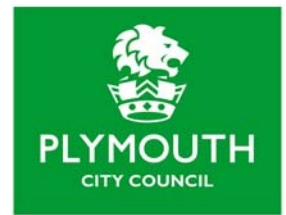


PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 12/00503/FUL

Applicant: Mr R Tuckwell

Description of Application: Vehicle hardstanding in front garden (with associated vehicle access)

Type of Application: Full Application

Site Address: 187 SOUTHWAY DRIVE PLYMOUTH

Ward: Southway

Valid Date of Application: 26/04/2012

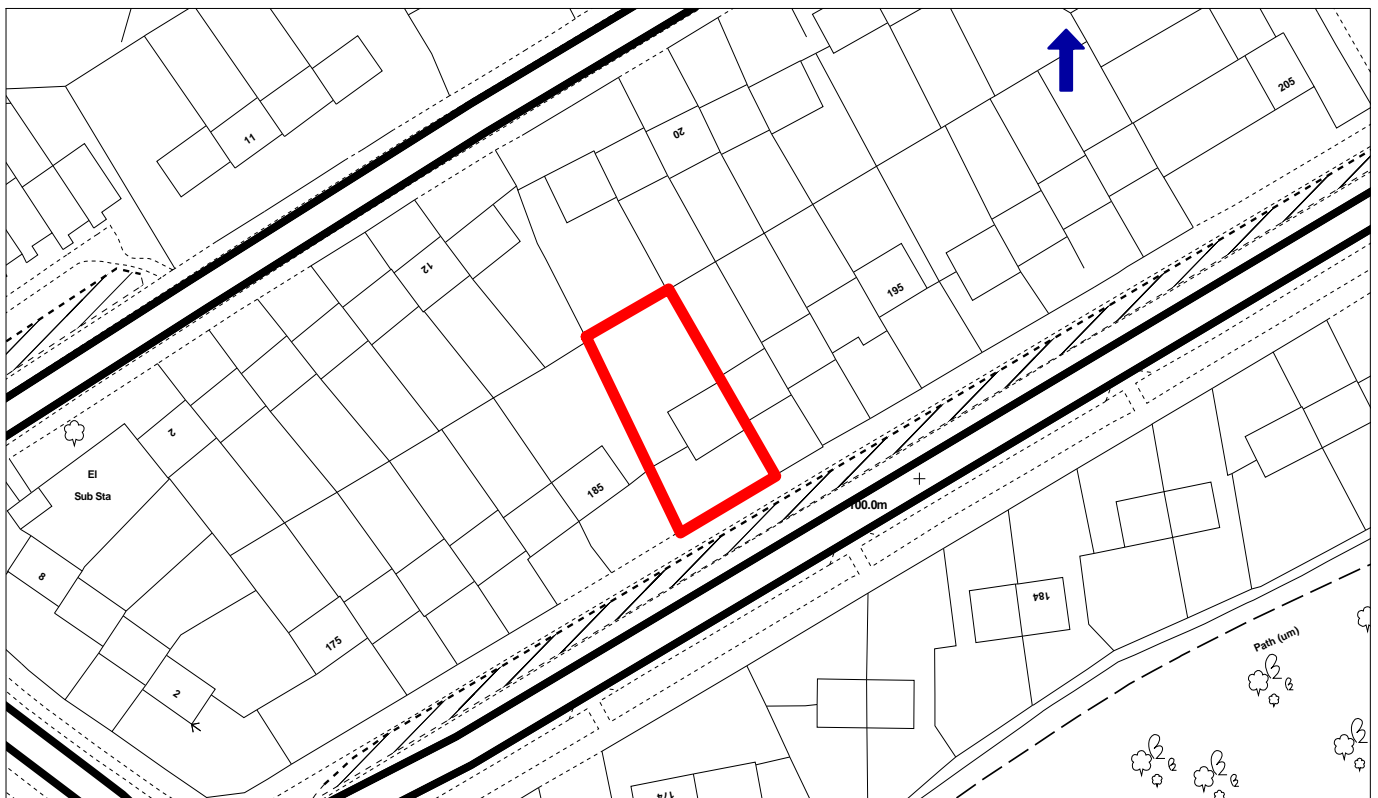
8/13 Week Date: **21/06/2012**

Decision Category: Member Referral

Case Officer : Kate Saunders

Recommendation: Refuse

Click for Application Documents: www.plymouth.gov.uk



This application is being considered by planning committee as a result of a “call-in” by Cllr Browne who is supporting the proposal. Cllr Browne considers that recent development along Southway Drive sets a precedent for this proposal and allows a positive recommendation to be reached.

Site Description

187 Southway Drive is a two-storey end of terrace property located in the Southway area of Plymouth. The property is separated from the highway by a large grass verge and pavement. The verge due to the land gradient of the area is set at a higher land level than the road, with the garden then being set at a higher level than the verge.

Proposal Description

Vehicle Hardstanding in front garden (with associated vehicle access)

Pre-Application Enquiry

None

Relevant Planning History

06/02037 - Formation of vehicle hardstanding with retaining walls and steps – Refused – Dismissed at appeal

Other Properties

208 Southway Drive

08/00602/FUL - Formation of hardstanding and associated steps ~ Refused

09/00080/FUL - Formation of vehicle hardstanding, with associated works ~ Refused

214 Southway Drive

75/02711 - Erection of hardstanding ~ Granted conditionally

216 Southway Drive

75/02712 - Erection of hardstanding ~ Granted conditionally

218 Southway Drive

02/01253/FUL - Construction of raised platform to provide car hardstanding area ~ Refused (*Decision upheld at appeal*)

224 Southway Drive

03/01367/FUL - Vehicle hardstanding in front garden ~ Refused

07/02025/FUL - Vehicle Hardstand in front garden ~ Refused

238 Southway Drive

09/01573/FUL - Raised vehicle hardstanding and associated vehicular access - Refused

271 Southway Drive

09/00067/FUL - Formation of vehicle hardstanding in front garden ~ Refuse

(Note – although not part of the planning history relating to this case, it should be noted that highway crossovers were constructed to parking spaces off the road at no 251 Southway Drive prior to December 2008, and at no 274 Southway Drive in January 2010.)

Consultation Responses

Highways Authority – Recommends refusal

Representations

One letter of representation received from No. 185 Southway Drive in support of the application

Analysis

This application turns on Policy CS34 and CS28 of the Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document. Appropriate consideration has also been given to the National Planning Policy Framework 2012. The main planning considerations are the effect on the amenities of neighbouring properties, the impact on the visual appearance and character of the area and highway safety, as detailed below.

This application is identical in nature to the proposal put forward for consideration in 2006. This application was refused due to the impact on the streetscene and highway safety. The decision was then tested at appeal and the inspector agreed with both the Local Planning Authorities grounds of refusal and the appeal was dismissed. This application has been submitted as the applicant feels that conditions within the street have changed and the proposal warrants further investigation.

The garden of this property is set back from the highway by a large grass bank with a pavement located between this and the garden. Due to the land gradient of the area, the proposed access to the hardstanding would be on a steep angle up to the pavement level, with the access then crossing the pavement. The garden would be excavated and small retaining walls constructed to allow for level access from the pavement to the hardstanding.

The Development Guidelines SPD notes that provision for off-road parking is popular, especially where on street parking is limited, but must be carried out in a sensitive way so as not to detract from the character of the area or reduce highway or pedestrian safety.

The proposal will be a significant intrusion in to the streetscene, severing an attractive grass bank which significantly contributes to the character and appearance

of the area. The inspector supported this reason for refusal previously and as the form of the development has not been altered it is considered that this refusal reason still stands. A number of photographs have been supplied to accompany the application which show cars parked on the grass verges in the area and the harm that arises e.g. erosion of grass, damage to tree roots. Whilst it is noted that this is not a welcome occurrence no photos are provided showing cars parked on the grass bank in front of the subject property and therefore the bank appears to be undamaged and of a high amenity value.

The highways officer also stands by the previous view that the proposal will prejudice highway safety, an opinion which was again supported by the inspector.

The application is unchanged and the proposed provision of off-street car parking is virtually the same as the earlier proposal the Highways Authority can therefore only make similar observations and recommendations as for that of the previous application. Where circumstances allow the Highways Authority would generally support the creation of off-street car parking, however in this particular case it is considered that the creation of off-street car parking would in its use be to the detriment of highway safety and the street scene, and introduce a potential danger that does not currently exist there. This is because of the significant difference in ground level (in excess of 1 metre) between Southway Drive carriageway and the garden of the application property. Consequently any footway/verge crossing provided to link the hard-standing with the carriageway will be excessively steep (in the order of 1 in 3 in this particular case); also due to the steep gradient there would be a danger that cars that are low might ground-out when using the vehicle crossing, giving rise to further difficulties. In addition, the proposed vehicle crossing would exit on a skewed angle to the carriageway that would impair visibility for a driver leaving the hard-standing, and also give rise to associated turning and reversing movements on Southway Drive which is a Local Distributor Road. The use of the proposed off-street car parking and vehicle crossing would be potentially hazardous to vehicles entering and leaving the hard-standing and to others using the highway, including pedestrians and cyclists travelling along Southway Drive.

In the absence of any new material considerations (where all of the matters have previously been properly tested and considered by the Planning Authority and the government Planning Inspector) the Highways Authority can only conclude that the proposal is contrary to all current guidance and policy and is therefore unjustified, the Highways Authority would therefore recommend that planning permission is refused.

It has been drawn to our attention that other new hardstandings have been installed since the previous refusal namely at No.s 251 and 274. Neither of these developments gained planning permission and do not therefore set a precedent for the proposal. No hardstanding has been approved along Southway Drive since 2003.

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

None

Equalities & Diversities issues

No equality and diversity issues to be considered

Conclusions

The proposal will be detrimental to the visual quality of the area and will significantly prejudice highway safety and is therefore recommended for refusal

Recommendation

In respect of the application dated **26/04/2012** and the submitted drawings Location plan, Proposed plan, Supporting photos, it is recommended to: **Refuse**

Reasons for Refusal

SUB-STANDARD ACCESS

(1)The Local Planning Authority considers that 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 conditions likely to cause:-

- (a) Prejudice to public safety and convenience;
- (b) Interference with the free flow of traffic on the highway;
- (c) Unwarranted hazard to vehicular traffic;

This is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007

DETRIMENTAL TO VISUAL AMENITY

(2)The Local Planning Authority considers that the proposal, by virtue of its form and design, would be detrimental to the visual appearance of the area. The proposed vehicle access would severe a prominent grass bank verge which positively contributes to the character and visual amenity of the area. The proposal is therefore contrary to Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007

Relevant Policies

The following (1) 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, were taken into account in determining this application:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

NPPF - National Planning Policy Framework March 2012