

PLANNING APPLICATION OFFICERS REPORT



Application Number	17/02379/FUL	Item	04
Date Valid	15.12.2017	Ward	ST PETER AND THE WATERFRONT
Site Address	22 Grand Parade Plymouth PL1 3DF		
Proposal	Demolition of existing tenement and garage and erection of new dwelling and associated works		
Applicant	Mr Andrew Welch		
Application Type	Full Application		
Target Date	09.02.2018	Committee Date	05.04.2018
Extended Target Date	06.04.2018		
Decision Category	Member referral		
Case Officer	Mrs Katie Saunders		
Recommendation	Grant Conditionally		

This application has been referred to Planning Committee by Cllr McDonald and Cllr Tuffin.

1. Description of Site

The application site is currently the garden of 22 Grand Parade. The site occupies a prominent position on Plymouth's Waterfront and is just within the Hoe Conservation Area. The plot is an irregular corner shape with a wide south east facing frontage but is narrow towards the northern, rear facing aspect.

The site is bounded to the east by the donor property, No.22 Grand Parade, which is a substantial Edwardian property and to the west by No.26 Grand Parade. This property forms the first property of a terrace of Victorian properties which are less grand than the donor dwelling. To the rear is a service lane with further residential properties located within Eddystone Terrace situated to the north.

2. Proposal Description

Demolition of existing tenement and garage and erection of new dwelling and associated works

3. Pre-application Enquiry

17/00774/MIN – Single dwelling – Principle of developing a new house in this locality is acceptable. Officers noted the need to carefully consider the form and design of the building alongside the impact on neighbouring properties and the donor dwelling.

4. Relevant Planning History

95/00355/FUL - Change of use of hotel to a self-contained flat and dwellinghouse – Granted conditionally

90/00396/FUL – Change of use, conversion and extension of hotel to form nine self-contained flats – Withdrawn

89/03748/FUL - Change of use, conversion and extension of hotel to form nine self-contained flats – Withdrawn

86/01855/FUL – Change of use of hotel to five flats and erection of three new flats on land adjacent – Granted conditionally

5. Consultation Responses

Defence Infrastructure Organisation

Highways Authority – No objections subject to conditions

Historic Environment Officer – No objections subject to conditions regarding the materials/detailing

Hoe Neighbourhood Forum – Have provided a neutral response. The comments note that there are many positives to the development including the consultation and engagement process, it will be a high quality statement building and is in accordance with the emerging neighbourhood plan. In terms of the negative comments they consider there is likely to be some loss of light to neighbouring properties and note the objectors concerns regarding the height and massing.

Lead Local Flood Authority – No objections subject to conditions

Plymouth Waterfront Partnership – Some positive comments were initially received however the partnership then suggested they wanted to review these comments and withdrew their response. No updated comments have been received.

Urban Design – No objections subject to conditions regarding the materials/detailing

6. Representations

59 letters of representation have been received. Multiple letters received from the same person have been counted as one. 32 letters are objecting to the development and raise the following issues:

Design/Historic Environment

- Disappointed with nature of application
- Insensitive design
- Detrimental to Conservation Area/Historic Assets
- Design is practical, modern and interesting but not right for the site
- Ugly and too modern
- Will spoil views of Plymouth from the Sound and surrounding areas
- Building too high
- Out of character
- Eyesore
- Will destroy and overshadow features on 22 Grand Parade
- Doesn't match or complement either the Victorian or Edwardian terrace
- Massing is not justified
- Overdevelopment of site
- Will not preserve or enhance Conservation Area
- The development will not complete the terrace it has been complete for 100 years
- Will diminish the City's Waterfront
- Buildings can't be demolished in Conservation Areas
- Balconies are not in line
- Owner is opposed to uPVC windows in rest of the street
- There is no "missing" house
- The turret does not blend in with those existing
- Too much glass
- Heritage statement fails to fully consider impact of 22 Grand Parade on Conservation Area.
- Detrimentally affect features of 26 Grand Parade
- Development will conceal views that contribute to the area
- Proposal doesn't respect appearance, form, proportions or materials of existing dwellings
- Development contrary to Hoe Conservation Area Appraisal (HCAA)
- Will be a poor quality building
- Artists impression is inadequate and a visual impact assessment should be provided
- Will result in loss of protected views identified in HCAA
- Development will lead to terracing
- Existing boundary wall feature of Conservation Area

- Building will sit forward of established building line
- Out of scale when compared to existing house
- Carbuncle on the landscape
- Flat roof and modular build not in keeping
- Development of open corner plot in conflict with SPD

Amenity

- Right to Light survey should have been carried out
- Overshadow neighbouring properties and cause loss of light
- How will neighbouring properties be maintained
- Loss of privacy
- Development could cause subsidence
- Most important consideration should be the impact on immediate neighbours
- Proposal is inappropriate, unremarkable and unneighbourly
- Property is too deep and will result in unreasonable overlooking
- Proposed roof terrace will compound overlooking and similar proposals have been refused
- Light to bedroom/study and stairwell at 26 will be reduced
- Loss of light to rear rooms/courtyard of 7 Eddystone Terrace
- Development breaks 25 degree light test
- Rear terrace will be overlooked
- 13m distance between opposing windows considered unacceptable
- 45 degree line broken by development
- Development will prejudice living conditions of donor dwelling
- Will be disruptive for neighbours
- Previous concerns still stand amendments have not addressed concerns a greater loss of privacy may occur

Other Issues

- Will have negative economic impact
- Previous planning history should not set a precedent
- Rivage does not set a precedent for development on this site
- Plans should be presented using more modern techniques
- A visual impact assessment should be provided
- Garden is valuable habitat and greenspace
- The name of the house should not be moved
- No means of emergency escape has been provided
- The ownership of the rear wall is disputed

- Exacerbate parking difficulties in the area
- No social/community benefit from the development
- Full archaeological, geotechnical, contamination survey should be undertaken
- Area has been subject to storms/flooding
- Sewerage system is at capacity
- Not an eco-house due to the amount of concrete

27 letters of support have been received which raise the following issues:

- Linking buildings between terraces will be an improvement
- Design has reference to context of neighbouring houses
- Building sits comfortably in the streetscape
- Would create an attractive view from the ocean and other areas
- Improvement on existing boundary wall
- Precedent been set by development approved on the site in the 1980s
- Development will make a positive contribution to conservation area
- Will mask views of unattractive rear of properties
- Modern design is the right approach rather than pastiche
- Scale and massing is appropriate
- New tower will provide a focal point rounding the corner
- Eco-friendly development
- Will count towards self build target
- Wheelchair accessible
- Uses quality materials
- Promote Plymouth as a progressive City
- Parking has been provided.

The matters raised will be addressed in the full analysis of the development below. It should be noted that issues such as loss of views, land ownership, house names and structural matters are not material planning considerations and cannot be considered as part of this application.

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 I 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 an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

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: Development

Guidelines Supplementary Planning Document First Review 2013 and The Hoe Conservation Area Appraisal and Management Plan 2008.

Housing Provision

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, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22.

It should be noted, however, that the Local Planning Authority is at a relatively advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been 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. The pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representations which will be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

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 set out in the adopted Core Strategy, 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 for the submission of reserved matters rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8)(Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy SPT3 of the JLP.

8. Analysis

1. This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The Policies of most relevance to the consideration of this application from the Core Strategy are CS02 (Design), CS03 (Historic Environment), CS15 (Housing Provision), CS21 (Flood Risk), CS22 (Pollution) and CS34 (Planning Application Considerations).
3. The policies of most relevance to the consideration of this application from the JLP are SPT1 (Delivering Sustainable Development), SPT2 (Sustainable Linked Neighbourhoods), SPT3 (Provision for New Homes), DEV1 (Protecting Health and Amenity), DEV2 (Air water, noise, soil and land), DEV7 (Meeting local housing need), DEV9 (Meeting local housing need in the plan area), DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV21 (Conserving the historic environment), DEV22 (Development affecting the historic environment), DEV31 (Specific provisions relating to transport) DEV34 (Delivering low carbon development) and DEV37 (Managing Flood Risk).
4. The main planning considerations in this case are considered to be the impact on the character and appearance of the conservation area, design the effect on residential amenity, parking and highway safety.

Principle of Development

5. The application site is currently the side garden of 22 Grand Parade. Officers note that the donor dwelling also has the benefit of a rear yard and tenement roof terrace alongside large balconies at the front which benefit from waterfront views.
6. Paragraph 53 of the National Planning Policy Framework states “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”
7. Policy DEV10 of the emerging JLP advises that “To protect the quality of the urban environment and prevent town cramming development of garden space within Plymouth 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 communities.”
8. It should be noted that at during the consultation process for the Joint Local Plan Policy DEV10 received 6 letters of support and 12 raising partial objections, 3 which relate to Nationally Described Space Standards. Officers therefore consider that moderate weight can be attached to the policy.

9. The pattern of development in the area is dominated by larger terraced properties which have small courtyards to the rear. Officers consider the property is currently slightly unusual in that it benefits from a larger amount of outdoor amenity space than surrounding dwellings.

10. Reference should also be made to the Waterfront Strategic Masterplan February 2017 which forms part of the evidence base for the emerging JLP. This report highlights the relatively low population density of Plymouth's waterfront areas and supports that opportunities are taken to increase this where possible, to support the City Vision to become "one of Europe's most vibrant waterfront cities".

11. The supporting documents and planning history note that planning permission was approved in the 1980s for construction of a substantial extension to No.22 Grand Parade. Taking in to account the length of time that has passed since this application, officers consider this should be attributed very limited weight in the consideration of this application.

12. Officers therefore consider that the principle of developing the side garden does not conflict with Policy CS15 of the Core Strategy or Policy DEV10 of the emerging JLP.

Impact on the Character and Appearance of Conservation Area/Design

13. Conservation Areas were introduced in 1967. They are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990).

14. The application site is located at the western edge of The Hoe Conservation Area and therefore it is important to consider whether the proposals will preserve and enhance this designated heritage asset.

15. The Hoe Conservation Area does benefit from a Conservation Area Appraisal which notes that the donor dwelling, No. 22 Grand Parade, alongside the terrace in which it sits, makes a positive contribution to the Conservation Area. The site is identified as forming part of the "residential streets" character area which is defined by two to three storey terraces set behind shallow gardens, fronting streets. It is considered a classic urban townscape.

16. It is noted within the document that many buildings have been adversely affected by common modern changes such as plastic doors and windows, pebbledash and other modern finishes, and general loss of historic detail. Furthermore, in some cases this is exacerbated by poor maintenance. No. 22 Grand Parade is currently in a good state of repair, retains its attractive railings and wooden windows and is well maintained by the applicants.

17. The principles within the Hoe Conservation Area Appraisal Management Plan build on the standards and guidance within both local and national planning policy noting that new development should preserve and enhance the character of the area, be of an appropriate scale and massing and utilise the highest quality design and materials.

18. Notwithstanding the position in the Conservation Area, the site is also a prominent waterfront site highly visible from Plymouth Sound and the strategic leisure routes of the South West Coast

Path and National Cycle Network. For these reasons also it is therefore critically important that the architecture makes a positive contribution to the image of the City.

19. The application has been subject to extensive pre-application discussions and the external appearance of the proposal has been altered to respond to the comments of officers. Furthermore, following the initial consultation periods additional information including a daylight/sunlight study has been supplied and additional alterations have also been made principally to the rear of the building which have been subject to re-consultation.

20. The proposed new dwelling will have level access from street level and extend across four floors. Principle rooms will be focussed in the front of the building with secondary rooms situated at the rear. Balconies will be provided on to the front elevation on the second and third floors with terraces at to the rear at first and second floor level.

21. The construction of the new dwelling will involve some enabling works, involving the demolition of the existing original side tenement, garage and boundary walls. It is understood that some concern has been raised regarding the ownership of the rear wall which forms the boundary with No.26 Grand Parade. The applicants have stated this is a party wall and any issues relating to this matter would be addressed through the appropriate party wall legislation rather than through the planning consents process. This will be highlighted to the applicant by means of an informative.

22. No.22 Grand Parade is not a listed building and a recent listing application has been rejected by Historic England. The demolition of parts of the existing building cannot therefore be considered unlawful as suggested in one of the letters of representation received. Officers consider the enabling works form part of the overall development as they would be unlikely to occur independently.

23. Although No.22 Grand Parade has been rejected for national listing the decision of Historic England noted the local importance of the terrace. At present the Local Planning Authority do not have a local list although this is something that will be prepared in due course following the examination of the Joint Local Plan.

24. At present officers consider that No. 22 Grand Parade could be defined as a non-designated heritage asset. Paragraph 135 of the NPPF states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". Whilst the enabling works will result in the loss of original timber windows from the side elevation of the building officers consider this will result in less than substantial harm. The applicant has taken on board the advice of officers and has agreed to install fanlights above existing internal doors to provide borrowed light to the modified hall. Furthermore, the original window reveals in the hallway of Number 22 will also be retained so that the historic layout of the building can still be read once the windows have been blocked up. The majority of the existing building will be retained as it currently stands and therefore officers consider that it will continue to positively contribute to the character and appearance of the area.

25. The proposal adopts a modern design approach which seeks to reflect some of the traditional features of the neighbouring terraces. Officers note that the application site sits between two terraces of varying ages.

26. In terms of building history surrounding the site, the Grade II listed 23-39 Grand Parade, located to the south west, was built prior to 1856, as was the boundary wall running on the opposite side of the road to the terrace in question; to the north, Numbers 26-52 (originally known as Smeaton Terrace) were built between 1856 and 1892; Grand Parade House and Nos. 10-14 Grand Parade were built prior to 1906 followed by Numbers 18-22, which were built between 1906 and 1914. The rest of the Grand Parade was made up of tennis courts, with 8 Grand Parade replacing two of them in the 1980s and Rivage, 4-6 Hoe Road, which is now largely completed replacing the final tennis court on this road. Officers therefore acknowledge that this is an area of the city that has become redeveloped over a period of around 100 years.

27. The different styles of the neighbouring properties, No. 22 and 26 Grand Parade, does make development of this site more challenging. Significant discussions took place at pre-application stage regarding the floor to ceiling heights and need to reflect the proportions and features of No.22 over those of No.26 Grand Parade given the clearer and more direct relationship with No.22.

28. Officers consider the site layout and building footprint is supported. The main façade is set back in alignment with 22 Grand Parade, creating a small defensible threshold space which is a feature of these streets. The corner turret directly fronts the back edge of the pavement which is uncharacteristic but can be supported on the basis that this is a corner feature where such a contrasting “book end” can be justified. Some concern was raised about the use of render down to ground floor level on the turret and this has now been amended with limestone now proposed at the lower level, to fit in with the boundary wall. Further detailing will be requested by condition.

29. The Historic Environment Officer, whilst noting the positive improvements to the scheme, still has some reservations regarding the way in which the new building will relate to its surroundings, particularly in terms of its mass and height and concluded that it will cause a degree of harm to the Conservation Area.

30. However urban design officers are satisfied with the overall height and massing of the scheme. The accented height, in particular of the turret feature can be justified on the basis that this is a corner site and the townscape corner feature created by the turret parapet will assist with wayfinding.

31. Furthermore the proposed floor-to-ceiling heights which have been significantly adjusted through the pre-application stage are also now considered more appropriate. In earlier designs the ground floor appeared rather squat, including in relation to the taller upper floors. However, the revised floor-to-ceiling heights now proposed have created more balanced proportions for the building and a more harmonious relationship with its neighbours, most importantly No.22.

32. Adjustments have also been made to the rear of the building and whilst these changes will be covered in more detail below as they relate to the impact on neighbouring properties it does result in a reduced massing which officers consider is positive. Further details of boundary treatment will

also be requested by condition in order to ensure the proposed wall railings to the front alongside alterations to existing boundary walls at the rear are appropriate.

33. The contemporary architectural language is largely supported and is in accordance with Principle 4 of the Conservation Area Appraisal. It is positive that, whilst some of the rhythms and patterns of adjacent historic buildings have been referenced, pastiche has been avoided. There are some unusual features, but this is obviously also the case with historic Grand Parade buildings, particularly 22 Grand Parade adjacent. The copper turret pediment is a reflection of the corner copper domes on Grand Parade.

34. A minor adjustment has also been made the bay window entrance feature at first floor level. Glass has now been provided in the side panels to reflect the more classic bay windows on adjacent buildings. However the applicant very much wants this feature to remain and it is not considered to have such a significant impact that its retention cannot be supported. Further details will be requested by condition.

35. In this exposed and prominent location it will be important for the materials to be high quality and marine grade to ensure their robustness and the longevity of the building. Officers consider the current materials selection is appropriate with good quality silicone render, copper, zinc, Plymouth Limestone and aluminium windows. Appropriate conditions are recommended in order to ensure full details are agreed and the quality is maintained.

36. It is noted that some of the letters of representation received have raised the “terracing” effect as a negative impact of the proposal. The diagrams within the Development Guidelines SPD try and demonstrate the situations where terracing is applicable. Taking in to account the circumstances of the site and that the development will adopt a modern design it is not considered that “terracing” is applicable to this case. In addition the guidance on corner plot extensions is also not considered relevant to this application.

37. Officers consider that while there will be some harm to the Conservation Area positive changes have been secured which limit the impact. Officers therefore consider the development is in accordance with Policies CS02 and CS03 of the Core Strategy and Policies DEV20, DEV21 and DEV22 of the emerging JLP.

Residential amenity

38. The development will be accommodated on a triangular shaped parcel of land within the densely developed West Hoe area, which is largely characterised by period, terraced properties with rear service lanes and limited amenity space. It is noted that some infill development has occurred and newer development is located nearby, for example, the Rivage development located further east on Hoe Road.

39. The main properties that will be affected by the development are the neighbouring property, No. 26 Grand Parade, the donor dwelling and 7 Eddystone Terrace located to the rear. Concerns have been raised by these neighbouring properties, alongside a further property to the rear, The Nook, regarding the impact on light, outlook and privacy. These matters will be discussed in detail below.

40. The application includes details of the works that will be required to the donor dwelling in order to accommodate the development. It should be noted that No.22 Grand Parade has been subdivided with a self-contained flat located within the basement.

41. The erection of the new dwelling will necessitate internal alterations to the lower ground floor flat as the existing access in to the property is from the side. A new access will be formed from the rear with a small hall created. This will help protect the privacy of the kitchen area. The living space and bedroom will be located to the front served by suitable windows. Officers are satisfied that a good standard of accommodation will still be provided for occupiers of the lower ground floor flat.

42. The alterations to the main house at 22 Grand Parade will involve the demolition of the existing tenement, which is a two storey structure with a roof terrace. The tenement currently contains a utility room and bathroom. The loss of the tenement will not prejudice the facilities available at the property.

43. The side elevation of the property currently incorporates a number of windows that serve the hallway or are secondary windows serving a bathroom and study. The loss of these windows has been noted and considered above in terms of the impact on the conservation area but the impact on the standard of accommodation needs to be considered.

44. The loss of the secondary windows is not considered problematic as principle windows are provided on the front elevation. The existing hallway does enjoy good levels of natural light as a result of the side windows however the hall is not habitable accommodation. In order to compensate for the loss of the windows new conservation roof lights are proposed alongside fan light windows above existing hallway doors in order to provide further borrowed light to the hallway. Officers are satisfied with this proposal and consider that No.22 Grand Parade will still provide a high standard of accommodation to future occupiers.

45. The adjacent dwelling, No.26 Grand Parade has a blank gable end facing the application site. It is noted that the occupier has raised concerns regarding the structural integrity of the wall and party wall issues. These are matters outside of the planning process and would be highlighted to the applicant by means of an informative.

46. The main areas at the neighbouring property that will be affected by the development are the first floor rear bay window that serves a bedroom/study and the second floor terrace.

47. The application has been supported by daylight/sunlight studies and these indicate that the small portion of the bay window immediately adjacent to the application site will suffer a loss of light and not meet the BRE guidelines. However the principle part of the bay window will still receive adequate levels of light.

48. The new dwelling will be relatively deep and extend beyond the rear elevation of 26 Grand Parade. The proposals have however taken this in to account and the rear wall of the new building has been angled to take in to account the 45 degree line.

49. Officers note that the initial 45 degree line had been drawn from the mid-point of the bay window when this should have been taken from the quarter point given the scale of the development. Relevant adjustments have now been made to the plans to take this in to account and ensure adequate outlook is retained from this room.

50. A rear terrace is proposed at first floor level of the new dwelling adjacent to the boundary with No.26. In order to maintain suitable privacy levels in the adjacent bedroom/study an obscure glazed screen is proposed and further details of this would be secured by condition.

51. The second floor terrace at No.26 Grand Parade is already a relatively enclosed space and is accessed off the existing staircase rather than a bedroom or living space. The principle aspect of this terrace is north facing however officers appreciate that currently people using the terrace would be able gain views of the sea. However a loss of a view is not a material planning consideration. In order to reduce the impact on the neighbouring property adjustments have been made to the rear of the proposal. The section of rear wall adjacent to No.26 Grand Parade has been set back from second floor level in order to reduce the impact on the neighbouring terrace. The rear section of the building will now be set approximately 1.3 metres away off the boundary which will reduce the sense of enclosure that would have been created for the neighbouring terrace. Furthermore, on the third floor the staircase has been pushed back in to the building to reduce the overall massing, this will again reduce the impact on neighbouring properties. It is noted that the relocation of the staircase will create a larger balcony at this level however this will have a similar impact on neighbouring properties as the existing second floor terrace.

52. Some concern has been raised regarding potential overlooking from a number of windows located in the rear section of the building. A number of windows proposed in the rear will include decorative glass which would be obscure and the applicant has also agreed to obscure glaze other windows up to a height of 1.8 metres from floor level to prevent any other overlooking.

53. The other key property that will be affected by the development is No.7 Eddystone Terrace. This property has been extended, through the construction of a rear box dormer in order to maximise space and views of the sea. Whilst officers have every sympathy with the occupier regarding the loss of their view unfortunately this is not a material planning consideration.

54. Concern has been raised by the occupiers of No.7 Eddystone Terrace regarding a loss of privacy primarily from the rear balconies/terraces proposed. Officers note that there is an existing 2nd floor terrace at No.22 Grand Parade and it is not considered that the new balconies will lead to a greater level of overlooking. The first floor terrace has been pulled back from the rear service lane in order to reduce the potential perceived overlooking from this area. As stated above rear windows within the development will be obscure glazed and this will be addressed by condition. Officers accept that the development will not meet the recommended 28 metre privacy separation distance for properties of over two stories however this is a densely developed urban area with existing properties already located in close proximity to one another. Officers do not therefore consider that there will be an unreasonable loss of privacy.

55. The other concern is around a loss of light to the amenity space and rear rooms of 7 Eddystone Terrace. The supporting daylight/sunlight reports indicate that BRE guidelines will continue to be met once the new house is constructed. The changes to the third floor have decreased the impact

of the development. However the occupiers of 7 Eddystone Terrace still consider that an unreasonable loss of light/level of overshadowing will occur during a 3 month winter period (Jan-Mar). Officers accept that greater overshadowing will occur during this period however for the majority of the year overshadowing will not be increased as a result of the development. Furthermore taking in to account the urban setting of the development officers consider the impact on No.7 Eddystone Terrace is acceptable.

56. It is noted that comments have been received from the owners of the Nook, again located to the rear of the development. This property has a less direct relationship with the proposal although officers would note that the sunlight/daylight report does not indicate an unreasonable impact on this property either.

57. Officers accept that the proposal will have some impact on those properties located closest to the application site however the impact is considered within acceptable limits and has been reduced by amendments to the application and through the use of conditions. The proposal is therefore considered to comply with Policy CS34 of the Core Strategy and Policy DEV1 of the emerging JLP.

Standard of Accommodation

58. The applicants, who currently own and occupy No.22 Grand Parade, plan to construct and occupy the new dwelling. The building has therefore been designed to meet the needs of older people and includes a lift; with the ground floor able to accommodate a carer if the need arose.

59. The proposed new dwelling will provide a high standard of accommodation with principle rooms located at the front of the building benefiting from high levels of glazing and views of the Sound. The rear of the building will accommodate secondary rooms and the staircase. The use of obscure glazing in these areas is therefore considered acceptable.

60. Whilst the current floor plan indicates the ground floor incorporates a small self-contained flat it is intended that this will be utilised as part of the main house by relatives and friends who might come to stay. In time it could be utilised by a carer if needed. An ancillary use condition will be required in order to ensure this does not become a separate unit of accommodation.

61. In the Development Guidelines SPD paragraph 2.8.27 it is recommended that a terraced property should benefit from 50m² of external amenity space. It is noted by officers that the combined area of the roof terraces and balconies may fall slightly below this level however the pattern of development in the area is for small courtyards with balconies to the front. The balconies will still provide a desirable amenity space to future occupiers and items such as bins and cycle storage can be accommodated within the garage. Officers consider the amenity space proposed is acceptable.

62. The development will be constructed to a high standard and incorporate features such as photovoltaic panels and rainwater harvesting. The applicants are keen to create a house which is more sustainable and benefits from reduced running costs. The use of more sustainable methods of construction is welcomed and supported by Policy CS20 of the Core Strategy and Policy DEV34 of the emerging JLP.

63. Officers consider the development will provide a high standard of accommodation for future occupiers and will comply with Policy CS15 of the Core Strategy and Policy DEV10 of the emerging JLP.

Highways

64. The Highways Authority has no objections to the principle of the development and note that off street parking will be provided for both the donor dwelling and the new build.

65. Modifications to the existing rear yard of No.22 Grand Parade will ensure this space could be used as a parking space if desired. It is noted that other properties in the area do utilise the rear yards for parking as the balconies to the front of the property are used for socialising and amenity purposes.

66. The site is located within a residents parking zone which is in operation for more than 6 hours a day, 6 days a week therefore the development would be acceptable without any off street parking. However officers welcome the provision of the garage which will help to meet the parking demand of the property in accordance with Policy CS34 of the Core Strategy and DEV31 of the emerging JLP.

67. It is separate Council policy that the development will be excluded from obtaining residents or visitors permits for use within the permit scheme and this will be highlighted to the applicant through an informative.

68. The development is considered to comply with Policies CS28 and CS34 of the Core Strategy and Policy DEV31 of the emerging JLP.

Drainage

69. The site is situated within a critical drainage area and has therefore been supported by a Flood Risk Assessment and Drainage Strategy. The report details that surface water will be discharged to the combined sewer at an attenuated rate using a separate surface water system.

70. The attenuation storage will be provided in a tank beneath the garage. A rainwater harvesting tank is also proposed. Officers are satisfied with this drainage solution given the constraints of the site although some further details will be required by condition prior to work starting on site.

71. The development is considered to comply with Policy CS21 of the Core Strategy and Policy DEV37 of the emerging JLP.

Public Protection Issues

72. The application has been supported by a preliminary investigation report which has considered the issue of land contamination. Officers are happy with the recommendations of the report therefore an unexpected contamination condition is recommended.

73. The site is located within a densely developed residential area therefore appropriate working hours will be highlighted to the applicant through an informative.

MOD Safeguarding

74. Comments are yet to be received but an update will be provided by means of an addendum.

Other Issues

75. Officers do not consider that this application will have a negative impact on the economy. The development is likely to employ local people in its construction and officers consider the special character of Plymouth's Waterfront will not be prejudiced by the proposal and visitors will continue to be attracted to the City. Taking in to account the small scale of the development officers do not consider there would be significant social and community benefit however the supporting of local jobs does deliver some limited benefit.

76. The existing side garden contains large amounts of hard surfacing alongside shrubs and plants. Officers do not consider that development of this area will impact on protected species and some new landscaping will be incorporated in to the proposal.

77. The level of information provided to support this application is considered appropriate. More modern plans and a visual impact assessment were not considered necessary. An archaeological report has also not been deemed necessary.

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 proposal is considered to be CIL liable development. The applicant has indicated they intend to claim self-build exemption prior to commencing development.

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.

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

12. Equalities and Diversities

The application is for a four-storey building that has the potential to meet the needs of people with disabilities or older people. The building will accommodate a lift and the applicant's hope is to live in the building for the remainder of their lives.

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.

The development has been the subject of pre-application discussions and the applicant has taken on board the advice of officers. Furthermore the applicant has also tried to address some of the issues raised during the consultation period and made further amendments to the scheme. Officers consider the scale, massing and modern design approach is appropriate and takes in to account the context and features of surrounding building. In addition the impacts on the amenity of surrounding properties has been controlled.

In conclusion officers therefore consider the development will provide a unique, high quality building that meets the standards required for this prominent waterfront setting. Officers consider the proposal will not have a significant detrimental impact on neighbouring amenity and that any outstanding matters can be addressed by condition. The application is therefore recommended for approval.

14. Recommendation

In respect of the application dated **15.12.2017** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Enabling/Demolition Garage/Garden Plan 17.40 E_02 - received 08/12/17

Enabling/Demolition Ground Floor Plan 17.40 E_03 - received 08/12/17

Enabling/Demolition First Floor Plan 17.40 E_04 - received 08/12/17

Enabling/Demolition Second Floor Plan 17.40 E_05 - received 08/12/17

Enabling/Demolition Third Floor Plan 17.40 E_06 - received 08/12/17

Enabling/Demolition Roof Plan 17.40 E_07 - received 08/12/17

Enabling/Demolition Elevations 17.40 E_08 - received 08/12/17

Enabling/Demolition Elevations 17.40 E_09 - received 08/12/17

Site Location Plan 17.12 S_01 - received 08/12/17

Enabling/Demolition Lower Ground Floor Plan 17.40 E_01 - received 08/12/17
Site Plan 17.40 S_02 - received 08/12/17
Proposed Ground Floor Plan 17.40 P_00 Rev A received 28/02/18
Proposed First Floor Plan 17.40 P_01 Rev B received 28/02/18
Proposed Second Floor Plan 17.40 P_02 Rev B received 28/02/18
Proposed Third Floor Plan 17.40 P_03 Rev B received 28/02/18
Proposed Roof Plan 17.40 P_04 Rev B received 28/02/18
Proposed South East Elevation 17.40 P_05 - received 28/02/18
Proposed Section A-A / West Elevation 17.40 P_06 Rev B received 28/02/18
Proposed North Elevation 17.40 P_07 Rev B received 28/02/18
Proposed Section B-B 17.40 P_08 Rev B received 28/02/18
Proposed Section C-C 17.40 P_09 Rev A received 28/02/18
Proposed Section D-D 17.40 P_10 Rev A received 28/02/18
Proposed Section E-E 17.40 P_11 Rev B received 28/02/18

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(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3 CONDITION: SURFACE WATER

Pre-commencement

No development shall commence until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Written confirmation from SWW approving the discharge of surface water to the combined sewer should be submitted, including agreed surface water discharge rates before the drainage proposals are accepted.
- b) Calculations and or modelling data should be produced in support of any drainage design showing that the drainage system, including any attenuation, are designed to provide a 1% AEP standard of protection plus a 40% allowance for climate change.
- c) Confirmation of ownership and responsibility of the proposed drainage system should be submitted.
- d) A CEMP should be submitted that include methods that describe how surface water run off is to be managed during construction to reduce the risk of pollution and to the water environment.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of satisfactory surface water management and disposal during and after development in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Pre-commencement Justification:

Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

4 CONDITION: EXTERNAL MATERIALS

PRE-DAMP PROOF COURSE (DPC) LEVEL

No development shall take place above DPC-Level until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy

DEV20 of the emerging Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

5 **CONDITION: FURTHER DETAILS**

PRE-DPC LEVEL

No development shall take place above DPC-level until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:

Soffit materials and detailing

Turret detailing

Rainwater goods

Boundary Treatment (walls and railings)

Rooflights

Balconies

Entrance columns

Flagpole

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV20 of the emerging JLP and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

6 **CONDITION: DETAILS OF ENCLOSURE AND SCREENING**

PRE-DPC LEVEL

No development shall take place above dpc-level until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed privacy screen to the first floor terrace. The works shall conform to the approved details and shall be completed before the development is first occupied and thereafter retained.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-

2021) 2007, Policy DEVI of the emerging JLP and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

7 **CONDITION: MAINTENANCE SCHEDULE**

PRE-OCCUPATION

Prior to occupation of the development hereby approved a maintenance schedule for the building shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include full details for regular maintenance and cleaning of the elevations. The schedule shall be operated for the lifetime of the development unless a variation to the schedule is agreed.

Reason:

In order to ensure the building is maintained to a high quality and continues to positively contribute to the townscape in accordance with Policy CS02, CS03 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV20 and DEV22 of the emerging Plymouth and South West Devon Joint Local Plan and guidance in the NPPF.

8 **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.

9 **CONDITION: OBSCURE GLAZING**

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the windows at first floor level and above in the north and north west elevation of the proposed dwelling, shall at all times be obscure glazed up to a height of 1.7 metres from internal floor level.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

10 **CONDITION: 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.

Informatives

1 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. 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.

2 INFORMATIVE: CONDITIONAL APPROVAL 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 with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 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.

4 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.

5 INFORMATIVE:HOURS OF CONSTRUCTION/DEMOLITION

The applicant is advised that demolition or construction works should not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

6 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

Design Report received 8th December 2017

Heritage Report received 8th December 2017

Flood Risk Assessment and Drainage Strategy Project Reference: I0968 Rev P1

Preliminary Investigation Report reference C61395 dated December 2017

Daylight Analysis received 5th February 2018 and 5th March 2018

Sunlight Analysis received 5th February 2018 and 5th March 2018

MOD details received 12th March 2018