

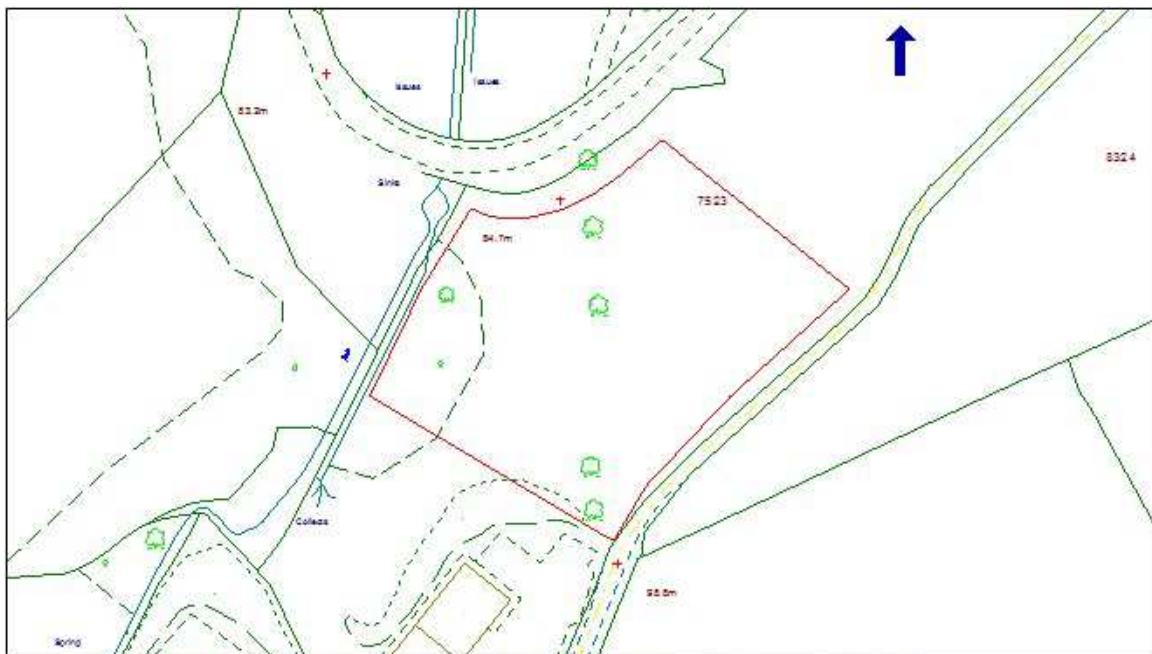
PLANNING APPLICATION REPORT



Application Number	15/02379/FUL	Item	04
Date Valid	05/01/2016	Ward	Moor View

Site Address	RIVERFORD, ESTOVER CLOSE, PLYMOUTH		
Proposal	Development of one 'Eco home' and associated external works		
Applicant	Mr David Daley		
Application Type	Full Application		
Target Date	14/06/2016	Committee Date	Planning Committee: 09 June 2016
Decision Category	Member Referral		
Case Officer	Amy Thompson		
Recommendation	Minded to Grant/Defer/Del auth		

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This application has been referred to Planning Committee by Cllr Nick Kelly.

1. Description of site

The application site is located at the north-eastern edge of Estover and forms part of a field located adjacent to a lane, Estover Close which serves a small number of dwellings at Riverford. The site lies between the Plym Valley to the north and Foresters Business Park to the south. The site lies just outside a Local Development Framework designated Greenscape Area, with the trees on the northern boundary of the site being the subject of a Tree Protection Order.

2. Proposal description

The application seeks full planning permission to construct a dwelling, described in the application as an 'Eco home', and carry out associated external works

3. Pre-application enquiry

None.

4. Relevant planning history

14/01535/FUL - Development of two Eco homes and associated works- Granted conditionally

Relevant Recent History in the Vicinity

Commonwood Cottage

13/00449/FUL - Development of site by erection of detached two-storey dwellinghouse with associated access and parking – Granted conditionally.

Odoorn Lodge

15/00129/OUT- Outline application for a second dwelling to be built on site, Granted conditionally

14/00501/OUT- Erection of new dwelling (all matters reserved) - Granted conditionally.

08/01703/OUT- Outline application to develop part of garden by erection of detached dwelling- Refused- Dismissed at Appeal.

Elizabeth Cottage

15/00624/OUT- Redevelop site with 3 no. detached properties- Granted conditionally

5. Consultation responses

Local Highway Authority – Object due to unsustainable location.

Natural England – No objections

South West Water – No objections but raise issue of easement

Public Protection – No objections

Tree Officer- Recommends amendments, see comments below.

Sustainable Urban Drainage- Requested further information.

6. Representations

Two letters of representation have been received objecting to the application. The issues raised are:

- Concerns over flooding and reed beds
- Loss of trees
- Scale, not in keeping with area
- Impact on privacy and overlooking
- Access lane management

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

5 year housing supply:

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

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”

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.”

For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

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.

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

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”

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

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. This application has been considered in the context of the Council’s adopted planning policy in the form of the Local Development Framework Core Strategy 2007. The planning application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth’s Greenspace) CS19 (Wildlife) CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document (SPD). Consideration would also be given to the National Planning Policy Framework (NPPF).

(2) The primary planning considerations are: the impact on the character and the visual quality of the area; the impact on neighbouring amenity; the residential amenity of the proposed accommodation; the provision of parking and highway safety implications; sustainability issues; contaminated land; the impact on the protected trees ; greenspace and nature conservation issues, as discussed below.

(3) The proposal seeks to erect a four bedroom detached Eco-house with parking and amenity space. The Eco-house designation reflects the form and design of the dwelling, which is based on energy consumption, and waster minimising/ recycling, principles. The site is accessible via a single lane track and private driveway. There are several properties within this area which are similar in size. Access to the site would be via the south of the site.

Green scape, character of area and biodiversity

(4) The proposal site is situated just outside the southern edge of the designated Plym Valley Local development Framework (LDF) designated ‘Greenscape’ network. Noting the planning history for application 08/01703/OUT for the neighbouring property at Odoorn Cottage, the application was refused due to the unacceptable impact upon the greenscape. The Planning Inspector agreed with the Council and dismissed the subsequent appeal.

(5) With regard to greenscape, policy CS18.I states that development on or adjacent to strategically and locally important greenscape areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area.

(6) The greenscape area is of regional importance in respect of informal recreation, natural habitats/biodiversity, visual amenity, and separation/buffer and access corridors. However, given that

the proposed dwelling would be located well within the site, and would be well screened, it is considered that the loss of a small amount of greenscape is not significant enough to warrant a refusal in this instance.

(7) The site lies within a Biodiversity Network Feature (BNF). An ecology report has been submitted with the application which has stated that the proposal would be unlikely to have a detrimental impact on habitats and biodiversity, with protective measures and appropriate mitigation implemented throughout the scheme.

(8) As part of the scheme the applicant has produced a list of measures that would provide a net gain for biodiversity on site which includes the creation of an orchard, bat and bird boxes and planting of native broadleaved trees, shrubs and a range of wildlife friendly flowers. It is therefore considered that proposal would not result in a detrimental impact on biodiversity and habitats contrary to policy CS19.

(9) The dwellings would be largely screened by the mature boundary vegetation and unlike the developments that have been previously proposed further to the north would not be highly visible if at all when viewed from along the Plym Valley.

(10) The houses have been designed so that to some extent they sit into the existing slope resulting in a lower appearance when viewed from the access lane. The massing is considered to be sensitive to the surrounding environment whilst also reflecting the scale of existing dwellings in the area.

(11) Walls would be finished in white render, faced random stonework native to the region, a green roof, and solar glass filled double glazed units in timber composite insulated frames. The proposal is therefore considered to be visually acceptable.

Transport

(12) There is extensive history to developments in this area, including a Planning Inspector's decision to refuse an application for a dwelling on sustainability grounds, amongst other reasons. The small cluster of properties is served by way of a private narrow lane which joins Estover Close to the South. There are no footways in the vicinity of the site, and Public Transport services are limited, albeit the walking distance to such services makes this an unrealistic choice of travel.

(13) As such any residents are likely to favour using private cars for their journey to and from the site. The development would generate completely new trips onto the network and would therefore increase the number of movements along the private, unmade and single track between the Plymouth Transport and Highways is a partnership between Plymouth City Council and plot and Estover Close. However, it is noted that a similar application was recently approved at Planning Committee, and therefore a precedent has been set for new dwellings within the area. It is therefore considered that the proposed two car parking spaces and secure cycle storage arrangements are acceptable.

Residential Amenity

(14) The proposed dwelling would be located well within the site and would be screened by natural vegetation. It is therefore considered that the proposal would not have an unreasonable impact on neighbouring amenity.

Standard of accommodation

(15) The Councils Development Guidelines Supplementary Planning Document (SPD) sets out minimum floor space guidelines for new dwellings. The SPD advises that the minimum size for a 4-bed property should be 106m²; and the proposed dwelling exceeds this guideline. In addition, the

SPD sets out recommended minimum standards for outdoor amenity space. The proposal exceeds the required 100sqm. Further to this all habitable rooms would have adequate light and outlook. The proposal is therefore considered to provide a good level of accommodation and in this respect complies with policy CS34.

Trees

(16) The site is subject to a Tree Preservation Order and as such the dwelling has been carefully positioned to limit impact on the trees. The site contains significant protected trees, three of which are mature oaks. These trees are proposed to be retained, but due to the steep sloping nature of the site concerns have been raised by the Tree Officer regarding the bank required to construct the building will spill beneath the canopy of these trees, and an increase in soil level will compact the ground and suffocate rooting area.

(17) A solution to this could be achieved by moving the dwelling eastwards to give the clearance necessary or the footprint be reduced. Discussions are still undergoing with the applicant and an update will be given in an addendum report.

(18) Officers consider that with conditions in place to ensure tree protection during construction, and an appropriate method statement, then the proposal not would have an unacceptable impact on the protected trees.

Public Protection issues

(19) Having reviewed the submitted Preliminary Risk Assessment Desk Study has been submitted with the application the Council's Public Protection Service does not have any objection to the granting of planning permission. Public Protection officers are satisfied that the report demonstrates a low risk from contamination. However, a condition requiring the reporting of unexpected contamination is recommended because the report does identify potential sources in the area.

(20) A noise assessment report has been submitted in support of the application. Public Protection are satisfied with the consultant conclusion that the site is likely to be unaffected by any noise from the industrial areas. Because the proposed development involves potentially noisy and disruptive activities an informative is recommended to help the developer to mitigate some of the effect on nearby residents.

OTHER ISSUES

Flooding

(21) Negotiations and discussion have been undergoing throughout the application process with the Sustainable Urban Drainage (SUDs) Team to ensure any concerns of flooding have been met. The comments received from the SUDs Team indicate that the appropriate mitigation should be provided prior to the building being occupied in the form of trenches to ensure that the surface water is directed away from the Highway and towards the watercourse. Therefore a condition with be added to ensure a Construction Environment Management Plan is provided ahead of the works. This would be aimed at ensuring that the watercourse and water quality is protected during the works.

Housing supply

(22) 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.

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 £10,533.48 (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 for guidance.

The applicant has indicated that they do not intend to apply for self-build exemption.

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 subject to agreement being reached over the position of the dwelling in relation to the trees, conditional approval is recommended.

14. Recommendation

In respect of the application dated **05/01/2016** and the submitted drawings 26236-OSS-001-P0, Report Ref: SBC/015/14, 26236-XXX-S-E-001, 26236-XXX-002, 26236-900-G-001-P0, 26236-900-G-002-P0, 26236-900-G-00-PI, 26236-000-GA-001, 26236-000-E-002-P0, 26236-000-E-001, 26236-000-E-003-PI, 1998-201, 1998-200-P2, 1998-200-PI, Tree Survey Schedule dated 03.05.14, S14-130 Estover Close Desktop Study R3, Preliminary Ecological Appraisal March 2014, Design, Access & Eco Statement revision P0 dated 18.12.015., it is recommended to: **Minded to Grant/Defer/Del auth**

15. 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 26236-OSS-001-P0, Report Ref: SBC/015/14, 26236-XXX-S-E-001, 26236-XXX-002, 26236-900-G-001-P0, 26236-900-G-002-P0, 26236-900-G-00-PI, 26236-000-GA-001, 26236-000-E-002-P0, 26236-000-E-001, 26236-000-E-003-PI, 1998-201, 1998-200-P2, 1998-200-PI, Tree Survey Schedule dated 03.05.14, S14-130 Estover Close Desktop Study R3, Preliminary Ecological Appraisal March 2014, Design, Access & Eco Statement revision P0 dated 18.12.015.

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: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

(3) Prior to commencement of works a Construction Environmental Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority to minimise impacts on nearby designated habitats and protected species. The CEMP should follow the Environment Agency's Pollution Prevention Guidelines 5, and should be adhered to in order to minimise any impact associated with the construction works:

Limit the dumping, spreading or discharge of any materials and chemicals on site;

During the construction ensure that all chemicals are securely stored at a safe distance away from the intertidal area;

Justification for pre-commencement

To ensure that the construction phase does not unduly impact on the natural environment.

Reason:

In the interests of the retention and protection of the marine environment, including the European Marine Site features, in accordance with Core Strategy policies CS19 and CS34 and Government advice contained in the NPPF.

Other Conditions

CONDITION: CONTAMINATED LAND

(4) In the event that unacceptable levels of risk, unexpected contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they shall be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to any or all of the following that apply:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) a remedial and preferred options appraisal.

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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme shall 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 is suitable for use and 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 shall 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 environment, future users of the land and neighbouring land are minimised, and ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: NOISE

(3) All dwellings should be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The levels as described in Table 4 of the guidance shall be applied, meaning there must be no more than 35 dB Laeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), 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).

As noise insulation works can be costly after developments are completed, it is advised that, in order to meet the above criteria, a noise assessment is carried out to assess the level of sound insulation required, to ensure the standards are met prior to development.

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.

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: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.