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PLANNING COMMITTEE ADDENDUM REPORTS

DATE: THURSDAY 12 NOVEMBER, 2009
TIME: 2.30 P.M.
PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH

Members –

Councillor Lock, Chair
Councillor Mrs Stephens, Vice Chair
Councillors Mrs Bowyer, Delbridge, Fox, Martin Leaves, Nicholson, Roberts, Stevens, Tuohy, Vincent and Wheeler

PLEASE FIND ATTACHED ADDENDUM REPORTS FOR CONSIDERATION UNDER AGENDA ITEM NOS. 6.2, 6.3, 6.4, 6.5, 6.7, 6.8, 6.9 AND 6.11.

**BARRY KEEL
CHIEF EXECUTIVE**

PLANNING COMMITTEE

- 6.2** 29 AYCLIFFE GARDENS, PLYMOUTH 09/00921/FUL **(Pages 1 - 2)**
- Applicant: Mr. & Mrs. G.P. & S.A. Johns
Ward: Plympton Erle
Recommendation: Refuse
- 6.3** TWIN OAKS, RIDGE ROAD, PLYMPTON, PLYMOUTH 09/00562/FUL **(Pages 3 - 4)**
- Applicant: Mr. J. Keating
Ward: Plympton Erle
Recommendation: Grant Conditionally
- 6.4** LAND AT RIDGE ROAD, HARDWICK, PLYMOUTH 09/00983/FUL **(Pages 5 - 6)**
- Applicant: Mr. Alfred and Peter Reilly
Ward: Plympton Erle
Recommendation: Grant Conditionally
- 6.5** PLYMPTON CATTLE MARKET, MARKET ROAD, PLYMOUTH 09/01432/FUL **(Pages 7 - 10)**
- Applicant: BDW Trading LTD
Ward: Plympton Erle
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09
- 6.7** LAND BOUNDED BY PLYMBRIDGE LANE, DERRIFORD ROAD AND HOWESON LANE, DERRIFORD, PLYMOUTH 09/01400/FUL **(Pages 11 - 12)**
- Applicant: Pillar Land Securities
Ward: Moor View
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse 23/12/09
- 6.8** FORMER CARDINAL SERVICE STATION, WOLSELEY ROAD, SEGRAVE ROAD, PLYMOUTH 09/01375/FUL **(Pages 13 - 14)**
- Applicant: Brook St. Properties Ltd.
Ward: Ham
Recommendation: Grant Conditionally subject to S106 Obligation, Delegated Authority to Refuse by 23/12/09

6.9 EMBANKMENT LANE, PLYMOUTH 09/01223/FUL

(Pages 15 - 16)

Applicant: Plymouth City Council
Ward: Sutton & Mount Gould
Recommendation: Grant Conditionally

6.11 CHRISTIAN MILL, TAMERTON FOLIOT ROAD,
PLYMOUTH 09/01227/FUL

(Pages 17 - 18)

Applicant: Hydon Developments
Ward: Budshead
Recommendation: Grant Conditionally subject to S106 Obligation,
Delegated Authority to Refuse by 23/12/09

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ADDENDUM REPORT PLANNING COMMITTEE 12th NOVEMBER 2009

Item: 6.2

Site: 29 Aycliffe Gardens, Plympton, Plymouth

Ref: 09/00921

Applicant: Mr. & Mrs. G.P. & S.A. Johns

Pages: 17-22

Members are advised that this application is brought to the Committee in error. The application was refused at the previous Committee meeting on 15 October.

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ADDENDUM REPORT PLANNING COMMITTEE 12th NOVEMBER 2009**Item: 6.3****Site: Twin Oaks, Ridge Road, Plympton, Plymouth****Ref: 09/00562****Applicant: Mr J Keating****Pages: 23-34**

Members are advised of the following addendum items in respect of this application:-

1. 1. A letter has been received from the occupier of Hardwick Nurseries, which refers to the temporary permission recommended by Council officers and states that in this respect the families involved came from the approved gypsy site at Chelson Meadow. It is stated that Council officers made a conscious decision not to implement enforcement action. The letter considers that the applicant's 'minority' group status is not sufficient to allow the proposals in light of previous decisions to refuse applications for development, and that this flies in the face of local democracy. It is also stated that the site has many more vehicles than would be required for residential use and that it is being used for a business base. The letter also refers to the occupation of land by travellers in other areas of the country. The letter states that the hedge referred to previously is not at the site entrance but is in the south west of the site and that this was an ancient hedge removed by a JCB. What action will be taken under the Hedgerows Act 1997? It is stated that there are additional caravans, a log cabin and more vehicles appearing and staying overnight; the site is being used as a base for a business. The letter also refers to the occupation of land by travellers in other areas of the country.
2. A letter has been received from Hardwick House, which states that it is an error to consider that there is a lack of gypsy and traveler sites in Plymouth for these applicants; in this respect it is stated that the applicants moved of their own volition from an existing licensed gypsy site. The letter queries whether the applicants are ethnic minorities that are protected under the Race Relations (Amendment) Act 2000. There is criticism also of the officer's recommendation given the importance of the site as green space and part of the proposed countryside park. The letter also submits that officers have failed to give weight to objectors, including the Plympton St. Maurice Association, the Plympton and District Civic Society and the Plympton Community Council. The proposals are also considered to set a precedent for similar development.
3. A letter of support has been received; which refers to a submitted petition.
4. A petition in support for the application has been submitted under cover of a letter from Plymouth and District Racial Equality Council. The letter refers to the signatories on sheet 42 of the petition and states that these individuals are all members of staff at The Gables Hospital (near the sites).

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ADDENDUM REPORT PLANNING COMMITTEE 12th NOVEMBER 2009**Item: 6.4****Site: Land at Ridge Road, Hardwick, Plymouth****Ref: 09/00983****Applicant: Mr Alfred and Peter Reilly****Pages: 35-46**

Members are advised of the following addendum items in respect of this application:-

1. A letter has been received from the occupier of Hardwick Nurseries, which refers to the temporary permission recommended by Council officers and states that in this respect the families involved came from the approved gypsy site at Chelson Meadow. It is stated that Council officers made a conscious decision not to implement enforcement action. The letter considers that the applicant's 'minority' group status is not sufficient to allow the proposals in light of previous decisions to refuse applications for development, and that this flies in the face of local democracy. It is also stated that the site has many more vehicles than would be required for residential use and that it is being used for a business base. The letter also refers to the occupation of land by travellers in other areas of the country.
2. A letter has been received from Hardwick House, which states that it is an error to consider that there is a lack of gypsy and traveler sites in Plymouth for these applicants; in this respect it is stated that the applicants moved of their own volition from an existing licensed gypsy site. The letter queries whether the applicants are ethnic minorities that are protected under the Race Relations (Amendment) Act 2000. There is criticism also of the officer's recommendation given the importance of the site as green space and part of the proposed countryside park. The letter also submits that officers have failed to give weight to objectors, including the Plympton St. Maurice Association, the Plympton and District Civic Society and the Plympton Community Council. The proposals are also considered to set a precedent for similar development.
3. Two letters of support were received; both of which refer to a submitted petition.
4. A petition in support for the application has been submitted under cover of a letter from Plymouth and District Racial Equality Council. The letter refers to the signatories on sheet 42 of the petition and states that these individuals are all members of staff at The Gables Hospital (near the sites).

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ADDENDUM REPORT PLANNING COMMITTEE 12th NOVEMBER 2009**Item: 05****Site: Plympton Cattle Market, Market Road, Plymouth.****Ref: 09/01432/FUL****Applicant: BDW Trading Ltd.****Page: 47-68**

One letter of support from the local MP, Gary Streeter has been received which welcomes the progress made on the proposed development and notes the large level of local support for the development. Mr Streeter states that he hopes that planning permission is granted for the project.

Correspondence has also been received from an adjoining resident raising queries regarding the impact of the proposed flood flow route on a shared boundary wall due to the close proximity of the floor flow route to the wall itself. It is therefore recommended that the wording of condition 14 be revised to ensure that detailed construction details of the flood flow route are submitted to the Local Planning Authority prior to commencement of development to ensure that the flood flow route does not cause any structural damage to the boundary wall.

The recommended wording of Condition 14 shall be revised to read as follows:

CONSTRUCTION OF FLOOD ALLEVIATION MEASURES

(14) Notwithstanding the submitted details, prior to commencement of development, construction details of the flood flow route in relation to the boundary of the site with Potters Way shall be submitted to and approved in writing with the Local Planning Authority. No residential unit shall be occupied until the flood alleviation measures shown on the approved drawings have been completed to the satisfaction of the Local Planning Authority. The flood alleviation measures shall thereafter be permanently retained and maintained.

Unless otherwise previously agreed in writing, the flood flow route adjoining Potter's Way shall be first constructed and subsequently maintained with a waterproof membrane.

Unless shown on the approved drawings, no structure, building, fence or trellis shall be located within any part of the overland flood flow route.

No residential unit shall be occupied until a management strategy for the maintenance of all flood alleviation routes has been implemented in accordance with details which shall have been previously submitted to and agreed in writing with the

Local Planning Authority. The management strategy shall remain in place in perpetuity unless written agreement is given to any alternative.

Reason

To enable the Local Planning Authority to consider the construction details of the flood flow route in the interests of the protection of the shared boundary wall with Potter's Way, and to ensure the flood alleviation measures are implemented on site in the interests of the prevention of flooding of the site and adjoining land in accordance with adopted Core Strategy policy CS21 and Government guidance contained in PPS25.

One late consultation response has been received from the Environment Agency which further confirms no objections to the proposed development, but requests that an additional condition is imposed regarding the treatment of surface water, and an additional informative is added regarding the requirement for the development construction to adhere to pollution prevention guidelines.

The recommended additional surface water condition and pollution prevention informative will read as follows:

SURFACE WATER DRAINAGE

(15) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include :-

- details of the drainage during the construction phase;*
- details of the final drainage scheme;*
- provision for exceedance pathways and overland flow routes;*
- a timetable of construction;*
- a construction quality control procedure;*
- a plan for the future maintenance and management of the system and overland flow routes.*

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with adopted Core Strategy policy CS21 and Government guidance contained in PPS25.

INFORMATIVE 2 - FOUL DRAINAGE AND POLLUTION PREVENTION

The developer should adhere to advice in the Environment Agency's Pollution Prevention Guidelines which are available on the Environment Agency website. In particular, 'Working At Construction and Demolition Sites': PPG6 should be adhered to during the build. This guidance covers waste removal on site, drainage issues and pollution prevention on site. In addition 'Works and maintenance in or near water': PPG5 should be adhered to for any stream engineering that takes place.

Flood Defence Consent will be required under the Water Resources Act 1991 and associated byelaws for a number of aspects of the proposed works. Further detail will be required to be submitted to the Environment Agency including method statements prior to commencement of works.

Conclusion

It is recommended that the application be conditionally approved with the addition of the two abovementioned conditions and additional informative, subject to the satisfactory completion of the S106 Obligation. Delegated Refusal is sought to refuse the application by 23/12/2009 if the S106 Obligation is not completed by this date.

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ADDENDUM REPORT PLANNING COMMITTEE 12/11/09

Item: 07
Site: Land bounded by Plymbridge Lane, Derriford Road and Howeson Lane, Derriford Plymouth
Ref: 09/01400
Applicant: Pillar Land Securities
Page: 89

Representations

The Council received three letters from correspondents to the previous withdrawn application and one additional email raising the same points as set out in the report at pages 92 – 93 and the following ones:

24. the reduction in the number of students from 132 to 123 does not overcome their previous objections on overdevelopment, buildings that are too high, lack of parking and general nuisance and disturbance;
25. extra traffic;
26. increase in litter;
27. will harm the wildlife in the area including bats that have been seen in the vicinity;
28. there has been an increase in on-street parking at Windermere Crescent and Leatfield Drive: the Council should introduce parking restrictions here;
29. difficulty in selling their home given all the development activity taking place nearby; and
30. inaccurate street names in the design and access statement.

The University College Marjon has written supporting the proposal as it will give students a wider choice of accommodation. It will provide green travel benefits as students will be able to walk to the campus.

Analysis

When the report was prepared, officers were still negotiating with the applicant on the terms of the section 106 agreement and materials. Officers had sought to obtain some or all of the tariff shortfall by introducing “clawback” terms in the section 106 agreement if the development proved to be more profitable than the applicant predicts (see page 98, fourth paragraph of the report). The applicant does not agree to this on viability grounds. Officers have accepted this argument and in this case are not insisting that the section 106 agreement should include the “clawback” mechanism.

On materials, officers are striving to secure the use of local natural stone to enhance the quality of the development at this prominent site and to provide local distinctiveness in line with PPS1 and policy CS02. It would follow the recent trend for such material as used at the Peninsula Medical School, the proposed Dental School, the two new housing schemes at Southway. Also the developer for the proposed dwellings at the “Pony Paddock” on Plymbridge Road and at the Airport has agreed to the use of natural stone. Consequently the wording of condition 19 on External Materials is altered.

There is an additional condition 26 relating to the submission and approval of BREEAM reports to comply with policy CS20.

Condition 11 should be headed "Residents' Travel Plan".

Recommendation

The recommendation is the same as the report subject to an amended condition 19 and a new condition 26:

EXTERNAL MATERIALS

(19) The full palette of materials on part 10 of the application form and as shown on the approved drawings is not approved. No development shall take place until the full details and samples of the materials to be used in the construction of the external surfaces of the development 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.

BREEAM STANDARD

(26) No work shall start on the development hereby permitted until a BREEAM Design Stage Report has been submitted to and approved in writing by the local planning authority demonstrating how the development will achieve the BREEAM Outstanding rating. Before either building is occupied a BREEAM Completion report shall be submitted to and approved in writing by the local planning authority demonstrating that the development has achieved the BREEAM Outstanding rating.

Reason:

To ensure that the design of the development includes features that: reduce energy consumption; ensure that water resources are conserved; waste is minimized; and recycling is facilitated to comply with policy CS20 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

ADDENDUM REPORT PLANNING COMMITTEE 12 the November 2009**Item: 6.8****Site: Former Cardinal Service Station, Wolsey Road****Ref: 09/01375/FUL****Applicant: Brook St. Properties Ltd.****Page: 85**Further information provided by the applicant

- The red line has been amended to encompass the whole site. It is in the applicant's ownership.
- Confirmation that all the residential units will be 'affordable'
- Highways - the dedicated retail parking be reduced down to 10No. Spaces, the dedicated Surgery parking remain as 9No. Spaces and the additional 4No. Parking spaces are subject to a shared management regime between the surgery and retail. This has the result of providing the surgery with the use of 13No. Parking spaces albeit 4No. being shared to satisfy Highways.
- Confirmation that all the units are 1bed 2 person and that the RSL grant funding and subsequent management of the residential units is on the basis of 1Bed 2Person provision
- Changes to the cycle parking and bin store arrangements in line with advice from Highways and police architectural liaison officer 'secure by design
- Acceptance of conditions relating to 10% on site renewable energy; replacement tree planting on adjacent highways land

Letters of representation (LOR's)

Two further letter of representation have been received. Both object to the proposal:

One lists the 7 convenience stores and off licenses that already exist within 350m of the site, points out that Tesco would be a likely favored partner and that it has an aggressive marketing stance and presence in the local economy; that the number of licensed premises in the area is at saturation point ; the figure for one delivery vehicle a day is misleading – its likely to be many more; that parking is inadequate with many elderly and ill arriving at a surety by car and that inadequate space has been left for landscaping

The other letter objects to the retail element. It claims that the proposal does not comply with policy CS08 pointing out that it is not located in a local centre and the proposal does not contain evidence in the form of a retail assessment to justify the proposed development.

Comment

There is no evidence to link Tesco's with the current application

The size of the proposed retail space. 470sqm, if the single unit occupies the whole allocation, with no realistic possibility of extension owing to the constraints of the site means that, at most, it will be a convenience store. The

alleged failure of the applicants to provide evidence of how this proposal complies with the sequential test, its impact upon local shopping centers or justify the development of a food store in this location points to series of tests that are based on a false premise that it is a much larger food store. Neither policy CS08 or the Government's PPSD 6 guidance are intended to stifle the development of choice in the provision of convenience stores within a locality or protect a prevailing set of market relations from competition.

RECOMMENDATION

Extra S106 clause to secure £200 contribution to wards planting a replacement tree in the area.

Extra condition Site Characterisation

'An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 desk study characterising the site and identifying potential risks from contamination
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) 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,
 - archeological sites and ancient monuments;
- (iv) 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*'.

ADDENDUM REPORT PLANNING COMMITTEE 12th
November 2009

Item: 09

Site: Embankment Lane, Plymouth

Ref: 09/01223/FUL

Applicant: Plymouth City Council

Page: 131

Retention of tree

The Planning Committee report refers to the need to investigate whether it would be possible to retain the Ash tree on Embankment Lane rather than remove it as part of the proposed embankment works (section 5 second paragraph).

The applicants have now responded to confirm that they could provide a retaining wall around the Ash Tree as part of the scheme. This would mean that the access to the car park would move to the south by approximately 2 metres. The car park itself would remain in the same location. The amended means of access would be shown in the revised highway plan, which would be submitted to satisfy transport condition 5”

Recommendation: –To note the proposed retention of the tree, and to agree to a Substitute Condition 16 in the Committee report:

CODE OF PRACTICE TO PROTECT WILDLIFE AND TREE DURING CONSTRUCTION

(16) Prior to the commencement of the development hereby approved, a detailed management plan for the protected species and the ash tree to be retained during the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the protection measures defined in the approved management plan.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological and landscape interest, in accordance with Core Strategy policies CS01, CS19, CS34 and of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

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ADDENDUM REPORT PLANNING COMMITTEE 12th November 2009

Item: 6.11

Site: Christian Mill, Tamerton Foliot Road, Plymouth, PL6 5DS

Ref: 09/01227/FUL

Applicant: Hydon Developments

The applicant has requested a five year planning consent (rather than three years as standard), to enable some flexibility in the current economic climate. This request is considered reasonable by your Officers. Therefore it is recommended that the following condition is attached to any grant of planning consent:

DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(1) The development hereby permitted shall be begun before the expiration of five years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

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