

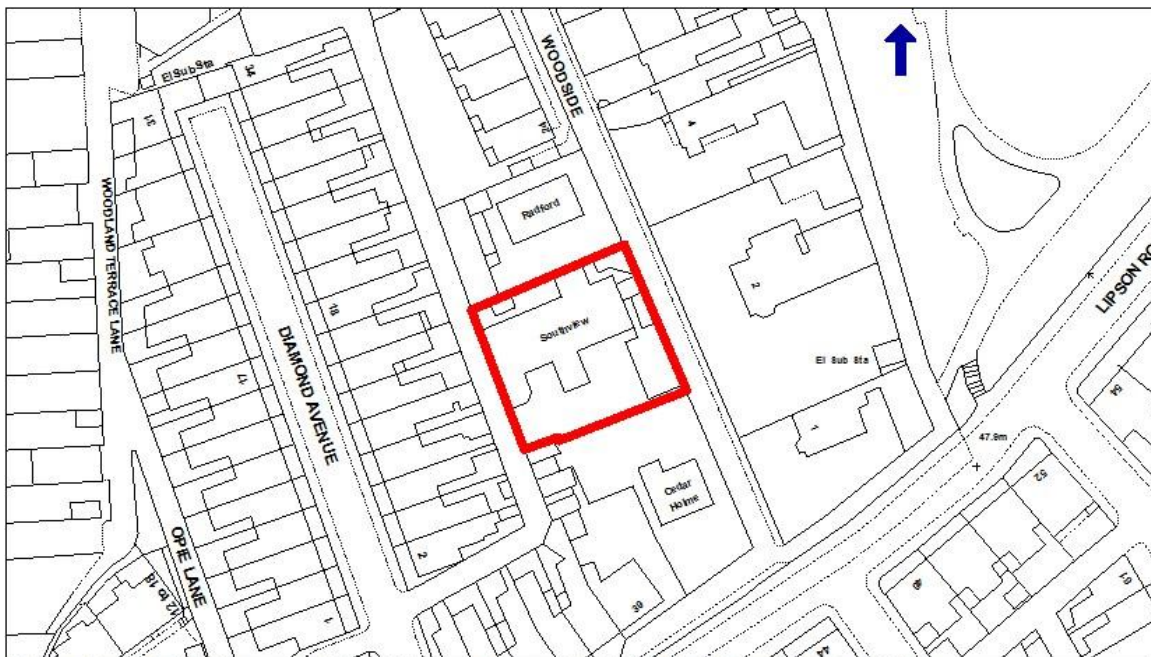
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/00431/FUL	<b>Item</b>	03
<b>Date Valid</b>	09/03/2015	<b>Ward</b>	Drake

<b>Site Address</b>	SOUTHVIEW, WOODSIDE PLYMOUTH		
<b>Proposal</b>	Change of use of existing unoccupied care home to form 7 self-contained flats (1 x one bed; and 6 x two bed)		
<b>Applicant</b>	Mr Romauld Boco		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>04/05/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 23 April 2015</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Christopher King		
<b>Recommendation</b>	Grant Conditionally		

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This planning application has been called to planning committee at the request of Cllr Steven Ricketts

## **1. Description of site**

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

## **2. Proposal description**

Change of use of existing unoccupied care home to form 7 self-contained flats (1 x one bed; and 6 x two beds).

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

A post-refusal meeting was held following the outcome of application 14/02158/FUL. During this meeting, the applicant was advised by officers specifically on the refusal reason outlined by the planning committee.

## **4. Relevant planning history**

14/02158/FUL - Change of use from disused residential care home to form 7 self-contained 2 bed flats – Refused

14/02095/OUT - Change of use of un-occupied former residential care home to 7 self-contained flats – Withdrawn

14/00537/OUT - Outline application with appearance, landscaping and layout reserved for future consideration for the erection of 6 dwellings (demolition of existing building) – Refused

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

10/00220/FUL - Retention of kitchen extract duct – Permitted

07/00702/FUL - Provision of pitched roof to replace flat roof, and erection of office building – Permitted

83/02288/FUL – Change of use of premises to an old persons home - Permitted

## **5. Consultation responses**

Local Highways Authority – No Objections subject to revised site layout as noted in the officers response which has been received and agreed.

Public Protection Service– No Objections

## 6. Representations

Two letters of representation have been received objecting to the proposed development. A summary of the letters is as follows:-

- Intensive overdevelopment
- Impact towards character of the street
- Loss of amenity space
- Sense of enclosure
- Loss of privacy
- Inappropriate use, out of character for the area

Non planning issues:-

- Will become a student occupied development
- Will result in the loss of views and purchased privileges
- Contrary to restrictive covenants

## 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). This application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS11 (Changes of Use in District and Local Centres), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS19 (Wildlife), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the LDF Core Strategy.

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*
- *Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document*

## **8. Analysis**

This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

### Principal Officer Considerations

1. Officers consider the principal issues surrounding this proposal to be:-
  - Residential amenity;
  - Suitability of the site;
  - Design and Character;
  - Highways and parking.
2. This application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS11 (Changes of Use in District and Local Centres), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS19 (Wildlife), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the LDF Core Strategy; and Parts 2 and 8 of the Development Guidelines Supplementary Planning Document (SPD).

### 5 year housing supply

3. When determining applications for residential development it is important to give consideration to housing supply.
4. 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”*

5. 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.”
6. 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.

### Previous Applications

7. In determining this application, due consideration of the recent planning history has been taken into account to establish if previous issues have been satisfactorily dealt with.
8. Planning application 14/02158/FUL was refused by planning committee in January 2015 as it was considered to be providing sub-standard accommodation in terms of residential amenity space; and was considered detrimental to the character of the area in terms of siting and layout. This proposal, like the newly submitted application would have utilised the existing structure.
9. Prior to this, planning application 14/00537/OUT was refused by planning committee in July 2014 as it was considered to be ‘detrimental to the character of the area and neighbouring residential amenity’. Unlike application 14/02158/FUL and the newly submitted proposal, this proposal would have required full demolition of the existing building.

### Public Consultation Meeting

10. Following the refusal of planning application 14/02158/FUL, which received 10 letters of representation objecting to the proposal, the applicant held a public consultation event prior to the resubmission of this application. This event was held on afternoon/evening of Thursday 26<sup>th</sup> February 2015.
11. The consultation was held at the premises and the ‘Design Statement’ has briefly outlined details of the meeting, the issues that were raised and discussed between the applicant and the attendees.
12. Attendees included Cllr Ricketts (Ward member), and circa 11 local residents from Woodside; most of which had made representation during the previous application. Cllr Singh (Ward member) was unable to attend, however the applicant has discussed the proposal with him since in a meeting at the Council House.

13. Issues that were discussed include:-

- Other potential development types on the site and the viability of such alternative proposals
- Height and appearance of building
- Character of development

14. Officers consider this to be a proactive method of engagement, which demonstrates the applicant's willingness to address the concerns of local residents.

15. The last planning application received 10 letters of representation, whereas this proposal has only received 2; suggesting that there is a better understanding of the proposal amongst the residents, and that previous concerns and issues have been alleviated.

16. The applicant has made further efforts to liaise with remaining objectors; however it is understood that mutually convenient meetings times could not be agreed.

#### Existing Building, Site Constraints and Suitability

17. The existing building is situated between Woodside to the east and the rear service lane of Diamond Avenue to the west. The nursing home is bounded to the north and south by two well established detached dwellings, Radford to the north and Cedar Holme to the south. The site is limited by way of these boundaries; however as the existing structure does not occupy the entire footprint of the curtilage, minor reconfigurations of the sites layout could be possible. Officers considered this could potentially be achieved without significantly harming the relationship with these existing boundaries. Officers also consider that the existing shell lends itself well to conversion as demonstrated by the proposal hereby being considered.

18. The current internal layout of the building is basic, providing accommodation for 18 residents. Fourteen bedrooms are positioned in the main building; and four are located in the southeast annexe. All of the main facilities are also located in the main building (lounge/dining room/kitchen/bathrooms etc); and can be accessed from the central corridor/hall, or via the various entrances around the site.

19. Officers consider that the building holds no significant architectural merit; however it is fair to assess it as functional and inoffensive despite being significantly out of character when compared to surrounding properties. To cater for the previous residents of the nursing home, the property is single storey; and therefore the roofs are either flat, or mono pitched with the odd parapet in place. There is a small area of outside decking west of the annexe, a reasonable sized communal garden area, and a small parking area for 2-3 cars at the west of the site accessed via the service lane.

20. Officers consider that, although there are architectural limitations with this building, it is important to ensure that any future alterations to the property do not cause it to become overbearing in the street scene; therefore it is important to prevent excessive massing and alteration so as to ensure the proposal complies with the relevant sections of both the SPD and the LDF Core Strategy.

## Proposed Design

21. The proposal relies significantly on the existing structure, and the majority of proposed works are to be internal reconfiguration and modification to the roofs to accommodate the flats comfortably. The overall proposal will see a reduced footprint; however the Net Internal Area will increase from 368m<sup>2</sup> to 473m<sup>2</sup>.
22. Demolition of part of the western section has been proposed to accommodate a communal bin store, and to provide access to the new cycle store. This will also provide additional access to flats one, two and four, and provide access through to the east of the site.
23. A total of seven flats have been proposed, six of which will have two bedrooms, and one of which just the one bedroom. Six of these flats will be located in the main, central building, whilst the seventh is proposed to occupy the annexe in the south east of the site. Flats two, three, four, five and six will be two storeys, therefore providing larger internal living areas.
24. The proposed internal layout is the same as the previous application; however alteration has been made to flat 1 so that it meets the minimum standards of the SPD by dropping one of the bedrooms. The other 6 flats do not require adjustment as they initially met the SPD standards so will remain as 2 bed properties.
25. Policy CS15 (5) states that all new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers. The Development Guidelines SPD advises that two-bedroom flats should have a minimum gross internal floor space of 55m<sup>2</sup> and one-bedroom flats should have a minimum gross internal floor space of 40m<sup>2</sup>. Officers have reviewed the submitted plans and are satisfied that all seven flats are above the recommended sizes; as demonstrated below:-

Flat	No. of Bedrooms	SPD Guidance (m <sup>2</sup> )	Actual floor area (m <sup>2</sup> )	Improvement on guidance
1	1	40m <sup>2</sup>	46.25m <sup>2</sup>	+ 6.25m <sup>2</sup>
2	2	55m <sup>2</sup>	64.00m <sup>2</sup>	+ 9m <sup>2</sup>
3	2	55m <sup>2</sup>	82.23m <sup>2</sup>	+ 27.23m <sup>2</sup>
4	2	55m <sup>2</sup>	68.56m <sup>2</sup>	+13.56m <sup>2</sup>
5	2	55m <sup>2</sup>	83.86m <sup>2</sup>	+28.86m <sup>2</sup>
6	2	55m <sup>2</sup>	68.80m <sup>2</sup>	+13.8m <sup>2</sup>
7	2	55m <sup>2</sup>	57.72m <sup>2</sup>	+2.72m <sup>2</sup>

26. Officers consider that the proposal will provide a satisfactory standard of accommodation to any future occupiers and therefore accords with policy CS15 (3).
27. The majority of the proposed works are internal; however to accommodate the first floor living areas of flats 2, 3, 4, 5 and 6, the raising of the existing flat roof of the main central building has been proposed. The result will be a new roof height, with the central ridge of the main building to be the highest point at 7.17m above ground level.
28. This will be 3.17m higher than the existing flat roof when measured at this point, and 2.9m above the existing highest point of the building.

29. Officers are of the view that the pitch has been carefully designed to reduce its potential overbearing nature.
30. It should be noted that this is 1.5m lower than the refused scheme in July 2014 (14/00537/OUT).
31. A range of pitched and hipped roofs, shown on drawing 183-12, are being proposed over the whole building. Officers consider that this will improve the building's architectural presence and character, therefore accords with policy CS02 (3), and policy CS34 (4).
32. The Design Statement states that existing elevations will be repainted, and new elevations will be rendered and painted to match using a waterproof agent. Stone walls, including the historic wall along the east boundary will be preserved, and the new pitched roofs will incorporate slate to match other buildings in the surrounding area; therefore retaining and enhancing the sites aesthetic character.
33. To facilitate the proposed internal modifications several internal and external windows and doors have been altered, inserted or removed. Importantly the main visible elevations (east and west) from the street scene have remained relatively untouched other than one window at first floor level, east elevation. A total of 10 windows have been proposed at first floor level in the south facing pitched roof elevation. No windows are proposed in the opposite first floor south facing pitched roof elevation which will prevent overlooking into the proposed first floor living areas from neighbouring properties to the north.
34. The proposal also includes a communal cycle store, formally the laundry and a bin storage area, both within the north western corner of the site. Parking for seven cars has also been proposed and is discussed in more detail later in the report.
35. Refuse will be stored in the north-west corner of the site in a purpose built unit, adjacent to the proposed cycle store. This lane is already serviced by refuse collection vehicles dealing with waste from properties on Diamond Avenue.

### Residential Amenity

36. Policy CS34 (6) suggests development should 'protect the amenity of the area, including residential amenity'. Whilst officers recognise that development of existing sites may affect the amenity of an area, it is considered by officers that this proposal is unlikely to cause significant disturbance to established residents.
37. The proposed change of use at Southview is considered to be a development that has taken account of the sensitive nature of the site and has looked to accommodate the neighbouring properties. The visual impact of the property on the amenity of the area is considered low. The siting, orientation and layout of the building will result on a low impact development, therefore in compliance with policy CS01.
38. Officers consider that the most significant issue is the raised roof level, which will be more visible from the adjacent property to the north, known as Radford. By virtue of the topography, and the siting of this building to the north, no significant light, overlooking or privacy issues will occur and therefore officers consider it accords with policy CS34 (6), and



policy CS15 (5). Furthermore, officers consider that the privacy and amenity of the future occupiers of Southview will also be protected.

39. By virtue of the areas topography, Radford sits significantly higher than Southview at present. Radford is also set back some distance from this boundary, meaning ground floor habitable rooms, and raised patio areas facing south at ground floor level have existing views well above the roofline of Southview. The garden views of Radford will not be impacted as there is a well-established hedge along the boundary which currently screens Southview, and would continue to do so should permission be granted. It should be noted that this garden area is set down significantly from the ground floor and patio area of the property.
40. Whilst no one has a right to a view, officers recognise that it is important, if possible to ensure that developments do not detract from existing visual amenity or outlook. In this instance officers consider that the proposed height increase at Southview will not significantly harm the outlook from Radford due to the topography of the area.
41. Officers also consider that the proposal will not have a negative impact towards, or cause a loss to existing public vistas.
42. The established hedge to the south of the site is to be replaced with a timber fence and a mix of climbing vegetation and trees with small route systems so as to not interfere with the parking area or the new retaining wall. Officers consider that these measures will prevent the loss of privacy or overlooking into Cedar Holme to the south; and that these proposed measures will provide adequate screening from ground floor and first floor south facing windows, as well as residents using the parking area and the garden amenity spaces.
43. Notwithstanding this, the required distances between the habitable rooms of Cedar Holme and Southview are in accordance with part 2.2.23 of the Development Guideline SPD. Drawing 183.17 demonstrates that the distance is greater than the required minimum of 21m. In addition, the roof has a shallow pitch, and the windows are positioned at low level which will further prevent overlooking whilst still affording first floor areas of Southview with sufficient light in accordance with policy CS34.
44. It should be noted that the occupying of Cedar Holme has not raised any objections to the proposal.
45. Plan 183.17 also demonstrates that the distance between the habitable rooms of Radford and the blank pitched roof elevation of Southview are in excess of the minimum 12m requirement as stated in part 2.2.31 of the SPD. The existing windows in the north elevation of Southview facing towards Radford are hidden by the northern boundary wall and hedge, so are not of concern to officers and will not result in loss of privacy.
46. Part 2.8.27 of the Development Guideline SPD advises that this development should provide a minimum of 85m<sup>2</sup> of amenity space. Officers have reviewed the plans which demonstrate that future occupiers will be afforded 95m<sup>2</sup> of outdoor amenity space; and an additional 13m<sup>2</sup> of garden space in accordance with guidance in the SPD. It is the view of officers that this amenity and garden space will preserve the character and layout of the site.

47. The development is also located within close proximity to Beaumont Park, Freedom Fields Park and Tothill Park ensuring that future occupiers have sufficient access to both public and private amenity space.
48. The proposal will provide future occupiers with sound proofed premises; which will in turn reduce the amount of noise emanating from the site into the general area. Furthermore, as noted in the highways response, the net increase in traffic movements are unlikely to change, meaning there is no significant concern with regards noise disruption from vehicles in the vicinity.

### Character of Area

49. Policy CS02 (3) states that proposals should 'contribute positively to an area's identity and heritage in terms of scale, density, layout and access'. Within the location there are very few other examples of flat roofed buildings, therefore officers consider that this development will not only see an improvement to the existing building, but will contribute significantly to the overall character of Woodside.
50. It is evident to officers that there is an existing mix of housing types and densities within the area, therefore officers consider that the proposed use of this site will be in keeping with the character of the area in accordance with policy CS01 (2).
51. The historical eastern boundary stone wall is to be retained, maintaining the character of the site from this aspect.
52. Vehicle Parking, refuse storage and cycle storage is proposed to all be off-street and within the curtilage, predominantly away from public view. Officers consider that the proposal has considered policy CS34 (3) by positively contributing to the townscape, further protecting the quiet, uncluttered character for properties in Woodside and Diamond Avenue.
53. Officers also consider that the proposal will accord with policy CS02 (11), providing safe, uncluttered, varied and attractive accommodation within this area.
54. Some of the Letters of Representation state that students are likely to be the future occupiers; however this is not considered to be a material planning consideration. Policy CS34 (10) states that development should ensure that 'appropriate equality of access and use for all sections of the community' is provided which would therefore include the student population.
55. Notwithstanding this, officers consider that the proposal does not lend itself well to student accommodation, or 'mini halls of residence', as all the flats are self-contained, with separate entrances, off street parking and sufficient amenity space creating accommodation which is more suited to the open market.

### Highways Considerations

56. The principle access into the site is proposed to be through the rear service lane of Diamond Avenue. The existing retaining wall will be removed and coupled with grading work of the existing garden area, will provide space for six vehicles and an area for the turning of vehicles.

The seventh space will be located in the northeast corner of the site which is accessed from Woodside.

57. The access itself from the service lane has not raised any objections from the Local Highways Authority and as this lane is already used by many residents, the cumulative impact of the additional movements will not cause significant harm towards highways safety or residential amenity issues. This applies also to the use of Woodside for additional highways movements. In summary, it is considered that the net increase in traffic movements on the local network would be minimal when comparing the proposal to the former use and is therefore in accordance with policy CS28.
58. Entry and egress of the site is considered by officers to be safe, and will not prejudice other road users, including pedestrians.
59. The parking provision as outlined in the highways response is considered to be in accordance with Part 8 of the Development Guidelines SPD and therefore offers what is considered a 'workable' solution. The SPD recommends a maximum of 2 spaces per dwelling, so in this instance, 1 space is considered adequate by officers. The access and parking solution is considered in accordance with policy CS34 (4) and policy CS02 (7).
60. There is no provision on site for visitor parking and the property lies within a resident parking permit scheme which is currently oversubscribed, therefore the development will be excluded from obtaining permits and purchasing visitor tickets for. As the site is well located, easily accessible to the city centre and public transport routes, officers do not consider this to be a significant issue; and will also reduce vehicle activity around the site.
61. It is recommended that turning areas be appropriately marked out to ensure these areas do not get used for parking which could compromise the use of the specified spaces.
62. The surface materials should be a permeable tarmac to assist with drainage; and combined with the garden amenity space areas will provide an adequate SUDs scheme for the site.
63. The cycle store is an important part of the proposal demonstrating a sustainable approach to transport. The Local Highways Authority report requests that each flat is allocated a minimum of one secure, undercover cycle store.

### Biodiversity and Landscaping

64. To accommodate the parking, the southern boundary hedge will be replaced with a timber fence and some new planting. At present the existing hedge is untidy, and consumes a significant amount of the garden space; however no significant ecological value has been identified. The proposed planting adjacent to the new hedge will help mitigate this loss, and tidy the appearance of the site.
65. To further enhance the biodiversity on the site, the applicant has proposed some other types of planting around the site, enhancing the amenity and quality of the development in accordance with policy CS19 (5).

66. Officers will request the submission of a Landscape Management Plan through a planning condition, demonstrating the number and type species that will be utilised on this site to offset any loss during development; and how the ongoing maintenance of the site will be undertaken.
67. Officers recognise that there is scope within the site for other mitigation methods and will request that the applicant provides details of bird and bug boxes for example, and other types of small planting such as flower beds/hanging baskets. This will need to be included in the Landscape Management Plan.
68. Officers consider that this approach will enable the development to accord with policy CS19, and will further contribute to the overall amenity and character of the area as required through policy CS34; improving what is an uncharacteristically untidy site at present.

### Land Quality

69. The applicant will be required to carry out further investigations regarding possible land contamination should evidence be found during the construction stage.

### Non material planning considerations

70. The LORs identified many valid comments with regards to this application, however some were not considered by officers to be material towards the decision making process.
  - a. The applicant has made no mention of the accommodation being built for students and therefore it has not been considered as an exclusively student development.
  - b. As previously stated, no one is entitled to a view, and therefore the loss of such views have not been considered by officers
  - c. Private issues between neighbours, such as covenants are not relevant to the planning decision making process.

## **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 £3,332.81 (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 they do not intend to apply for social housing relief.

The applicant has the opportunity to apply for Self-build exemption.

## **11. Planning Obligations**

N/A

## **12. Equalities and Diversities**

No equality or diversity issues to be considered

## **13. Conclusions**

Having considered the Local Development Framework Core Strategy 2006-2021, and the relevant Supplementary Planning Documents, officers are of the view that the refusal reasons of planning application 14/02158/FUL have been overcome. Furthermore, the proposal is considered to be acceptable for the following key reasons:-

- The proposal will not significantly impact neighbouring residential amenity; and has demonstrated design features to protect privacy, light, and overlooking;
- The change of use and conversion is a sustainable approach to the site;
- The proposed use is in keeping with area and is unlikely to be detrimental to the character of Woodside;
- The development will assist in achieving the overall housing delivery goals
- The accommodation is in accordance with the recommended standards with regards to living and amenity space;
- The local highways network will not be demonstrably harmed or compromised through this development;
- The design is not considered detrimental to the appearance of the street scene; and will likely enhance this part of the street adding to the character of the area;
- Officers consider that there will be no significant loss of biodiversity;
- The public consultation has explained the proposal to neighbours, with a significantly lower number of objections received when compared to the previous application.

It is the view of officers that the site provides a sound solution to assisting in the overall delivery of new homes in the city. The scale of the change of use is considered appropriate to the existing residential character of the area, and combined with the off suitably designed off street parking solution, the proposal is recommended for conditional approval.

## 14. Recommendation

In respect of the application dated **09/03/2015** and the submitted drawings Block Plan; Elevations SSE to NNW 183-17; Existing Floor Plans 183-5; Existing Elevations-Front (ENE) 183-2; Existing Elevations-Rear (WSW) 183-4; Existing Elevations-Side (NNW and SSE) 183-3; Existing Site Plan 183-1b; Flat Arrangements - First Floor 183-16; Flat Arrangements - Ground Floor 183-15; Proposed Elevations-Front (ENE) 183-7; Proposed Elevations-Rear (WSW) 183-9; Proposed Elevations-Side (NNW and SSE) 183-8a; Proposed Roof Plan 183-12b; Boundary Details SSE 183-14b; Proposed Site Plan 183-6c; Proposed Ground Floor Plan 183-10b; Proposed First Floor Plan 183-11b; Site Location Plan;

Design Statement, it is recommended to: **Grant Conditionally**

## 15. 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: Block Plan; Elevations SSE to NNW 183-17; Existing Floor Plans 183-5; Existing Elevations-Front (ENE) 183-2; Existing Elevations-Rear (WSW) 183-4; Existing Elevations-Side (NNW and SSE) 183-3; Existing Site Plan 183-1b; Flat Arrangements - First Floor 183-16; Flat Arrangements - Ground Floor 183-15; Proposed Elevations-Front (ENE) 183-7; Proposed Elevations-Rear (WSW) 183-9; Proposed Elevations-Side (NNW and SSE) 183-8a; Proposed Roof Plan 183-12b; Boundary Details SSE 183-14b; Proposed Site Plan 183-6c; Proposed Ground Floor Plan 183-10b; Proposed First Floor Plan 183-11b; Site Location Plan;

Design Statement

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: CONTAMINATED LAND

(3) 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: ACCESS

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT:SOFT LANDSCAPING

(5) No development shall take place until full details of soft landscape work has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; planting plans including the location of all proposed plants, their species, numbers, densities and type.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.



## **Pre-occupation Conditions**

### **PRE-OCCUPATION: LANDSCAPE MANAGEMENT PLAN**

(6) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

### **PRE-OCCUPATION: SOUTHERN BOUNDARY FENCE**

(7) No premises shall be occupied until the southern boundary fence has been securely and permanently erected in accordance with the approved plans.

Reason:

To protect the amenity and privacy of the adjacent property in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

### **PRE-OCCUPATION: PROVISION OF PARKING AREA**

(8) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

### **PRE-OCCUPATION: CYCLE PROVISION**

(9) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for 7 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## **Informatives**

### **INFORMATIVE: 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](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 "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**

(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 including pre-application discussions and has imposed planning conditions to enable the grant of planning permission.

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

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

### **INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION**

(4) The development shall be constructed in accordance with a suitable management plan for the construction phase.

#### **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 .

### **INFORMATIVE: NESTING BIRDS**

(5) If the removal of the hedge is scheduled to take place within the bird nesting season (March to September inclusive) the area will need to be checked by an ecologist prior to any works. If any nesting birds are identified the area must be cordoned off and the chicks must be allowed to fledge before any works to the hedge can commence.