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PLANNING COMMITTEE ADDENDUM REPORT

Date: Thursday 12 January 2012
Time: 1 pm
Venue: Council House, Armada Way, Plymouth

Members:

Councillor Lock, Chair
Councillor Mrs Bowyer, Vice Chair
Councillors Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Stevens, Tuohy, Vincent, Wheeler and Williams.

Please find attached addendum reports for consideration under agenda item numbers 6.1, 6.2, 6.3, 6.4, and 6.5.

Barry Keel
Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

- 6.1. FORMER TENNIS COURTS, HOE ROAD-PIER STREET, (Pages 1 - 2)
PLYMOUTH 11/01874/FUL

Applicant: Pier Street Limited
Ward: St Peter and The Waterfront
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 17 February 2012.

- 6.2. LAND AT BARTON ROAD, HOOE LAKE, (Pages 3 - 6)
PLYMSTOCK. 11/01250/FUL

Applicant: Barratt Homes Exeter
Ward: Plymstock Radford
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 12 May 2012.

- 6.3. LAND AT 1-56, RAGLAN ROAD, PLYMOUTH. (Pages 7 - 8)
11/01603/FUL

Applicant: Risesign Ltd
Ward: Devonport
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 8 February 2012.

- 6.4. LAND TO REAR OF 7-11 UNDERWOOD ROAD, (Pages 9 - 10)
PLYMOUTH. 11/01651/OUT

Applicant: South-West Property Developments Ltd
Ward: Plympton Erle
Recommendation: Grant Conditionally.

- 6.5. 39 MERAFIELD ROAD, PLYMOUTH. 11/01822/OUT (Pages 11 - 12)

Applicant: Dr Kathryn Woolaway
Ward: Plympton Erle
Recommendation: Refuse.

ADDENDUM REPORT PLANNING COMMITTEE 12th JANUARY 2012**Items: 1****Site: Former Tennis Courts, Hoe Road-Pier Street, Plymouth****Ref: 11/01874/FUL****Applicant: Pier Street Ltd****Page: 13****Representations Update:**

Since writing the officer's report, 18 additional non-standard (individually written) letters and 278 duplicated, standard letters of representation have also been received which raise objections to the planning application.

The issues raised are identical to concerns already identified and/or covered within the Officer's report.

Response of the three St Peter & the Waterfront ward Councillors

The three ward Councillors believe that the changes to the originally refused planning application will go substantially toward addressing the concerns of the Planning Committee.

The three ward Councillor's advise that they are happy to accept the expert opinion of English Heritage on the acceptability of the revised plans within the context of addressing the previous objections based on the over-dominance of the former buildings within the Conservation Area.

The three ward Councillors do not agree with third party suggestions that the site should mirror Grand Parade, due to the limited size of the available building plot, nor do the Councillors consider that the site is appropriate to be home to an iconic building such as The Spinnaker or Dubai waterfront developments as has been suggested by a number of third parties. Whilst acknowledging that no development proposal on this site will satisfy all residents, the Councillors also acknowledge that something will be built on this plot.

On this basis, specific concerns are raised by the three ward Councillors that exceptional care must be taken to ensure that the materials and finishes are of the highest quality otherwise the Councillors consider the application should be refused. It is recommended that particular attention is given to the specific detailing of the ground floor loggia design, the design of the proposed "winter gardens" and the junctions between the palette of different materials and colours used.

The roof garden is considered to have the potential to become a nesting site causing public nuisance, and it is recommended that this is designed out.

The three ward Councillors note the planning conditions proposed by statutory consultees and request that these are rigidly applied.

Officers agree with the ward Councillors that the success of this modern building design will be achieved by paying particular attention to the quality of the design detailing and finishes.

Conditions are recommended to specifically cover such details, and these conditions are considered by officers to adequately address all the concerns raised above.

Garden History Society

Does not wish to comment.

Ministry of Defence (MOD)

The MOD repeats its consultation response from the previous application I1/01145/FUL. An “Explosives Safeguarding” condition has been recommended within the officer’s report to ensure that the development is designed to withstand structural collapse or damage that could cause critical injury in the event of an explosion within the statutory explosive safeguarding zone surrounding Plymouth Sound.

Conclusion:

It is recommended that in accordance with the details outlined in the officer report, conditional approval is granted following the satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 17th February 2012.

ADDENDUM REPORT PLANNING COMMITTEE 12th JANUARY 2012**Item: 6.2****Site: Land at Barton Road, Hooe Lake, Plymstock, Plymouth.****Ref: I1/01250/FUL****Applicant: Barratt Homes Exeter.****Page: 47**Trees

It is proposed to add the following conditions, as condition no.s 37, 38 and 39:

37. EXISTING TREE/HEDGEROWS TO BE RETAINED

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 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 pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned 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 or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

38. PROVISION FOR TREE PLANTING

No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

39. TREE REPLACEMENT

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

Section 106 Agreement

The Heads of Terms have now been agreed with the applicants.

Under the section titled *Recommended heads of terms* in section h, £20,000 is to be allocated towards making improvements near to the junctions at Dean Cross Road and not at Barton Road/Hooe Road as stated in the report.

Ecology

Natural England have now provided written comments, stating an objection to the proposal due to what they refer to as a lack of information concerning potential impacts to Plymouth Sound and Estuaries Special Area of Conservation (Plymouth Sound and Estuaries SAC). The basis of Natural England's objection is the impact upon the SAC from increased recreation on the estuary associated with the increase in population in this location (ie more people living close to the Estuary). However, these impacts are specifically addressed under the Plymouth Development Tariff, under the European Marine Site element of the Tariff.

The impacts upon the SAC referred to by Natural England are not unique to this application and many major development proposals within Plymouth are perceived to have an impact upon the SAC. As stated, these impacts are mitigated under the European Marine site element of the Plymouth Development Tariff. It has been discovered since receiving the letter that the officer from Natural England that provided the comments was unaware of this mechanism for mitigating perceived impacts upon the SAC. It is therefore anticipated that Natural England will withdraw their objection but as of yet nothing has been received in writing.

However, considering the impact upon the SAC, it is proposed that the full Tariff be applied to the European Marine Site element, replacing the £3, 150 listed (in the original report of section f under *Recommended heads of terms*) with the original figure of £6, 100 which is the full tariff required to mitigate the cumulative impacts of the development on the environmental quality of the European Marine Site. Despite the application being submitted under the Market Recovery Scheme the applicants have agreed to pay the full tariff (and not the 50% discounted figure). It is considered that through this obligation the impact from the development on the SAC will be appropriately mitigated.

Letters of Representation

One additional letter of representation has been received, objecting to the application on the following grounds:

1. Adverse impact upon the surrounding highway infrastructure;
2. Adverse impact upon the existing sewerage system;
3. Adverse impact upon ecology and wildlife;
4. Concerns about the density of development and increased population as a result of density.

The issues raised have already been evaluated in the main analysis section of the Officers report.

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ADDENDUM REPORT PLANNING COMMITTEE 12TH JANUARY 2012**Item: 6.3****Site:** Land at I-56 Raglan Road, Plymouth**Ref:** 11/01603/FUL**Applicant:** Risesign Ltd**Page:** 85

Since completion of the Officer's report an additional letter of representation has been received, this is a letter of objection. Most of the points raised in the letter of representation have already been covered in the officer's report. Additional concerns include the safety of children going to school and fire safety. It is not deemed that the proposal would affect the safety of children going to school, nor would it cause concerns regarding fire safety in building construction or access for the fire brigade, these matters will be dealt in the building regulations application.

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ADDENDUM REPORT PLANNING COMMITTEE 12 JANUARY 2012**Item: 6.4****Site: Land to rear of 7-11 Underwood Road, Plymouth****Site ref: 11/01651****Applicant: South-West Property Developments LTD****Page: 105**

Members are advised that following the presentation of this application to the Planning Committee on 15 December 2011 amended indicative site plans were submitted that show the dwelling identified as Unit 2 moved up the slope, in a southerly direction, away from the garden of no.44 Market Road.

While the originally submitted layout is considered to be acceptable, the revised plan alleviates concerns raised regarding the impact of the proposed dwelling on the occupiers of 44 Market Road.

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ADDENDUM REPORT PLANNING COMMITTEE 12 JANUARY 2012**Item: 6.5****Site: 39 Merafield Road, Plymouth****Site ref: 11/01822****Applicant: Dr Kathryn Woolaway****Page: 119**

Members are advised that, with regard to the proposal description, the dimensions of the proposed dwelling were revised. While the originally submitted dimensions were not considered to warrant refusal, the applicants consider that the revised dimensions would alleviate any remaining concerns regarding the impact of the proposed dwelling on neighbours' amenities.

As a result of these changes the maximum dimensions for the proposed dwelling are now:

House: 11.5m(w) x 8.5m(d) x 6.75m(h)

Garage: 3.0m(w) x 6.0m(d) x 6.75m(h)

The minimum dimensions for the proposed dwelling are now:

House: 10.5m(w) x 7.5m(d) x 4.0m(h)

Garage: 3.0m(w) x 6.0m(d) x 2.0m(h)

An amended indicative site plan has been submitted that reflects these altered dimensions.

Members are advised also that a letter of representation has been received from the occupier of 32 Merafield Drive, which raises objections on the grounds that Merafield Road is already extremely congested and is reduced to single line traffic, and that in view of this it would not seem sensible to add to the congestion by building more property with access onto this area of Merafield Road.

In this respect similar comments were made by other members of the public, which are addressed in the officer report, and as such this latest letter raises no new planning considerations.

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