

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th December 2015

Agenda item 5

Application ref. 15/00724/FUL

10 Sidmouth Avenue, Newcastle

Since the preparation of the agenda report the **Committee's site visit** has been undertaken.

There were several enquiries raised by Members during the site visit in relation to the proposal, the majority of which were responded to by your Officer during the visit itself. However in light of some enquiries which were not fully addressed your Officer wishes to make clear the following points:

1. The intention of the applicant is for the laurels currently on the site to be retained along the Sidmouth Avenue boundary of the site and to the south of the proposed garage building. The proposed garage is however close to these laurels. The applicant is proposing a pile foundation to minimise any potential root disruption. These laurels would however need to be cut back significantly in order to position the garage building. Any further concerns relating to the impact of the development upon these laurels can be dealt with through the submission of an arboricultural method statement which can be achieved by planning condition.
2. The access works to the site from Gower Street taking into account any change in levels between the driveway and road verge, is not considered harmful to the retained trees on this boundary. The advice of the Landscape Development Section on that point is that subject to a condition requiring a method statement identifying special engineering details any potential harm can be properly safeguarded against.

In both respects (1) and (2) tree protection conditions referred to have already been recommended in the agenda report on the item.

3. With respect to heights of existing and surrounding buildings, the Little House (to be demolished as part of the proposals) is approximately 4.6 metres to eaves and to ridge 7.3 metres. 11A Gower Street, to the right of the Gower Street frontage of the site when viewed from that street, has an eaves height of approximately 5.4m and a ridge height of 8.3m. 3 Gower Street, to the left of the Gower Street frontage, has an eaves height of 4.7 m and a ridge height of 8.05m. For comparison the proposed dwellings have an eaves height of 5.6 m and a ridge height of 9.6m.
4. In relation to boundary treatments the close boarded fencing on the Gower Street frontage is to be removed. Replacement boundary treatments and landscaping can be secured by planning condition.

The **applicant** has now submitted a completed Unilateral Undertaking. This secures, upon commencement, the payment of a financial contribution towards Public Open Space improvement and maintenance. It also commits the owner not to exercise their permitted development rights, on this site, for changes from a C3 dwelling house to a C4 use a small house in multiple occupation. On that basis the Chairman of the Residents at Gower, Granville and Sidmouth Association (RAGGS) following discussions with the applicant has now advised the Planning Authority that he is withdrawing any letters of objection to this application submitted by him either individually or on behalf of RAGGS.

Your Officer can confirm that the Unilateral Undertaking is legally effective. It secures the payment of the required public open space contribution referred to in the agenda report.

Whilst your Officer has recommended a condition withdrawing permitted development rights it is not considered that the second obligation is one which is essential, or necessary to make

the development acceptable in planning terms. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Members are accordingly advised to disregard the second obligation and to give it no weight as a material consideration in the determination of this application. It has however been offered up by the applicant and is 'on the table' should the planning permission be granted.

The RECOMMENDATION now reads.

PERMIT subject to the conditions as set out in the main agenda report and additional conditions (a) removing the permitted development rights to change the use of the properties from C3 to C4 and (b) requiring specific details of the reinstatement of the original end gable to be submitted for the Council's approval and thereafter implemented.