

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/00233/FUL	<b>Item</b>	04
<b>Date Valid</b>	23.01.2017	<b>Ward</b>	DRAKE

<b>Site Address</b>	Land To The Rear Of 10 Woodside Plymouth PL4 8QE		
<b>Proposal</b>	Demolition of office building and erection of a new dwelling		
<b>Applicant</b>	Mr Peter Senior		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>20.03.2017</b>	<b>Committee Date</b>	<b>06.04.2017</b>
<b>Extended Target Date</b>	<b>14.04.2017</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



## **This application has been referred to Planning Committee by Councillor Steve Ricketts**

### **1. Description of Site**

The site comprises the rear of 10 Woodside, which is currently occupied by a large timber, felt-roofed single-storey construction that is in a poor state of repair. 10 Woodside itself is a listed building.

### **2. Proposal Description**

Demolition of office building and erection of a new dwelling

### **3. Pre-application enquiry**

No formal comments provided but discussion where held between the officer and the agent after the previously withdrawn application.

### **4. Relevant planning history**

16/00530/FUL- Demolition of building and erection of dwelling- Withdrawn

12/02054/FUL- Demolition of office building and rear boundary wall and erection of detached, two-storey dwellinghouse- Refused

10/00698/FUL - Demolition of office building and erection of a pair of three-storey semi-detached dwellinghouses, with integral private motor garages and parking spaces. Withdrawn.

10/00700/LBC - Demolition of office building and rear boundary wall. Withdrawn.

09/00827/FUL - Formation of residential apartment in roofspace, with front dormer windows and balconies. Permitted.

### **5. Consultation responses**

Local Highway Authority- No objection subject to added conditions.

Public Protection- Approval subject to added condition.

Historic Environment Officer- No objection subject to added condition.

### **6. Representations**

7 letters of representation received objecting to the proposal and one letter was received that was neutral to the planning application. The main concerns raised were;

\* Out of character

\* Loss of light

\* Building is large and domineering

\* Impact on traffic

\* Pressure on local road and parking

\* Impact on community safety and environmental implications

\* Direct environmental damage and additional issues to all members of the local community particularly children and the elderly

\* Potentially be student accommodation and would result in noise and excess rubbish

\* Overlooking

\* Noise pollution

\* Impact on access to services through buildings works

## **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, guidance in National Planning Practice Guidance (NPPG). 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

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(music) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy DEV10 of the Plymouth and South West Devon Joint Local Plan.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the approved Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

2. 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 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS03 (Historic environment), CS05 (Development of Existing Sites), 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), policies DEV1(1) (Protecting Health and Amenity) DEV20 (Place shaping and the quality of the built environment) and DEV10 (Delivering high quality housing) of the emerging Joint Local Plan and is considered to be compliant with National Planning Policy Framework guidance. . 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 the setting of a listed building.

## **Planning History**

3. From looking at the planning history an application was submitted in 2012 for the demolition of the office buildings and rear boundary wall and erection of a detached two storey dwellinghouse. This application was refused due to the loss of sunlight and being overbearing and dominant to 8/8a Greenbank Terrace, loss of privacy to 11 and 12 Woodside and due to the loss of privacy and being overbearing and dominant to 9 Woodside.

4. An amended scheme was submitted in 2016 for the demolition of building and erection of dwelling, however this application was withdrawn as the officer raised concerns regarding size and massing of the proposed dwelling and impact on neighbour amenity. The proposed scheme has amended its design and also submitted a sun study to overcome these previous concerns raised by the officer.

## **Development of an Existing Employment Site**

5. The proposal seeks to replace an existing detached single storey vacant office building and erect a detached four-bedroom dwelling with two associated car parking spaces.

6. The existing office is currently vacant and is not considered to be in good condition. Its location on Woodside Lane means that it is primarily surrounded by residential dwellings. It is noted that there is a small number of non-residential uses within this area but the character of the area is primarily residential.

7. In principle, the loss of employment at this site is considered to be acceptable given that the neighbourhood has a good range of employment opportunities and the character of the

immediate neighbourhood is residential.

8. The application site itself is set within an established residential area, and would be of a comparable size to the adjacent developed plots. It is considered that the loss

### **Residential Amenity**

9. It is important to consider the siting of the property to ensure that there is no significant impact on neighbour's amenity. There are no proposed windows on the side elevations at first floor level. There are front elevation windows at first floor level that would overlook Freedom Fields Park and the rear elevation windows are opposite 10 Woodside. It is therefore not considered that the proposal would result in an impact on privacy or overlooking to the neighbour properties at 8/8a Greenbank Terrace or 9, 11 and 12 Woodside.

10. The proposal includes a window on the first floor rear elevation that faces the rear of 10 Woodside. Due to concerns of impact on privacy negotiations have resulted in Agent agreeing to move the window from the rear to the side elevation where it would not face a neighbouring property. Amended plans are due to be submitted and will be addressed in an addendum report.

11. A sun path study was submitted with this application and shows that the proposal would not cause a significant loss of light to neighbouring properties. The proposal is considered to be acceptable having considered the position and orientation of the property, and therefore would not have a detrimental impact on the neighbour's access to natural light.

12. The proposal is for a four bedroom two-storey dwelling house that will accommodate a three bedrooms with en-suite bathrooms and utility room on the ground floor and a kitchen, lounge/ dining room and additional bedroom on the first floor. The dwelling exceeds the national space standards at 140m<sup>2</sup>, with the minimum standard set for a four bedroom two storey dwelling stated as between 97m<sup>2</sup> and 124m<sup>2</sup> depending on the number of occupiers. It is considered that the proposal provides sufficient sized rooms and the dwelling is of a satisfactory size. The proposed amenity area surrounding the property is 122m<sup>2</sup> which exceeds the recommended standard of 100m<sup>2</sup> for detached dwellings set out in paragraph 2.8.27 the Development Guidelines SPD.

### **Character and appearance of the area**

13. Paragraph 4.10 and 4.11 of the Sustainable Design Supplementary Planning Document states that the scale of the development, which is the size and height, should relate to the surrounding buildings. It goes on 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.

14. The proposed dwelling would be a two storey property that has been designed to have a low eaves height with first floor accommodation partially within the roof space. The proposed eaves are approximately 4.3 metres in height and the roof ridge height would be 5.7 metres in height. This is a reduction from the previously refused scheme which had a roof

ridge height of 8.5 metres and an eaves height of 5.1 metres. Therefore reducing the size and massing of the proposed property.

### **Transport Considerations**

15. The Local Highway Authority do not have any objections to the proposal. The proposal will result in construction of a single dwelling with associated car parking spaces. The existing building, to be demolished, has access from the rear service lane and this will be used for access to the proposed dwelling. Therefore in terms of trips the development should be comparable or less than previous uses.

16. The property has already been excluded from the residents parking permit scheme that operates in the area. The proposed dwelling is provided with 2 off street parking so meets the policy requirements. The proposed access is controlled by way of gates. A condition will be added to ensure that the gates would be hung to open inwards only and overhang the adjoin highway at anytime during operation.

### **Historic Environment Considerations**

17. This application site is to the rear of a grade II listed dwelling in a row of similar type of properties. This listed building, and some of its close neighbours, are designated heritage assets. The dwelling and land are not in a Conservation Area. The assessment of this proposal accords with NPPF paragraph 129 requiring Local Authorities to take into account the significance of any heritage asset in order to avoid, or minimise, conflict between the heritage asset's conservation and any aspect of the proposal. In this case this therefore includes the grade II listed building itself no 10 Woodside, and its setting, as a heritage asset.

18. The Historic England listing description for the application site is cited below:  
House in row. Mid C19. Dressed and coursed Plymouth limestone with courses of random height; roof not visible behind moulded limestone parapet; dressed stone end stacks. Double-depth plan with probably 2 rooms at the front flanking a central entrance hall. 3 storeys; symmetrical 3-window front. Original 12-pane hornless sashes within plain stone architraves; sill string to 1st floor. Central doorway with pair of C20 3-panel doors. INTERIOR: not inspected but likely to be of interest. (The Buildings of England: Pevsner N: Devon: London: 1989-: 670).

19. The scheme has therefore been assessed on the impact of the scheme the setting of the adjacent listed building. The aim must always be to preserve or enhance. The applicant has provided a design and access statement, which has set out the context of the scheme, and the site context and its perceived issues, and also the overall design approach. The land has had this single-storey office building on it for at least 30 years and this building has almost filled the rear part of the garden and has affected the setting for this length of time. The materials of this existing building are of poor quality.

20. The construction of the new dwelling, which will be approximately 5.00m further away from the rear elevation of the listed building, is acceptable within the setting context. Although it is higher than existing, the first floor accommodation of the new dwelling is largely contained within the roof space. The materials selected – with painted render and

natural slate roof is very much welcomed. Although Upvc windows as proposed are not ideal the selection of the colour grey for these makes them more acceptable.

21. The proposal for the new scheme has been considered with regard to the NPPF criteria and the Historic Environment officer considers that the character and appearance of the grade II listed building no 10 Woodside and its setting, would not be adversely affected any more than exists at present and therefore the new dwelling in the land to the rear is acceptable in this instance. Therefore, viewing this proposal within the context of the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990, the proposals are acceptable and will not significantly adversely affect the adjacent grade II Listed buildings no 10 Woodside.

### **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 SPT3 (Provision of new homes) and DEV7 (Meeting local housing need in the Plymouth Policy Area) of the new Joint Local Plan.

23. Permitted development right will be removed from this property to ensure that the no additional modification can be made without planning permission that could impact on neighbours amenity.

24. The proposal is considered to comply with policies DEV1(1) (Protecting Health and Amenity) DEV20 (Place shaping and the quality of the built environment) and DEV10 (Delivering high quality housing) of the emerging Joint Local Plan, as well as Policies CS02, CS15, CS22, CS28 and CS34 of the Local Development Framework Core Strategy. It is considered that the use of Joint Local Plan policies can be given moderate weight when determining this application as the policies used are similar to those used in the current development framework.

### **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**

This application will be CIL liable.

### **11. Planning Obligations**

Planning obligations not required due to the nature and size of proposal.



## **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 and is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated **23.01.2017** 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**

Site Location Plan WS-A3/01A Version: received 12/01/17

Existing Elevations WS-A3/02 Version: received 12/01/17

Proposed Floor Plans WS-A3/03A Version: received 12/01/17

Proposed Elevations WS-A3/04A Version: received 12/01/17

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 2 YEARS**

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 in accordance with Core Strategy Objective 10 (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3) **CONDITION: PROVISION OF PARKING AREA**

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.

4) **CONDITION: GARAGE DOOR TYPE (ADJACENT TO HIGHWAY)**

The door to the garage hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

Reason:

To ensure that the door does not project over the adjacent highway at any time in the interest of public safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

5) **UNEXPECTED CONTAMINATION**

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks

to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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 must be prepared, which is

subject to the approval in writing of the Local Planning Authority. The scheme must 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 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 must 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 future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, 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.

#### 6) **CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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.

#### 7) **CONDITION: DETAILS OF BOUNDARY TREATMENT**

##### PRE-OCCUPATION

The dwelling shall not be occupied until details of the proposed boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Details should include a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details.

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with

advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012

## **Informatives**

### **1) INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATIONS**

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 with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

### **2) INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

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](http://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.

### **3) INFORMATIVE: CODE OF PRACTICE**

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

### **4) INFORMATIVE: RESIDENT PARKING PERMIT SCH**

The applicant should be made aware that the property lies within a resident parking

permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

