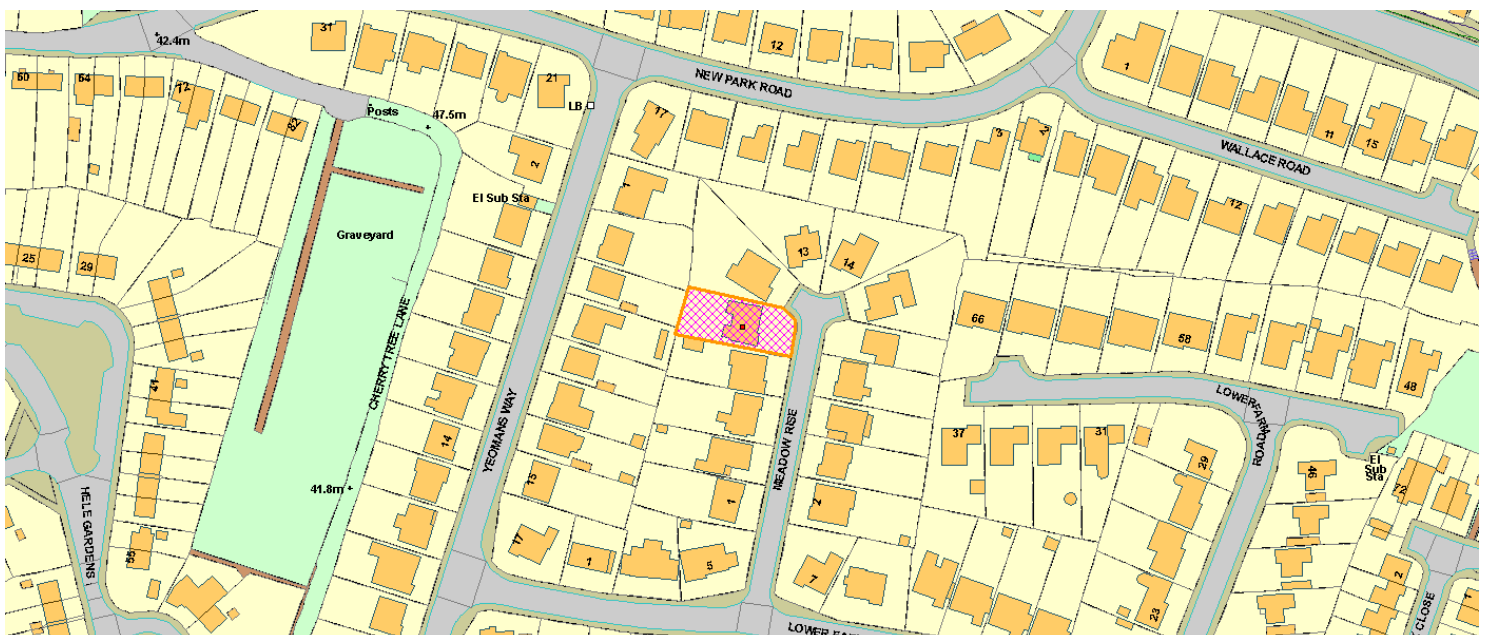


PLANNING APPLICATION OFFICERS REPORT



Application Number	17/00476/FUL	Item	01
Date Valid	15.02.2017	Ward	PLYMPTON ERLE

Site Address	9 Meadow Rise Plymouth PL7 1JL		
Proposal	Extension to approved raised patio (amendment to application 16/02340/FUL)		
Applicant	Mr Keith Vowles		
Application Type	Full Application		
Target Date	12.04.2017	Committee Date	06.04.2017
Extended Target Date	N/A		
Decision Category	Member/PCC Employee		
Case Officer	Mr Mike Stone		
Recommendation	Grant Conditionally		



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

1. Description of Site

The property is a detached bungalow close to the junction with Lower Farm Road in the Plympton St Maurice and Yealmpstone neighbourhood. The street consists of a mix of bungalows of different styles, materials and orientation.

2. Proposal Description

In February 2017 the applicant received planning permission for the construction of a rear extension and raised patio. This application is for the same rear extension but the patio would be increased from 6 metres to 12 metres wide, the full width of the house. The patio would be roughly 1 metre high at the highest point and would include timber railings running around the perimeter.

3. Pre-application enquiry

None.

4. Relevant planning history

16/02340/FUL - Rear extension and raised patio – Granted conditionally.

5. Consultation responses

None required.

6. Representations

None received.

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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

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 emerging Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, policies DEV1 (Protecting health and amenity) and DEV10 (Delivering high quality housing) of the JLP, the aims of the Council's Development Guidelines Supplementary Planning Document First Review (2013), and the National Planning Policy Framework (NPPF) 2012. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

Impact on neighbour amenity

3. There are no neighbour objections to the application. In the earlier application for the extension and the smaller patio the case officer noted that;

"The new extension would replace a smaller conservatory type extension. The property is detached with reasonable levels of separation from neighbours thus minimising the possibility of loss of privacy or loss of light. The application would comply with the 45 degree guidance set out in the SPD. The extension would be directly north of the nearest neighbour so removing any overshadowing concerns."

This is still considered to be the case.

4. There is a high close-boarded timber fence that runs along the boundary with the neighbour to the side (north) and to the rear there is a tall mature hedge. Given the boundary treatment and the good levels of separation between properties, officers do not consider that there are any neighbour privacy concerns.

Impact on the character and appearance of the area

5. The proposed extension and the patio would be at the rear of the property and would not be visible from the street.

6. Officers consider that the proposal complies with Core Strategy policies CS02 (Design) and CS34 (Planning application considerations) and is recommended for 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

Not applicable.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

No planning obligations have been sought in respect of this application.

12. Equalities and Diversities

There are no equalities and diversities issues.

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 and specifically LDF Core Strategy policies CS02 (Design) and CS34 (Planning applications considerations), policies DEV1 (Protecting health and amenity) and DEV10 (Delivering high quality housing) of the JLP, the Development Guidelines Supplementary Planning Document (First Review) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

14. Recommendation

In respect of the application dated **15.02.2017** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1. CONDITION – APPROVED PLANS

Plans and Elevations 2796.A Version: 1 received 15/02/17

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.

2) CONDITION: COMMENCE WITHIN 3 YEARS

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.

Informatives

1) INFORMATIVE: CONDITIONAL APPROVAL NO NEGOTIATION

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.

2) **INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

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).

3) **INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.