

PLANNING APPLICATION REPORT



Application Number	16/01485/FUL	Item	02
Date Valid	30/08/2016	Ward	Plymstock Radford

Site Address	40 POLLARD CLOSE, PLYMOUTH		
Proposal	Erection of dwelling		
Applicant	Mr Simon Richardson		
Application Type	Full Application		
Target Date	25/10/2016	Committee Date	Planning Committee: 27 October 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 Councillor Michael Leaves.

1. Description of site

40 Pollard Close is a semi-detached two storey dwellinghouse which is located in the Hooe area of Plymouth. 40 Pollard Close is a north-facing property and is set up and away from the road, fronted by a gently inclining garden and driveway with a detached garage to the east of the site. The property is at the end of a row of semi-detached properties, which then changes to a cul-de-sac of detached properties situated at the end of Pollard Close. Opposite the site is a row of three-storey linked semi-detached properties that appear to be two storey from Pollard Close, that gained consent in 2003. The property has a public footpath that runs along its eastern boundary.

2. Proposal description

Erection of dwelling within the garden of 40 Pollard Close.

3. Pre-application enquiry

15/01663/MIN- To demolish an existing garage and replace it with a new detached 4 bedroom dwelling (1 dwelling)- Officer concluded that a planning application should be submitted to the Local Planning Authority for careful consideration and will be subject to the design to ensure it is in keeping with the surrounding properties. Local Highways Authority requested details about parking and cycle storage and the Public Protection Service requested details regarding the contamination of the land.

4. Relevant planning history

None for application site.

Neighbouring properties

39 Pollard Close- 03/01289/FUL- Erection of 10 three-storey dwellings with 11 associated parking spaces- Granted subject to section 106 obligation.

5. Consultation responses

Local Highway Authority- No objection subject conditions.

Public Protection Service- Approval subject to added condition.

MOD Safeguarding- No objection.

Housing Strategy and Development- Did not wish to comment.

6. Representations

8 Letters of representation received objecting to the proposal with main concerns of;

- Cause congestion on the highway.
- May result in dangerous movements on the highway
- Contribute to parking problems
- Loss of light to neighbouring properties

- Overlooking of neighbouring properties
- Overdevelopment
- Out of character
- The proposal would cause disruption within the area with increased dirt, noise and problems with parking.
- The adjacent footpath should not be closed during construction as it is a safe route for children going to and from Hooe Primacy Academy.
- A two storey property would dominate the skyline.
- Soil spill, pollution from site causing issues with drainage systems.
- Concerns of children safety.
- Concerns of safety of users of the footpath through the construction of the property and after.
- A precedent will be set for knocking down detached garages and building houses in its place.

Due to amended plans being received the application has been re-advertised for 14 days for further observation, if any additional comments are received they will be within an addendum report.

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. The proposal seeks to erect a detached four bedroom property within the garden of 40 Pollard Close. The proposal would include two off-street car parking spaces to the front of the property.

Principle of development

2. The proposal is to erect a two storey dwelling in the garden of 40 Pollard Close. Some of the garden relating to number 40 will be retained for the sole purpose of the donor property. The application proposes two parking spaces for both the donor property and the new property and proposes spaces for secure bicycle storage.
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 would be a continuation of the pattern of development to the east of the site, and is not inappropriate development of a residential garden, it is not contrary to Policy 39 of the Plymouth Plan or 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. Therefore the proposal accords with paragraph 53 of the National Planning Policy Framework (NPPF) and Policy CS01, CS02, CS16 and CS34 of the Core Strategy. The principle of this proposal is therefore considered acceptable.

Neighbour amenity

4. The area is characterised by compact residential development. The properties in Pollard Close are made up of dwellings of varying scales. The proposal would be set into the garden of 40 Pollard Close. The proposed windows on the side elevation that faces onto 40 Pollard Close are proposed to be obscure glazed as they serve bathrooms. The windows on the eastern side elevation, which are directed toward 42 Pollard Close, serve the proposed hallways. There are no windows on the side elevation of 42 Pollard Close that face the application site.
5. The proposed dwelling meets the 45 degree guideline (set out in the Development Guidelines SPD) that considers the loss of light to neighbouring properties, it is also considered to be acceptable having considered the position and orientation of the property would not have a detrimental impact on the neighbour's access to natural light.
6. To the rear of the application site is 7 Stefan Close, which is at a higher ground level to the application site and is approximately 28 meters away from the proposed property. This neighbouring dwelling is also set at an angle, so the rear of the property does not face directly onto the application site.
7. 42 Pollard Close is set behind the proposed building and there is a public footpath that separates the two sites. Due to the proposed properties location it is not considered that the proposal would result in a detrimental impact on the privacy or outlook of the residents of 42 Pollard Close.
8. Concerns have been raised in the letters of representation received relating to noise and disturbance from the site. The development will need to accord with Plymouth City Councils Code of Construction, which will protect the amenities of existing residents.
9. The development is similar in form and scale to the properties located to the east of the site. Officers therefore consider that, on balance, the development will not result in harm to the existing residential properties in Pollard Close or Stefan Close in accordance with Paragraph 53 of the NPPF. Officers consider the proposal also complies with policies CS15 and CS34 of the Core Strategy.
10. In order to ensure problems do not arise in the future, given the constrained location of the dwellings, Permitted Development Rights for further extensions and alterations are proposed to be removed through an appropriate condition.

Residential amenity

11. The property will be a two-storey dwelling house that will accommodate a lounge, kitchen and W.C on the ground floor, two bedrooms and a bathroom on the first floor and two bedrooms and a bathroom within the roof space. The properties exceed the minimum internal space guidance as stated in the Development Guidelines SPD for a four bedroom house, which is 106m², the dwelling is approximately 149m², and all rooms will be of a sufficient size.
12. It is also noted that, although not formally adopted through policy, the national minimum internal floor space for a four bedroom two storey dwelling should be between 97m² and 124m². It is therefore considered, that with the guidance set out within the SPD that the proposal provides sufficient space for basic daily activities.
13. The proposed rear garden for the new dwelling would be approximately 16m² and the donor property would have a rear garden of approximately 12m². The sizes of the rear gardens are therefore considerably 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 15m² and 16m²). Although quite small the gardens are considered to be adequate and in character with

development in the vicinity. 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 of the Core Strategy.

Character and amenity

14. In terms of appearance it is recognised that the design of the surrounding properties vary in style. The properties directly to the west are generally semi-detached dormer bungalows, the properties directly opposite are three storey semi-detached properties that appear to be two storey from Pollard Close, and the properties to the east are detached two storey properties. It is therefore considered that there is a mixture of different architectural styles within the street-scene and no clear building line.
15. Amendments were sought from the initial submission that brought the front elevation in line with 40 Pollard Close, where it was originally set forward of the front elevation on 40 Pollard Close. Amendments were also sought to show the property as half render and half brick to match the properties to the east, as it was originally proposed to be all brick. The amendments sought are considered to ensure the proposed dwelling does not dominate the existing street-scene and is in keeping with the neighbouring properties. The proposal is therefore considered to be of a suitable design which accords with policies CS02 and CS34 of the Core Strategy.

Highways

16. The Local Highways Authority notes that the applicant has adhered to the advice given at pre-application stage by providing two off street parking spaces for each dwelling. Cycle storage and bin storage is proposed in the rear garden of the new build and a new side gate is proposed to provide access from the adjacent footpath.
17. However it is noted that the applicant has not provided details of the dropped kerb. The dropped kerb will need to be shared to comply with policy and therefore a condition will be added to ensure that a suitable shared dropped kerb, at a width of 5.6 metres is provided. The proposed parking spaces, for both properties, can be accessed from a 5.6 metre wide dropped kerb crossover.
18. It is noted that concerns have been raised regarding parking in the area. This development will provide two spaces which is in accordance with the current maximum standards.
19. Officers therefore consider that the proposal along with the recommended conditions complies with policy CS28 of the Core Strategy.

Contaminated Land

20. 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.
21. It is noted that within the letters of representation received that concerns were raised that the public footpath would be closed during construction. The applicant has provided details on the amended plan stating that the public footpath would be available to use at all times during construction.
22. Therefore, in the context of this application, where officers consider that on balance there will not be significant harm to neighbouring amenity, the development provides a decent standard of accommodation and the dwelling will be in keeping with the pattern of development in the area considerable weight should be given to providing a new dwelling in the City.

Housing supply

23. 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 £5,371.61 (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.

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 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.

14. Recommendation

In respect of the application dated **30/08/2016** and the submitted drawings Proposed Floor Plans and Elevations 10102016, it is recommended to: **Grant Conditionally**

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, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, DWG 1, Proposed Floor Plans and Elevations 10102016.

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-occupation Conditions

PRE-OCCUPATION: CYCLE PROVISION

(4) The new building shall not be occupied until space has been laid out within the site in accordance with the approved plans for at least 1 bicycle 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.

PRE-OCCUPATION: PROVISION OF PARKING AREA

(5) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

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

Other Conditions

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. 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 this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared which is subject to the approval in writing of the Local Planning Authority. It is recommended that the applicant contacts the Local Planning Authority for further advice on what information should be included in such reports. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which 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, to 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: RESTRICTIONS ON PERMITTED DEVELOPMENT

(7) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling hereby approved.

Reason:

In order to protect neighbour amenity, 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.

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 including pre-application discussions 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.

INFORMATIVE: CODE OF PRACTICE

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

The Code is available from Planning, or online at:

http://web.plymouth.gov.uk/construction_code_of_practice.pdf