

PLANNING APPLICATION REPORT



ITEM: 05

Application Number: 12/01894/FUL

Applicant: Mr Paul Harte

Description of Application: Demolition of existing house and erection of 2 detached dwellings

Type of Application: Full Application

Site Address: DURSTON HOUSE, LONGLANDS ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 29/10/2012

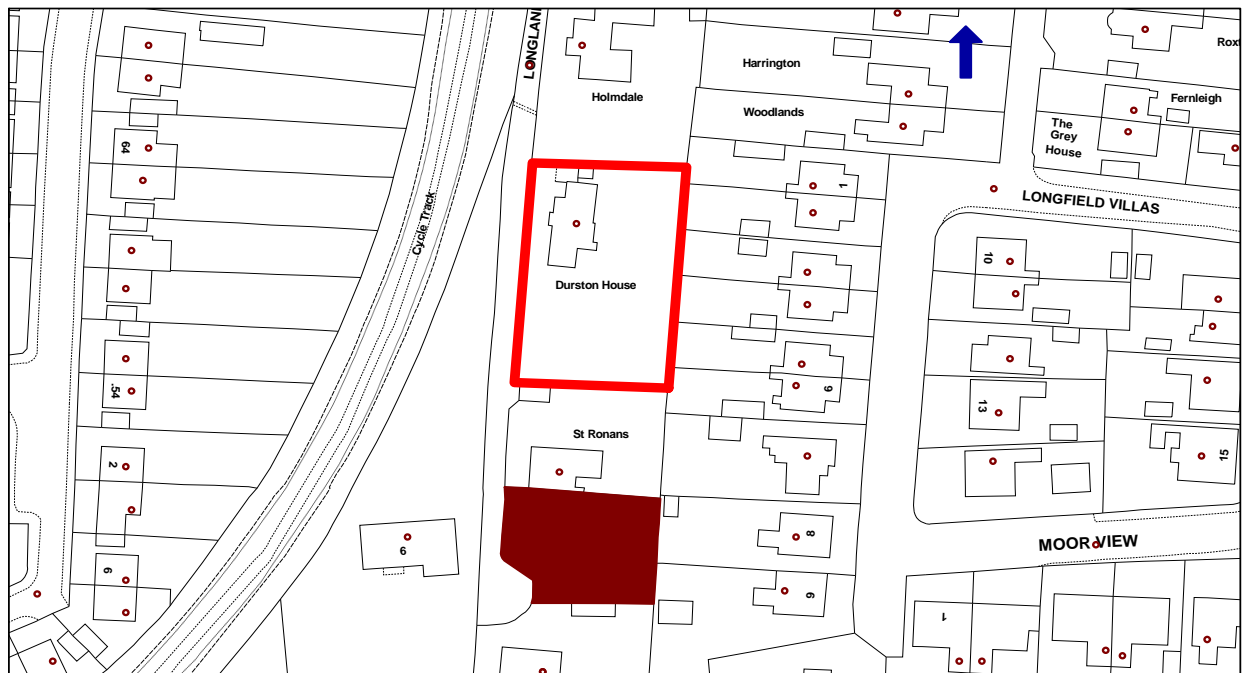
8/13 Week Date: **24/12/2012**

Decision Category: Member Referral

Case Officer : Simon Osborne

Recommendation: Grant Conditionally

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This application has been referred to committee by Councillor Ken Foster who has concerns regarding the need to demolish the existing house, the impact on the streetscene, and the impact on highways.

Site Description

Durston House is two storey dwelling located in Plymstock. The property lies on a fairly level site on the east side of Longlands Road and is bounded by neighbouring dwellings to the south and north and the rear gardens of dwellings along Longfield Villas to the east. Longlands Road is a narrow private single carriageway cul de sac with the characteristics of a lane.

Proposal Description

The proposal is for the demolition of the existing house and the erection of two two-storey detached dwellings. The dwellings would provide four bedrooms.

Pre-Application Enquiry

There was no formal pre-application advice.

Relevant Planning History

12/ 01894/FUL- Erection of 3 detached dwellings- Withdrawn (due to lack of bat survey).

Consultation Responses

Transport – awaiting comments

Public Protection – No objections subject to conditions and informatives.

Representations

11 Letters of objection have been received regarding this application. The issues raised are:

- Impact on highway of additional users
- Impact on highway during construction
- Dwellings are out of keeping, especially the cladding.
- Density of dwellings out of keeping.
- Parking issues
- The properties are 'high impact'
- Increase in traffic will be dangerous to vehicles and pedestrians given the narrowness of the road.
- Overlooking from first floor windows.
- Impact on trees
- Impact on wildlife including bats and badgers which can often be seen.
- Construction noise and disturbance
- Children's safety.
- The existing house is not derelict, why demolish it?
- Sewage arrangements are not clear.
- Access for emergency services will be affected during construction.
- Bat survey is inadequate
- Access rights, ownership issues.

Analysis

This application primarily turns upon policies CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the adopted Core Strategy and the Development Guidelines Supplementary Planning Document (SPD). Appropriate consideration will also be given to the National Planning Policy Framework (NPPF).

The primary planning considerations in this case are deemed to be: the impact on the streetscene and the visual quality of the area; the impact on neighbouring amenity; the residential amenity of the proposed accommodation; the provision of parking and highway safety implications; contaminated land; nature conservation; and local finance considerations, as discussed below.

Streetscene

Longlands Road is a narrow private cul de sac that is characterised by fairly large dwellings which on the most part have little uniformity. The proposed dwellings would be similar in scale and massing to existing houses found along the street and retain to some extent the open feel of the street having a 6 metre gap between the two proposed dwellings. It is worth noting that the number of dwellings has been reduced from 3 to 2 since the previous application in response to concerns raised. The design and materials proposed are considered to be in keeping with the area and appropriate in this location. The point made in the letters of representation regarding cladding is noted however it is considered that the cladding adds interest to the dwellings and given the lack of clear uniformity in the street it does not significantly alter the character of the area.

Further to the above, given the location of the site along a narrow private cul-de-sac officers consider that the dwellings would not be located in a prominent location and therefore would not detract from the character or visual appearance of the wider area in accordance with policies CS02 and CS34.

Neighbouring Amenity

The proposed dwellings would be located a considerable distance from existing neighbouring dwellings. The existing adjacent dwellings to the side are approximately 14.5 metres and 19 metres away and the dwellings to the rear would be approximately 30 metres away. Officers consider therefore that the proposals would have no significant impact in terms of loss of outlook or light and would not appear unreasonably overbearing. However the proposed first floor windows in the side elevations of the proposed dwellings may cause some overlooking of the adjacent dwellings side gardens. These windows are secondary windows and therefore it is recommended that obscure glazing of the windows is secured by condition.

Residential Amenity

It is considered that the proposed properties would enjoy adequate outlook and light in accordance with the principles in the Development Guidelines SPD. All ground and first-floor habitable rooms are served by sufficient windows. The proposed four-bedroom dwellings would exceed the 106 sqm minimum size standards of internal floor space set out in the Development Guidelines SPD and adequate outdoor amenity space has been provided (in excess of 100m² per dwelling as recommended in the SPD).

Your officers are satisfied that the proposed dwelling and associated plot size provides a good standard of residential accommodation in accordance with policy CS34.

Transport Considerations

The sole means of access to the application site is from Longlands Road which is a relatively narrow private cul-de-sac road, averaging in the order of approximately four metres in width, although it varies somewhat along its length. The private Longlands Road currently serves and provides vehicle access for in the order of 11 dwellings, and vehicle speeds generally appear to be low within the vicinity. Inter-visibility at the existing junction of Longlands Road and Honcray is considerably reduced with little opportunity for improvement, and reasonable caution is required to ensure safe use. PCC records indicate there haven't been any incidents of recorded accidents in the vicinity of the junction of Longlands Road and Honcray in the past three years. On balance Transport considers that the extra vehicular traffic movements generated by the one additional dwelling is unlikely to be detrimental to the safe function of the access/egress or the private or public roads, especially given the generally low vehicle speeds in the vicinity. In this respect the development is considered to be in accordance with CS28 and CS34

It is noted that Transport has highlighted a possibility that may slightly improve this situation and have recommended a condition to secure works at the junction. However it is not considered that this condition is required to ensure the proposal is acceptable and therefore it would be inappropriate to attach such a condition.

The application indicates that each of the family sized dwellings would have three off-street car parking spaces, two spaces within a double garage and one external hard-standing, along with sufficient space to turn a car within the application property. The double garage would provide sufficient space for storage of items such as lawn mowers, bicycles, etc, and also space to park one car. In addition to the double garage, there would be a further external parking space, and a turning area. It is considered that altogether the development would provide sufficient parking and turning provision to serve the needs of the development in accordance with CS28 and CS34.

Transport recognised that the construction is likely to be disruptive and could have a considerable impact on existing residents and the use of the very constrained Longlands Road. Construction traffic might also be liable to cause damage to the surfaces of the roads in the nearby vicinity, especially the private Longlands Road and

therefore has recommended a code of construction condition which is considered appropriate.

Transport has also recommended conditions regarding a risk assessment and repatriation of damage to Longlands Road. A risk assessment condition is considered unreasonable and the developer will have such duties under other legislation. However it is recommended that this issue is brought to the applicant's attention via an informative. A condition to secure repair to a private road is considered unreasonable and inappropriate in planning terms. This is a private matter between interested parties and where necessary the highway authority.

Nature conservation

The applicant has submitted a report that states that an internal and external inspection of the house has been undertaken and no signs of bats or nesting birds have been found. The consultant does not consider that further survey work in the spring is necessary which is agreed. However given the reports of badgers and other wildlife in the vicinity it is recommended that a biodiversity condition is attached to secure a habitat survey and appropriate mitigation if required. It is also considered appropriate to secure retention of existing trees and hedges (as proposed) by condition.

Contaminated Land

A report (Cornwall Geo-environmental for Cogi Design) has been submitted in support of the application. The Public Protection Service has some concern regarding the risk assessment conducted, particularly with regard to the sources considered and the contaminant linkage assessment that has been carried out for hydrocarbons and poly aromatic hydrocarbons (which are distinct contaminant groups due to significantly different source derivation, with very specific fate, transport and uptake mechanisms). The potential for contamination associated with asbestos and/or asbestos containing materials in the existing residential development has not been considered, despite the proposal for demolition.

The Envirocheck report appended to the report flags the potential for filled and made ground within the vicinity (250m) of the site but no ground gas risk assessment has been carried out with respect to these areas. As limestone has been identified on site and also natural cavities in the general site vicinity, this is concerning. The ground gas risk assessment that has been carried out, relating to Bedford Quarry (on page 15) suggests consideration be given to incorporation of ground gas protection in the final development but then refers the developer to guidance that is specific to radon and not ground gases commonly associated with filled/made ground such as methane and carbon dioxide.

Overall, based on PCC records, independent data held and general assessment of the site, consideration of ground gas protection measures to be incorporated into the building design is noted and supported. As further risk assessment and /or investigation and remediation in this area may be required, conditions are recommended to support further work.

An informative regarding asbestos is also recommended

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 £14,390 in New Homes Bonus contributions for the authority. 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.

Other issues raised in letters of objection

With regard to the issues raised regarding sewage arrangements, no objections have been received from South West Water. This issue is also controlled via building regulations. Likewise the application has been sent to the emergency services and no objections have been received from them regarding access. Access rights and ownership issues (including maintenance of private roads) are private issues and not a material planning consideration.

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.

Equalities & Diversities issues

No further issues.

Conclusions

It is considered that the proposal complies with the relevant policies and therefore the application is recommended for approval.

Recommendation

In respect of the application dated **29/10/2012** and the submitted drawings LR/PA/001A, LR/PA/009A, LR/PA/007, LR/PA/008, PH/PA/011, PH/PA/012, PH/PA/013, PH/PA/014, PH/PA/015, PH/PA/016, PH/PA/021, Phase I Contamination Report (Cornwall Geo-environmental Limited), Bat and Owl Survey (dated 4th October) and accompanying Design and Access Statement, 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: LR/PA/001A, LR/PA/009A, LR/PA/007, LR/PA/008, PH/PA/011, PH/PA/012, PH/PA/013, PH/PA/014, PH/PA/015, PH/PA/016, PH/PA/021

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.

EXTERNAL MATERIALS

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(4) No development shall take place until a Phase I habitat report containing details of a mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall include consideration of protected species (e.g. reptiles, nesting birds, badgers, lighting (including periods of darkness when the site is not in use), and timings of tree/scrub/hedgebank creation and removal, and shall demonstrate that net biodiversity gain will be achieved. The approved details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternatives.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(5) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, planting plans; written specifications, schedules of plants and trees and proposed numbers.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(6) 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 dwellings are first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OBSURE GLAZING

(7) 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), the first-floor windows in the side elevations of the proposed dwellings shall at all times be obscure glazed and non-openable unless the parts that can be opened are 1.7 metres above floor level of the room they serve.

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.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(8) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local

Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (or in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

CODE OF CONSTRUCTION

(9) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out. The Code of practice must comply with all 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, the control of dust, and e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

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.

LAND QUALITY

(10) 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 11 to 13 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 14 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

(11) 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:

(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 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

(12) 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

(13) 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 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

(14) 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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.

CAR PARKING PROVISION

(15) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details

submitted to and approved by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: ASBESTOS

(1) The application relates to the demolition of parts of the building. As such, controls must be in place to prevent exposure to asbestos. The Control of Asbestos at Work Regulations 2002 imposes duties on all employers with respect to asbestos. One of these is the duty to manage asbestos.

The person in control of the premises must:

- Take reasonable steps to determine the location and condition of materials likely to contain asbestos.
- Presume materials contain asbestos unless there is strong evidence that asbestos is not present.
- Make and keep an up to date record of the location and condition of any asbestos containing materials (ACMs) or presumed ACMs in the premises.
- Assess the risk of the likelihood of anyone being exposed to fibres from these materials.
- Prepare a plan setting out how the risks from the materials are to be managed, take necessary steps to put the plan into action and review and monitor the plan periodically.
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

The Control of Asbestos at Work Regulations 2002 apply to any work in which asbestos is encountered, whether intentionally or not. Certain work with asbestos may only be undertaken by licensed contractors. You may need to seek specialist advice from an asbestos surveyor, a laboratory or a licensed contractor before taking any action. Due to the nature of the proposed work any enforcement action will fall to the HSE.

INFORMATIVE: CODE OF PRACTICE

(2) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available on request from the Environmental Protection and Monitoring Team on 01752 304147

or from:

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

INFORMATIVE: RISK ASSESSMENT

(3) The applicant is advised that before any development is commenced, a Risk Assessment be undertaken to identify and assess all risks associated with the proposed development, and to identify measures to mitigate the risk and

safeguard the impact of all construction and associated operations both on and off-site, including as they might relate to access and egress and any operations or impacts external to the site and in particular as they might relate to Longlands Road. Consideration should be given to measures to manage the risk associated with all associated traffic including deliveries and the use of a 'Banks-man'.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on the character of the area, residential amenity, neighbouring amenity, land quality, nature conservation the highway and transport 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:

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS19 - Wildlife
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines
NPPF - National Planning Policy Framework March 2012