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PLANNING COMMITTEE ADDENDUM REPORTS

DATE: THURSDAY 7 JANUARY, 2010
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, Nicholson, Roberts, Stevens, Thompson, Tuohy, Vincent and Wheeler

**PLEASE FIND ATTACHED ADDENDUM REPORTS FOR CONSIDERATION UNDER
AGENDA ITEM NOS. 6.1, 6.2, 6.3, 6.4, 6.5, 6.8, 6.9 AND 6.10.**

**BARRY KEEL
CHIEF EXECUTIVE**

PLANNING COMMITTEE

- 6.1** LAND REAR OF 12 ELFORD DRIVE, ORESTON, PLYMOUTH 09/01681/FUL **(Pages 1 - 2)**
- Applicant: Mr. Peter Tracey and Ms. Julie McDonagh
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.2** LAND REAR OF 10 ELFORD DRIVE, ORESTON, PLYMOUTH 09/01682/FUL **(Pages 3 - 4)**
- Applicant: Mr. Peter Tracey and Ms. Julie McDonagh
Ward: Plymstock Radford
Recommendation: Grant Conditionally
- 6.3** 35 LYNWOOD AVENUE, PLYMPTON, PLYMOUTH 09/01712/FUL **(Pages 5 - 6)**
- Applicant: Mr. N. Harman
Ward: Plympton St. Mary
Recommendation: Grant Conditionally
- 6.4** 34 DOWNHAM GARDENS, TAMERTON FOLIOT, PLYMOUTH 09/01696/FUL **(Pages 7 - 8)**
- Applicant: Mr. K. Pethick
Ward: Southway
Recommendation: Grant Conditionally
- 6.5** WIDEWELL PRIMARY SCHOOL, LULWORTH DRIVE, PLYMOUTH 09/01496/PRDE **(Pages 9 - 10)**
- Applicant: Mr. James Welsh
Ward: Southway
Recommendation: Grant Conditionally
- 6.8** LAND AT PLEASURE HILL CLOSE, PLYMOUTH 09/01235/FUL **(Pages 11 - 12)**
- Applicant: Donson Ltd.
Ward: Plymstock Radford
Recommendation: Refuse
- 6.9** LAND AT 1-56 RAGLAN ROAD, PLYMOUTH 09/01565/FUL **(Pages 13 - 14)**
- Applicant: Risesign Ltd.
Ward: Devonport
Recommendation: Refuse

6.10 1 ST. LAWRENCE ROAD AND 14 HOUNDISCOMBE
ROAD, PLYMOUTH 09/01302/FUL

(Pages 15 - 16)

Applicant: Mr. Dave Hendy
Ward: Drake
Recommendation: Grant Conditionally subject to S106 Obligation

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ADDENDUM REPORT PLANNING COMMITTEE
7th JANUARY 2010

Item: 01

Site: Land rear of 12 Elford Drive, Oreston, PL9 7ND

Ref: 09/01681/FUL

Applicant: Mr P Tracey and Ms J McDonagh

Page: 9

The committee should note that the compass points referred to in the officer report are incorrect.

The river is therefore located to the west not the south as detailed in the report, with the land sloping down towards the west.

The above information is noted however the officer recommendation remains to grant conditionally.

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ADDENDUM REPORT PLANNING COMMITTEE
7th JANUARY 2010

Item: 02

Site: Land rear of 10 Elford Drive, Oreston, PL9 7ND

Ref: 09/01682/FUL

Applicant: Mr P Tracey and Ms J McDonagh

Page: 13

The committee should note that the compass points referred to in the officer report are incorrect.

The river is therefore located to the west not the south as detailed in the report, with the land sloping down towards the west.

The rear garden of No. 4 therefore faces south east. This orientation means that the fence does cause some limited loss of morning sun, however as stated in the report the new house at No. 12 already limits light.

The above information is noted however the officer recommendation remains to grant conditionally.

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ADDENDUM REPORT PLANNING COMMITTEE
7th JANUARY 2010

Item: 03

Site: 37 Lynwood Avenue, Plympton, Plymouth, PL7 4SF

Ref: 09/01712/FUL

Applicant: Mr N Harman

Page: 17

A consultation response has been received from the Public Protection Service advising that an informative be added to any grant of permission.

INFORMATIVE – LAND QUALITY

The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site is adjacent to an area of historical industrial activity/filled ground and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put in to place to remediate any contamination affecting the proposed development.

It is therefore recommended to grant conditionally with the above informative attached.

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ADDENDUM REPORT PLANNING COMMITTEE**7th January 2010****Item: 04****Site: 34 Downham Gardens, Tamerton Foliot, Plymouth****Ref: 09/01696/FUL****Applicant: Mr K Pethick****Page: 21**

Since completion of the officer's report consultation responses have been received from Transport and Public Protection Services who although have no objections, recommend the inclusion of two conditions and an informative.

The response from Transport recommends that following the condition is included:

(1) Condition - Car Parking Provision

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.

The case officer accepts the need for this condition on the basis that the garage may not always be used for car parking therefore necessitating parking on the driveway.

The response from Public Protection Services recommends that the following condition and informative is added to any consent:

(2) Condition - Code of Practice

Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority, The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(1) Informative - Land Quality

The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site is adjacent to an area of historical

industrial activity/filled ground and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put into place to remediate any contamination affecting the proposed development.

Conclusion

The Case Officer's recommendation remains, ie that planning permission should be granted conditionally. The Committee is also recommended now to include the above two planning conditions and informative in the planning decision notice.

ADDENDUM REPORT PLANNING COMMITTEE**7th January 2010****Item: 05****Site: Widewell School****Ref: 09/01946/PDRE****Applicant: James Welsh****Page: 25**

The consultation response from Legal Services advises that the application has been made under Section 192 of the Town and Country Planning Act 1990, and that if in accordance with Section 192 (2) of the Act the local planning authority are provided with information satisfying them that the use or operations described in the application are lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect ; and in any other case they shall refuse the application.

Legal Services have considered the case and previous case law and raise no objection to the certificate being issued on the basis that the fence is considered to be lawful.

Additional letters of representation have been received since the report was written. Only one of these letters refers to the issue under consideration, which is whether the proposed development is lawful. This letter refers to 2 cases, which support the view that the proposed fence is lawful. The other letters of support (more than 260) and objection (more than 50) refer to planning considerations, which are not relevant to this case.

Two enquiries have been received querying whether the Council will be taking further legal, or other remedial, action against the Widewell School Trust on the basis that whilst the planning enforcement notice issued by the Council on 28 September 2009 required the entire roadside fencing to be dismantled and removed from the site, parts of the pre-existing fence appear to have been utilised in the construction of the new set back fence and two small very low-level gate post sockets from the original fence still appear to remain in situ.

The purpose of the planning enforcement notice was to secure the removal of the roadside fencing that was refused planning permission by the Council on 20 August 2009. This section of unauthorised fencing has subsequently been removed by the Widewell School Trust within the timescale specified for this on the enforcement notice ie by not later than 30 December 2009.

Legal Services have advised that given the purpose of the enforcement notice has now been met with regard to that specific roadside fence, the presence of the two small very low-level gate post sockets from the original fence which appear to remain in situ and the elements of the original fence that appear to have been incorporated in the new set back fence, would not in these circumstances justify any further legal, or other remedial, action against the Widewell School Trust in respect of the planning enforcement notice that was served on it. It should be noted that this does not prejudice the Council's position with regard to any possible action that the Council may consider appropriate with regard to the new set back fence.

In conclusion, however, it is recommended that the application is granted because the proposed development is considered to be lawful.

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ADDENDUM REPORT PLANNING COMMITTEE**7th January 2010****Item: 08****Site: Land at Pleasure Hill Close, Plymouth****Ref: 09/01235****Applicant: Donson Ltd****Pages: 45**

Members are advised that a further letter of representation has been received, which raises objections on the following grounds:-

1. Parking problems and highway safety.
2. The proposed benches will encourage anti-social behaviour.
3. Will the fence around the edge of the quarry be sufficient to prevent missiles being thrown into Morrison's car park and causing serious injury and damage.

Points 1 and 2 above have been raised in previous letters of representation. While the potential health and safety implications of the cliff top location have also been raised the perceived danger from missiles has not. However, given that the development is for a residential scheme the potential for missile throwing is not considered significant.

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ADDENDUM REPORT PLANNING COMMITTEE
7th January 2010

Item: 09

Site: Land at 1-56 Raglan Road, Devonport, Plymouth

Ref: 09/01565/FUL

Applicant: Risesign Ltd

Page: 55

Since completion of the officer's report an additional letter of representation has been received. Additional points raised in this letter include the lack of affordable housing provision, no tariff payment, difficulties that would be caused in accessing existing shed, concerns over emergency fire access and the loss of trees. The points raised have already been considered and do not affect the officer's recommendation.

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ADDENDUM REPORT PLANNING COMMITTEE
7th JANUARY 2010

Item: 10

Site: 1 St Lawrence Road and 14 Houndiscombe Road, Plymouth

Ref: 09/01302/FUL

Applicant: Mr Dave Hendy

Page: 69

A late letter of representation has been received objecting to the planning application and raising the following points that have not already been discussed in the case officer's report:

- The application would erode further prospects for building a sustainable, mixed use, balanced community in the area surrounding Houndiscombe Gardens including St Lawrence Road, Sutherland Road and Houndiscombe Road as part of the Mutley/Greenbank area as a whole;
- Harm the character of the area having regard to the existing excessive number of converted and non-family dwellings in the vicinity occupied by students;
- Contribute to the further concentration of non-family dwellings which could continue to change the character of the neighbourhood for the worse and make it more difficult to achieve the desirable range and mix of dwelling types.

With regards to the points raised, it is considered that this application alone would not create the demographic imbalance referred to by the objector. The application proposes a relatively insignificant number of additional units of student accommodation when compared to the existing levels of student accommodation and converted non-family units in the area. Certainly this application alone would not significantly impact upon the demographic character of the area and whilst it is accepted that levels of student accommodation in Mutley and Greenbank are high (due to the close proximity of the University), this is a minor application and there is no adopted policy that would restrict student numbers or development in this area of Plymouth. Whilst reference is made in the objector's letter to the Mutley and Greenbank Sustainable Neighbourhood Assessment this is not an adopted policy document, merely being an evidence base that is used to inform policy review and development. The application is not contrary to any adopted planning policy within the Local Development Framework Core Strategy, which is the adopted planning policy document that covers the city.

Officers have reconsidered the tariff payment and this has been calculated on the basis that there is a net gain of 5 residential units at the site. The site is currently arranged as 2 multiple occupancy units and the application proposes a total of 7 residential units (arranged over 3 floors and proposing a mix of different units containing a different number of bedroom spaces), so the net gain at the site is 5 units. The Tariff breakdown is as follows:

3 x 1 bed units

Health	£666
Libraries	£336
Green Space	£3906
Sport and Rec.	£3141
Public Realm	£165
Transport	£8613
Management Fee	£841
Total	£17, 668

2 x 5 bed units

Health	£1044
Libraries	£526
Green Space	£6128
Sport and Rec.	£4928
Public Realm	£260
Transport	£11486
Management Fee	£1218
Total	£25, 590

Combined Total £43, 258

Combined Total /2 £21, 629

* The combined total is charged at 50% in accordance with measures introduced by the Local Planning Authority to stimulate market recovery.