

Public Document Pack



BARRY KEEL
Chief Executive
Floor 1 - Civic Centre
Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 12/01/11 Telephone Enquiries 01752 307990 / Fax 01752 304819
01752 307815
Please ask for Ross Jago / Katey Johns e-mail ross.jago@plymouth.gov.uk /
katey.johns@plymouth.gov.uk

PLANNING COMMITTEE - ADDENDUM

DATE: THURSDAY 13 JANUARY 2011
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

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.

Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.

BARRY KEEL
CHIEF EXECUTIVE

PLANNING COMMITTEE

6.1. RIVER VIEW, PLYMOUTH 10/01680/FUL **(Pages 1 - 2)**

Applicant: Sanctuary Housing Group
Ward: Sutton & Mount Gould
Recommendation: Grant Conditionally subject to S106 Obligation

6.6. PLUMER HOUSE, TAILYOUR ROAD, PLYMOUTH **(Pages 3 - 8)**
10/02066/OUT

Applicant: Land Registry
Ward: Budshead
Recommendation: Refuse

6.8. DORSMOUTH, DRUNKEN BRIDGE HILL, **(Pages 9 - 12)**
PLYMOUTH 10/01814/OUT

Applicant: Mrs. Maureen Lawley
Ward: Plympton Erle
Recommendation: Grant Conditionally

ADDENDUM REPORT PLANNING COMMITTEE 13 January 2011**Item: 6.1****Site: River View, Plymouth****Ref: 10/01680/FUL****Applicant: Sanctuary Housing Association****Pages: 1-18**

The Highway Officer has now provided comments, stating support for the application subject to the following conditions:

STREET DETAILS

(14) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF ROADS AND FOOTWAYS

(15) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition (14) before the first occupation of the penultimate dwelling.

Reason:

To ensure that an appropriate and safe access is provided in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(16) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan and details previously submitted to and approved in writing by the Local Planning Authority for 22 (10 in Block 'A' & 12 in Block 'B') bicycles to be securely parked.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(17) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers and visitors, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CLEARANCE OF STRUCTURES OVER THE HIGHWAY

(18) No part of the development hereby approved shall have less than 2400 mm of vertical clearance between the surface of the footway and the underside of any part of a structure that might over-sail the highway; or less than 450 mm of horizontal clearance between the face of any structure and the carriageway.

Reason:

In the interest of public safety and convenience and the free flow of pedestrian and vehicular traffic on the highway, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-20210) 2007.

INFORMATIVE

(2) It should be noted that the public highway may not be closed off until such time as the stopping up process, carried out in accordance with Section 274 of the Town & Country Planning Act 1990, has been properly concluded and the public rights extinguished, and where any premature closure or obstruction of the highway may jeopardize the stopping up process.

The above conditions and informative are recommended be added to those in the officers report.

ADDENDUM REPORT PLANNING COMMITTEE 13 JANUARY 2011

Item: 6.6
Site: Plumer House, Tailyour Road, Plymouth
Ref: 10/02066/OUT
Applicant: Land Registry
Pages: 43-56

Officers apologise for the length of this addendum report caused by the limited time to prepare the main report because of the applicant's wish to have it determined quickly and the need for a lengthy justification of the section 106 obligation heads of terms.

Consultees

Formal responses have now been received from the Local Highway Authority (LHA), Public Protection Service and Economic Development Unit confirming their previous comments of no objection. The LHA now require £35,000 for improvements to the underpass.

Representations

One email has been received from the previous objector stating that his previous concerns (as set out in the report) still apply.

Additional information from the applicant

The applicant has continued to submit additional information. The applicant's development team did try to design a layout to comply with the Council's Site Planning Statement by incorporating a block form of layout. However, it ruled it out because the attenuation tank could not be relocated and it would involve additional construction costs to provide the roads and drainage.

In a lengthy email it commented on the officers' design advice. It rehearsed the arguments on the location of the attenuation tank and why it could not be placed under a road owing to its "crate" design. It questions if the site is at a key approach corridor but agrees that it is a prominent location. It believes there would be sufficient scale at 2.5 – 3 storeys at the key south west frontage and have opted for a mainly two storey development to be in keeping with the surroundings and comply with majority opinion of the local residents.

The amenity space and public realm issues can be addressed at the detailed stage as landscaping is a reserved matter. Also the parking courtyards design could be refined at the detailed stage. Houses backing onto Tailyour Road are acceptable as they are separated from the road by a steep treed bank and if they fronted this street the occupiers could feel isolated as they would look over roofs. Additional illustrative material has been submitted to show how dual frontage houses would overcome concerns over lack of active frontages and how the overlooking issues could be addressed.

The applicant does not think that the Design For Life criteria are appropriate at this outline stage.

The applicant then amended the Design and Access Statement. It repeats the comments on the drainage and ground condition constraints. The revised design complies with some of the advice in the Site Planning Statement by providing frontages to Crownhill Road and Plumer Road with scope for three storeys at the junction. A small set-back is included for safety reasons. More use is made of parking courts and on-street parking within the public realm. The density of 38 dwellings per hectare is in keeping with the surroundings. Where properties back onto streets they have devised dual aspect house types and secondary accesses to provide some activity. There would be a range of boundary treatments and heights. Box bay windows will provide surveillance and fenestration can be adapted with 45 degree oriel windows or treating the main window faces in obscure glass to avoid overlooking. The mix of house types, use of single and two storey tenements, car ports and boundary treatment would give an articulated street scene to create a positive sense of place.

The possible overlooking on the eastern boundary can be overcome by using the tenement design with the main part of the houses set away from the boundary and windows in the tenements facing into the courtyards and not the office.

Analysis

Officers appreciate all the additional work the applicants have done to try to convince them that their concerns can be overcome and the site's constraints have not made it possible to change the road layout. Officers have taken advice from the highway engineers and accept the location of the attenuation tank, but the evidence does not prove why the road layout cannot be changed. This is the main reason leading to officers' concerns. The additional information has not persuaded officers to alter their recommendation.

There could be the possibility of a deferral to seek to achieve an acceptable compromise if the layout could be altered. The applicant stated that this is not possible given the constraints and it could lead to a reduction in dwellings which would make the development unviable.

This is unfortunate as officers would prefer to make a favourable recommendation but in these unusual circumstances the recommendation remains unchanged.

Section 106 Obligation

Although the recommendation is to refuse, officers have provided a justification for the heads of terms in the section 106 agreement in the event of Members granting permission or if there is an appeal.

Plymouth Development Tariff element

A planning obligation is required to mitigate the impacts of the development. The applicant is making the application under the Market Recovery Scheme

and is subject to a 50% discount. Impacts will arise in the following areas that relate to the Plymouth Development Tariff part of the Obligation:

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2014 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £62,104.
2. Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £5,380.
3. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £27,927.
4. Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £15,395.50.
5. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £11,018.
6. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £34,337.
7. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has a legal obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan

Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £813.50.

8. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £21,940.
9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £2,618.

Negotiated element

There are four parts to the negotiated part of the obligation, the first two relate to transport matters. These are works to improve the existing subways to access Crownhill local centre - £35,000 and, funding to secure travel passes for a duration of 9 months based on a monthly travel pass of £52 for 68 dwellings = £31,824.

The third part is that 30% of the dwellings (20) shall be Affordable Homes split 60% rented: 40% shared ownership.

The fourth part is that, as it is a Market Recovery Scheme application, a substantial start on 50% (34) of the dwellings shall be made within 12 months from the approval of the last Reserved Matter.

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local schools tariff: £62,104, to be allocated to the provision of additional school places within the Central and North East locality.
- ii. Libraries tariff. £ 5,380, to be allocated to the provision of improved library facilities in the area.
- iii. Playing pitches tariff. £27,927, to be allocated to the provision of improved playing pitch facilities in the North sub-area, as identified in the Playing Pitch Strategy.
- iv. Local green space tariff. £15,395.50, to be allocated to the management and improvement of local green space.
- v. Local play space tariff. £11,018, to be allocated to the management and improvement of local play facilities.

- vi. Strategic green space tariff. £34,337, to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as set out in the Plymouth Green Infrastructure Delivery Plan.
- vii. European Marine Site tariff. £813.50, to be allocated to appropriate management measures for the Tamar Estuaries as set out in the Tamar Estuaries Management Plan.
- viii. Strategic sports facilities tariff. £21,940, to be allocated to the delivery of priority strategic sports facilities as set out in (draft) Sports Facilities Strategy.
- ix. Public realm tariff. £2,618, to be allocated to the delivery of priority City Centre public realm improvements.
- x. £35,000, for works to improve the existing subways to access Crownhill local centre.
- xi. £31,824, for funding to secure travel passes for a duration of 9 months based on a monthly travel pass of £52 for 68 dwellings. = £31,824.
- xii. 30% of the dwellings (20) shall be Affordable Homes split 60% rented: 40% shared ownership.
- xiii. A substantial start on 50% (34) of the dwellings within 12 months from the approval of the last Reserved Matter.
- xiv. Planning Obligations Management Fee. £16,853, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

Recommendation

There was a delay sending out the neighbour letters of notification and the consultation period expires on 25 January 2011. The principle of the recommendation is the same but is altered to account for the consultation period. It is now:

Defer for consultation period, delegated authority to refuse

This page is intentionally left blank

ADDENDUM REPORT PLANNING COMMITTEE 13 January 2011**Item: 6.8****Site: Dorsmouth, Drunken Bridge Hill, Plymouth PL7 1TY****Ref: 10/01814/OUT****Applicant: Mrs Maureen Lawley****Page: 65-80**

A further letter of representation has been received, which raises objections on the grounds that the proposals would necessitate the removal of mature trees, creating a visible scar on the hillside and that excavations on such a steep slope could disrupt the water table and land slip could occur.

With regard to this letter, matters relating to the impact on the character and appearance of the area (including loss of trees) and drainage are considered in the main report.

In order to preserve the roots of important trees, it is recommended that condition (10) be amended to require details of the construction of car parking spaces serving the proposed dwelling on the northern part of the site. This condition would then read as follows:

CAR PARKING PROVISION

(10) 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. In addition, details of the construction of the car parking spaces serving the proposed dwelling on the northern part of the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

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, and to ensure that any trees or hedgerows to be retained are protected during construction work in accordance with policies CS18, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

Also, it is considered that the following condition in respect of trees should be substituted for condition (12) in the report:

EXISTING TREE/HEDGEROWS TO BE RETAINED

(12) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of completion or occupation of the last dwelling forming part of the development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:1989(Recommendations for Tree Work).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees and hedgerows are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

An Arboricultural Method Statement (AMS) exists, which refers to the removal of a sycamore tree and pine tree. However, these trees are to be retained and therefore a condition is recommended that requires an amended AMS and construction method statement to indicate how trees would be kept clear from harmful works and where any construction compound would be. The following wording is recommended:

ARBORICULTURAL METHOD STATEMENT

(17) Notwithstanding the submitted Arboricultural Method Statement (AMS), an amended AMS shall be submitted to and approved in writing by the Local Planning Authority, which includes a construction method statement for all works, including all retaining structures, and which also details the location of any construction compound.

Reason:

To ensure that trees and hedgerows are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

In accordance with Government guidance decision notices should now include a condition that specifies the approved plans, which in this case would be as follows:

PLANS

(18) The development hereby permitted shall be carried out in accordance with the following approved plan: OS location plan 944.01B.

Reason: For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

With regard to ongoing negotiations in respect of the removal of a sycamore tree and a Monterey pine, the agent has confirmed that these two trees would be retained.

This page is intentionally left blank