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PLANNING COMMITTEE ADDENDUM REPORTS

DATE: THURSDAY 21 OCTOBER 2010
TIME: 1 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.

**PLEASE FIND ATTACHED ADDENDUM REPORTS FOR CONSIDERATION
UNDER AGENDA ITEM NOS. 6.2, 6.5, 6.6 AND 6.8.**

BARRY KEEL
CHIEF EXECUTIVE

PLANNING COMMITTEE

- 6.2** TESCO, TRANSIT WAY, HONICKNOWLE, PLYMOUTH 08/01989/FUL **(Pages 1 - 2)**

Applicant: Tesco Stores Limited
Ward: Honicknowle
Recommendation: Grant Conditionally subject to S106 Obligation, delegated authority to refuse if S106 not signed by 17 December, 2010

- 6.5** WICKES UNIT (BLOCK B), FRIARY RETAIL PARK, EXETER STREET, PLYMOUTH 10/01160/FUL **(Pages 3 - 4)**

Applicant: AXA P&C co AXA Real Estate Investment Managers UK
Ward: St. Peter and The Waterfront
Recommendation: Grant Conditionally

- 6.6** ROCKY PARK ROAD, PLYMOUTH 10/01431/FUL **(Pages 5 - 6)**

Applicant: Plymouth Judo Club
Ward: Plymstock Radford
Recommendation: Grant Conditionally

- 6.8** 3 TO 5 MARKET ROAD, PLYMOUTH 10/01544/FUL **(Pages 7 - 8)**

Applicant: Mr. T. Walke
Ward: Plympton Erle
Recommendation: Grant Conditionally

ADDENDUM REPORT PLANNING COMMITTEE 21st October 2010**Item: 6.2****Site: Tesco Transit Way, Honicknowle, Plymouth.****Ref: 08/01989/FUL****Applicant: Tesco Stores Limited****Page: 13****Report of text omission:**

Due to an administrative error, it is noted that a small element of text is missing from the end of two pages within the Officer's report:

On page 17, the end of point "5" should read "...The requirements of PPS4 are not considered to have been met and the proposal conflicts with Government town centre policy".

On page 18, the end of point "19" should read "...if not thousands of carbon burning vehicles. This would be contrary to Plymouth City Council green policies".

Active Window Displays:

In order to improve the precision of the wording of condition 36 with respect to achieving active external window/glazing displays, it is also recommended that the description and wording of Condition 36 be revised and an additional informative added:

Recommended revised condition:

RETENTION OF ACTIVE FRONTAGE AND RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS

(36) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) and Class C of Part 2 of Schedule 2 to that order, the ground and first floor commercial glazed areas hereby permitted shall remain as active windows in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that an active frontage is provided and retained to protect the visual amenity and character of the area, and to maximise the level of natural surveillance of the surrounding car park and pedestrian routes in accordance with policies CS01, CS02, CS32 & CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Recommended new informative:

INFORMATIVE - ACTIVE WINDOW/SHOP FRONT

(4) For the purposes of condition 36 an active window is one where the activities within the property or unit can be seen through a substantial proportion of the glazed area. It may also

incorporate a subservient changeable display area to showcase the goods sold or services provided at the property. For the avoidance of doubt, unless otherwise agreed previously in writing with the Local Planning Authority, no more than 15% of any ground and first floor window glazing panel (with respect to the main foodstore) and 25% of any ground floor window glazing (with respect to units 1 and 13) should be obscured in whole or in part by walling, screening, obscure glazing, applied advertisements/logo or other such similar fixed or applied screening or internal structure or fitting. This does not apply to the uppermost horizontal glazing band on the north, south and east elevations.

Recommendation

As previously reported, Conditional Approval subject to inclusion of the revised condition 36 and additional informative, and the satisfactory completion of the Section 106 Obligation. Delegated authority to refuse the application if the Section 106 obligation is not completed by 17th December 2010.

ADDENDUM REPORT PLANNING COMMITTEE 21st OCTOBER 2010**Item: 6.5****Site: Wickes Unit (Block B), Friary Retail Park Exeter Street, Plymouth****Ref: 10/01160/FUL****Applicant: AXA P&C co AXA Real Estate Investment Managers UK****Pages: 75**

The applicants have indicated that they consider proposed condition 2, limiting use to proposed DIY home improvement products, to be overly restrictive. The matter has been reconsidered, having regard to the use restriction condition imposed on the existing premises (see below), and the applicant's view is accepted. Your officers consider that it would be difficult to defend an argument that the new mezzanine floor should have a more restrictive use restriction than the existing ground floor, particularly having regard to the fallback position available to the applicants whereby the mezzanine floor that is confirmed by the certificate of lawfulness 06/00706/EXDE would only be restricted by the use restriction (and other conditions) already in place on the premises.

The conditional regime currently governing the Wickes unit (Block B) is that imposed by the Planning Inspectorate (September 1987).

- The premises shall not be used for the sale of food other than confectionary, intended to be consumed off the premises.
- The premises shall not be open for the sale of goods between 20.00 hours and 08.00 hours each day.
- No deliveries shall be made to the premises between 18.00 hours and 07.00 hours each day.

It is proposed that these conditions (listed 2 - 4, below) are substituted for tabled condition 2. The overall recommendation remains GRANT CONDITIONAL PERMISSION

(2) The whole premises, both the existing floor space and the proposed, shall not be used for the sale of food other than confectionary, intended to be consumed off the premises.

Reason: To ensure that the proposed development does not adversely impact on traffic movement/ parking or the vitality of the city centre in accordance with Policies CS07 and CS28 of the Adopted Core Strategy

(3) The whole premises, both the existing floor space and the proposed, shall not be open for the sale of goods between 20.00 hours and 08.00 hours each day.

Reason: To ensure that disturbance to local residents is minimised in accordance with Policies CS22 and CS34 of the Adopted Core Strategy.

(4) No deliveries shall be made to the premises between 18.00 hours and 07.00 hours each day.

Reason: To ensure that disturbance to local residents is minimised in accordance with Policies CS22 and CS34 of the Adopted Core Strategy.

ADDENDUM REPORT PLANNING COMMITTEE 21st October 2010**Item: 6.6****Site: Rocky Park Road, Plymouth.****Ref: 10/01431/FUL****Applicant: Plymouth Judo Club.****Page: 81**

Following receipt of an additional plan (showing parking layout and vehicle turning) and information confirming visitor numbers, the Highways Officer has provided updated comments and additional conditions as detailed below:

'The site was previously occupied by a gymnasium (since demolished) and it could therefore be argued that this is the established use of the site and on that basis its replacement by such a facility as proposed would in principle, appear to have some logic.

However, this particular site is constrained by poor vehicular access as Rocky Park Road is narrow and constrained by the presence of vehicles parked along its length. In addition the road has no turning head at the end of it which can result in vehicles having to reverse a considerable distance back along the road. From observation it appears that the site functions as both a public car park for users of the playing field as well as providing turning space for residents and service vehicles etc. The site can also be accessed on foot via a footpath from Foresters Road.

Any proposal for this site should therefore not result in any intensification of use on the site unless an alternative access arrangement can be achieved. The applicant has provided additional information showing a turning area for vehicles and refuse vehicles etc. Such an arrangement existed prior to the demolition of the previous building. Such a turning area would need to be kept clear to allow it to be used by members of the public as well as by users of the site. The Applicant has also confirmed that attendance at the club would be approximately 15 members per night on 5 evenings per week with occasional weekend use.

Taking the above into account and considering that the site was previously occupied by a similar use of a similar size and scale to that proposed, transport would not wish to object to the proposed use but request that the following conditions are attached to any planning permission.'

Car Parking Provision (to replace condition 5 on the officers report)

Development shall not commence until the car parking and turning area shown on the approved plans has been laid out, drained and surfaced in accordance with details to be 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.

Turning area

Development shall not commence until the details of the proposed turning area have been submitted to and approved in writing by the Local Planning Authority. The turning area shall only be used for the purposes of turning for vehicles using the development and by members of the

public and shall be kept clear at all times.

Reason:

To allow vehicles to enter and leave the site in forward gear in the interest of public safety and amenity.

Cycle Provision

The development shall not be occupied until space has been laid out within the site in accordance With details to be submitted to and approved in writing by the Local Planning Authority for 5 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars.

ADDENDUM REPORT PLANNING COMMITTEE 21st OCTOBER 2010**Item: 6.8****Site: 3-5 Market Road, Plympton, Plymouth****Ref: 10/01544/FUL****Applicant: Mr T Walke****Page: 97**

Since completion of the officer's report two letters of representation have been received, which make the following observations:-

1. The comings and goings at the garage would be in conflict with pedestrian movements. There are two primary schools in the locality. There is an increased risk in a child being involved in an accident.
2. The area is congested and the garage generates parking in resident parking spaces and in Old Priory and Potters Way. The area will experience an additional increase in traffic due to the housing development across the road from the site.
3. The garage appears to be associated with an existing garage across the road.
4. There is no need for the premises – there are many empty units in Valley Road, which is designed for industrial use.
5. The garage specialises in motor homes, which are bigger than cars and this will impact on visibility.
6. There is not enough space inside the garage to provide the six parking spaces shown on the plans, which are not to scale. The rear yard is too busy to provide parking and is too far from the premises to be workable in practice.
7. Cars are being washed on the road outside the garage and the waste runoff will pollute nearby watercourses and would be harmful to the environment.

These issues have essentially already been raised in representations referred to in the main report. It is not known whether the garage is associated with another across the road, and it is not considered necessary to pursue this matter. The issue of motor homes attending the site is considered below.

The applicant has submitted a scale drawing of the rear yard and the eight proposed car parking spaces as well as assurances that these spaces will be kept vacant for the use of the customers and staff of the transport repair garage. In addition Taurus Van Hire, the main user of the rear yard, have written in to confirm that they have agreed to free up eight parking spaces in the yard for the applicant's customers to use. Taurus also state that their own need for parking is minimal as their vehicles are generally out on the road.

A concern arose regarding the additional parking requirements for motor homes and the applicant has confirmed that only a single motor home would be worked on any time within the site.

Further responses from the Public Protection Service (PPS), on the paint spraying taking place, are that there is no objection to the proposals on the basis that the use is temporary, personal to the applicant, is small scale and that there have been no

complaints received by them relating to paint spraying from the premises. PPS would review their stance on the activities if complaints were received.