

# PLANNING APPLICATION REPORT



**ITEM: 02**

**Application Number:** 11/01049/FUL

**Applicant:** Mrs Jackie Hunt

**Description of Application:** Erection of detached dwellinghouse with integral private motor garage (renewal of permission 08/00623/FUL)

**Type of Application:** Full Application

**Site Address:** LAND ADJACENT TO 29 PETERSFIELD CLOSE  
PLYMOUTH

**Ward:** Compton

**Valid Date of Application:** 12/07/2011

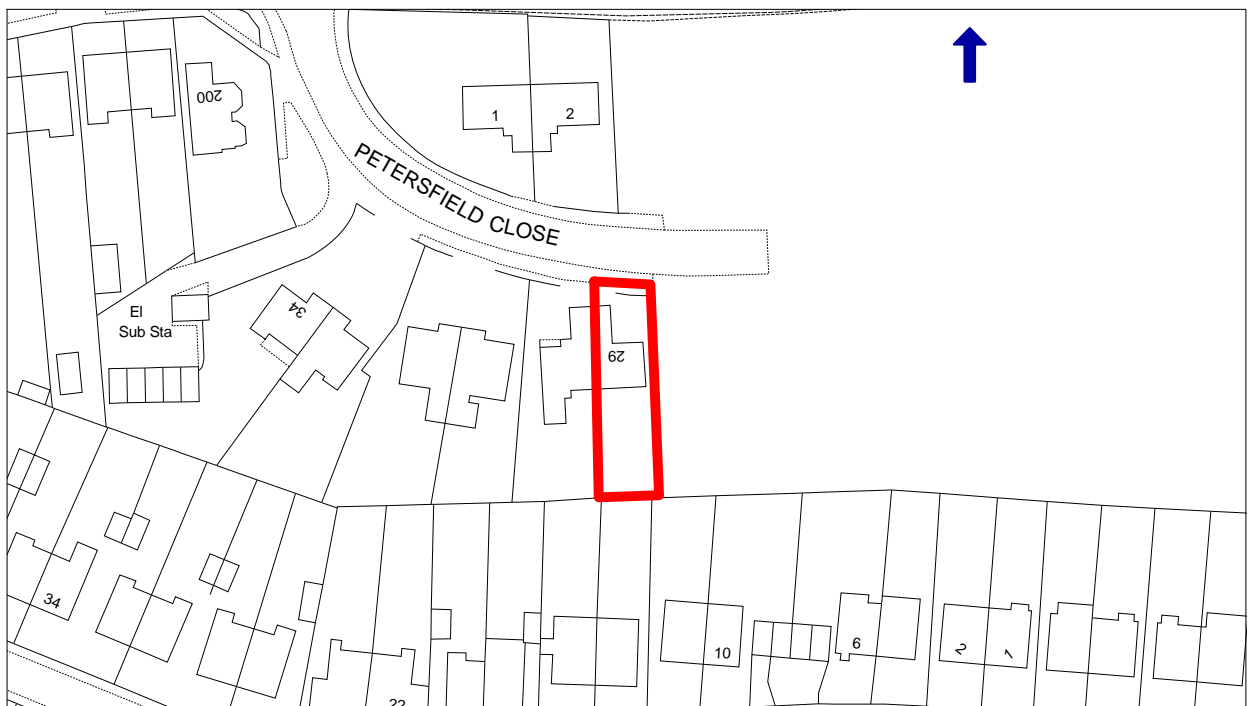
**8/13 Week Date:** **06/09/2011**

**Decision Category:** Member/PCC Employee

**Case Officer :** Janine Warne

**Recommendation:** Grant Conditionally

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**The application is brought to committee because the applicant is a Plymouth City Council employee.**

### **Site Description**

The site is next to 29 Petersfield Close, on the southern side of the end of the road, which tapers out into an adjoining, undeveloped tract of land to the east. This tract of land is understood to have been the subject of further housing development in the past, but has remained undeveloped for many years.

### **Proposal Description**

This application seeks to renew planning consent 08/00623/FUL for the erection of a detached dwellinghouse with integral private motor garage.

### **Relevant Planning History**

08/00623/FUL – Erection of detached dwellinghouse with integral double private motor garage – Permitted.

07/01006/FUL – Detached house with integral garage – Refused – APPEAL DISMISSED.

### **Consultation Responses**

Transport – Recommend refusal, on the basis that the access arrangement with Eggbuckland Road is hazardous. Transport Officers objected to the previous application (08/00623/ful) on similar grounds, and they wish to apply these objections to this current scheme as well.

Public Protection Service – No objections, subject to recommended conditions. Observations:

*A Geotechnical Report has been submitted alongside the application. This has been considered by the Public Protection Service and, whilst the submitted report does not contain any information regarding land quality, PPS have recommended land quality conditions in accordance with the planning history. A Code of Practice condition is also recommended.*

Technical Services: Structures – No response received.

### **Representations**

At the time of writing this report, no letters of representation have been received.

### **Analysis**

As outlined above, planning application 07/01006 for a detached house with integral garage was refused. The following reasons for refusal were given:

- Size of building/height of roof/rooflights
- Appearance of front elevation
- Sub-standard road junction

This application was dismissed at appeal. However, the Inspector considered that the extant permission for 34 dwellings, which included the application site, was of such weight that despite the inadequacy of the junction between Petersfield Close and Egguckland Road refusal reason 3 carried little weight. Notwithstanding this, the appeal was dismissed on the grounds of the forward position of the building, its height and design of the windows and cabrio rooflights.

In the case of application 08/00623/FUL, your Officers considered whether the proposals addressed the previous refusal reasons, taking into account the Inspector's decision to dismiss the appeal. Therefore, given the Inspector's comments regarding refusal reason 3, the primary planning considerations related to the design and appearance of the proposed dwelling; the case officer noted the following:

*'With regard to the position, height and design of the dwelling, the building has been set back relative to its previous position and the height of the ridge has come down significantly, partly as a result of lowering the angle of pitch so that it matches other houses in the street. Together with amendments to the design of the building, including more sympathetically designed windows and dormer windows, the proposals are considered to be in accordance with policies CS02 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and would appear to satisfactorily address the issues raised by the Inspector that led him to dismiss the appeal.'*

Therefore planning consent was granted, subject to a series of restrictive conditions.

The current application seeks to renew this consent. Therefore, in accordance with Government guidance, entitled 'Greater Flexibility for Planning Permissions Guidance', November 2009, the Local Planning Authority, in making its decision, shall focus its attention on development plan policies and any other material considerations (including national policies) which have changed significantly since the original grant of permission.

The proposed development has been found acceptable by the granting of planning permission for 08/00623/FUL. There have been no material changes to the relevant policy guidance and the site circumstances since the 2008 consent was granted. Therefore it is considered that the proposed development is, subject to the following conditions, still acceptable now.

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**

Not applicable in this case.

## **Equalities & Diversities issues**

No further comments to be made here.

## **Conclusions**

For the reasons outlined above, this application is recommended for approval. It is recommended that the following conditions are added in the interests of protecting neighbouring residential amenity and conditions of highway safety.

## **Recommendation**

In respect of the application dated **12/07/2011** and the submitted drawings H07-2 P01 Rev.A - Amended Site Plan; H07-2 P02 Rev.1; H07-2 P03 Rev.A; H07-2 P04 Rev.1; H07-2 P05 Rev.1; H07-2 P06 Rev.1; H07-2 P07 Rev.1; H07-2 P08 Rev.1 and supporting information ('Yeandle' Geotechnical Report, dated January 2010), it is recommended to: **Grant Conditionally**

## **Conditions**

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) 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.

### **APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: H07-2 P01 Rev.A - Amended Site Plan; H07-2 P02 Rev.1; H07-2 P03 Rev.A; H07-2 P04 Rev.1; H07-2 P05 Rev.1; H07-2 P06 Rev.1; H07-2 P07 Rev.1; H07-2 P08 Rev.1

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.

### **NO FURTHER WINDOWS OR DOORS**

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification) and Class A of Part 1 of Schedule 2 to that order, no further windows, external doors or other external openings (additional to those hereby approved) shall at any time be provided in the dwelling hereby permitted.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## RESTRICTIONS ON PERMITTED DEVELOPMENT

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such), and F (provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of Schedule 2 to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

### Reason:

In order to preserve residential amenity, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## DETAILS OF BOUNDARY TREATMENT

(5) Notwithstanding the submitted plans, 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 approved dwellinghouse is first occupied and shall be carried out in accordance with the approved details.

### Reason:

To ensure that the details of the boundary treatment are in keeping with the area, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## LAND QUALITY

(6) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 7 to 9 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall 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 condition 10 has been complied with in relation to that contamination.

### 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 use 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.

## SITE CHARACTERISATION

(7) 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 shall 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 shall include:

- ii) 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

## SUBMISSION OF REMEDIATION SCHEME

(8) 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 must 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.

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 (2206-2021) 2007.

## IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(9) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall 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.

## REPORTING OF UNEXPECTED CONTAMINATION

(10) 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 in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 condition 9.

### 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.

## CONSTRUCTION OF DRIVEWAY

(11) The driveway serving the dwelling hereby permitted shall be hard-surfaced and drained before the dwelling is first occupied in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences. The works shall accord with the approved details and thereafter maintained as such.

### Reason:

In order to afford safe and convenient access to the dwelling and to preserve highway safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

## ROAD CONSTRUCTION

(12) Prior to the completion of the development, or the first occupation of the dwellinghouse hereby permitted, whichever is the sooner, the land fronting the site of the dwellinghouse and abutting the Highway Maintainable at the Public Expense shall be formed, laid out and constructed as a road, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

### Reason

To ensure adequate access, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007.

## CODE OF PRACTICE

(13) Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## INFORMATIVE - HIGHWAY WORKS

(1) With regard to condition 11, the Highway Authority will not adopt this new piece of road, but the applicant is advised to contact the Highway Authority to gain the necessary permissions for access to the site from the highway.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the height, scale and design of the building and its impact on the street scene and appearance of the area, and road access, 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 (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local



Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS02 - Design
- CS15 - Housing Provision