

ADDENDUM REPORT PLANNING COMMITTEE 18 OCTOBER 2012

Item: 7.3

Site: 21 Dean Road

Ref: 12/01520/FUL

Applicant: Mr James Dean and Ms Kerry Everson

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Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £1,919 in New Homes Bonus contributions for the authority over 6 years. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

This paragraph should have been included in the report.

Representations

6 additional letters of representation have been received, of which 5 objects and 1 supports the application. Two letters of representation have been rescinded, including the one including figures of footprint and volume increase. Letters objecting repeat many points already raised but additional comments relate to:

- loss of privacy to 19 Dean Road
- gable windows overlook properties nearby
- higher than led to expect
- applicants with know-how in planning system getting away with development larger than normally allowed
- lack of courtesy of applicant to neighbours
- road surface (which is a private road) deteriorating / cracking due to lorries
- builder's vans blocking access to 19 Dean Road
- noise from groundwork machines and concrete crushes up to 1.30pm on Sat and deliveries at 6.30-6.45am and brickies working on a Sunday from 8.40am ish and work on site up to 7-8pm

In response to these issues:

- The impact of the proposal in terms of privacy, overlooking and height has already been addressed in the officer report.
- The height of the proposal is the same as the previous application.
- The conduct of the applicant and the status of the applicant / agent are not material planning considerations.
- The deterioration of the private road and blocking of private access by parked vehicles in this road is a private matter and not a material planning consideration.
- The concerns raised on the working hours during construction has been brought to the applicant's attention and passed to the Public Protection Unit. The agent has confirmed that works on site have currently ceased. Given the residential area, a condition requiring further development work to be carried out in accordance with the Public Protection Service Code of Practice for Construction and Demolition sites is recommended. This includes hours of working and delivery being restricted to

0800 – 1800 hours Monday to Friday, and 0830 to 1300 hours Saturday. No Sunday or Bank Holiday working.

Should members wish to view letters of representation in full, they are displayed on the website as via the following link: <http://www.plymouth.gov.uk/planningdoc-2?appno%3D12-01520-FUL>

Residents meeting

Cllr Patrick Nicholson, the Case Officer, Liz Wells and the Planning Agent, Roger Dean met with residents on Thursday 11 October to allow residents to get a better understanding of the proposals. The following additional issues were raised.

Privacy Screen / Landscaping:

Concern has been raised about the recommended condition for a 1.2 metre high privacy screen to be placed on top of the existing outbuilding on the boundary with 17 School Close. A planting scheme was suggested as an alternative.

As the outbuilding on this part of the boundary is proposed to be retained, and the height of the screen required to screen part of no. 17's garden closest to the house from the proposed first floor window is around 3.5 metres in total height, officers feel that a planting scheme is not considered to be appropriate as it is likely to take several years to establish a planting screen that would adequately mitigate for this loss of privacy. Conversely, the privacy screen proposed is not considered by officers to result in any unacceptable impact on no. 17's garden given the separation of the end boundary from the rear of the house and the orientation to the south.

Furthermore the neighbour would need to agree to planting being placed in their ground, and that a planting scheme will mitigate for the unreasonable loss of privacy. At the time of the site visit, there was a small patio/decked area land to the rear of the outbuilding which would preclude planting at this time.

Whilst the land to the north of this outbuilding currently forms part of the garden of 17 School Close, it is noted that the legal ownership boundary which may differ but this is a civil matter.

Agent status:

Concern has been raised about the Planning Agent's former employment with the Council and alleging influence over the decision making process. No evidence was provided to support this allegation.

Building Process:

Concern has been raised about the building process and specifically the circumstances that led to the wall of the former bungalow to be retained being subsequently demolished, which has resulted in this planning application for the replacement dwelling. As outlined in the report, the principle of a replacement dwelling is considered by officers to be acceptable and the considerations of the impact of the proposal are not altered by the proposal being a replacement dwelling, rather than an extension.

See also response to Public Protection consultation response.

Height of garage:

Questions have been raised about the height of the garage – why it needs to be so high and the potential for future use of the roof space and insertion of rooflights.

The garage is high for a garage. Its design continues the eaves height of the main dwelling but a lower ridge height of 5.5 metres. The size of the garage has been taken into consideration and whilst large, its design is considered by officers to be acceptable. It is not proposed to remove permitted development rights as the potential to convert this roof space is not considered to result in any unacceptable impact on neighbouring properties.

Planning Compliance Investigation

Site inspections have been carried out following complainants about the height and size of the dwelling. On site observations of the remaining subwalls of the former bungalow and surrounding ground levels, and measurements taken have established:

- the finished ground floor height of the dwelling replicates the floor level of the previous bungalow;
- the height of the walls accords with the submitted plans
- the distance of the house from the site boundaries accords with the submitted plans within a reasonable degree of accuracy

The current application has been submitted to regularise the development resulting from the removal of all the original walls.

Consultation response – Public Protection Unit

Further consultation with Public Protection Unit has highlighted that, in accordance with the Council's guidance "Contaminated Land in the Planning Process" a Phase I Risk Assessment should be carried out. It is acknowledged that the site use was previously residential, but the Public Protection Unit consider that the risks to future occupiers cannot be properly assessed without a Phase I Risk Assessment that considers full land use history for the site and adjacent land, having been carried out. This is not normally a requirement for applications for extensions to a property because these application types are automatically viewed as less sensitive development in line with nationally accepted policy.

An additional condition is recommended to address this concern, requiring a Phase I risk assessment for the site to be submitted for approval by the Local Planning Authority prior to further work being carried out on the development.

Recommended additional conditions

Condition – Code of Practice

3. CODE OF PRACTICE

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

Informative – Code of Practice

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 the above 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.

Conditions – Land Quality

4. CONTAMINATED LAND

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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

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 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
- 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, CLR 11'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 section 3.

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.

Informative – Land Quality

It is recommended that appropriate assessments and site investigations are carried out in order to identify the appropriate protection measures for the proposed development.