

PLANNING APPLICATION REPORT



Application Number	15/02335/FUL	Item	05
Date Valid	07/01/2016	Ward	Stoke

Site Address	84 AND 86 SOMERSET PLACE, PLYMOUTH		
Proposal	Retrospective application for the removal of wall to form hard-standings at 84 and 86 Somerset Place		
Applicant	Ms Susan Aston		
Application Type	Full Application		
Target Date	03/03/2016	Committee Date	Planning Committee: 10 March 2016
Decision Category	Member Referral		
Case Officer	Amy Thompson		
Recommendation	Grant Conditionally		

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This application has been referred to planning committee by Cllr Sam Davey

1. Description of site

84 and 86 Somerset Place are neighbouring properties that are part of a terrace in the Stoke Conservation Area.

2. Proposal description

Retrospective application for the removal of wall to form hard-standings at 84 and 86 Somerset Place

3. Pre-application enquiry

None.

4. Relevant planning history

No planning history but is currently an open enforcement case (15/02302/OPR).

5. Consultation responses

Local Highway Authority-No objection subject to appropriate mitigation, see comments below.

Public Protection- No objection.

Historic Environment- No objection subject to added conditions, see comments below.

6. Representations

9 letter of representation with main concerns of;

- Proposal could set a precedent on the north side of the street.
- Loss of the old flagstones, which has also been damaged through construction.
- Impact on boundary wall between 84 and 82 Somerset Place.
- Loss of on-road parking spaces.
- Parking is already provided to the rear of the property in garages.
- Negative impact on conservation area.
- The development started without planning permission.
- Obscure vision for users of the proposed hard-standing and could impact on the safety of the public, which includes school children, mobility scooters and cyclists.
- Road safety as Somerset Place is a narrow road that can be busy at peak times. The proposal could result in a collision.
- Loss of grass and wildlife habitat, could impact on flooding.

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:

- 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 turns upon policies CS02 (Design), CS03 (Historic environment) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.
2. This application is for retrospective consent for the removal of the front walls for 84 and 86 Somerset Place to form a hard-standing. The application was submitted due to a complaint being submitted to the planning enforcement team. When investigated the enforcement officer recommended that all works on site cease and a planning application be submitted for determination.
3. The applicant requires retrospective planning permission for the removal of the entire wall fronting onto Somerset Place from 84 and 86 Somerset Place due to being sited within a conservation area. Planning permission is required to demolish a boundary wall over a metre high and fronts a highway. However under the General Permitted Development Order the applicant is allowed to construct a hard-standing of any size, using permeable material without planning consent. It has been indicated in the proposed plans the parking area would be made out of permeable material and therefore planning permission is not required for the construction of the hard-standing.
4. The initial proposal sought to remove the entire wall along the frontage of 84 & 86 Somerset Place, erection of a hard-standing and erection a fence between the hard-standing a gardens of the two properties. However since the initial submission amendments have been made in response to comments received from the Local Highway Authority and concerns with the loss of on-street parking and allow vehicles to cross the kerb. The amendments to the proposal include a new boundary to the front of both properties and a 5 metres opening in the centre of the boundary to allow for a shared access to the hard-standing.
5. The Local Highway Authority have no objection to the proposal and have requested that conditions be added for details of the car parking area and sight lines are submitted to and approved in writing by the Local Planning Authority before commencing with the proposal.
6. 84 & 86 Somerset Place are located on the north side of Somerset Place. The majority of properties within this terrace are the oldest within the conservation area, however the properties in question were built after the war. Currently there is one hard-standing on the north of Somerset Place, and it is noted that a number of properties on the south side have hard-standings.
7. The Historic Environment Officer has stated that the removal of the entire front wall, piers and gate and the scale of the hard-standing does impact on the character of the north side of Somerset Place. However the Historic Environment officer has made recommendations for conditions, similar to the ones requested by the Local Highway Authority. The conditions request details to be submitted to the Local Planning Authority prior to commencing with the development for the proposed materials used for the hard-standing, the wall fronting Somerset Place, details of drainage and an informative will be added to ensure that any

damage caused to the pavement adjacent to the hard-standing is repaired. With these added condition the Historic Environment Officer states that the overall appearance and quality of the work would be improved and lessen the harm on the conservation area.

8. The application under consideration seeks planning permission retrospectively for the demolition of the boundary walls for 84 and 86 Somerset Place that front onto the highway, to form a hard-standing for both properties.
9. In August 2015 the Government announced a new national planning policy relating to intentional unauthorised development. The new policy applies to all planning decisions made by Local Planning Authorities, after then, including those made by Planning Inspectors where decisions are made on appeal to them. The new policy requires weight to be given in the decision making process where unauthorised development has been carried out intentionally. Unfortunately, the policy does not indicate exactly how much weight should be afforded to this in relation to the weight given to other material planning considerations that will apply. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally, as opposed to it possibly having been carried out unintentionally.
10. In reality, given the difficulties in interpreting these issues, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that in its opinion unauthorised development is being carried out, and that works have continued beyond that point. This does not apply in this case, and so it is considered that no weight should be afforded to this point in the determination of this application.
11. The concerns raised within the letters of representation regarding the impact on the loss of garden and wildlife habitat is not considered to be detrimental due to the scale of this development.
12. The proposal is not considered to have a detrimental impact on neighbour amenity or the character and appearance of the conservation area and is therefore recommended for the conditional approval.

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

None.

11. Planning Obligations

Not applicable.

12. Equalities and Diversities

None.

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. The application is recommended for conditional approval.

14. Recommendation

In respect of the application dated **07/01/2016** and the submitted drawings Site location plan, 2937-03.,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:Site location plan, 2937-03.

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: PROVISION OF SIGHT LINES

(3) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the hard-standing is first brought into use.

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.

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

PRE-COMMENCEMENT: PROVISION OF DRAINAGE WORKS

(4) No development shall take place until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided 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

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.

PRE-COMMENCEMENT: DETAILS OF WALL

(5) No development shall take place until details of the boundary wall fronting onto Somerset Place have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

To ensure that the development can reasonably accommodate the external design and materials that are acceptable to the local planning authority.

Pre-occupation Conditions

PRE-OCCUPATION: CAR PARKING PROVISION

(6) The building shall not 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.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) 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: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: KERB LOWERING

(3) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossing (single 5 metres) 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: DAMAGE TO PAVEMENT

(4) Any damage caused to the pavement adjacent to the hard standing will need to be repaired to avoid becoming dangerous.