

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 13/01401/FUL

Applicant: Mr M Thomas

Description of Application: Demolish dwelling and develop site by erection of 3 detached dwellings (approval of Reserved Matters, - variation of condition 5 of planning permission 10/00776/REM to allow substitution of drawing - minor material amendment to alter dwelling at plot 2 including low ridge, hipped roof, and removal of rooms above garage

Type of Application: Full Application

Site Address: 25 COLTNESS ROAD PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 24/07/2013

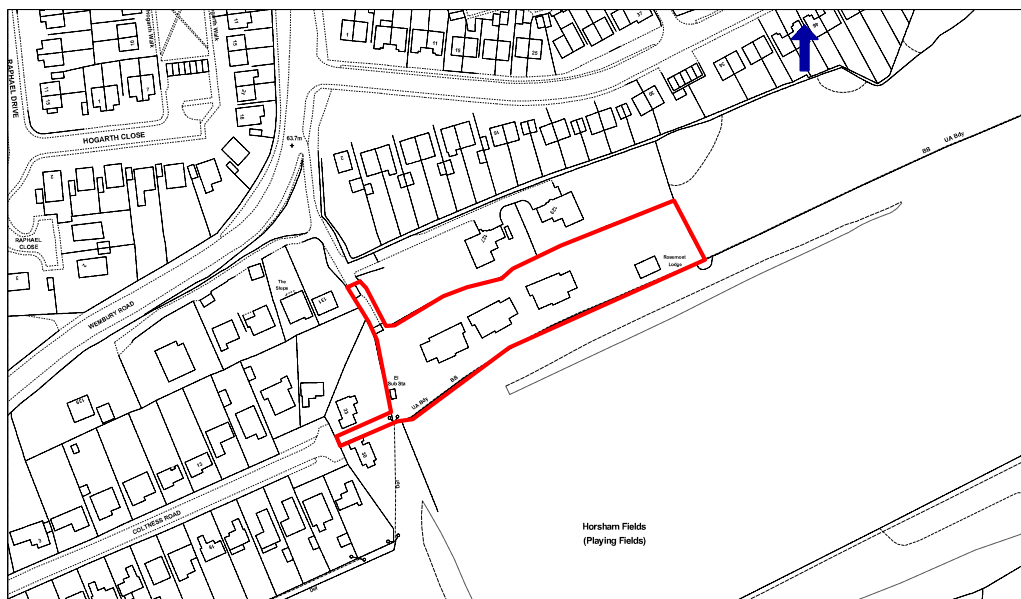
8/13 Week Date: **18/09/2013**

Decision Category: Member/PCC Employee

Case Officer : Simon Osborne

Recommendation: Grant Conditionally

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This application is before the committee because the applicant is a Council Employee.

Site Description

25 Coltness Road is accessed off a private drive which runs between No.s 23 and 30 Coltness Road. The site previously accommodated a single dwelling but has permission for the erection of four two storey detached properties.

Plot 2 is the subject of this application and is located towards the centre of the site between Plots 1 and 2. to the rear of No. 23 Coltness Road. To the north of the site is No. 127 Wembury Road which is situated at a significantly lower ground level due to the sloping nature of the site. To the south of the site are Horsham playing fields.

Proposal Description

This application is for a minor material amendment to planning permission 10/00776/REM (see below) to alter the dwelling at plot 2 including lowering the ridge, introducing a hipped roof, and the removal of rooms above the garage.

Pre-Application Enquiry

No formal pre-application advice.

Relevant Planning History

12/01388/FUL - Re-profiling of garden to form level area (partly retrospective) by importation of clean material and increase in height of gabion baskets by 1 metre – Granted conditionally

12/01287/FUL - Re-profiling of gardens to form level areas (partly retrospective) by importation of clean fill material and increase height of existing gabion baskets by 1-metre – Withdrawn

12/00581/OPR - Query regarding ground levels on development site 10/00776/REM Closed and addressed via 12/01388/FUL

10/00776/REM -Demolish dwelling and develop site by erection of 3 detached dwellings (approval of reserved matters) – Granted conditionally

08/00897/OUT - Outline application to demolish dwelling and develop site by erection of 3 detached dwellings – Granted conditionally

07/02390/OUT - Outline application to demolish dwelling and develop site by erection of 4 detached dwellinghouses – Refused

And fourth house permitted on the site known as 29 Coltness Road:

13/00247/FUL - Removal of timber cabin (used as a dwelling) and erection of two-storey dwellinghouse with detached double garage (revision to approved scheme 12/01468/FUL) – Permitted.

12/01468/FUL - Removal of existing timber cabin and erection of two storey dwellinghouse with detached double garage – Granted conditionally

Consultation Responses

Public Protection Service – No objections

Transport – No objections

Representations

No letters of objection have been received.

Analysis

The relevant policy is CS34 of the Plymouth Local Development Framework Core Strategy the National Planning Policy Framework and Supplementary Planning Document ‘ Development Guidelines’, . The wider development has been approved. This application is solely for amendments to Plot 2 including lowering the ridge, introducing a hipped roof, and the removal of rooms above the garage. The main considerations are therefore the impact on visual amenity and neighbouring amenity as discussed below.

The proposed amendments would reduce the height of the proposed dwelling and therefore would reduce any impacts on nearby dwellings. In this respect the proposal is considered to comply with CS34 and the NPPF.

The amendments would result in a dwelling that would have a lower ridge height than the dwellings either side. However the dwellings are detached and this would not be overly significant. It is therefore considered that the proposal would be visibly acceptable in accordance with CS34 and the NPPF

Human Rights

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.

Local Finance Considerations

This is an amendment to an existing planning permission and therefore there are no additional local finance considerations. It would not be liable to a Community Infrastructure Levy (CIL) payment since the original application was approved prior to the introduction of CIL

Equalities and Diversities

No issues.

Conclusions

The proposals are considered acceptable. It is therefore recommended that Condition 5 (Plans Condition) of 10/0776/REM is varied to allow substitution of the approved plans to show the minor amendments that are the subject of this application.

Recommendation

In respect of the application dated **24/07/2013** and the submitted drawings Site location plan, site survey drawing, 042, SF17058-001 Rev C, SF17058-003 Rev A, SF17058-002 Rev A, SF17057-001 Rev G, SF17057-002 Rev E, SF17057-003 Rev E, SF16689-001 Rev E, SF16689-003 Rev A and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

Conditions

REPORTING OF UNEXPECTED CONTAMINATION

(I) 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. 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 I I'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

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 policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER

(2) Development shall not begin until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any of the dwellings hereby approved is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXISTING TREES AND HEDGEROWS TO BE RETAINED

(3) 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 the date of completion of the last dwelling forming part of the development.

(A) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (Recommendations for Tree Work).

(B) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped 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.

© 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 8 of BS5837:2005 (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 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 policy CS18 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.

DETAILS OF REPLACEMENT TREES

(4) Prior to the commencement of the development hereby permitted, details of the size, species and location of 3 replacement trees shall be submitted to and approved in writing by the Local Planning Authority, and the agreed replacement trees shall be

planted within 3 months from the date of occupation of the last of the three dwellings or, if this period does not fall within a planting season, by 31st January next.

Reason:

In the interests of visual amenity and to conserve the contribution of trees to the character of the area, in accordance with policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(5) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, site survey drawing, 042, SF17058-001 Rev C, SF17058-003 Rev A, SF17058-002 Rev A, SF17057-001 Rev G, SF17057-002 Rev E, SF17057-003 Rev E, SF16689-001 Rev E, SF16689-003 Rev A .

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.

INFORMATIVE: REPLACEMENT TREES

(1) With regard to condition 4 above, 3 replacement trees are required in order to replace the trees that have been removed from the site.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Having regard to the main planning considerations, which in this case are considered to be: highways/parking, design, impact on trees, impact on surrounding residential amenity, standard of accommodation, surface water and contamination, 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
CS18 - Plymouth's Green Space
CS15 - Housing Provision
CS16 - Housing Sites
SPDI - Development Guidelines First Review

«Full_Committee_Date»