ecologist during the removal of the roof tiles (this should include the installation of an additional bat box on a suitable tree prior to works commencing. This is needed to place any bats in if they are found and cannot be left in situ. Location should be marked on a plan).
- Methodology for habitat modification for reptiles, including a plan showing the areas to be strimmed and those to be left as they are.
- updated badger survey 8 weeks prior to commencement of works on site.
- Location and design of artificial refugia for reptiles.
- Location and specification of hedgehog box.

Has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Other Conditions

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: CONDITIONAL APPROVAL (WITH 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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.