

PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01935/FUL	Item	02
Date Valid	29.11.2018	Ward	MOORVIEW
Site Address	Land At St Annes Road Plymouth PL6 7LW		
Proposal	Erection of 4 bed detached dwelling with integral garage, parking and amenity areas		
Applicant	Mr S Larson		
Application Type	Full Application		
Target Date	24.01.2019	Committee Date	18.01.2019
Extended Target Date	N/A		
Decision Category	Councillor referral		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Chris Mavin

1. Description of Site

The application site is a private car park located on the corner of St Anne's Road and Glenfield Road in the Glenholt area of the City. The car park serves an existing three storey block of seven flats with three shop units on the ground floor.

2. Proposal Description

The proposal seeks to erect a four bedroom detached dwelling with integral garage, parking area and amenity area on an existing private car parking area. The proposal includes the reconfiguration of the existing car parking to create 10 marked out spaces with one additional marked out space situated at the north end of the site adjacent to St Anne's Road, resulting in a total of 11 marked out spaces.

The proposal is a resubmission of a previously refused application for the site which sought to erect a detached dwelling with detached garage and amenity area.

The main changes between the previously refused applications and the resubmitted application is:

- The removal of detached garages situated within the car parking area
- Amends the design and position of the house that incorporates a two storey side extension on the southern elevation that has an integral single garage. The garage will be accessed via a new drive from St Anne's Road. The drive will provide space for one vehicle to park off street.
- Amendments to the proposed demarcation of the proposed parking area to provide 10 spaces for shop users and occupiers of the flats. The previous scheme proposed 8 spaces within the parking area for the shop users and occupiers of the flats.
- Reduces the number of spaces from two to one at the northern end of the site.
- Proposes two new openings within the boundary wall to the front of the existing shop units.

3. Pre-application Enquiry

This application had no formal pre-application enquiry but a post-refusal meeting was held to discuss the refusal reason.

4. Relevant Planning History

18/01149/FUL- Erection of 4 bed detached dwelling with ancillary double garage and amenity areas- Refused for the following reason:

Inadequate Parking Arrangement

It is considered that the development will provide an inadequate level of parking for the combined new and existing parking demand and the new parking layout will create a safety and amenity problem for the existing residents and commercial users. The proposal is therefore considered to cause:-

(a) Damage to amenity;

(b) Prejudice to public safety and convenience;

(c) Interference with the free flow of traffic on the highway

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and DEV31 (2,3) of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

5. Consultation Responses

Public Protection Service- No objection subject to recommended conditions.

Natural Infrastructure Team- Awaiting comments

Local Highway Authority- Has recommended approval subject to a condition that require the developer to fund the removal and installation of the privately owned bus shelter on site through a Unilateral Undertaking. Without the permission to move the bus shelter and without funding its relocation, vehicular access into the site could not be provided. On this basis the Highway Authority would be recommending the application for refusal on the basis of an unsatisfactory access giving rise to highway safety concerns.

6. Representations

73 letters of objections and a petition with 131 signatures was received. The main concerns raised were:

Parking/ Highway

- Insufficient parking
- More on street parking which creates traffic/ safety hazards and restricts access
- Reduced visibility

- Impact on safety of pedestrians and vehicles using the car park due to cramped layout and narrow entrance
- Restricts access for emergency service, fire escapes and to shops
- Lack of parking will exacerbate existing on street parking problems.
- Disabled space is situated in a dangerous area for manoeuvring and in the entrance area
- Does not meet the needs of the elderly or the disabled by providing additional space to get in and out of cars
- Traffic congestion made worse by construction of dwelling
- House turned into HMO creating more parking problems

Design

- Out of keeping with area which are mainly bungalows.
- Impact on historic hedge resulting in loss of birds and wildlife
- Overdevelopment of small site
- Loss of fire escape for residents and shop units and access to storage rooms.
- Little difference from previously refused submission

Amenity

- Loss of light and privacy to neighbours
- Disruption and obstruction during construction of development.
- Noise and air pollution
- Insufficient amenity space
- Affect the health and amenity values of local residents, impacting on quality of life
- Loss of open space

Community

- Insufficient parking will reduce footfall and have detrimental impact on local businesses and community as local residents rely on local businesses
- No benefit for the local community.
- Does not support community cohesion

Other

- Conflict of interest with local ward councillors
- Advertisement over the Christmas period to reduce number of comments

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
- Sustainable Design Supplementary Planning Document

8. Analysis

8.1.1. 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.

8.1.2. The principle issues in relation to this application are considered to be the Highways and Parking matters, Ecology and Biodiversity, Design and Layout considerations, Residential Amenity, and Contamination.

8.1.3. Therefore this planning application turns upon policies CS01 (Development of Sustainable Linked Communities); CS02 (Design); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); CS19 (Wildlife); CS22 (Pollution); CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

8.1.4. Additionally, this planning application turns upon policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land); DEV7 (Meeting local housing need in the Plymouth Policy Area); DEV9 (Meeting local housing need in the Plan Area); DEV10 (Delivering high quality housing); DEV20 (Place shaping and the quality of the built environment); DEV28 (Protecting and enhancing biodiversity and geological conservation); DEV30 (Trees, woodlands and hedgerows) and DEV31 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

8.1.5. The previous scheme was refused due to inadequate parking arrangements and was considered to damage amenity, be prejudicial to public safety and convenience and interfere with the free flow of traffic on the highway.

8.1.6. The submitted planning statement has detailed the changes that have taken place to overcome the refusal reasons of the previous scheme. The information states that the existing car park can accommodate 10 car parking spaces when applying the highway standard for car parking arrangements. The proposal seeks to "re-provide" 10 demarcated car parking spaces within the car

park. The proposal will also provide an additional space situated at the northern edge of the site and one on street due to reinstating the kerb across part of the existing car park entrance. The new proposal provides two car parking spaces with the curtilage of the dwelling. The amendments made seek to provide adequate level of parking for the combined new and existing parking demand.

8.1.6. The submitted information states that the proposal seeks to resurface and demarcate each of the re-provided car parking spaces to ensure that the safety of persons using the car park is improved compared to the existing situation. The proposal also includes a disabled car parking space close to the commercial units and is creating two pedestrian entry points through the existing low boundary wall to the front of the commercial units. The revised proposal seeks to provide a dwelling which has its own separate access and egress arrangements to restrict conflicts of use between future occupants and users of the car park.

Principle of Development

8.2.1. The proposal seeks to erect a detached four bedroom property with integral garage and amenity area on part of an existing car parking area. The existing private car parking area is informally used and not marked out to show the designated spaces. The car park serves the existing three storey block of flats which contains seven units and three ground floor shop units. 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.

8.2.2. In principle, the erection of a residential dwelling on this site is considered to be acceptable given that the character of the immediate neighbourhood is primarily residential. The application site itself is set within an established residential area, and would be of a comparable size to the neighbouring developed plots. It is therefore considered that the principle of the development is acceptable.

8.2.3. The development is therefore considered to accord with policies within policies CS01, CS02, CS05, CS15 and CS34 of the LDF Core Strategy, policies SPT2, DEVI, DEV7, DEV10 and DEV20 of the Joint Local Plan the paragraph 14, 17, 49 and 53 of the NPPF for providing sustainable development of an appropriate scale in a suitable location.

Character and Appearance of the Area

8.3.1. The Sustainable Design Supplementary Planning Document highlights the varied characteristics of Plymouth's neighbourhoods and the need for development to reflect local distinctiveness, including urban setting, density and layout. The Supplementary Planning Document states that new development should normally reflect the existing scale and massing of its surroundings. The existing block sizes, plot sizes, and street patterns should influence the layout.

8.3.2. The site is situated on the prominent corner of St Anne's Road and Glenfield Road with the surrounding properties being made up of a mixture of bungalows, detached two storey dwellings and a block of flats. The properties in the area vary in design, style, scale and materials with no singular distinctive style within the locality.

8.3.3. The proposal seeks to erect a two storey detached dwelling with a pitched roof and integral pitched roof garage that has a bedroom above. The dwelling would be set approximately 5 metres from the pavement edge on Glenfield Road and approximately set back 580mm from the pavement edge on St Annes Road. The proposed walls of the dwelling would be white rendered with stained timber cladding and grey windows and doors.

8.3.4. Considering the varying design and scales of properties within the locality the proposed design of the dwelling and detached garage is considered acceptable and would not have a detrimental impact on the existing street-scene or be visually intrusive. Officers consider the proposed

development would not be out of character of the area or demonstrably harm the pattern of development.

8.3.5. The development is therefore considered to accord with policies within policies CS01, CS02, CS15 and CS34 of the LDF Core Strategy, policies SPT2, DEV10 and DEV20 of the Joint Local Plan.

Local Highway Authority

8.4.1. The primary highway concern in respect of this proposal relates to the potential loss of car parking on the site serving both the residential and ground floor commercial units. The previous application was refused at Planning Committee due to inadequate parking arrangement.

8.4.2. The revised proposal for the new dwelling includes the reconfiguration of the existing car parking to create 10 marked out spaces and an additional marked out space to the north of the site. The proposal therefore creates a total of 11 car parking spaces for the use of the residents of the flats and users of the commercial shop units.

8.4.3. A Transport Statement has been submitted to support the proposal. It states that the existing car park is large enough to accommodate 11 cars. The proposal seeks to provide 10 spaces on the main car park. The spaces would generally be used by the flats within the existing building.

8.4.4. It is proposed that one space will be marked out at the northern end of the site where an existing vehicle crossover exists providing car parking within the site at the rear of the footway. These spaces would generally be used as parking for the retail units.

8.4.5. The existing dropped kerb for the main car park is approximately 8.5 metres in width and it is proposed to reduce the overall width of dropped kerb to 4m in width which would provide an additional 4.5m of full kerb height reinstated along this section. This would, in effect, provide additional kerbside parking on front of the shops.

8.4.6. The Statement indicates that there will be no loss of car parking on site. Stating that proposal will retain the current levels of car parking of 11 spaces and would provide two spaces including a single garage to serve the new dwelling.

8.4.7. The Local Highway Authority have noted from the updated Transport Statement that the site was visited twice in order to determine the level of car parking demand associated with the use of the existing car park. The Local Highway Authority have no reason to question the outcome of these visits (on each occasion there being between 5 and 7 cars parked in the car park), but they have stated that it would have been helpful if these visits could have been conducted over a longer period. It is also not clear if these visits were undertaken at different times of the day.

8.4.8. The Local Highway Authority have stated that the layout of the revised car parking area serving the proposed dwelling now necessitates a very tight and inconvenient 180 degree turning manoeuvre in order to access the proposed garage. This is likely to require the dropped kerb access extending across the entire width of the car parking which, in turn, will necessitate the relocation of the existing bus shelter. In view of the fact that bus services along St Annes Road has been withdrawn (and there being no real likelihood of those services being reinstated), it is the view of colleagues within the PCC Public Transport Team that the shelter be relocated elsewhere to a suitable location on PCC's Shelter Wish List.

8.4.9. As the bus shelter is privately-owned, the developer will be responsible for paying the fees associated the removal and installation costs. These fees are likely to be in the region of £8k and would need to be secured through a Unilateral Undertaking. It should be noted that the applicant would not be permitted to move the bus shelter without due authorisation from its' owners and

consequently without funding its' relocation, vehicular access into the site could not be provided. On this basis the Highway Authority would have to recommend the current application for refusal on the basis of an unsatisfactory access giving rise to highway safety concerns.

8.4.10. The application includes adequate parking provisions for the proposed dwelling and the existing residents of the flats and shop units and is therefore acceptable in principle, subject to the added conditions. The development therefore accords with policies CS28 and CS34 of the Core Strategy and DEV31 of the Joint Local Plan.

Design, Layout and Amenity

8.5.1. The DCLG Technical housing standards - nationally described space standard (March 2015), supported by the Joint Local Plan, sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

8.5.2. The proposal offers approximately 116m² of internal amenity space. The national minimum internal floor space for a four bedroom, two storey property is 97m². Therefore the proposal complies with the national standards for a four bedroom, two storey property.

8.5.3. The closest residential dwelling to the application site is 23 Glenfield Road, which is a detached bungalow situated to the northwest of the site and is separated by a hedged boundary. The rear of the proposed dwelling would be approximately 7 metres away from the front of number 23 Glenfield Road at its closest point.

8.5.4. Concerns have been raised regarding the loss of light to the neighbours at 23 Glenfield Road. The officer visited the neighbouring site and it was noted that are habitable room windows on the front elevation that would be most at risk to the loss of light due to the proposed dwelling. The proposal does not comply with the Council's 45 degree rule which considers the loss of light to neighbouring properties, however having considered the topography of the site resulting in the application site being set lower than the neighbours, the site's orientation, the height of the existing hedged boundary and the position and of the neighbour's window it is considered that the loss of light to the bedroom window would not be detrimental enough to warrant a refusal of this application.

8.5.5. It is considered that the proposal would not have a detrimental impact on the neighbour's privacy as there are no proposed windows on the western elevation that would cause any overlooking into habitable room windows or amenity areas. It is noted that there are a tall hedged boundary between the application site and the neighbours at 23 Glenfield Road. If this was to be removed there would be overlooking from the neighbour's property into the proposed amenity area of the proposed dwelling. It is therefore considered necessary to attach a condition to ensure that this boundary treatment is kept and maintained to protect privacy.

8.5.6. It is also noted that the windows proposed on the eastern and northern elevation would not directly look into the neighbour's habitable room windows on the opposite side of the street at 4 St Anne's Road and the block of flats to the rear. The properties to the east are approximately 19 metres away from the eastern elevation of the proposed dwelling and are separated by the main road. The block of flats to the rear are approximately 22 metres away from the rear of the proposed dwelling and have no habitable room windows overlooking the proposed dwelling. Paragraph 2.2.23 of the Development Guidelines Supplementary Planning Document states that habitable room windows facing directly opposite one another should normally be a minimum of 21 metres apart, therefore this proposal complies with this guideline.

8.5.7. The Development Guidelines SPD states that "in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should normally be at least 12 metres". The proposed dwelling is not situated directly in front of any neighbouring habitable room windows, it is therefore considered that the proposal would not have a detrimental impact on neighbour's outlook.

8.5.8. The Development Guidelines SPD standard for external amenity space for a detached dwelling is 100m², the proposed dwelling provides approximately 80m² of usable amenity space. While this is below the SPD guideline it is still considered an acceptable amount having considered the size of the external amenity areas of the properties along St Anne's Road and in the local area. The proposed amenity area is therefore considered sufficient and does not warrant a refusal of this application.

8.5.9. Having considered the internal layout of the dwelling and window positions will ensure that sufficient light levels will be afforded to future occupiers.

Drainage

8.6.1. The submitted information states that surface water shall be disposed of sustainably by soakaway, subject to confirmation by percolation testing. Foul drainage shall be connected to the mains sewerage system.

8.6.2. The Glenholt site is in Flood Zone 1 and is not located within a Critical Drainage Area. It is considered that the development will not be at risk of flooding nor present an increased risk of flooding elsewhere.

8.6.3. The principle of the drainage proposal is considered acceptable and accords with policy CS21 of the Core Strategy and policy DEV37 of the Joint Local Plan.

Natural Infrastructure

8.7.1. A Preliminary Ecological Appraisal has been submitted dated 5th June 2018 which concludes that "The development will result in a loss of hard-standing, amenity grassland and scattered broadleaved trees and has the potential to impact upon nesting birds, if left unmitigated. If the mitigation and enhancement recommendations are followed, then it is highly likely that there will be no negative impacts on ecological features of interest as a result of the new development. Furthermore, it has the potential to increase biodiversity on site post-development, by providing some of the following:

- Roosting opportunities within the new bat tubes in the new property;
- Nesting opportunities for birds in the new bird box/ house sparrow terrace on the new property;
- Nesting opportunities for native solitary bee species within the new bee brick provision;
- Nesting and foraging habitat for birds within new blocks of native shrubs and hedgerow; and
- Foraging habitat for mammals such as hedgehogs within the amenity Grassland".

8.7.2. A condition would therefore be added to ensure the development complies with the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal.

8.7.3. There are two silver Birch trees on site, with one being showed to be retained, it is however noted that it is within close proximity to the proposed house. The Natural Infrastructure Team has not raised an objection to the removal of the trees as long as new planting takes place to mitigate their loss. It is also noted that the hedgerow needs to be retained and protected during constructions. A pre-commencement condition will be added to ensure that details of tree planting and a landscape plan with a tree protection plan be submitted to ensure the hedgerow is protected during construction and to clarify whether one or two of the trees is to be removed and how their loss will be mitigated for onsite.

8.7.4. Officers consider that the proposal accords with Policies CS18 and CS19 of the Core Strategy and Policies SPT11, DEV28 and DEV30 of Joint Local Plan

Public Protection Service

8.8.1. A Phase I Contaminated Land Survey carried out by John Grimes Partnership (Ref: 14802/R1 Date: 14th June 2018) was submitted. The report has identified the need to undertake further investigations to inform contamination risks within the application site, with a recommended scope of investigation detailed. The consultant's conclusions, recommendations and proposed scope of investigation are agreed by the Public Protection Service. The Public Protection Service has recommended conditions order to support further intrusive investigation, remediation and verification works.

8.8.2. The Public Protection Service has also recommended that due to the potentially noisy and disruptive activities involved in this development a condition should be added to control the hours of working. However working hours are set out in the Council's Code of Practice for Construction and Demolition Sites which developments in the city needs to adhere to, it is not considered necessary to add a condition restricting construction working hours.

8.8.3. Conditions will be imposed to ensure the proposal accords with policy CS22 of the Core Strategy and DEV2 of the Joint Local Plan.

9. Housing Delivery Test (HDT)& 5 Year Housing Land Supply

When determining applications for residential development it is important to give consideration to housing supply.

Paragraph 73 of the NPPF stipulates that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old'

Paragraph 11 of the NPPF states that 'plans and decisions should apply a presumption in favour of sustainable development' including applications involving the provision of housing. It also states (paragraph 11(d):"Where there are no relevant development plan policies, or policies which are most important for determining the planning application are out-of-date (the planning authority should) granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.'

Footnote 7 of paragraph 11d of the NPPF explains that policies which are most important for determining the application are considered out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73 of the NPPF); or where the HDT indicates that the delivery of housing is substantially below (less than 75% of) the housing requirement over the previous three years. Under the transitional arrangements set out in annex 1 of the NPPF the HDT 2018 result triggers the provisions of NPPF paragraph 11d if the HDT result is below 25% not 75%.

It should be noted, however, that the Local Planning Authority is at an 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 and has since been submitted to the Planning Inspectorate for

Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report.

The 'Housing Requirement' set out in the Adopted Core Strategy (2007) is now considered to be out of date. The NPPF/NPPG/Housing Delivery Test (HDT) measurement rulebook makes clear that 'Housing Requirements' in adopted plans that are more than 5 years old are to be considered out of date. The Housing Requirement set out in the JLP is yet to be adopted. NPPG makes clear that the Government's new HDT and 5 year land supply applies to Plymouth LPA until adoption of the JLP using the new standard methodology establishing Local Housing Need (LHN).

Plymouth's 2018 HDT result is explained and set out in the JLP authorities Housing Position Statement together with the 2018, 5 year land supply position for Plymouth LPA. Plymouth LPA's 2018 HDT result is anticipated to be 201%. There are therefore no policy consequences and a 5% buffer only is required for the Plymouth LPA 5 year housing land supply.

Current National Policy and Guidance requires LPA's to use the latest household projections (2016) when deriving the Local Housing Need for Plymouth. The Government has also recently consulted on revising the NPPF/NPPG to stipulate that the latest household projections (2016) are not to be used and that the LHN should be derived using the previous Household Projections (2014). This however is not the current National Policy position until such time as the NPPF/NPPG is revised accordingly. The JLP authorities Housing Position Statement therefore sets out the 5 year land supply position for the Plymouth LPA against Plymouth's Local Housing Need derived from both sets of projections. The Housing Position Statement explains in paragraphs 5.17 and 5.18 that Plymouth LPA can demonstrate a net deliverable supply of 4,736 dwellings over the period 2018-2023. This represents 12.4 years supply when set against the LHN derived using the 2016 Household projections and a 7.2 years supply when set against the LHN derived using the 2014 Household projections. As Plymouth LPA can now demonstrate a 5 year land supply the tilted balance in favour of sustainable development (as set out in paragraph 11d of the revised NPPF) is not triggered for the purpose of deciding this application.

Upon adoption of the JLP the JLP authorities Housing Position Statement will be updated to reflect the 5 year land supply position against the housing requirement in the JLP and how this is to be monitored.

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 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).

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 not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that while the letters of objection have raised concerns of the proposed development not considering the elderly or disabled users of the shop units in regards to access. The proposal includes a disabled off street car parking that would be of a sufficient width for disabled users.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land); DEV7 (Meeting local housing need in the Plymouth Policy Area); DEV9 (Meeting local housing need in the Plan Area); DEV10 (Delivering high quality housing); DEV20 (Place shaping and the quality of the built environment); EV28 (Protecting and enhancing biodiversity and geological conservation); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); and DEV37 (Managing flood risk and water quality impacts) of the emerging Joint Local Plan, as well as Policies CS01, CS02, CS15, CS16, CS18, CS19, CS21, CS22, CS28, and CS34 of the Local Development Framework Core Strategy, and national guidance and is therefore recommended for conditional approval. 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.

14. Recommendation

In respect of the application dated 29.11.2018 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

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 124, 127, 130 and 131 of the National Planning Policy Framework 2018.

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: TREE PLANTING/MITIGATION

PRE-COMMENCEMENT

No works or development shall take place until full details the proposed mitigation for the loss of the trees on site, mitigation within the submitted PEA and landscaping works, including details of all proposed tree planting, tree/ hedge protection plan, landscaping plan, clarification on mitigation measures and the proposed times of planting and have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and policy DEV30 of the emerging Joint Local Plan.

Justification: To ensure tree planting and landscaping can be properly incorporated within the development proposals.

4 CONDITION: DETAILS OF BOUNDARY TREATMENT

PRE-COMMENCEMENT

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

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, and paragraphs 91,124, 127, 130 of the National Planning Policy Framework 2018.

Justification:

To ensure that the boundary treatment can be properly accommodated within the development proposals and addresses its purpose.

5 CONDITION:BUS SHELTER REMOVAL/RELOCATION (GRAMPIAN)

PRE-COMMENCEMENT

No works shall commence on-site until the applicant has entered into a Unilateral Undertaking to pay the fees associated with the removal and installation of the existing bus shelter to an alternative location to be agreed by the Local Planning Authority.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

6 CONDITION: PHASING OF DEVELOPMENT

PRE-COMMENCEMENT

Before work commences on site a scheme detailing the phasing of the construction of the development including the car parking arrangements through construction and construction of the dwelling/ proposed car park shall be submitted to and approved in writing by the Local Planning Authority. The details should include the availability of parking provision throughout construction. The development will be carried out in accordance with the details approved.

REASON: In the interests of highway safety and the amenity of the locality, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and paragraphs 91,102, 108 and 110 of the National Planning Policy Framework 2018.

Justification: to safeguard the parking of existing residents and business while the development is being implemented.

7 CONDITION: REINSTATEMENT OF FOOTWAY

PRE-OCCUPATION

The new dwelling shall not be occupied until the redundant section of footway crossover has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and paragraphs 91,102, 108 and 110 of the National Planning Policy Framework 2018.

8 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The proposed dwelling shall not be occupied until the revised car parking areas serving both the new dwelling and the adjoining commercial and residential units as shown on the approved plans has been drained, surfaced and the spaces marked out in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter 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, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and paragraphs 91, 102, 105, 108 and 110 of the National Planning Policy Framework 2018.

9 CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED

No retained hedgerow (specifically the hedgerow on the western boundary of the site) or tree shall be cut down, uprooted or destroyed, nor shall any retained hedgerow be topped or lopped to height less than 2 metres from ground level, other than in accordance with the prior written approval of the Local Planning Authority. If any retained hedgerow/ tree is removed, uprooted, destroyed or dies, a replacement tree or hedgerow shall be planted and that tree or hedgerow shall be of such size and species and shall be planted at such a time and in a position to be agreed with the Local Planning Authority.

The erection of barriers and ground protection for the retained hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, 170, and 175 of the National Planning Policy Framework 2018.

10 CONDITION: CONTAMINATED LAND

PRE-COMMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. 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:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o adjoining land
 - o groundwaters and surface waters

- o ecological systems
- o 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'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation 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.

Section 4. 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 shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

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 170,178-183 of the National Planning Policy Framework 2018.

11 **CONDITION: BIODIVERSITY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Preliminary Ecological Appraisal (dated 5th June 2018) for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF 2018 paragraphs 8, 170, 174, 175

12 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 neighbours amenity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 127, 170, and 180 of the National Planning Policy Framework 2018.

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 (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraph 38 of the National Planning Policy Framework (2018) the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: CODE OF PRACTICE FOR CONSTRUCTION

All construction work should adhere to the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages.

4 INFORMATIVE: KERB LOWERING

Before the accesses hereby approved are first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. The applicant should contact Plymouth Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.