

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 11/01651/OUT

Applicant: South-West Property Developments Ltd

Description of Application: Outline application to develop land by erection of two 4-bedroom 100sqm floor area detached dwellinghouses

Type of Application: Outline Application

Site Address: LAND TO REAR OF 7-11 UNDERWOOD ROAD
PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 28/10/2011

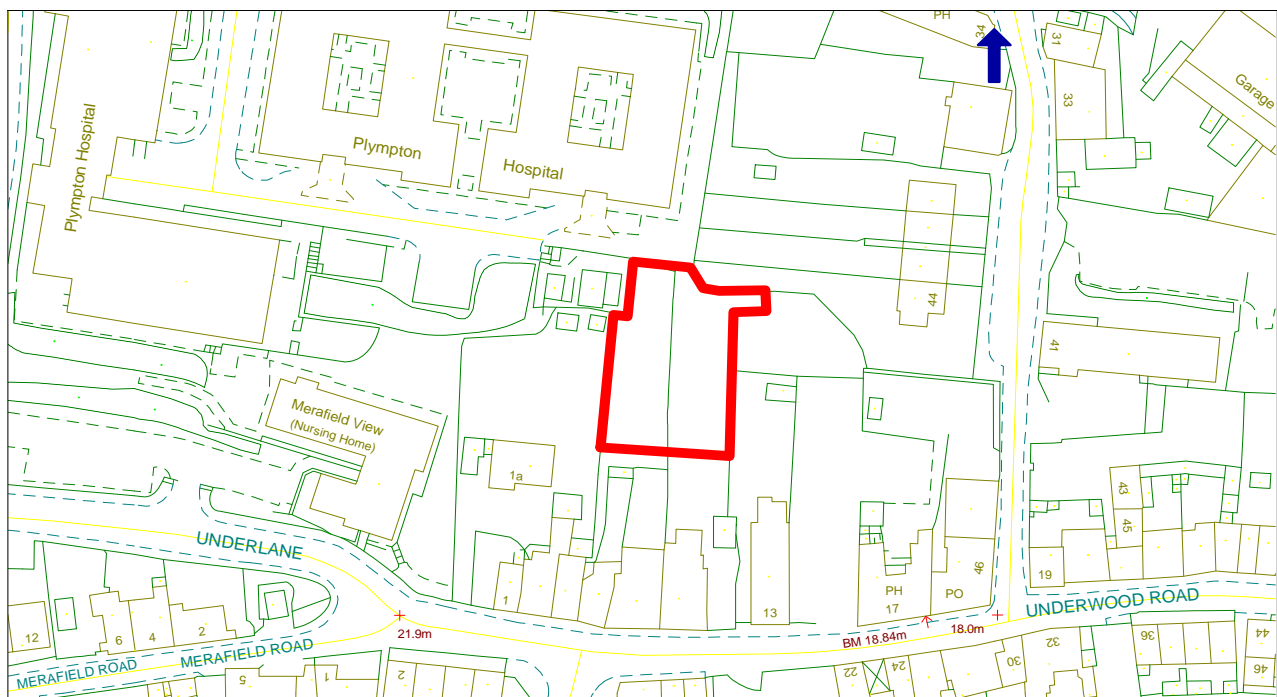
8/13 Week Date: 23/12/2011

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Minded to Grant/Defer for Advert Period/Delegated Authority

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15 December 2011

Officer Report

This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward councillor is concerned that this is development on garden space, is over-development of the land, there is not sufficient vehicular access to the site and it will spoil the character of the village of Underwood.

Site Description

The site comprises garden land to the rear of 7-11 Underwood Road. The land slopes downwards from the front of the site (south to north). The site is bounded to the west by the house and garden at 1a Underwood Road; to the north by Plympton Hospital and the garden of 44 Market Road (both at a considerably lower level than the site) and to the east by 13 Underwood Road and by land outside the application site that is owned by the applicants. Access is via a drive adjacent to 11 Underwood Road, which passes the entrance to accommodation in that property.

Proposal Description

Outline application to develop land by erection of two 4-bedroom 100sqm floor area detached dwellinghouses. The dimensions of the houses are 8.6 to 8.9 metres wide; 7.6 to 7.9 metres deep and 7.3 to 7.7 metres from ground floor level to ridge height (the site slopes from south to north and as a result the ground floor of the buildings could be up to approximately 400mm above actual ground level). The ridge heights are also stated in a range that relates to a known datum level.

Relevant Planning History

There was no pre-application advice sought in respect of the current proposals.

10/00711/OUT - Outline application to develop land by erection of three 4-bedroomed 100sqm floor area detached dwellinghouses on land rear of 7-11 Underwood Road (including an area forming the eastern part of the site which is excluded from the current planning application). This application was refused for the following reasons (précis follows):

- (1) The proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties.
- (2) Due to their scale and proximity, the buildings would be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and will also result in a serious loss of privacy for the occupiers 1A Underwood Road.
- (3) The close proximity of the proposed dwellings to the boundary of 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of that property.

- (4) The amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties. As such, the proposals are considered to be harmful to the character and appearance of the area.

A **planning appeal** was lodged in respect of the Local Planning Authority's decision on 10/007111/OUT; this appeal was dismissed. With regard to reason 1, the Inspector found that the occupiers of the neighbouring properties would not be unreasonably affected by the proposed development.

With regard to reasons 2 and 3, the Inspector found that the visual impact on 1a Underwood Road would not be harmful because the proposed houses would stand at a lower level and would be off-set from that property. The inspector considered that 1a Underwood Road would experience a significant loss of privacy from the upper floors of the proposed houses, but that clear-glazed windows serving habitable rooms could be positioned where they would have little or no effect on privacy. With regard to the proposed house labelled Unit 3, which was proposed to be located in the eastern part of the application site, adjacent to the garden of 44 Market Road, the Inspector considered that the level of that property and its relationship with Unit 3 would adversely impact the outlook from the garden and would be overbearing when seen from the house. The Inspector also found that the proposed house in the north-west corner of the site would have little impact on sunlight and daylight to the long, narrow strip of garden at 44 Market Road, but that any house in the north east corner would result in a significant reduction in sunlight and daylight. Therefore, it can be seen that, from the appeal Inspector's point of view, the main and unacceptable impact is on the amenities of 44 Market Road.

With regard to reason 4, the Inspector considered that the proposed layout and density would not be out of keeping with those in the surrounding area, and that with regard to the lack of a street frontage, there are other dwellings that do not have a street frontage and that the proposed group of houses would not be out of character.

With regard to private residential gardens no longer being classed as previously developed land, the Inspector states: "Planning Policy Statement 3: Housing has been amended so that its definition of previously-developed land now excludes private residential gardens. However, Core Strategy policies CS02 and CS34 do not distinguish between previously-developed and other land and have been used by the Local Planning Authority to refuse applications where garden development has seriously affected the character of the area. In relation to the appeal proposal, therefore, this change to PPS3 is not of particular significance."

09/00532/OUT (land rear of 7-11 Underwood Road) - Outline application for construction of eight, two-bedroom flats and associated car parking and vehicle turning areas. The flats were indicatively arranged in 4 blocks of two flats each. This application was refused for the following reasons (précis follows):

(1) The proximity of the proposed access road to Nos. 11 and 13 Underwood Road and the associated vehicle movements to the side of these buildings and associated rear gardens will lead to levels of noise and disturbance that will be demonstrably harmful to the amenities of the occupiers of those properties.

(2) Due to their scale and proximity, the buildings would be overbearing and dominant when viewed from the rear gardens and houses that surround the site, particularly 1a Underwood Road and 44 Market Road, and due to their height will also result in a serious loss of privacy for the occupiers of those properties and 46 Market Road.

(3) The close proximity of the proposed dwellings to the boundaries of neighbouring properties at 1a Underwood Road and 44 Market Road will result in an unreasonable loss of sunlight and daylight to the rear gardens of those properties.

(4) The density of the development, the intensive use of the site, and the close proximity of the proposed access road and dwellings to neighbouring properties will lead to unreasonable levels of noise, disturbance and light pollution for the occupiers of 1a and 13 Underwood Road and 44 Market Road.

(5) The amount of development is inappropriate for a site that has no frontage onto the main road. In this respect, the size of the plot, and the nature of the sub-standard accessway that serves it, is not considered capable of generating its own street frontage and the density of development would be at odds with the relatively spacious layout and depth of plots on surrounding properties.

(6) The proposed development is likely to result in an unacceptable increase in the number of vehicular movements taking place at and in the vicinity of the application site, giving rise to unacceptable conditions.

(7) The proposed access arrangement is unsuitable for its intended use and is therefore likely to give rise to issues of personal and highway safety. Vehicular movements arising from the development would give rise to unacceptable conditions.

(8) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway, giving rise to unacceptable conditions.

(9) The proposed development is unsatisfactory and unacceptable in that it will fail to meet accepted standards for: turning and parking of vehicles attending at the site; vehicular and pedestrian circulation within the development; pedestrian links to the wider footway network; safe access to and from the site; and street lighting and drainage and gradient of the street.

05/01696/OUT (13 Underwood Road) - Outline application to develop rear garden by erection of dwelling, with details of means of access (as existing), with demolition of rear tenement of existing dwelling and formation of parking area. This application was refused.

Consultation Responses

Transport

From a transport and highway perspective, development that would give rise to any additional vehicle trips along Underwood Road would not be encouraged, although it is considered that this small scale development would use an existing vehicle access, where the principle of vehicular access has already been established, and where any subsequent increase in associated vehicle trips would be quite small.

Although vehicle speeds along Underwood Road are generally very low, car parking also occurs along areas of the street and in the vicinity of the entrance of the application property, which may present an obstacle to forward and inter-visibility. In the recent past some alterations have been carried out within the highway with the provision of a build-out outside number 9 to improve safety by providing a safe crossing point for pedestrians. The position of the build-out in the street is close by and to the west of the entrance to the application site, and this assists with and affords improved forward and inter-visibility at the driveway entrance/exit by pushing vehicles approaching from the west toward the centre-line of the road. With a view to discouraging haphazard car parking close to the driveway entrance and build-out in order to preserve visibility, consideration should be given to appropriate road markings being painted on the highway in Underwood Road to provide a solid white line in the carriageway channel across the driveway entrance, and or extending the cross hatching adjacent to the pedestrian build-out toward the site entrance; this requirement that could be implemented relatively simply with the cost being bourn by the developer, and should be secured by a Grampian condition as part of any grant of planning permission.

Transport therefore has no objections subject to conditions relating to details of new junction, driveway gradient, car parking provision and cycle provision. An informative note is recommended regarding a footway crossing.

Public Protection Service

No objections, subject to conditions relating to land quality and the submission of a code of practice.

Representations

Letters have been received from the occupier of 44 Market Road, which raise the following objections:

1. The planning application shows construction on part of the land belonging to 44 Market Road. Full use is being made of their land.
2. Two trees that fall within No.44's boundary were unlawfully cut down without consent.
3. This contradicts the applicant's statement that it is intended to retain where possible, native species trees and shrubs.
4. This development is not for affordable housing.
5. The applicant states the gardens as redundant; maybe they are but only because he has made them redundant, removing the plant life ,wildlife, shrubs, trees, sheds ,ponds and everything which made them into gardens.

6. Regarding the wall to rear of the property that backs onto Plympton Hospital, the building plans show no provision for strengthening and ensuring the 25 foot wall with a big drop is structurally stable to support the developments above it; a real risk of a land slide and the new houses ending up on Plympton Hospital could happen if that is over looked, the plans are very much flawed.

A neighbour notification letter was not sent to Plympton Hospital until 25 November and therefore this extends the publicity response period to 16 December.

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 application is considered having regard to local and national policies and guidance, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

The main issues in this case relate to the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, and the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road. With regard to the above issues, the main focus is on whether the proposals overcome the reasons for refusing the previous application 10/00711/OUT without raising any other problems from a planning point of view. In this respect the indicative layout plans are the same as previously proposed minus the dwelling at Unit 3, which was the particular dwelling that the Planning Inspector found objectionable.

With regard to transport matters, the Inspector found that nearby streets are well used for parking and visibility at the junction is limited, especially by parked vehicles. However, the Inspector considered that each house would have two parking spaces and that it would be of assistance if the road marking across the access were reinstated to deter parking close to the access. The current scheme is for one less dwelling and therefore the impact on the highway network will be less than in the case of the previous proposal.

With regard to the noise and disturbance arising from the use of the proposed accessway (reason 1 of the previous Local Planning Authority decision), it is not considered appropriate to maintain this objection in light of the Inspector's decision and the fact that the current proposals are for two dwellings, not three.

Although the number of dwellings backing onto 1a Underwood Road is unchanged (reason 2), the impact of the proposals on the outlook from that property is not considered to be a sustainable reason for objecting, having regard to the Inspector's decision. The Local Planning Authority could maintain an objection on these grounds, but such a position is likely to be weak, bearing in mind the reduced scheme and the lack of other objections, including the lack of an objection from the neighbours themselves.

With regard to privacy issues (reason 2), the design of the dwellings could incorporate either standard clear-glazed windows, in locations that do not unreasonably overlook neighbours, and/or angled windows that reduce overlooking.

The removal of Unit 3 from the scheme largely removes any concerns regarding the impact of the proposals on the daylight/sunlight and outlook enjoyed by the occupiers of 44 Market Road. However, given the relatively low level of the long garden at that property, and the scale and proximity of the nearest proposed house (albeit on an indicative plan at this outline application stage), it is considered beneficial to move the proposed house at Unit 2 further up the site from the position shown on the indicative plans, i.e. move away from the garden at 44 Market Road so that the visual impact on that property is reduced. It is considered that this would further reduce any overbearing and dominance when viewed from No.44's garden (reason 2) and this suggested change to the position has therefore been made known to the applicant's agent.

With regard the lack of a street frontage and the impact on the character of the area (reason 4), it is considered that having regard to the Inspector's decision and the reduced scheme, i.e. more garden land preserved in lieu of Unit 3, it would not be sustainable to maintain an objection on these grounds.

With regard to the neighbour's objections, the land ownership issue has been resolved following the submission of amended plans. The felling of the two trees referred to as being within the neighbour's property is a civil matter and does not now raise a planning issue (the trees were not protected). The development is not for affordable housing as defined within policy CS15 of the Core Strategy and the loss of the former gardens is an issue that is considered here and was considered in respect of the previous application on the site. With regard to the stress that would be put on the wall backing onto Plympton Hospital, it is recommended that an informative note be used to draw the applicant's attention to the private property rights of neighbours.

The proposals are not considered to raise any other issues.

Section 106 Obligations

The proposals do not have impacts that require mitigation under Section 106 of the Planning Act.

Equalities & Diversities issues

The proposals do not raise any equalities or diversity issues.

Conclusions

The proposed development is different to the previously refused scheme because, taking due account of the Inspector's decision, the dwelling at Unit 3 is not being proposed in the current application. On balance, it is considered that two dwellings of the dimensions proposed can be accommodated on the site without being demonstrably harmful to residential amenity or the character of the area.

It is therefore recommended that Members be minded to grant outline permission subject to standard outline planning conditions and those recommended by consultees. It is also necessary to restrict permitted development rights in order to protect the amenities of neighbours. It is recommended that delegated authority be given to the Assistant Director for Development (Planning Services) to determine the application once the publicity response period has expired.

Recommendation

In respect of the application dated **28/10/2011** and the submitted drawings 1:1250 scale location plan on drawing UR-A3/01D (not including the indicative location of proposed housing on this plan), UR-A3/02C, UR-A3/03C, phase I environmental desktop study report, and accompanying design and access statement, it is recommended to: **Minded to Grant/Defer for Advert Period/Delegated Authority**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the layout, scale, appearance, access and landscaping of the dwellinghouses (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

TIME LIMIT FOR SUBMISSION OF RESERVED MATTERS

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

APPROVED PLANS

(5) This permission relates to the following approved plans: 1:1250 scale location plan on drawing UR-A3/01D (not including the indicative location of proposed housing on this plan).

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.

CODE OF PRACTICE

(6) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

LAND QUALITY

(7) 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 must not commence until conditions 8 to 10 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 condition 11 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 development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in

accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(8) An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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:

- 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,
- archeological 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 II'.

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 Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

(9) 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 Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(10) The approved remediation scheme must 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 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 policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(11) 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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 Core Strategy of Plymouth's Local Development Framework 2007.

DETAILS OF NEW JUNCTION

(12) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

DRIVEWAY GRADIENT

(13) The driveway to the dwellings hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

CAR PARKING PROVISION

(14) The development shall not be occupied until space has been laid out within the site in accordance with the details to be submitted to and approved in writing by the Local Planning Authority for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The said parking and turning facilities shall thereafter be retained.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

CYCLE PROVISION

(15) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for bicycles to be stored at each of the dwelling houses hereby approved.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

VEHICLE CROSSING AND ROAD MARKING

(16) Prior to any occupation of the dwellinghouses hereby permitted the developer shall carry out alterations to the vehicle footway crossing, along with white line marking of the carriageway in Underwood Road in accordance with details previously submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety and convenience, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Development Guidelines Supplementary Planning Document 2009.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(17) 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 (the enlargement, improvement or other alteration of a dwellinghouse), B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (Any other alteration to the roof of a dwellinghouse) and E (the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, or container used for domestic heating purposes) of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

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

NO FURTHER WINDOWS OR DOORS

(18) 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 further windows, doors or other openings, other than those permitted at the reserved matters stage, shall be constructed in the dwellinghouses hereby permitted.

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.

INFORMATIVE - CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites can be adopted either in part or as a whole to satisfy this condition. It can be downloaded for submission via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

INFORMATIVE - KERB LOWERING

(2) Before the access hereby permitted is first brought into use, it will be necessary to secure dropped kerbs 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 - PARTY WALL ACT

(3) The applicants are advised that this grant of planning permission does not override private property rights or their obligations under the Party Wall etc. Act 1996.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the backland nature of the site and the impact of the proposed development on surrounding residential amenity in terms of dominance, visual intrusion, privacy and noise and disturbance; the amount of development and the impact on the character and appearance of the area, the impact on traffic congestion and highway issues relating to the use of the proposed driveway and access point onto Underwood Road, and contamination aspects, 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:

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS15 - Housing Provision

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011