

Public Document Pack



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PLANNING COMMITTEE

DATE: THURSDAY 1 JULY 2010
TIME: 2.30 PM
PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH

Members –

Councillor Lock, Chair
Councillor Roberts, Vice Chair
Councillors Mrs Bowyer, Browne, Delbridge, Mrs Foster, Mrs Stephens, Stevens,
Thompson, Tuohy, Vincent and Wheeler

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

PLANNING COMMITTEE

- 6.1** YEALMPSTONE FARM PRIMARY SCHOOL, MEADOWFIELD PLACE, PLYMOUTH 10/00474/FUL **(Pages 1 - 2)**

Applicant: Yealmpstone Farm Primary School
Ward: Plympton Erle
Recommendation: Grant Conditionally

- 6.3** 235 STUART ROAD, PLYMOUTH 10/00296/FUL **(Pages 3 - 4)**

Applicant: Mr K Solano
Ward: Stoke
Recommendation: Grant Conditionally

- 6.4** 47 DUNCLAIR PARK, PLYMOUTH 10/00818/FUL **(Pages 5 - 6)**

Applicant: Mr and Mrs Michael Foren
Ward: Efford and Lipson
Recommendation: Grant Conditionally

- 6.6** LAND REAR OF QUEEN ANNES QUAY OFF PARSONAGE WAY, COXSIDE, PLYMOUTH 10/00499/FUL **(Pages 7 - 8)**

Applicant: Harbour Avenue Limited
Ward: Sutton and Mount Gould
Recommendation: Grant Conditionally subject to the satisfactory completion of the S106 obligation. Delegated authority to refuse the application should the S106 obligation not be signed by the 5 July 2010.

- 6.7** DOWN HOUSE, 277 TAVISTOCK ROAD, DERRIFORD, PLYMOUTH 09/01645/FUL **(Pages 9 - 10)**

Applicant: Mr James Sutherland
Ward: Budshead
Recommendation: Grant Conditionally

- 6.8** 2 ST. LAWRENCE ROAD, PLYMOUTH TREE PRESERVATION ORDER NO. 469 **(Pages 11 - 12)**

To consider a report on an objection to preservation order no. 467.

ADDENDUM REPORT PLANNING COMMITTEE 1st JULY 2010

Item: 6.1
Site: Yealmpstone Farm Primary School, Meadowfield Place
Plymouth
Ref: 10/00474/FUL
Applicant: Yealmpstone Farm Primary School
Page: 11

Members are advised that three pupils of the School have written letters of support for the proposals. The points raised are that the old nursery is in a poor state of repair; the new nursery will give the children better education and the look of the school will be improved.

These points are addressed in the main report.

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ADDENDUM REPORT PLANNING COMMITTEE 1st JULY 2010

Item: 6.3
Site: 235 Stuart Road
Ref: 10/00296/FUL
Applicant: Mrs K Solano
Page: 23

1. Applicant

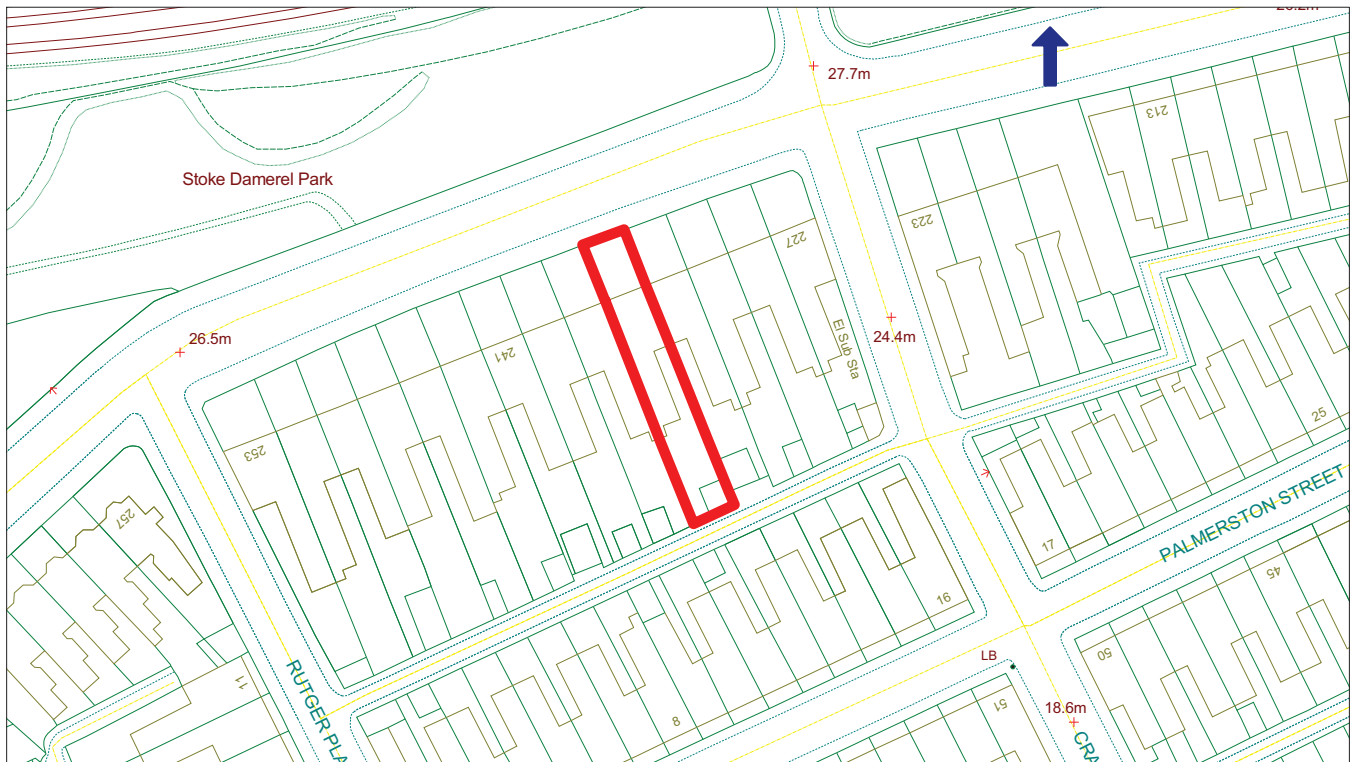
The applicant has been incorrectly reported as Mr K Solano. The applicant's correct name is Mrs K Solano.

Agenda**2. Site Address**

The site address has been incorrectly reported on the agenda as 253 Stuart Road. The correct address is 235 Stuart Road as per pages 23-28 of the Agenda Reports Pack.

Page 23-28**3. Site Location Plan**

The site location plan has been incorrectly shown on page 23. The correct Site Location Plan is attached below



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4. Additional letter of representation

Following publication of the agenda reports pack one additional letter of representation has been received from Mrs C H Robertson of 233 Stuart Road. The letter raises the following summarised issues:

- Loss of outlook and sunlight/daylight to the garden as a result of screening
- Loss of privacy as a result of the raised decking area
- Impact of water run-off and drainage
- Objection to the application being retrospective
- Failure of the applicant to consult with neighbours
- Various references to the Party Wall Act

Observations by Case Officer on Additional Letter of Representation

- In raising the courtyard some areas of soil have been hard-surfaced resulting in some additional water-run off. It is permitted development to hard surface an area of a dwelling house's rear garden. The matter of water run-off is therefore considered to be acceptable in planning terms with regard to this proposal. Any resulting issues with regard to water run-off are considered to be a civil matter between the two properties.
- The following section of the Officer's Report is highlighted in respect of retrospective applications. 'It is noted that applications for retrospective permission should be judged on their merits in the same way as proposed works with no bias for or against works that have been carried out prior to an application being made.'
- The issue of lack of consultation is not considered to be a material planning consideration with regard to this application.
- The Party-wall Act is a civil matter between the two properties and is not a material planning consideration.
- The other issues raised above have already been addressed in the Officer's report.

The recommendation has not changed as a result of the additional letter of representation and it is recommended to Grant Conditionally.

5. Amendment to plans

Some minor amendments have been made to the drawings by the agent to correct references to the properties' boundary walls, and add numeric reference to the change in ground height of the courtyard area.

The amended list of plans to be considered by committee is as follows:

235/SR/01, 235/SR/02, 235/SR/03 Rev C, 235/SR/04 Rev E, 235/SR/05 Rev C, 235/SR/06 Rev B, 235/SR/07 Rev D, 235/SR/08 Rev B, 235/SR/09 Rev B, 235/SR/10 Rev D

The amendments are considered to be minor in nature and are not considered to have fettered the neighbours' ability to comment on the merits of the proposal.

ADDENDUM REPORT PLANNING COMMITTEE 1st JULY 2010

Item: 6.4
Site: 47 Dunclair Park, Plymouth
Ref: 10/00818/FUL
Applicant: Mr and Mrs Michael Foren
Page: 29

The Officer's Report was drafted before a consultation response from The Transport Service was received on the 18th June 2010. The Transport Officer has no objection to the proposed scheme but suggests that a condition and informatives should be attached to the granting of planning permission. The Transport Officer is concerned that if the garage were to be used for any other purpose than storing a vehicle the amenity of the street may be affected and have suggested a condition to ensure that the garage will only be used to store a vehicle, not for the maintenance of a vehicle. The Transport Officer has also raised a concern over drainage following the construction of the garage and suggests that a channel should be installed to prevent surface run-off. Additionally The Transport Service highlight that the dropped kerb should only be altered by 1 metre.

Actions

Following the receipt of Transport's comments the Council has decided that the condition on vehicle storage is unreasonable as the existing garage does not have a condition of that nature and therefore it is deemed that the granting of planning permission will not result in a significant change in the manner which the garage is used. It is also deemed that general maintenance of a vehicle is a natural supplementary use for a garage and imposing this condition would remove the opportunity for such use.

However, the Council does recognise the benefit of attaching an informative for channelling surface run-off during the construction of the garage should the vehicle apron in front of the garage slope or drain towards the highway. Additionally an informative limiting the dropped kerb to 1 metre would allow for on-street parking will be attached to the granting of planning permission.

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ADDENDUM REPORT PLANNING COMMITTEE 7th JULY 2010

Item: 6.6
Site: Land Rear of Queen Annes Quay, off Parsonage Way, Plymouth.
Ref: 10/0499/FUL
Applicant: Harbour Avenue Ltd.
Page: 37

1. Section 106 Issues

Further to the information in the main report under Section 106 Obligations, the full breakdown of the tariff payment is as follows:

Children Services	£19,610.00
Health	£3,897.50
Libraries	£2,007.00
Green Space	£22,879.50
Recreation and Sport	£18,393.00
Public Realm	£971.50
Transport	£47,376.50
Management Fee	£5,362.00
Total	£120,497.00

2. Public Protection Comments

- a) The following comments were provided by the Public Protection Service with regards to the Contaminated Land report submitted with the application (in italics below):

Objection: Public Protection Service recommends refusal of the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

1. *We consider the level of risk posed by this proposal to be unacceptable.*
2. *The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment including an adequate desk study, conceptual model and initial assessment of risk has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.*
3. *Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.*

Reason for objection: There is potential for contamination to be present at the site. The risk is considered unacceptable because there is currently insufficient evidence to indicate otherwise. The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites.

Technical Comments

Having reviewed the Preliminary Site Investigation Report, Site Investigation Factual Report and Soil Analysis and Site Specific Risk Assessment that has been submitted with the application, I have the following comments to make.

The above reports are a number of years old and have not been carried out inline with current guidance. They do not contain a conceptual site model and a number of potential onsite and offsite sources of contamination have been omitted from the Preliminary Site Investigation Report. These reports must be considered inline with current guidance and full search for potential sources of contamination must be carried out in order to satisfy the Public Protection Service that risks from contamination has been fully understood for the site.

- b) Following the above comments the applicants submitted an up to date Phase 1 Environmental Desktop Study Report. This was considered by the Councils Public Protection Service and their comments with regards to this are as follows:

Having reviewed the study the PPS is of the opinion that a Phase 2 report is required prior to the determination of this planning application. Whilst the desktop study identifies a considerable number of potential pollutant linkages it fails to provide sufficient evidence that the risk from contamination is acceptable or that remedial options are available in the event that contamination is identified. In light of this the Public Protection Service upholds its objection to the application.

- c) Due to the above comments, and the fact that the Phase 1 Desktop study identifies a number of sources of contamination with the potential to impact upon human health without providing any assurances that remedial measures can be implemented to make the proposal acceptable or viable, **it is recommended that the application be deferred whilst a Phase 2 Site Investigation and Risk Assessment is submitted and considered by your officers.**

ADDENDUM REPORT PLANNING COMMITTEE 1st JULY 2010

Item: 6.7
Site: Down House, 277 Tavistock Road, Derriford
Ref: 09/01645
Applicant: Mr James Sutherland
Page: 51

Representations

The Council received a letter and an email from the occupier of 15 Beatty Close following notification of the amended drawings.

She is concerned that the amended drawing showed the first floor windows serving the corridor that overlooked her property would be in clear glass. She maintained her objection on grounds of overlooking.

(Officers informed her that condition 11 stated that these windows shall be glazed in obscure glass.)

With that knowledge her later email stated that she is pleased with the amended proposals going to committee as they are more in accordance with protecting the amenities and privacy of her property.

Recommendation

The recommendation is the same as in the report.

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ADDENDUM REPORT PLANNING COMMITTEE 1st JULY 2010

Item: 6.8
Site: 2 St Lawrence Road: objection to the making of Tree Preservation Order No.469
Ref: DC/T1/2/1
Applicant: Not applicable
Page: 65

The owners of the protected trees at 2 St Lawrence Road Mr Woolley and Catherine Hennessey have contacted us to state that they would have wished to have spoken at committee but unfortunately due to bereavement in the family they were unable to register and attend. They have asked in their absence if the comments they would have made can be reported to the Committee. The main points raised therefore have been summarised below:

- **Amenity: visibility from a public place.**

The owner states that the Copper Beech is clearly visible in its own right from all parts of the lower section of St Lawrence Road and also Houndsicombe Road. The Copper Beech is of far greater size than the Magnolia the other protected tree which the objector acknowledges is 'very visible'.

- **Setting**

The owner states that this tree is a Copper Beech which is often planted in gardens and towns for its distinctive purple leaves. The setting of both trees is in fact consistent with the Victorian domestic architecture of the area. The objector states that Beech trees are commonly found within woodlands etc. Many street trees have been removed over the years and not replaced. Therefore for the objector to suggest that there are sufficient trees already is incorrect.

- **Expediency**

The owner quotes the reasons why a local Planning Authority might make a TPO eg: if there is a risk of a tree being pruned in ways which would have a significant impact on the amenity of the area. The owner is concerned that the objectors will cut the Beech back to the boundary and this will result in poor arboricultural management and have a significant impact on the amenity of the area.

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