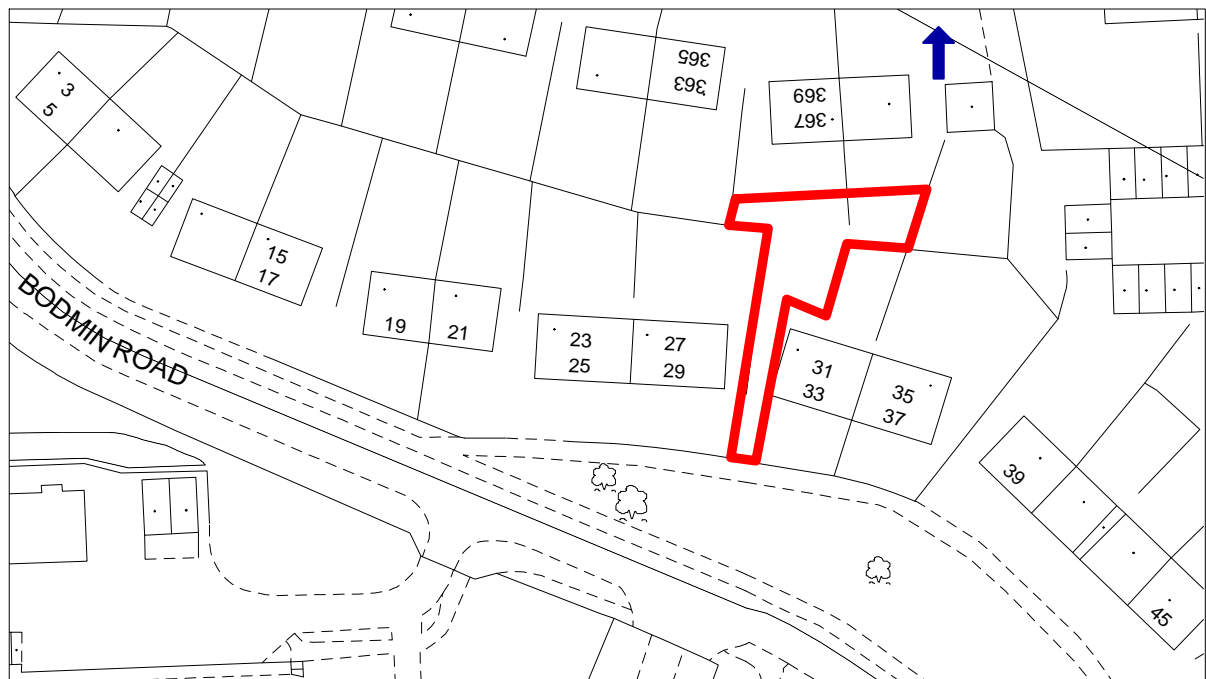


ITEM: 3

Application Number: 09/00006/FUL
Applicant: Mr John Williams
Description of Application: Formation of vehicle hardstanding in front garden, including retaining walls and hand rails
Type of Application: Full Application
Site Address: 33 BODMIN ROAD WHITLEIGH PLYMOUTH
Ward: Budshead
Valid Date of Application: 05/01/2009
8/13 Week Date: **02/03/2009**
Decision Category: Member/PCC Employee
Case Officer : Simon Osborne
Recommendation: Grant Conditionally
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OFFICERS REPORT

This application is brought to planning committee because the applicant is related to Council employees.

Site Description

33 Bodmin Road is a flat within a “semi-detached” style property located in the Whitleigh area of the city. The property is located in a small crescent where there is a large grassed area at the front, between the footway and the road carriageway.

Proposal Description

The formation of a vehicle hardstanding in the front garden, including retaining walls and hand rails. The applicant is a blue badge holder. The development necessitates crossing the large grassed area at the front which would be surfaced with a heavy-duty grass grid.

Relevant Planning History

No relevant planning history.

Consultation Responses

Transport - has no objection in principle, but recommends a condition stating that bollards will be placed along the length of the crossing to stop illegal parking and that the dropped kerb will be the standard 2.4 metres width.

Plymouth City Council Corporate Resources – No Objections.

Plymouth City Council Park Services – No objections but questions who will be responsible for maintaining the grass grid.

Plymouth Community Homes (owners) – No objections

Representations

No letters of representations were received.

Analysis

The application was first brought to committee in March 2009 where it was deferred so that further information could be provided regarding the layout of the flats and possible implications, and to clarify matters regarding the grass grid including its visual impact, procedural matters and whether this forms part of the application. Procedural matters including receiving a corrected site location plan to incorporate the grass grid area, and ensuring that all relevant parties have been notified of the application have contributed to the delay in bringing this application back to committee.

No 33 is located on the first floor of the property with No 31 below. The curtilage is roughly divided into two. This layout has little bearing with regards

to assessing the impact of the proposal on neighbouring properties which is detailed below.

The grass grid does form part of the application and as such Plymouth City Council's Corporate Resources Department and Parks Services have been made aware of the application and have no objections to the proposal. All persons with an interest in the application land now appear to have been notified of the application and have been given the opportunity to make representations. The visual impact of the grass grid has been detailed below.

This application turns upon policies CS34 and CS28 of the Core Strategy 2006-2021 and the Supplementary Planning Guidance Note 2 "House and Roof Alterations". The primary considerations are: impact on neighbouring amenity, the impact on the character and visual appearance of the area, and highway safety.

Due to the design and nature of the proposed retaining walls, steps and driveway, namely the position set below the level and to the side of the adjacent dwellings, this development would cause negligible impact in terms of privacy, outlook, and sunlight/daylight to neighbouring properties.

The proposal is relatively sympathetic in design and materials to the subject dwelling and will not overdevelop the site or lead to an unreasonable loss of amenity space. In terms of visual appearance in the street scene, the retaining walls would be somewhat prominent, although there are already smaller retaining walls at this and adjoining properties because of a change in ground level between the footway and the dwellings; the proposals are not considered so prominent as to warrant refusal.

The grass grid is designed to provide a hard surface while maintaining the appearance of a grassed area, the proposed grid across the relatively large amenity area should therefore have little impact on the character and appearance of the area. Although personal circumstances are not taken into account when determining planning applications case law suggests that applications made to provide better facilities for disabled applicants should be looked upon favourably unless the impact of the proposal is plainly unacceptable. It is noted that the applicant has mobility problems. Although such means of access across large amenity areas should not generally be encouraged due to the potential cumulative impact if other proposals of this nature were approved, it is considered that in this case given the applicants situation and the relatively small impact of the proposal that the application is acceptable. However this should not set a precedent for similar proposals in the future where circumstances are different.

The proposal is acceptable in terms of highway safety. The condition recommended by Transport is not considered to be justified. With regard to illegal parking, this could take place at present and it is considered that the proposed dropped kerb and surfacing for No. 33 would be unlikely to lead to an increase in any such parking. Additionally, bollards would adversely affect

the open aspect of the grassed area. The dropped kerb width is best dealt with by an informative.

With regard to the issue raised by PCC Parks Services regarding who will be responsible for maintaining the grass grid, this is a private issue and would have to be agreed between the relevant interested parties. This is not a material planning consideration. An informative is recommended to draw the applicants attention to this issue.

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.

Section 106 Obligations

N/A

Equalities & Diversities issues

It is noted that the applicant has mobility problems. These issues have been discussed above.

Conclusions

This application is recommended for approval.

Recommendation

In respect of the application dated **05/01/2009** and the submitted drawings, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1)The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed plans and elevations (amended Feb 10)

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.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

INFORMATIVE: KERB LOWERING

(1) Before the access hereby permitted is first brought into use, it will be necessary to secure a dropped kerb (maximum width 2.4 metres) with the consent of the Local Highway Authority. The developer should contact the Technical Consultancy of Plymouth City Council for advice on this matter before any work is commenced.

INFORMATIVE: MAINTENANCE OF GRASS GRID

(2) The applicant is advised that the appropriate departments of the Council will expect the issue of the maintenance of the grass grid to be addressed by the applicant. The granting of planning permission must not be taken to indicate that the matter has been resolved or overlooked.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: impact on neighbouring amenity, the impact on the character and visual appearance of the area, and highway safety, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

SPD1 - Development Guidelines