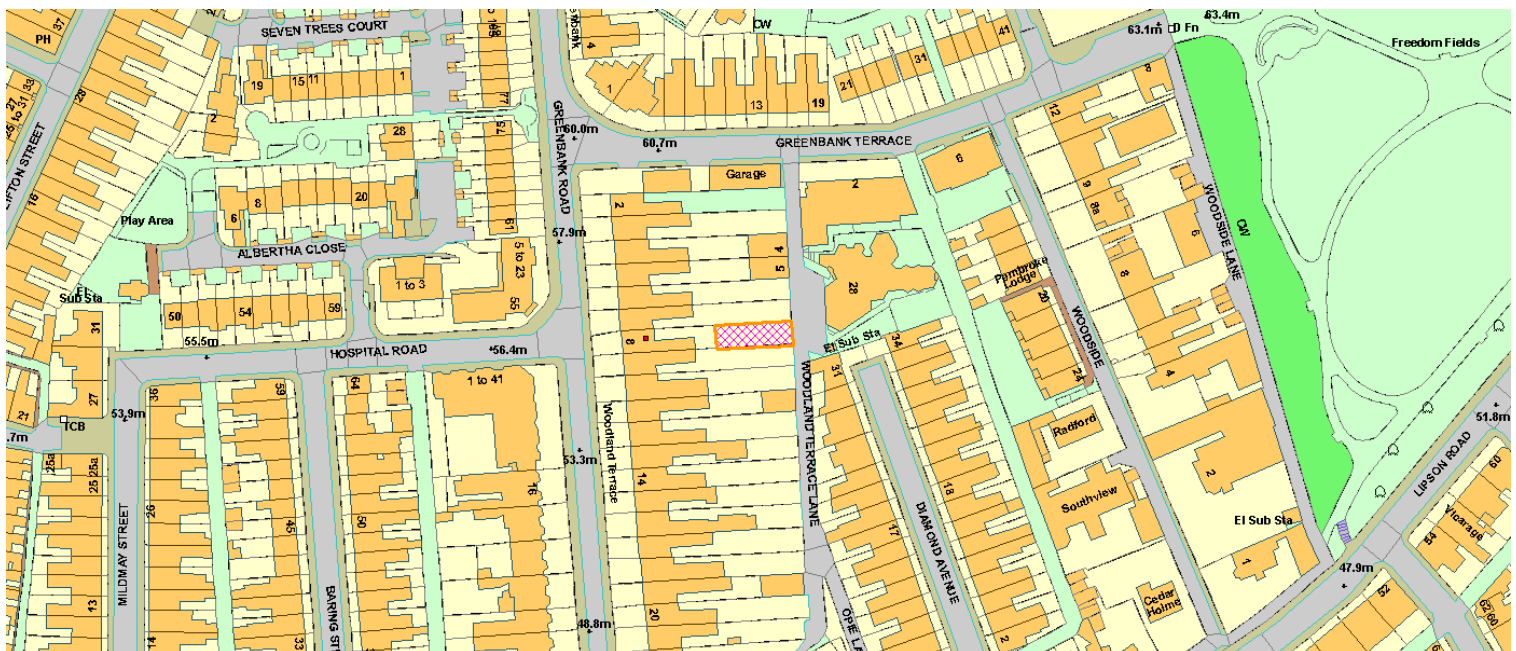


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/00137/FUL	<b>Item</b>	05
<b>Date Valid</b>	23.01.2017	<b>Ward</b>	DRAKE

<b>Site Address</b>	8 Woodland Terrace Greenbank Road Plymouth PL4 8NL		
<b>Proposal</b>	Detached dwelling with off road parking		
<b>Applicant</b>	Mr & Mrs Dreher		
<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>12.04.2017</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 rearmost section of the long, east-west orientated plot at 8 Woodland Terrace, and which fronts onto the rear service road known as Woodland Terrace Lane. The site is bounded to the south by an open car parking area serving the adjoining properties, and to the north by the parking area and rear garden of 7 Woodland Terrace. The premises on the opposite side of the lane are office type uses; with 31 Diamond Avenue just to the south.

### **2. Proposal Description**

Detached dwelling with off road parking

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

16/02262/MIN- Detached dwelling with off-road parking and amenities area- Officers recommended that subject to further details in regards to tracking diagrams as requested by the Local Highway Authority, the dwelling is likely to be acceptable.

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

06/00646/FUL- Change of use, conversion and extension of dwellinghouse (in use as house in multiple occupation) to form 4 self-contained flats and a maisonette- Granted conditionally

09/01890/FUL- Develop part of rear garden by erection of coach house style dwelling with associated vehicle access to hardstanding- Refused due to the scale being out of character, impact on neighbouring amenities, and lack of amenity space.

11/01275/FUL- Develop part of rear garden by erection of mews style dwelling with associated vehicle access to hardstanding- Refused and dismissed at appeal  
Neighbouring Sites

3 Woodland Terrace- 15/00190/FUL- Formation of new dwelling with off road parking within the rear grounds of the property- Grant conditionally

11 Woodland Terrace, Greenbank Road- 10/01107/FUL - Change of use and conversion of garage/workshop to dwelling, with formation of room in roof-space – Granted conditionally

5 Woodland Terrace Lane- 01/00907/FUL - First-floor extension and roof terrace – Refused; but decision overturned at appeal

4 Woodland Terrace Lane- 00/01058/FUL - Change of use and extension of store to form dwellinghouse, including alterations to balcony, including provision of glazed screen – Granted conditionally.

### **5. Consultation responses**

Local Highway Authority- No objection subject to added conditions.

Public Protection- Approval subject to added condition.

## **6. Representations**

One letter of representation was received objecting to the proposal with main concerns of;  
\* Overlooking

## **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 emerging 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), 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.

### **Design principles and amenity**

3. The design approach for this proposal will make efficient use of the space to the rear of the donor dwelling to retain the provision of car parking that is currently required. The undercroft parking solution will enable one vehicle to be parked under the proposed dwelling, whilst allowing access to two parking spaces within the curtilage of 8 Woodlands Terrace, providing a total of 3 spaces. The building itself will be sat on 4 stilts and the ground floor will provide a stairwell, cycle storage and bathroom. Refuse storage will be accommodated within the site.

4. The dwelling will be accessed from a ground floor stair well, which will also provide space for the bathroom facilities. This area leads to first floor accommodation, which comprises of two bedrooms, a lounge/diner area and a kitchen, as well as a private external balcony.

5. The national space standards for a two bedroom 1 storey dwelling is between 61-70 and is between 70-79 for a two storey dwelling. The proposed property is hard to define as the design is unusual as most of the living space is set on one floor. The internal floor space measures at approximately 64m<sup>2</sup>. When considering the design of the building it is considered that the provided living space for future occupiers is acceptable. It is also noted that recently approved scheme at 3 Woodland Terrace had the same amount of internal floor space.

6. The proposed materials chosen would be in keeping with other properties within the lane. A total of four skylights have been positioned in both the north and south facing roof pitches, and three windows (both obscured glazed) have been positioned in the west facing elevation at ground and first floor level to afford the residents a reasonable amount of light into the living areas. In officer's view, this will not cause any privacy or overlooking issues to

neighbouring dwellings.

7. The east facing first floor balcony area, similar to that of No.4 and No. 3 Woodlands Terrace will provide the occupiers with a private external space. The submitted drawings indicate that this space will be enclosed with a 1.8 m high frosted glazed balustrade; which officers consider acceptable on the principle that this remains obscured glazing at all times so as to protect the amenity of future occupiers, and neighbouring residents.

8. The proposed dwelling will be afforded a small amount of private amenity space, however by virtue of the premises location to the city centre and public amenity spaces such as Beaumont Park and Freedom Fields Park, officers are satisfied that the future occupiers will have acceptable access to amenity space. Furthermore, the donor dwelling (subdivided into flats) is considered to have a sufficient level of amenity space for the future enjoyment of the properties.

9. Officers are of the view that the design proposals are not demonstrably harmful to the appearance of the area.

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

10. Woodlands Terrace Lane has seen significant development proposals over the past decades, altering its character beyond its original use as a rear service lane. Within the lane, as noted in the site history section, there have been several applications to provide new residential accommodation within existing garages/outbuildings. Whilst this proposal is different in the fact it is new build, the precedent of providing back lane residential dwellings has been set and the end use will be the same as these other approved applications. Officers are therefore of the view that the proposal will not demonstrably harm the character and appearance of the street scene.

11. Officers consider that the proposal is an appropriate development of a residential garden. It is not contrary to policy DEV10 (6) which looks at preventing 'town cramming' development of garden space, which states " to protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods". The area is predominantly residential in character and there has been a number of similar properties approved in this location. The development would not adversely impact on the character or amenity of the area and is therefore considered to comply with this policy.

### **Transport Considerations**

12. This current proposed development contains a two-bed dwelling with a single parking space beneath it. Ground floor access is provided serving the upper residential floors. The ground floor provides cycle storage internally which would comply with the requirements of being secure and covered, as set out in the City Council's Development Guidelines SPD.

13. The applicant is proposing to retain two parking spaces for the donor property. To support the application and justify the layout the applicant has provided tracking plans for a medium sized car. Each of the proposed spaces can be accessed independently of each other and as

such there are no objections to the proposed layout.

14. The plans indicate that the donor property will be provided with a bike store which would be secured by a condition.

15. The existing property lies within a Resident Parking Permit Zone and is already excluded from being eligible to apply for permits and visitor tickets for use within the scheme. The new property would also be excluded.

16. The proposal provides a parking level which is suitable for its scale, provides cycle provisions for existing and proposed units and retains the current car parking associated with the donor property. As such, subject to conditions, there are no objections to the proposal from the Local Highway Authority.

### **Other considerations**

17. 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.

### **Housing Supply**

18. 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.

19. 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 would 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**

Existing Plans P819-01 Version: 1 received 06/01/17

Proposed Plans P819-02 Version: 1 received 06/01/17

General P819-05 Version: 1 received 06/01/17

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: CYCLE PROVISION**

#### **PRE-OCCUPATION**

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 2 bicycles 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, and paragraph 32 of the National Planning Policy Framework 2012.

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

PRE-OCCUPATION

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, and paragraph 32 of the National Planning Policy Framework 2012.

5) **CONDITION: LAND QUALITY REPORTING OF UNEXPECTED CONTAMINATION**

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 subject to the approval in writing of the Local Planning Authority, and where remediation is necessary a remediation scheme shall be prepared subject to the approval in writing of the Local Planning Authority.

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 (common to all): 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.

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.

**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: (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 SCHEME**

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.