

ITEM: 09

Application Number: 10/00776/REM

Applicant: Mr A Nutbean

Description of Application: Demolish dwelling and develop site by erection of 3 detached dwellings (approval of reserved matters)

Type of Application: Reserved Matters

Site Address: 25 COLTNESS ROAD PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 24/05/2010

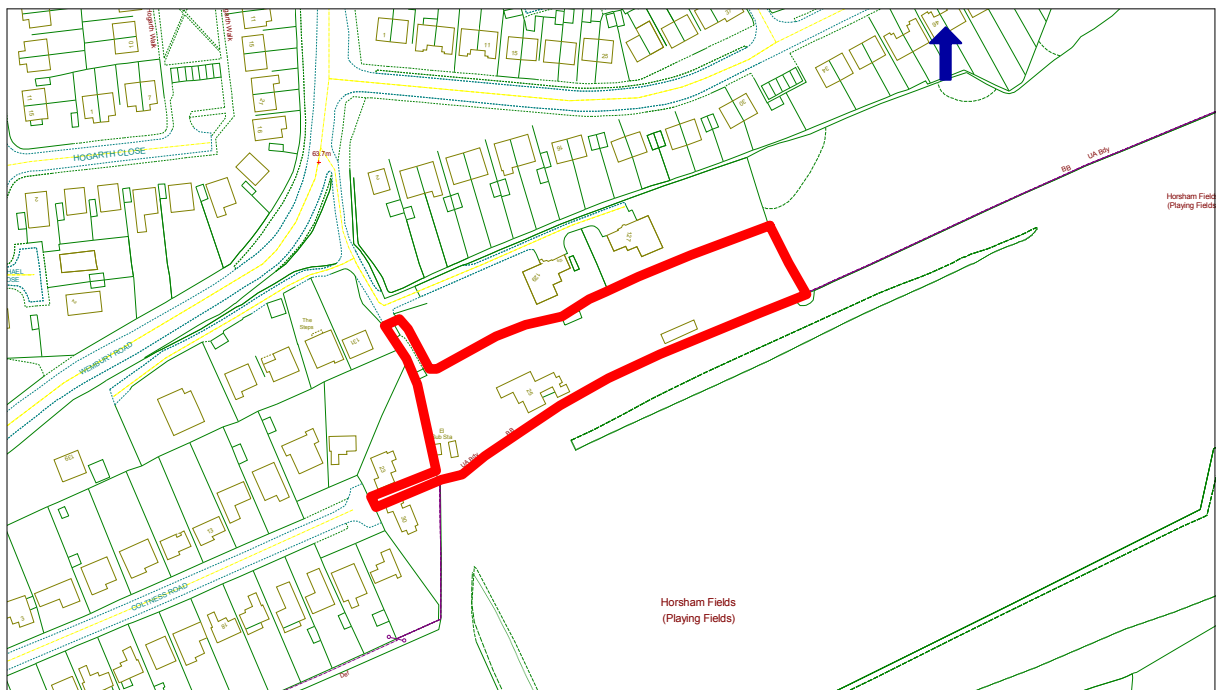
8/13 Week Date: **19/07/2010**

Decision Category: Member/PCC Employee

Case Officer : Stuart Anderson

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being brought to committee due to the involvement of a City council employee, who is connected in business to the applicant.

Site Description

This site is in Plymstock and currently has one dwelling on it. This dwelling has a large curtilage with many trees, a hedgerow bordering the site and woodland area to the east. To the south and east of the site are the 'Horsham' fields, to the north and west are residential dwellings.

Proposal Description

Demolish dwelling and develop site by erection of 3 detached dwellings (approval of reserved matters).

Relevant Planning History

07/02390/OUT – Outline application to demolish dwelling and develop site by erection of four detached dwellinghouses (refused)

08/00897/OUT – Outline application to demolish dwelling and develop site by erection of three detached dwellings (granted)

Consultation Responses

Transport Officer recommends conditions

Public Protection Service requests a condition relating to unexpected contamination

Representations

One letter of representation has been received, from 127 Wembury Road, one of the properties to the north of the site. This letter expresses a number of concerns about the proposed development, which are:

1. Concerns over privacy, we have windows from our bathroom, bedroom, toilet and kitchen facing the proposed development, which would be overlooked by the three new houses. Also, most of our garden would be overlooked.
2. Our house is built on a north facing slope, which means that winter sunlight is at a premium. We do not want any reduction in the level of sunlight as a result of the development.
3. Outflow from septic tanks would flow northwards towards our property.
4. A similar situation to 3, above, would arise with the disposal of rainwater.
5. We are anxious to maintain the mature trees on the site.
6. It is essential that we have access to both sides of our western boundary wall for maintenance, when the pedestrian access way is repositioned to the edge of the property.

7. The new plans show that the road access to the new houses is to be located on the southern side of the development. This is a major improvement from our point of view.

Analysis

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.

The relevant policies are CS15, CS16, CS18, CS22, CS28, and CS34 of the Core Strategy, and the Development Guidelines Supplementary Planning Document. The relevant issues are discussed below.

HIGHWAYS/PARKING

Each of the proposed dwellings has 2 parking spaces, in the form of a double garage. Adequate access and turning facilities are provided. Access from Coltness Road is from an existing private drive, and due to the increase in traffic a passing bay would be provided within the site, to ensure that cars do not need to reverse back out onto Coltness Road.

The Transport Officer has no objections to the proposal, but is recommending conditions, which are that the dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans, and that a Construction Phase Management Plan is submitted to and approved in writing by the Local Planning Authority, before development is commenced. These conditions were imposed on the outline planning permission, so would not need to be added now.

IMPACT ON TREES

The trees on this site are covered by a Tree Preservation Order. The 2007 outline application (07/02390/OUT) was refused due to harm to trees. The plans showed a dwelling at the eastern end of the site in the wooded area, meaning that many trees would have to be felled in order to make way for the dwelling. On the current application, the plans show that the proposed dwellings would be kept away from the protected trees.

DESIGN

There is a mix of housing styles in Coltness Road, and the street does not conform to any one particular style or 'streetscene'. On this basis, it is considered that the proposed dwellings would not appear out of character with the surrounding area.

The proposed dwellings would be quite bulky, but it is considered that the site is of a good enough size to accommodate large dwellings without appearing cramped or overdeveloped.

IMPACT ON SURROUNDING RESIDENTIAL AMENITY

The proposed dwellings would not be in close proximity to any other houses. However, the letter of representation from the occupiers of 127 Wembury Road is noted. Also noted is the difference in levels between this site and number 127 (127 is at a lower ground level than the site).

The proposed dwellings would be situated 8m to 13m away from the boundary with 127 and 129 Wembury Road, so there would be a reasonable separation distance between the properties. Also, there is a vertical drop over the boundary between both sites (i.e. the site ends at a boundary wall, then drops down to the level of 127 and 129). Also, tree cover over the boundary gives some degree of screening. Therefore, it is considered that the impact on the privacy of 127 and 129 would not be great enough for the application to be refused.

With regard to the impact on the natural light enjoyed by 127 and 129, the distance separation between the proposed properties and the boundary with 127 and 129 is again relevant. Also, there would be wide gaps between the proposed houses which would allow natural light to penetrate and reach 127 and 129.

On the basis of the above observations it is considered that the proposal is not harmful to the amenities of surrounding residential properties.

STANDARD OF ACCOMMODATION

Each of the proposed houses would be of a generous size, and would therefore be able to provide a full range of amenities. Each house would also have its own area of private garden. Therefore, the proposal would offer a good standard of accommodation for future occupiers, in accordance with policy CS15 (criteria 5).

OTHER ISSUES

The submitted letter of representation expresses concern over surface water, and it is recommended that a condition is imposed to address this issue.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

The proposal is recommended for approval.

Recommendation

In respect of the application dated **24/05/2010** and the submitted drawings, **Site location plan, site survey drawing, 042, SF17058-001 Rev C, SF17058-003 Rev A, SF17058-002 Rev A, SF17057-001 Rev D, SF17057-002 Rev B, SF17057-003 Rev B, SF16689-001 Rev E, SF16689-003 Rev A,**

**and accompanying Design and Access Statement, it is recommended to:
Grant Conditionally**

Conditions

REPORTING OF UNEXPECTED CONTAMINATION

(1) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. 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, CLR11'.

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 (referred to in 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.

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 policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER

(2) Development shall not begin until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any of the dwellings hereby approved is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: highways/parking, design, impact on trees, impact on surrounding residential amenity, and standard of accommodation, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS15 - Housing Provision
CS16 - Housing Sites
SPD1 - Development Guidelines