

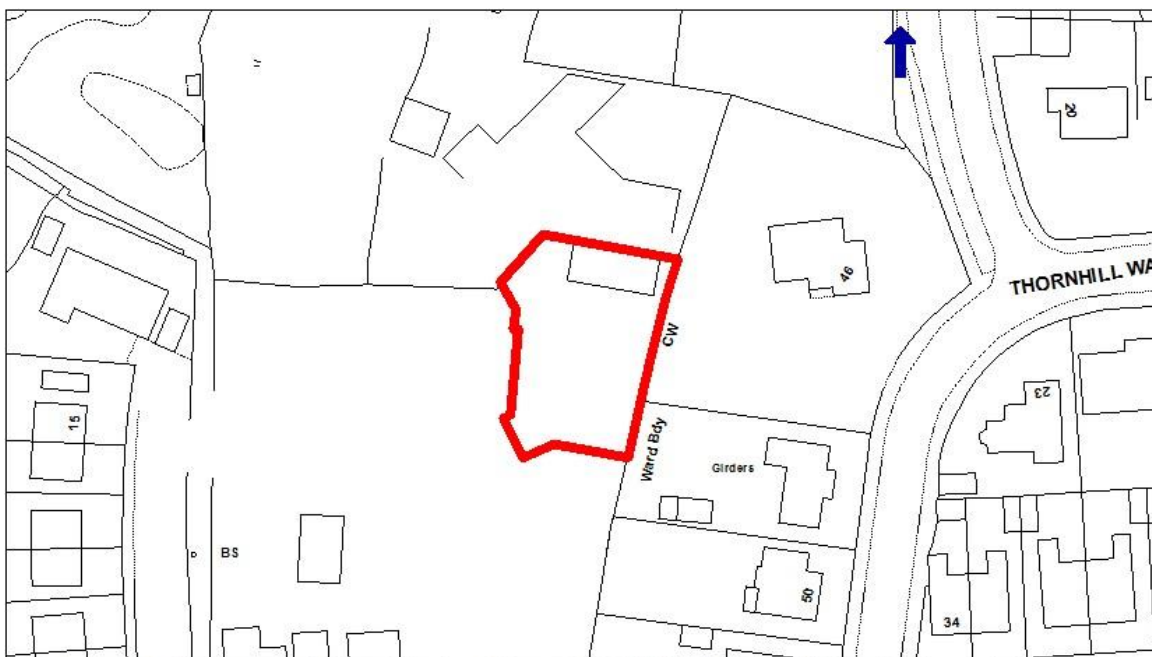
# PLANNING APPLICATION REPORT



|                           |              |             |          |
|---------------------------|--------------|-------------|----------|
| <b>Application Number</b> | 15/01168/FUL | <b>Item</b> | 05       |
| <b>Date Valid</b>         | 10/07/2015   | <b>Ward</b> | Peverell |

|                          |   |                       |   |
|--------------------------|---|-----------------------|---|
| <b>Site Address</b>      | FORMER PLYMOUTH PREPARATORY SCHOOL, BEECHFIELD GROVE<br>PLYMOUTH      |                       |   |
| <b>Proposal</b>          | Erection of 2 new dwellings with associated infrastructure and access |                       |   |
| <b>Applicant</b>         | Linden Homes South West   |                       |   |
| <b>Application Type</b>  | Full Application  |                       |   |
| <b>Target Date</b>       | <b>04/09/2015</b>   | <b>Committee Date</b> | <b>Planning Committee: 27<br/>August 2015</b> |
| <b>Decision Category</b> | Member Referral   |                       |   |
| <b>Case Officer</b>      | Christopher King  |                       |   |
| <b>Recommendation</b>    | Grant Conditionally   |                       |   |

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This application has been referred to planning committee by Cllr Martin Leaves

## **1. Description of site**

The site is part of the former Plymouth College site located on the edge of Peverell and Mannamead. This application relates to an undeveloped plot of land (plot 12) located in the north east corner of the southern site which benefits from planning permission for a 5 bed detached dwelling (14/00128/FUL). The site is relatively level, but sits lower than the adjacent sites to the north and the east. The site is bounded by dwellings on all aspects, with access to be gained from the newly established road as part of the previously approved development.

The northern part of the school site was sold off separately and benefits from planning permission one large dwelling house and one block of 8 flats, as noted in the section 4 of the report below. A high gabion wall separates the two sites.

## **2. Proposal description**

Erection of 2 new dwellings with associated infrastructure and access

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

No pre-application advice has been sought with regards to this application

## **4. Relevant planning history**

14/02196/FUL - Development of vacant site with a block of 8 flats, cycle store and amenity space – Grant Conditionally

14/00128/FUL - Development of site by erection of 12 dwellings, access and associated works (existing building to be removed) – Grant Conditionally

13/01275/FUL – Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation: application to vary Condition 2 of Planning Permission 13/00443/FUL to include enlargement of the first floor on the northern elevation, reduction of the ground and lower ground floor on the southern elevation and fenestration changes – GRANTED and substantially built.

13/00426/FUL – Plot 1 Demolition of existing buildings and erection of a large detached house with two double garages and vehicular circulation – GRANTED.

13/00443/FUL - Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation – GRANTED.

## 5. Consultation responses

Local Highways Authority – Awaiting Formal Comments

Public Protection Service – No objections

## 6. Representations

5 letters of representation have been received, all of which express objections to the proposal. The reasons for objection are summarised below:-

- Loss of outlook due to increased height of proposed dwellings
- Loss of light due to proximity of proposed dwellings to boundary
- Proposed dwellings are not in keeping with the character of the previously approved dwellings
- Overdevelopment
- Insufficient garden amenity space
- Will create a sense of enclosure
- Will increase traffic flow
- The additional dwelling may have detrimental impacts on the drainage proposals
- Likely to be detrimental to amenity in Beechfield Grove and surrounds during the construction phase

## 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 (January 2015) has been subject to a consultation process and representations received are currently being reviewed. 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).

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:*

- *Development Guidelines Supplementary Planning Document*

## **8. Analysis**

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

1. This application turns upon policies CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS15 (Overall Housing Provision), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy; and parts 2 and 8 of the Development Guidelines Supplementary Planning Document.
2. The principal considerations in relation to this proposal are of residential amenity (including overlooking, privacy and light), site layout and access.

### Site constraints

3. The application site is located in the north east corner of a larger, completed site of eleven 4 and 5 bed detached dwellings. The original consent for this plot (Plot 12) was for a large, 5 bedroom dwelling with an attached garage for 2 vehicles.
4. Upon inspection, the site still has some remnant of the old school house which will be entirely demolished when development of the plot commences.
5. With all other plots either completed or nearing completion, the application site is now constrained by the finished boundaries, meaning no additional space can be added to this application site to accommodate the proposed two dwellings, now referred to as plot 12 and plot 12A.

## Design and Layout

6. The proposal is for two 4 bedroom detached dwellings, one of which has an internal garage. Both dwellings are two storeys in height and have smaller footprints when compared to the adjacent properties, and is significantly smaller than the previously approved 5 bedroom dwelling on this site.
7. Whilst the site is not overly prominent, the design of the two dwellings has, in officers opinion, adequately considered the palate of materials that was previously approved and has therefore considered the character of the area and established built form, including the use of natural slate which is welcomed by officers.
8. The previously approved dwelling was located in the middle of the plot, providing a large rear garden and an area of hard standing at the front. Drawing 'Plot 12 and 12A Setting Out', demonstrates the distances of proposed dwellings to the boundaries. The plan shows that the two dwellings are 7.9m and 9m respectively from the northern boundary, which equates to 10.5m and 11.5m elevation of 21 Hartley Road.
9. By virtue of the topography, officers are assessing this based on the 12m guidance of elevation with windows to a blank wall. Officers recognise that the distance falls below the 12m guidance by maximum of 1.5m, but do not consider this to be demonstrably harmful due to the significant height differences. The property to the north sits approximately 1 storey above application site level, and has a 5-6ft high fence running along the boundary. The angle of view into windows/garden therefore would not cause overlooking, and protects privacy for all dwellings.
10. Both proposed dwellings, and the previously approved 5 bed dwelling falls below the 21m window to window as per the SPD.
11. The plan also shows the distances from the east and west boundaries, which are now positioned further away than the previously approved 5 bedroom dwelling. The two dwellings are therefore considered well-proportioned for the site, giving adequate separation from neighbouring boundaries.
12. The two proposed trees along the northern boundary are retained from the previous scheme, and vehicular access to the site will be as previously approved, whereby vehicles will enter through the southwest corner of the site from the road.
13. The two proposed dwellings will share the private drive, which includes 4 parking spaces. Plot 12 also includes an internal garage for one vehicle, meaning a total of 5 spaces are being provided for the two dwellings.
14. Officers consider that proposal accords with policy CS02 (3) and CS34 (4) of the Core Strategy.

## Massing

15. The proposed ridge heights of plot 12 and plot 12A will exceed the height of the previously approved dwelling by 1.5m, as shown in plan 'P03 B – Site Cross Section 'AA' AS Proposed'; and by virtue of the topography of the site, the two dwellings will also exceed the relative heights of plot 6, 7 and 8 even though the proposed dwellings are not as high when measured from ground level.

16. Officers do not consider that the additional height will be detrimental to the outlook of the adjacent properties, particularly 21 Hartley Road which is significantly elevated. The dwellings also follow the gradual step increase in height, and therefore follow the established building pattern.
17. Officers consider that proposal accords with policy CS02 (3) and CS34 (4) of the Core Strategy.

### Amenity

18. Overlooking has been raised as an issue by the residents of 21 Hartley Road, due to the siting and layout of the proposed dwellings. Due to the elevated nature of this property however, officers consider that this dwelling will not be demonstrably impacted by overlooking. Furthermore, the proposed layout of the two proposed dwellings will not demonstrably increase levels of overlooking, or reduce the levels of privacy for future occupiers. As discussed, officers consider that separation distances are acceptable by virtue of the site topography.
19. Officers requested that the proposed dwellings be set further back from this boundary, similar to the previously approved 5 bedroom dwelling; however the applicant was reluctant to move the dwellings as they thought this would have greater impact towards the other dwellings along the southern and western boundaries. In officer's view, the proposal is acceptable without this amendment, however it would have shown consideration by the applicant to neighbouring residents concerns, which officers should encourage where appropriate.
20. The proposed dwellings will be afforded more than 100m<sup>2</sup> of external amenity space, therefore exceeding the minimum standards set out in the Development Guidelines SPD; and is characteristic of the entire development.
21. Officers have checked with the applicant who has confirmed that the construction of the retaining wall along the northern boundary will not reduce the amenity spaces that have been proposed; something which has been raised as an issue by neighbouring residents.
22. Furthermore, both plot 12 and plot 12A exceed the Development Guidelines SPD minimum standards for a 4+ bedroom detached dwelling of 106m<sup>2</sup> meaning future occupiers will be afforded a good standard of amenity space.
23. Officers considered that the proposed fenestration has been designed in a way that is not harmful to outlook or privacy, and will afford sufficient light into the dwellings for future occupiers.
24. The additional dwelling is likely to create a small increase in traffic movements, but officers do not consider this net increase to be demonstrably harmful to amenity with regards to noise and disturbance, and they will not prejudice existing highways users.
25. TPO 53 Hartley Road – a mature Macrocarpa located on the boundary of the site with 46 Thornhill Way will not cause significant loss of light into the rear amenity spaces of the two dwellings due to the orientation of the site and layout of the dwellings.

26. Officers therefore consider that the proposal accords with policy CS15 (4) and CS34 (6) of the Core Strategy

#### Local Highways and Parking

27. Officers have assessed the highways impact for this proposal and are of the view that the additional dwelling will not to cause demonstrable harm to the highways network. However a full assessment is yet to be received; therefore formal comments will be made in an addendum report.

28. The proposed dwellings are being provided with 2 car spaces as per the SPD, off street and with one space as an attached garage.

#### Historical Environment

29. The accompanying Archaeological Report dated August 2013 has not been updated for this application but provides sufficient information to show that there is little extant archaeological interest with the exception of the boundary stones, walling, etc., and where possible these will be retained.

#### Biodiversity/Ecology/Drainage

30. Two particular features of the development is that Bat roosts are proposed in the roofs of the two new dwellings as well as the two trees along the northern boundary of the site. TPO 53 Hartley Road – a mature Macrocarpa east of the site will not be harmed by the development due to the topography of the site and proximity of dwellings to the Root Protection Area.

31. Officers are satisfied that the previously submitted and approved Environmental Mitigation and Enhancement Strategy for the entire site will ensure that biodiversity and ecology is managed accordingly. This will be dealt with by way of condition.

32. Officer are satisfied that the proposal will not significantly increase surface water runoff, therefore will not demonstrably impact flood risk. Confirmation of the drainage and pipe manhole schedule has been requested confirming pipes and materials which will be dealt with by way of condition.

#### Officer Summary

33. Having reviewed the design and layout of the proposal, officers consider that the proposal will not demonstrably harm the amenity of neighbouring dwellings. The size of the site can adequately accommodate the additional dwelling, as demonstrated by the large amenity spaces that are being provided, and therefore accords with policy CS02 and CS34.

34. Furthermore, officers consider that the additional dwelling will not have an adverse impact towards neighbouring properties with regards to noise and disturbance through increased comings and goings.

35. The impacts of these two dwellings when compared to the extant permission are not considered demonstrably harmful, and as such, it would be unreasonable to recommend refusal.

36. Furthermore, officers have considered the dwellings on their own individual planning merits, and consider that the development of this site would not cause demonstrable harm to residential amenity and character of the area.

## 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 is £8,298.88 (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.

Note: this is a redesign of an earlier scheme, if amounts are paid in full from the earlier demand notice the paid amounts can be offset against this calculation.

## 11. Planning Obligations

Not Applicable as the proposal falls below the threshold of 15 units

## 12. Equalities and Diversities

No equality or diversity issue to be considered

## 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework Core Strategy and is therefore recommended for approval.

## 14. Recommendation

In respect of the application dated **10/07/2015** and the submitted drawings Site Location Plan P04; Existing Site Plan; Floor Plans and Elevations as Proposed P02 Rev B; Site Cross Section 'AA' as Proposed P03 Rev A; Site Plan as Proposed P01 Rev D; Proposed Drainage Layout 13.316/350 Rev H; Plot 12 and 12A Setting Out; Plot 12 and 12A Ridge Heights; Environmental Mitigation and Enhancement Strategy contained within the Ecological Impact Assessment dated Jan 2014; Archeological Desk-Based Assessment Aug 2013; Phase 1 and 2 - Part 1 of 2; Phase 1 and 2 - Part 2 of 2, 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: Site Location Plan P04; Floor Plans and Elevations as Proposed P02 Rev B; Site Cross Section 'AA' as Proposed P03 Rev A; Site Plan as Proposed P01 Rev D; Proposed Drainage Layout 13.316/350 Rev H

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: SURFACE WATER DISPOSAL**

(3) No development shall take place until a drainage pipe and manhole schedule is carried out confirming pipes and materials details has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the buildings hereby permitted is first occupied

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

NB:To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

### **Other Conditions**

#### **HABITAT PROTECTION AND ENHANCEMENT**

(4) The dwellings hereby approved shall not be occupied until the measures detailed in the submitted Ecological Impact Assessment dated January 2014 and agents email dated 7/4/14 have been implemented in accordance with details previously submitted and approved in writing by the Local Planning Authority.

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, and paragraph 118 of the National Planning Policy Framework 2012.

#### PROVISION OF PARKING AREA

(5) 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.

#### 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.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(7) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the Tree Protection Plan 04019-TPP-21.01.14. (or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, 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.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(8) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwellings hereby approved.

Reason:

In order to protect trees and the amenity of neighbouring properties, 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.

## HIDDEN FEATURES

(9) If, during the course of the works, presently hidden features are revealed, the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

To ensure that any hidden features are recorded and/or retained, as deemed appropriate, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

## **Informatives**

### INFORMATIVE: (1) 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 any pre-commencement conditions are satisfied.

### INFORMATIVE: CONDITIONAL APPROVAL (2)

(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.

### CODE OF PRACTICE DURING CONSTRUCTION

(3) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing, piling and noisy operations, control of mud on roads and the control of dust.

A copy of the Public Protection Service, Code of Practice for Construction and Demolition is available on request from 01752 304147 or it can be downloaded for use via:

[http://www.plymouth.gov.uk/construction\\_code\\_of\\_practice.pdf](http://www.plymouth.gov.uk/construction_code_of_practice.pdf)

#### INFORMATIVE: DRAINAGE

(4) The proposed drainage alterations should be consulted with SWW and the Environment Agency and the Surface water drainage system including manholes and pipes should be designed in accordance with Sewers for Adoption 7th Edition (WRc 2012) where appropriate.

#### INFORMATIVE: BOUNDARY WALLS

(5) Where possible, historical boundary stone walls should be retained to respect the former historic character of the site.