

# PLANNING APPLICATION REPORT



Application Number 15/01630/FUL

Date Valid 01/09/2015

Item 07

Ward St Budeaux

Site Address LAND ADJACENT (EAST) TO 790 WOLSELEY ROAD PLYMOUTH

Proposal Erection of 6 terrace dwellings with off road parking

Applicant HSK Developments Ltd

Application Type Full Application

Target Date

**27/10/2015**

Committee Date

**Planning Committee: 19 November 2015**

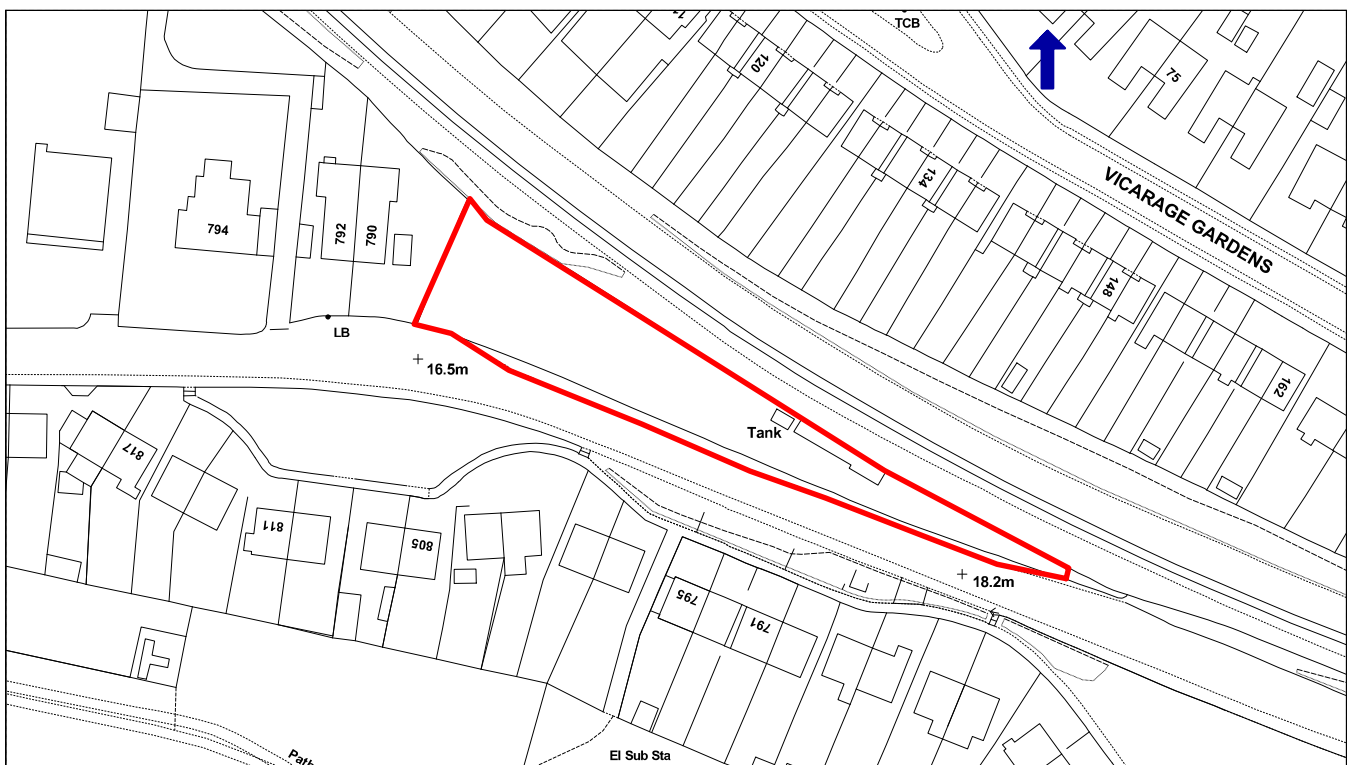
Decision Category Member Referral

Case Officer Rebecca Boyde

Recommendation Grant Conditionally

Click for documents

[www.plymouth.gov.uk](http://www.plymouth.gov.uk)



This application has been called into committee by Councillor Wheeler

### **1. Description of site**

The site is located adjacent to 790 Wolseley Road. The site was previously used as allotments however the site has been vacant for three years and is currently in private ownership. The site is bounded by residential properties and is sandwiched between a classified road and a rail way track.

### **2. Proposal description**

Erection of 6 terrace dwellings with off road parking

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

None

### **4. Relevant planning history**

15/01144/FUL-Erection of 8 no. terrace dwellings with off road parking, Refused

14/01845/FUL- Erection of single dwelling with integral garage, Permitted

14/00375/FUL- Erection of 2 dormer style dwellings with integral garage. Associated alterations to footpaths, Permitted

### **5. Consultation responses**

Local Highway Authority recommends approval

Network Rail has no objections but has advised that the applicant should contact them direct to discuss.

Public Protection initially recommended refusal however after discussions it is accepted that conditions can be added to a decision to overcome their noise concerns.

Natural Infrastructure team have recommended conditions to be attached to a decision

### **6. Representations**

16 Letters of objection have been received. The main reasons for objections are:-

- Transport concerns
- Removal of hedge
- Privacy
- Overlooking

- Out of character
- Over-development
- Wildlife concerns

## 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 was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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 a relatively 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:*

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

## 8. Analysis

(1) 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. The application has also 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.

(2) The proposal seeks to erect 6 three bedroom dwellings. Each property will accommodate off street car parking and have amenity space located to the rear of the properties. The site has been subject to several planning applications in which two dwellings were permitted and most recently eight dwellings refused based only on inadequate access and out of character in terms of amenity space. The previous permissions have not been implemented. It is officer's opinion that this proposal achieves adequate amount of access and amenity space for the occupiers whilst not being detrimental to the character of the area.

### Principle of development

(3) The proposal seeks to build on previously used allotments. The principle of development has been deemed as acceptable by the Local Planning Authority through the grant of planning permission for the erection of one dwelling (14/00375/FUL) and for the erection of two dwellings (14/01845/FUL) neither of these planning permissions have been implemented. It should be noted that whilst at present these permissions have not been carried out the applicant has three years to implement and may still wish to use these permissions.

(4) It is not considered that the loss of the allotments will have a negative impact upon the character of the area as the site has not been used for allotments for three years. It is considered by officers that the site would be able to accommodate the six dwellings without having a negative impact in terms of transport, privacy or character of the area.

### Design

(5) 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.

(6) In terms of style, the character of the surrounding townscape has become more varied over the years as new development has been delivered within the vicinity. The proposal seeks to erect six terraced style dwellings. The dwellings will provide a kitchen, lounge/ dining area at ground floor level and three bedrooms and a bathroom at first floor level.

(7) The dwellings proposed all meet minimum internal standards as set out within the Supplementary Planning Document. It is noted that 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 and by contributing to the provision of a sustainable linked community.

(8)The house 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 and will use render and weatherboard. It is not considered that the change in materials will have a significant impact on the area as there are many different designs and materials used within Wolseley Road. It is officer opinion that the terrace will not appear out of character as immediately to the South East lays a large terrace.

(9)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 and terraced properties should be approximately 50m<sup>2</sup>. It is noted that the plots vary in size and the amenity space for each plot is:-

- Plot 1 – 109.0
- Plot 2 -51.4
- Plot 3- 67.0
- Plot 4 – 52.9
- Plot 5- 51.1
- Plot 6- 69.9

(10)The properties all meet or exceed the minimum standards and the officer therefore deem's the proposal acceptable.

(11)A number of the letters of objection refer to the loss of a hedge and habitats. The applicant has submitted a habitat survey and the Local Planning Authority is happy that conditions can be attached to decision to ensure there will be no detrimental impact to the habitat within the area.

(12)Other objections state there will be an impact upon privacy. The properties to the north of the site are separated by the train line and large gardens. It is therefore considered that there will be no overlooking or impact on the dwellings located off Vicarage Road. The properties located opposite the site are separated by Wolseley Road and are located lower than those proposed due to the topography. It is therefore considered that there will be no impact upon these properties either.

#### Public Protection comments

(13)The Council's Public Protection service recommended refusal based on the lack of a noise survey being submitted. However after negotiations and discussions it is considered acceptable for the proposal to be conditioned putting onus on the application that the dwellings are constructed in accordance with noise regulations and evidence is submitted to confirm this prior to occupation.

#### Local Highway Authority comments

(14)Further to the highway consultation response made in respect of the previous application (no

15/01144/FUL) which recommended refusal on the basis of sub-standard access and inadequate cycle storage and car parking provision, the applicant has now amended the layout plan to address those concerns.

(15) A reduction in the number of units proposed on the site (from 8 to 6) along with a widening of the car parking spaces has helped address previous concerns raised regarding the ability for vehicles to be able to reverse out of the spaces and turn (taking into account existing on-street kerbside car parking on the opposite side of the road).

(16) In addition cycle storage has been shown within the curtilage of each of the properties which addresses the previous concerns raised in this respect.

(17) One point that still remains outstanding is the need to provide a sufficient level of inter-visibility looking to the east for vehicles exiting the car parking area. It would appear that this could be achieved by cutting back the existing hedge bank and it's acknowledged that this area falls within the red line boundary of the application site (and could therefore be subject to condition).

(18) Including the driveways and garages serving plots 3 and 4, a total of 11 off-street car parking spaces are proposed which equates to a car parking standard of 1.83 spaces per unit which is considered acceptable.

#### 5 year housing supply

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

(20) 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”*

(21) 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.”*

(22) 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.

(23) 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.

(24) 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...”

(25) 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”

(26) 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.

(27) Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply), paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

(28) In summary, it is officers’ view that the proposals will provide an adequate sustainable development. The proposal does not appear out of character with the area and the layout and design is therefore in line with the Core Strategy policy CS02, CS34 of the 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 provisional Community Infrastructure Levy liability (CIL) for this development is £21,447.32 (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, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

## 11. Planning Obligations

None

## 12. Equalities and Diversities

The application proposes 6 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 **01/09/2015** and the submitted drawings P738-01,P738-02B,P738-03A , P738-04A, P738-005A, P738-50, P738-51,it is recommended to: **Grant Conditionally**

## 14. Conditions

### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Strategic Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46

### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: P738-01,P738-02A,P738-03A , P738-04A, P738-005A, P738-50, P738-51



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.

To ensure that risks to health through contamination are properly considered and addressed before building works commence.

#### PRE-COMMENCEMENT: PROVISION OF SIGHT LINES

(4) No development shall take place until details of the sight lines to be provided between the off-road car parking area and Wolseley Road have been submitted to and approved in writing by the Local Planning Authority and the approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety 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.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

#### **PRE-COMMENCEMENT: BIODIVERSITY**

(5) Prior to commencement the applicant will need to provide details of how net biodiversity gain can be achieved on site in accordance with Policy CS19 and NPPF paragraph 109 and 118, including full details of existing and proposed habitats (usually displayed in a 'biodiversity budget' table). Enhancement measures might include provision of bat roosting and bird nesting opportunities, native tree, shrub and wildflower planting, etc.

Reason

In the interests of the enhancement of wildlife and features of biological interest, in accordance with Core Strategy policy CS19 and Government advice contained in the NPPF paragraphs 109 and 118.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

#### **Pre-occupation Conditions**

#### **PRE-OCCUPATION: NOISE VERIFICATION**

(6) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 Db Laeq for bedrooms (2300 to 0700 night-time), and no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) with windows shut and other means of ventilation provided. Levels of 45 Db Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time). Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

#### **PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS**

(7) None of the units hereby proposed shall be occupied until a means of access for pedestrians (in the form of a new dropped kerb crossing point on Wolseley Road) has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided 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-OCCUPATION: CAR PARKING PROVISION

(8) None of the units hereby proposed shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

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

#### PRE-OCCUPATION: CYCLE PROVISION

(9) None of the units hereby proposed shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 6 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.

### **Other Conditions**

#### CONDITION: HABITAT

(10) All works should be carried out in accordance with the Extended Phase I Habitat Survey (Reports 4 Planning, July 2015).

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.

## **Informatives**

### **INFORMATIVE: KERB LOWERING**

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

### **INFORMATIVE: CONDITIONAL APPROVAL (NO 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 and has imposed planning conditions to enable the grant of planning permission.

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

(3) 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.