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6 March 2013

PLANNING COMMITTEE

ADDENDUM REPORTS

Thursday 7 March 2013

5 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bowyer, Darcy, Sam Davey, Mrs Foster, Nicholson, John Smith, Stark,
Jon Taylor, Vincent and Wheeler.

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

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Tracey Lee
Chief Executive

PLANNING COMMITTEE

6.1. 282 OUTLAND ROAD, PLYMOUTH. 12/01724/FUL **(Pages 1 - 4)**

Applicant: WM Morrisons Supermarkets PLC
Ward: Peverell
Recommendation: Grant Conditionally

6.2. 48 MERAFIELD ROAD, PLYMOUTH. 12/02288/FUL **(Pages 5 - 6)**

Applicant: Mr R Wraighte
Ward: Plympton Erle
Recommendation: Grant Conditionally

6.5. 1 SEATON AVENUE, PLYMOUTH. 13/00101/FUL **(Pages 7 - 8)**

Applicant: Mr Joseph McParlin
Ward: Compton
Recommendation: Grant Conditionally

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ADDENDUM REPORT PLANNING COMMITTEE 7 MARCH 2013**Item: 6.1****Site: 282 OUTLAND ROAD****Ref: 12/01724/FUL****Applicant: WM Morrisons Supermarkets PLC****Page: 7**

Since the initial report was written there have been revised consultation responses and additional letters of representation in respect of the amended plans. The period for consultation finished on 5th March.

Representations

The number of representations from members of the public has increased to 99, but no new issues have been raised, since the committee report was written. In summary this breaks down as 38 letters of objection, 59 letters of support and 2 letters making comments.

Consultation Responses

The Highway Agency has confirmed that there are no objections to the amended proposal.

Public Protection has requested that the contamination condition 4 is changed to address only the issue of unexpected contamination being found. This has been agreed with the applicant. It is recommended that the land quality condition reads as follows:

CONTAMINATION

In the event that contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The Highway Authority has no objection to the amended scheme, subject to the following conditions, which have been agreed with the applicant:

DETAILS OF NEW JUNCTION

No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CLOSURE OF EXISTING ACCESS

The building shall not be brought into use until the existing access to the site has been permanently closed in accordance with details previously agreed in writing with the Local Planning Authority.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 40 bicycles to be securely parked. The secure area for storing bicycles 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:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOADING AND UNLOADING PROVISION

Before the building hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:-

(i) damage to amenity;

(ii) prejudice to public safety and convenience; and

(iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Section 106 Obligations – measures to offset the impact of the development

Officers have negotiated the inclusion of the management of the green wall into the Section 106 Obligation, together with the financial contribution to strategic transport referred to in the report. The Section 106 Obligation will include the requirement for an appropriate management agreement to be undertaken.

Conditions

During the consultation period officers and ward councillors have negotiated additional conditions with the applicants as follows:

MANAGEMENT OF CAR PARK DURING CONSTRUCTION

No development shall take place until details of the management of the car park, during the construction works, have been submitted to and approved in writing by the Local Planning Authority. The management of the car park shall comply with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MATERIALS

No development shall take place until details of the materials of the extension and the design, method of construction, materials and finish of the curtain wall glazing system to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details are in keeping with the standards of the vicinity in accordance with policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 – 2021) 2007.

PLANS

During the consultation period the applicant has submitted very minor changes, which provide clarification to the plans. These changes have resulted in the need for a new plan number condition which it is recommended should read as follows:

(3) The development hereby permitted shall be carried out in accordance with the following approved plans: existing site layout PL102, existing store plan PL103, existing elevations PL04, existing roof plan PL05, amended site layout plan PL106 rev F, PL07 rev A, PL08 rev C, amended tree retention plan PL109 rev B, amended site section plan PL114 rev B, PL120 elevations of green wall, Proposed Car Park Deck Layout SK100, proposed car deck 24412/112.

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.

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ADDENDUM REPORT PLANNING COMMITTEE 7 MARCH 2013**Item: 6.2****Site: 48 MERAFIELD ROAD, PLYMOUTH PL7 1TL****Ref: 12/02288/FUL****Applicant: Mr R Wraighte****Page: 27****Late letters of representation**

The consultation period for this application closed on 29th January 2013. Two letters of objection were received on 4th March, both from residents of Sovereign Court, Underlane, the property behind the application site. One resident objects to the application on the grounds of possible loss of light to a hallway and bathroom. The other objects on the grounds of loss of privacy, overdevelopment of the site and concerns that it will become an extension of the care home with a consequent increase in road traffic.

Sovereign Court sits behind and below the application site and is separated from it by a high fence and mature shrubbery and for this reason the main habitable windows face in the opposite direction. The rear of Sovereign Court is already overshadowed by the application site and it is the case officer's view that raising the level of the roof would not make this situation worse.

In the opinion of the case officer and supported by photographic evidence there would not be an increase in overlooking from the proposed development. Any proposal to change No. 48 into part of the care home would have to be dealt with through a new planning application. No further changes to the report are proposed as a result of these late letters of representation.

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ADDENDUM REPORT PLANNING COMMITTEE 7 MARCH 2013**Item: 6.5****Site: 1 SEATON AVENUE, PLYMOUTH****Ref: 13/00101/FUL****Applicant: Mr Joseph McParlin****Page: 49****Highways Considerations / Parking**

A further site visit on 26 February confirmed that the garage had been cleared and temporary fence in the rear yard had been removed. It is considered that there is adequate space between the rear of the property and the side of the existing garage to provide secure cycle storage for 4 bicycles. The recommended condition requires that such cycle storage is laid out within the site within 2 months of the date of decision.

In order to ensure that the cycle storage is satisfactory in the Local Planning Authority's opinion and without detriment to the neighbouring property's amenities, and in accordance with the Transport and Highways recommendation, it is suggested to amend this condition to require details of the cycle storage to be submitted to and approved in writing before installation.

In order to ensure that the off-street parking space is made available for the intended purpose and in addition to the cycle storage provision, an additional condition is recommended to secure this.

Representations

A third letter of representation has been received by a local resident objecting to the proposal. The letter does not raise any new material planning considerations.

Planning Compliance Investigation

A planning compliance investigation has been opened in respect of the current unauthorised use, to ensure the use is monitored and appropriate enforcement action be pursued should the application be refused.

Recommended amended condition**CYCLE PROVISION**

(6) Within 2 months of the date of this decision notice, space shall be laid out within the site for a minimum of 4 bicycles to be securely parked in the rear yard in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure area for storing bicycles shown on the approved plan shall remain available at all times for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

Recommended additional condition

MINIMUM CAR PARKING PROVISION

(8) A minimum of one off-street parking space within the site in accordance with the approved plan shall be retained and made available for the residents of the property and shall not 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.