

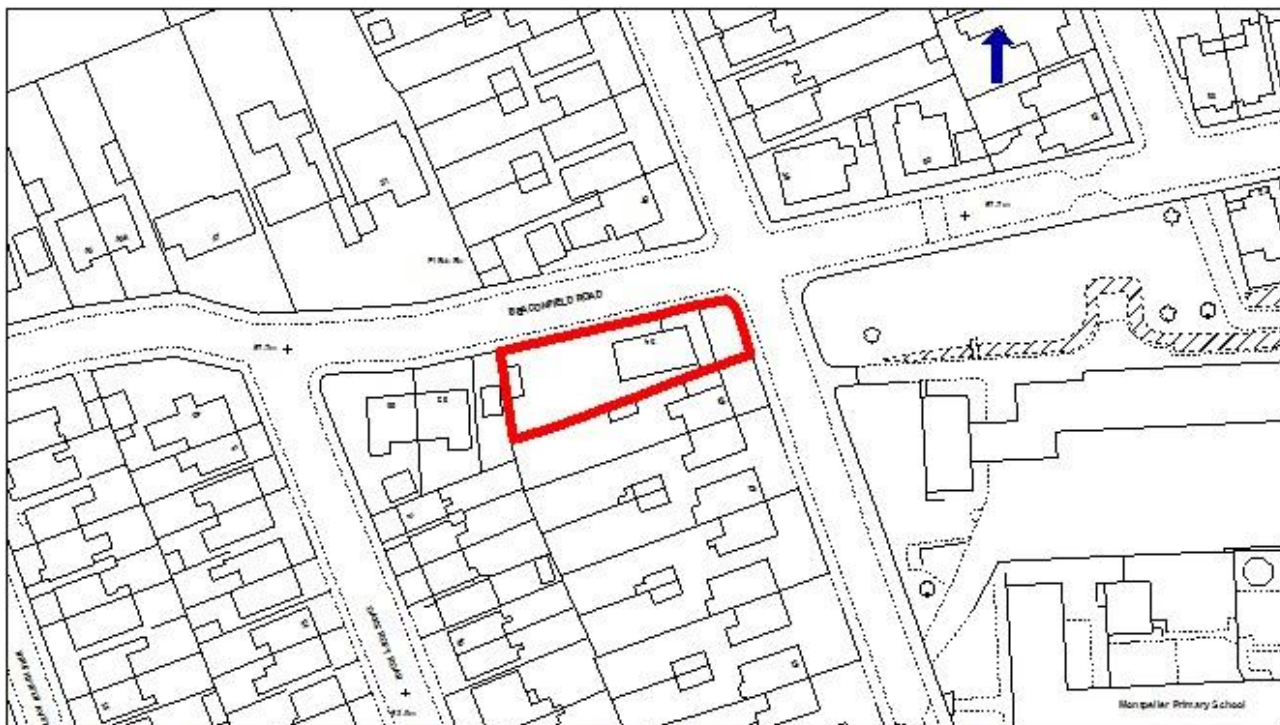
PLANNING APPLICATION REPORT



Application Number	16/01628/FUL	Item	01
Date Valid	07/09/2016	Ward	Peverell

Site Address	54 BEACONFIELD ROAD, PLYMOUTH		
Proposal	New dwelling		
Applicant	Mrs Hayley Johns		
Application Type	Full Application		
Target Date	02/11/2016	Committee Date	Planning Committee: 27 October 2016
Decision Category	Member/PCC Employee		
Case Officer	Amy Thompson		
Recommendation	Refuse		

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This application has been referred to Planning Committee as the applicant is an employee of Plymouth City Council.

1. Description of site

54 Beaconfield Road is a two-storey detached property on a corner plot between Beaconfield Road and Fircroft Road and is located in the Beacon Park area of the city. The area is predominantly a residential area but there is a school and various local shops in the vicinity. The application site is approximately 11 meters wide by 14 meters deep.

2. Proposal description

New detached dwelling within the garden of 54 Beaconfield Road

3. Pre-application enquiry

16/00166/MIN- Erect a detached house in part of the garden fronting Beaconfield Road- Officer raised concerns in regard to the impact on the street-scene and neighbour amenity and recommended that a bungalow design should be considered.

4. Relevant planning history

15/01254/EXUS- Establish existing use as a single family dwelling- Certificate of lawfulness issued.

5. Consultation responses

Public Protection Service- No objection subject to added condition.

Local Highway Authority- Recommends refusal.

6. Representations

2 letters of representation received objecting to the proposal with main concerns of;

- Not adequate parking
- Overlooking
- Overcrowding
- Increased traffic
- Privacy
- Out of character

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 emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The main planning considerations in this case are the impact on the character and appearance of the

area, the effect on neighbouring amenity, highway safety and parking, and land contamination.

Principle of development

2. The proposal is to erect a two storey detached dwelling in the garden of 54 Beaconfield Road with integral garage. Some of the garden relating to number 54 will be retained for the sole purpose of the donor property.
3. The application site itself is set within an established residential area, and would be of a comparable size to the adjacent developed plots. Officers consider that the proposal is not inappropriate development of a residential garden. It is not contrary to Policy 39 of the Plymouth Plan or the NPPF as although it is a garden development, this will not impact on the City's green space resource or the character and amenities of the area if appropriately designed. The proposal therefore accords with paragraph 53 of the National Planning Policy Framework (NPPF) and Policies CS01, CS02, CS16 and CS34 of the Core Strategy. The principle of this proposal is therefore considered acceptable.

Neighbour amenity

4. The proposal would be set into the garden of 40 Pollard Close. The proposed windows on the rear elevation would face onto the garden of 49 Parker Road. These windows would serve a hallway and are high level windows. There is one side window that would face onto the donor property and this would be obscured glazed as it serves a bathroom. Due to the type and position of the windows, it is not considered that the proposal would have a detrimental impact on the privacy of neighbours.
5. The proposed dwelling would be located approximately 9 meters away from the donor property. The Development Guidelines Supplementary Planning Document asks that the minimum distance between a main habitable room window and a blank wall should be at least 12 metres; therefore the proposal does not comply with this guidance. As raised within the pre-application, the close proximity to the donor property is considered to have a detrimental impact on the outlook of the donor property.

Residential amenity

6. The proposal is for a two-storey dwelling house that will accommodate a lounge, kitchen and dining room on the ground floor, three bedrooms and a bathroom on the first floor. The dwelling would exceed the minimum internal space guidance as stated in the Development Guidelines SPD for a three bedroom house which is 82m², the dwelling is approximately 98m², and all rooms will be of a sufficient size.
7. It is also noted that, although not adopted, the national minimum internal floor space for a three bedroom two storey dwelling should be between 84m² and 102m². It is therefore considered, that with the guidance set out within the SPD, that the dwelling is of a satisfactory size.
8. The proposed rear garden for the new dwelling would be approximately 59m² and the donor property would have a rear garden of approximately 122m². The size of the rear garden of the proposed dwelling is therefore considered lower than the recommended standard of 100 square metres for detached dwellings in the Development Guidelines SPD. However the SPD also states that within more densely developed neighbourhoods of Plymouth, it is not unreasonable to assume that outdoor amenity space provision might be lower, and it is also noted that the landscaped areas to the front of the properties could be considered as amenity spaces (these being 22m²). Although the garden falls short of the recommended amount of amenity space the gardens are considered to be adequate and in character with development in the vicinity. Therefore, on balance, officers consider the plot is of an adequate size to accommodate an additional dwelling that would be in character with the area and have a satisfactory level of amenity. Officers therefore consider that there is no conflict with policies CS15 or CS34.

Character and amenity

9. The proposed dwelling would be a two storey property with an integral garage, which would be located between the donor two-storey detached property and a bungalow at 52 Beaconfield Road. It was noted on the site visit, that within the immediate surroundings, the majority of properties are single storey. There are couple of bungalows located at 50 and 52 Beaconfield Road, to the west of the application site, and to north-west of the site on the opposite side of the road are three detached bungalows. Directly opposite the site is a single storey sub-station and a single storey garage.
10. Paragraph 4.10 and 4.11 of the Sustainable Design Supplementary Planning Document asks that the scale of the development, which is the size and height, should relate to the surrounding buildings. Its goes onto to state that the massing of a building, which is the arrangement, volume and shape of a building should also relate to the buildings around the proposed site.
11. It is therefore considered by your officers that the proposed two storey property would be out of keeping with the area due to its scale and massing and would have a detrimental impact on the street-scene.
12. This issue was raised within the pre-application enquiry and it was advised by the officer that that the applicant should consider a bungalow design at this location.

Local Highway Authority

13. Whilst the Local Highway Authority in principle have no objections to the creation of a property in this location, it would appear that the development will lead to the loss of the garage and driveway which serves the existing property (no 54 Beaconfield Road). With no replacement car parking proposed for the existing unit, residents would be forced to park on-street thereby adding to the considerable amount of on-street kerbside car parking that currently takes place. Therefore in view of the reduction in car parking serving the existing property the Local Highway Authority would have to recommend this application for refusal.

Contaminated Land

14. The Public Protection Service notes that an appropriate contamination assessment has been submitted to accompany the application and are satisfied with its findings. A condition is however recommended to cover the matter of unexpected contamination.
15. Therefore, in the context of this application, officers consider that the proposed two storey dwelling would have a detrimental impact on the character of the area, would have a significant impact on the outlook of the donor property and would result in a loss of parking provision for the donor dwelling; it is therefore considered that the proposal does not comply with policy and is recommended for refusal.

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 development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). 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.

11. Planning Obligations

Planning obligations are not required in respect of this application.

12. Equalities and Diversities

No further issues 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 does not accord with policy and national guidance and specifically CS02, CS28 and CS34 of the Core Strategy, the Supplementary Planning Document Guidance and the emerging Plymouth Plan. This application is therefore recommended for refusal.

14. Recommendation

In respect of the application dated **07/09/2016** and the submitted drawings Site location plan, block plan, 2781, it is recommended to: **Refuse**

15. Reasons

DETRIMENTAL TO THE STREETSCENE

(1) The Local Planning Authority considers that the proposed dwelling by virtue of its size, position and massing will be unduly prominent in the street-scene and out of character with the area. By virtue of its two storey nature the proposal is not considered to relate well to its surroundings, and therefore would be contrary to Policies CS02 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007, paragraph 4.10 and 4.11 of the Sustainable Design Supplementary Planning Document and advice in the Development Guidelines Supplementary Planning Document (2010). The proposal is also considered to be contrary to Policies 29 (7), and 39 of the emerging Plymouth Plan and paragraphs 56-68 of the National Planning Policy Framework.

DETRIMENTAL TO NEIGHBOUR AMENITY

(2) The Local Planning Authority considers that the proposed dwelling, by virtue of its size and position, would have a detrimental impact to the outlook of No. 54 Beaconfield Road. The significant impact it would have on neighbouring amenity, would be contrary to Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and advice in the Development Guidelines Supplementary Planning Document (2010) (paragraph 2.2.31). The proposal is also considered to be contrary to Policy 29 (3) and 39 of the emerging Plymouth Plan and paragraphs 64 to 66 of the National Planning Policy Framework.

LOSS OF PARKING

(3) The proposal will result in the loss of the existing off street car parking area serving 54 Beaconfield Road. The applicant has not demonstrated that these spaces are no longer required and the proposal could therefore lead to further vehicles parking on street, giving rise to conditions likely to cause: -

- a) Damage to amenity;
- b) Prejudice to public safety and convenience;
- c) Interference with the free flow of traffic on the highway;

which is contrary to Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007. The proposal is also considered to be contrary to Policies 30 (4), and 30 (5) of the emerging Plymouth Plan and paragraph 39 of the National Planning Policy Framework.

INFORMATIVE: REFUSAL (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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

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.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS02 - Design

SPD1 - Development Guidelines First Review

SPD3 - Design Supplementary Planning Document

NPPF - National Planning Policy Framework March 2012

PP29 - Place shaping and the quality of the built environment

PP30 - Safeguarding environmental quality, function and amenity

PP39 - Defining the spatial distribution of housing in Plymouth