

# Public Document Pack



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25 January 2005

## PLANNING COMMITTEE

**DATE: WEDNESDAY 2 FEBRUARY 2005**

**TIME: 4.30 P.M.**

**PLACE: COUNCIL HOUSE, ARMADA WAY, PLYMOUTH**

### Committee Members -

Councillor Bray, Chair.

Councillor T. Wildy, Vice-Chair.

Councillors Mrs. Aspinall, Mrs. Foster, Martin Leaves, Michael Leaves, Lock, Mavin, Nicholson, Shears, Stevens and Nicky Wildy.

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

***Any Member of the Council may sit as a substitute member provided that they have undergone the Council's prescribed member planning training course.***

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

**MIKE ROBINSON  
CHIEF EXECUTIVE**

# **PLANNING COMMITTEE**

## **AGENDA**

### **PART I (PUBLIC COMMITTEE)**

**1. APOLOGIES AND SUBSTITUTIONS**

To receive apologies for non-attendance submitted by Committee Members and to note the attendance of substitutes in accordance with Standing Orders.

**2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this Agenda.

**3. MINUTES**

The Committee will be asked to confirm the minutes of the meeting held on 12<sup>th</sup> January, 2005.

**4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

**5. ELECTORS' QUESTIONS**

The Chair will receive and respond to questions from electors submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for electors' questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

**6. PLANNING APPLICATIONS**

The Head of Planning and Regeneration will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

The Chair will inform the Committee of those Ward Members and/or members of the public wishing to speak.

## **7. DECISIONS ON PLANNING APPLICATIONS**

The Director of Development acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 24<sup>th</sup> December, 2004-18<sup>th</sup> January, 2005, including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as Invalid.

Please note that the Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

## **8. APPEAL DECISIONS**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that this schedule is available for inspection at First Stop Reception, Civic Centre.

## **9. SCHEME OF DELEGATION - ANNUAL REVIEW AND ASSOCIATED PLANNING PERFORMANCE**

The Director of Development will present a report outlining the results of a review of the Scheme of Delegation in respect of planning applications, introduced on the 1<sup>st</sup> January, 2004, and associated Planning performance.

# **AGENDA**

## **PART II (PRIVATE COMMITTEE)**

### **MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

## **10. 6 WIDEY VIEW, HIGHER COMPTON (E13)**

The Director of Development will present a report on an enforcement issue concerning the above.



## PLANNING COMMITTEE

Wednesday 12 January 2005

### PRESENT:

Councillor Bray, in the Chair.

Councillor T. Wildy, Vice Chair.

Councillors Mrs. Foster, Martin Leaves, Lock, Nicholson, Shears, Michael Leaves, Stevens, Mavin and Nicky Wildy.

Apology for absence: Councillor Mrs. Aspinall.

The meeting commenced at 4.30 pm and concluded at 6.45 pm.

### 60. DECLARATIONS OF INTEREST

The following declarations of personal interest were made in accordance with the Code of Conduct -

Councillor Mavin	Minute 64	Item 3 47 – 49 Alma Road, Plymouth
Councillor Nicholson	Minute 64	Item 3 47 – 49 Alma Road, Plymouth

### 61. MINUTES

Resolved that the minutes of the meeting held on 22<sup>nd</sup> December, 2004 (P40 04/05) be confirmed as a correct record.

### 62. EXCLUSION OF THE PRESS AND PUBLIC

Resolved that under Section 100 (A) (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

### 63. "THE LONGROOM", 13 MUTLEY PLAIN (E12)

The Head of Legal Services presented a briefing paper on 13 Mutley Plain.

Resolved to withdraw from the current injunction proceedings.

### 64. PLANNING APPLICATIONS

The Committee considered the following planning applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990 (P41 04/05).

Addendum reports (P44 04/05) were circulated relating to the following items:-

Nos. 1, 2, 3, 4 and 6

Resolved as follows:-

(01)	04/01805	(Sainsbury's Supermarkets Ltd.) Sainsbury's Supermarkets Plymouth Road, Plymouth <b>Defer</b>
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(02) 04/01970 (Mr T Turner)  
315-317 Tavistock Road, Plymouth  
**Withdrawn by Applicant**

(03) 04/02011 (Mr and Mrs P Treble)  
47-49 Alma Road, Plymouth  
**Grant Conditionally**

(Councillor Mavin declared an interest in the above item and withdrew from the meeting for this item).

(Councillor Nicholson declared an interest in the above item and abstained from voting)

(04) 04/02123 (Pemberley Developments)  
Site at Friars Lane, Plymouth  
**Grant Subject to Section 106 Obligation**

(05) 04/02124 (Pemberley Developments)  
Site at Friars Lane, Plymouth  
**Grant Conditionally**

(06) 04/02200 (GBCO Trading Ltd)  
13 Mutley Plain, Plymouth  
**Refuse**

(07) 04/02241 (Mr and Mrs Parmenter)  
124 Lynwood Avenue, Plymouth  
**Grant Conditionally**

65. **DECISIONS ON PLANNING APPLICATIONS**

The Committee received a report (P42 04/05) of the Director of Development on matters dealt with him under delegated powers.

Resolved that the report be noted.

66. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council (P43 04/05).

Resolved that the schedule be noted.

67. **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved that under Section 100 (A) (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.

68. **"THE LONGROOM", 13 MUTLEY PLAIN (E12)**

Resolved to pursue the most appropriate legal action to cease the unauthorised use of the premises.

P46 04/05

DATE: 02.02.2005

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**PLANNING APPLICATION REPORTS FOR CONSIDERATION**

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**The Committee will be asked to consider the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act 1990 and the Planning (Listed Building & Conservation Areas) Act 1990.**

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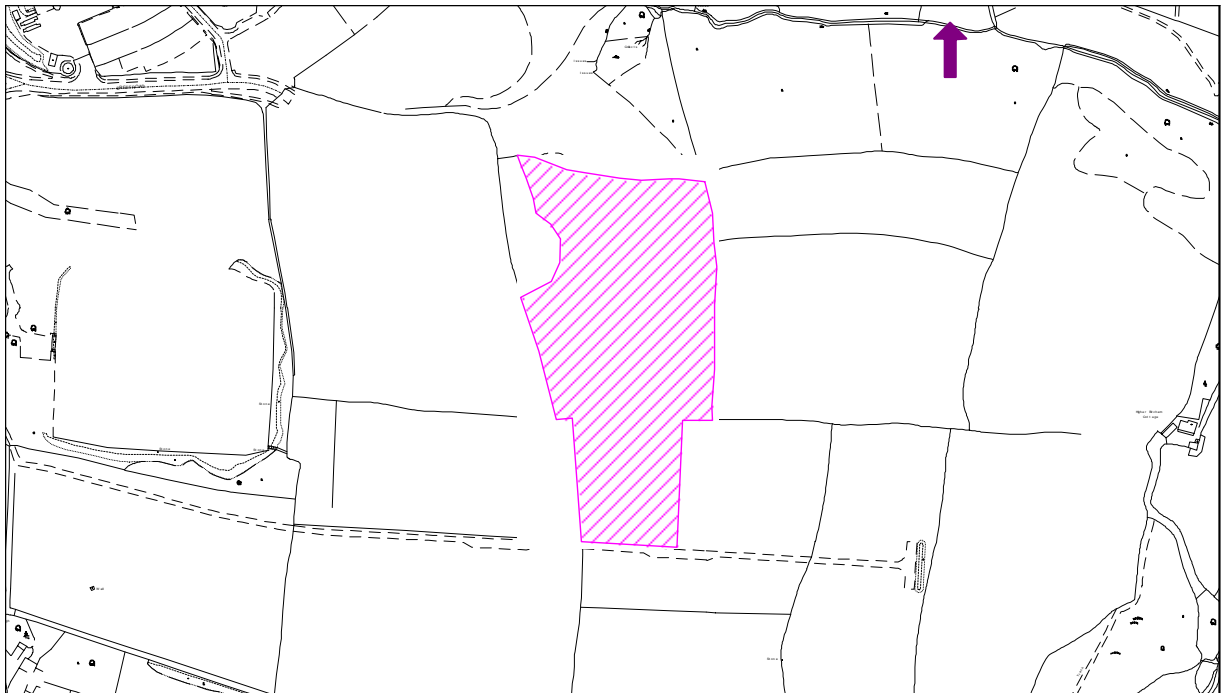
Grant Conditionally

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**ITEM: 01**

**Application Number:** 04/01676  
**Applicant:** First Management Group Ltd  
**Description of Application:** Formation of temporary car park for Derriford Hospital staff use  
**Type of Application:** Full planning application  
**Site Address:** Land To South Of Derriford Hospital And East Of Brest Road Plymouth  
**Ward:** Moor View  
**Valid Date of Application:** 19.10.2004  
**13 Week Date:** 18.01.2005  
**Decision Category:** Major Applications  
**Case Officer :** Rob McMillan



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## Recommendation

In respect of the application dated **19th October 2004** and the submitted drawings: **location plan 638/1 support document transport assessment** it is recommended to:

### Grant Subject to Section 106 Obligation

#### **1. TEMPORARY DEVELOPMENT: REINSTATEMENT**

The use hereby permitted shall cease and all materials and temporary structures shall be removed and the land restored to its former condition on or before 28 February 2007 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

The temporary development to which this permission relates will by the said date have fulfilled its required purpose and so as not to prejudice the implementation of planning application 02/00922 and to comply with policy ATR5 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **2. RETENTION OF EXISTING TREES AND HEDGES**

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 2 years from the date when the development hereby permitted is used.

(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 the approved plans and particulars and in accordance with Section 8 of BS 5837:1991 (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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are protected during construction work in accordance with Policy AEV4 and thereafter are properly maintained, if necessary by replacement.

### **3. STOCKPILING/PROT. OF EXISTING TOPSOIL**

Existing topsoil stripped for re-use must be correctly store in stockpiles that do not exceed 2 metres in height and protected by chestnut palings at least 1.2 metres high to BS 1722 Part 4 securely mounted on 1.2 metre minimum height timber posts driven firmly into the ground.

Reason:

To ensure that the structure of the topsoil is not destroyed through compaction; that it does not become contaminated; and is therefore fit for re-use as a successful growing medium for plants in the interest of amenity.

### **4. MANAGEMENT OF THE CAR PARK**

Prior to the commencement of the use of the car park, the applicant shall submit details relating to the control and management of the car parking spaces on the park and ride site. These details shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that suitable measures are in place to control the use of the car park in order to avoid illegal parking from taking place which would lead to an increase in movements being made to and from the site on the highway network in the peak traffic hours, contrary to Policy ATR 5 of the adopted City of Plymouth Local Plan First Alteration and Policy 48 of the emerging City of Plymouth Local Plan First Deposit.

### **5. PROVISION OF PARKING SPACES**

Each parking space shown on the approved plan shall be constructed, drained, surfaced and made available for use and thereafter that space shall not be used for any other purpose other than the parking of vehicles.

Reason

To enable vehicles used by hospital staff 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 network in accordance with Policy ATR 18 of the adopted City of Plymouth Local Plan First Alteration and Policy 44 of the emerging City of Plymouth Local Plan First Deposit.

### **6. FACILITIES FOR PEOPLE WITH DISABILITIES**

If the development hereby permitted will be used by people with disabilities, full details of the number of parking spaces for people with disabilities and minibuses shall be submitted to and approved by the Local Planning Authority before work begins on the development hereby permitted. These spaces and minibuses shall be provided in accordance with the approved details before each phase to which they relate is used.

Reason:

To comply with policy ATR20 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **7. SURFACE WATER DRAINAGE**

Development shall not begin until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features and to prevent the increased risk of flooding downstream to comply with policy CO13 of the approved Devon Structure Plan 2004.

**8. AVOIDANCE OF INCREASED FLOOD RISK**

The drainage details in accordance with condition 8 will require a Quality Control Procedure. The system will drain either by:

1. Infiltration according to CIRIA 156 with capacity based on a 100-year design storm; or
2. Infiltration according to CIRIA 156 with capacity based on a 30-year design storm but with measures to detain surface water on site for up to the 1 in 100-year storm; or
3. Positive discharge restricted to the mean annual flood greenfield run off, with storage provided for up to the 1 in 100-year storm. Such storage can be included above ground storage. The runoff rates must be based on sufficient site permeability tests and local rainfall intensity values.

Reason:

To prevent the increased risk of flooding downstream to comply with policy CO13 of the approved Devon Structure Plan 2004.

**9. FURTHER DETAILS**

No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- the lighting that shall be of a flat glass, full cut off design with horizontal mountings and any further structures such as a passenger shelter. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity and so as not to confuse or distract pilots near to the airport.

**10. DETAILS OF THE SOUTHERN PADDOCK**

Full details of the surfacing, layout, means of access, tree and hedge protection, phasing and transport details of the users of the southern paddock shall be submitted to and approved by the Local Planning Authority before work begins on the development of the southern paddock. The development shall be carried out and operated and managed in accordance with the approved details.

Reasons:

In the interests of visual amenity and highway safety to comply with policies AEV31, AEV4, AEV38 and ATR5 of the adopted City of Plymouth Local Plan First Alteration 1996.

Informatives

1. The applicants are advised to contact the Environment Agency for information and guidance on drainage and flood risk pursuant to conditions 8 and 9 on 01208 265045.
2. The applicants are advised to contact Plymouth City Airport concerning the lighting details pursuant to conditions 10 on 01752 204090.
3. The applicants are advised to consider the provision of a passenger shelter for their comfort.
4. The applicants are advised to consider repositioning the security barrier and/or security hut so that they are next to each other to provide improved monitoring of the permit system.

## **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be: the principle of development; the transport implications; the effect on the landscape, hedgerows and trees; and drainage matters; the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

- AEV4 - Loss of Existing Hedgerows, Trees or Wood
- AEV9 - Adverse Effect on Nature Conservation Features
- AEV11 - Archaeological Preservation
- AEV38 - Landscaping and Enhancement Schemes
- AEV47 - Safe and Secure Environments
- AER4 - Manufacturing Land Sites
- AER10 - New Employment Sites
- ATR5 - The Road Network
- ATR18 - General Parking/Servicing Requirements
- ATR20 - Car Parking for People with Disabilities
- POL38 - Walking and Cycling
- POL44 - Car, Cycle and lorry parking standards and requirements
- POL47 - Transport assessments and travel plans
- POL48 - Highways capacity and safety
- POL56 - Health care facilities
- POL67 - Access for people with mobility problems and sensory impairment
- POL71 - Protection of Landscape Features, Habitats and Species
- POL72 - Protecting Trees
- POL73 - Ancient monuments and archaeology
- POL80 - Ease of movement
- POL81 - Personal safety and crime prevention
- POL82 - Landscaping in development
- POL87 - Pollution
- POL89 - Development in areas of flood risk
- POL92 - Surface water run off
- PRO74 - Plymouth International Business Park
- PPG1 - General Policy and Principles
- PPG13 - Transport
- PPG25 - Flood Risk

## **Section 106 Obligations**

Agreement required to ensure that the car park is introduced in a phased manner, and that there is very strict control over persons allowed to use it.

**OFFICERS REPORT**

**Site Description**

The site is east of Brest Road south of Derriford Hospital on the eastern part of the Plymouth International Business Park on part of the site of the proposed Diagnostic and Treatment Centre (DTC) (02/00922). It is surrounded by open land. It comprises 2 fields. The northern field is surrounded on all sides by hedgerows with mature trees with a new pond and new tree planting on the northern part of the western boundary. The land falls from south to north. The southern paddock has hedgebanks on the northern and western boundary and a post and wire fence on the other boundaries.

**Proposal Description**

The proposal is to create a temporary park and ride facility of 600 spaces on the larger northern field. The car park will follow the existing contours. The northern part will not be used or surfaced because of the steep slope. The surface will be reclaimed class type 803 which is 40mm size. This is the same as their existing facility at Marjons. The entrance and exit area will be tarmac. There will one point of access by the roundabout controlled by a barrier (already in place). There will be a small hut and portaloos. Mobile floodlighting will be provided at 7 positions. The top soil will be stored in 3 mounds to the north and west of the parking area. No details are shown for the southern paddock.

They propose to use 100 spaces immediately, 200 in 2005 and 300 in 2005-06. This temporary car park will cease when work begins on the Diagnostic and Treatment Centre (DTC) in 2006 and there could be off site facilities next to the new airport park and ride. There will be two 17 seater minibuses taking people to and from the main hospital providing a frequency of 8 round trips per hour. It will operate from 5.30am to 7.30pm and will be patrolled.

**Background History**

98/0461 - OUTLINE APPLICATION - Demolish existing buildings and redevelop land for Class B1 ( business) ,B2 (general industrial), and B8 (storage/distribution) purposes, including details of means of access and landscaping, with retention of Seaton Pool for leisure use and retention of officers mess for Class B1/B2.

02/00922 - OUTLINE APPLICATION -Develop land by the erection of a new Plymouth Area Diagnostic and Treatment Centre and residential accommodation for NHS key workers together with new access roads and pedestrian footbridge link - APPROVED IN PRINCIPLE, awaiting completion of the section 106 obligation.

**Consultation Responses**

Environment Agency - No comments received

Highway Authority - No objection in principle but serious concerns about the capacity of the Tavistock Road / William Prance Road junction to cope with additional traffic turning right into the business park from Tavistock Road. Conditions and/or a Section 106 obligation are required to control the use of the car park and the phasing of the transfer of staff from other Derriford Hospital car parks to this site to avoid undue congestion on Tavistock Road.

Plymouth City Airport - No objection subject to any landscaping not increasing the risk of bird strike and lighting that does not confuse or distract pilots.



Architectural Liaison Officer - No objection - but the turn around time should be no longer than 15 minutes given the remote location. (There will be 8 buses per hour as there will two in service.)

### **Representations**

None received.

### **Observations**

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

The main issues with this application are: the principle of development; the transport implications; the effect on the landscape, hedgebanks and trees; and drainage matters.

### **Principle**

The principle of developing the site has been set by policies AEV4 and AEV10 of the adopted local plan first alteration (FALP), for employment uses and Proposal 74 of the first deposit local plan (FDLP) which permits health/medical sector uses. These were applied in the Committee's approval of an outline application that included the Diagnostic and Treatment Centre (DTC) on this site in 2003. This awaits completion of the section 106 obligation before permission is granted. The area of this temporary car park is on the land shown to be used as the car park for the DTC on the illustrative plans for application 02/00922. The use as a temporary park and ride site is satisfactory in the period before work starts on the DTC in 2006/07.

### **Transport**

The Trust are pleased with the success of the current park and ride site at Marjons and wishes to find other sites to help ease the parking difficulties. This application is only a temporary measure until work begins on the DTC in 2006. The facility is required as the hospital rearranges the parking on the main site to account for all the changes going on at Derriford.

The use will be phased with 100 spaces needed immediately owing to a number of construction projects and a dramatic increase in patients attending appointments. 200 spaces are required in 2005 when car park A is removed to make way for the bus station. 300 spaces are needed in 2006 when the Trust hopes to consolidate existing parking into a new decked car park. When the proposed use ends, the Trust expects a new permanent park and ride site for Trust staff will be ready on the spare land next to the Council's public park and ride site by the airport and "The George" junction. Members permitted this at their meeting last November (04/01758). The Trust, so far, have not applied for their proposed permanent site.

The Transport officer is concerned that the proposal will not lead to an increase in cars turning right from Tavistock Road into William Prance Road and causing tail backs and congestion on the main A386. This would be contrary to policy and the objectives and initiatives in the local transport plan that aim to reduce congestion within the "northern corridor". It appears that many of the staff who use car park E carry out the right hand turn into William Prance Road. If the LPA could be assured that all of the staff who will use the park and ride site will not cause undue congestion at the Tavistock Road/William Prance Road junction it would not raise highway objections. The Trust is happy to cooperate with the Council in seeking to avoid this problem. This involves the sharing of survey information on the users of the park and ride site to comply with the phasing and user control restrictions, as required by the proposed S106 Agreement.

### **Trees and hedges**

There are attractive mature trees and hedgebanks around the site. It is important to protect them to retain their amenity value that adds to the area's character. This will change when the new DTC is built, but when the Trust apply for detailed approval, the LPA will strive to incorporate these natural features into the design. The original submission had limited information. Additional plans received in December show that fencing will protect the hedgebanks and trees and that no materials will be stored within the protected areas. The tree officer is satisfied that these measures will give adequate protection to the trees and hedgebanks to comply with policies AEV4, AEV38, 72 and 77.

### **Drainage**

The site is in the "Derriford, Plympton red problem drainage" area where development at Derriford has increased the risk of flooding downstream in the Forder valley. The surfacing of the grassed area will make the surface less permeable so some form of surface water drainage and/or storage could be required to prevent the increased risk of flooding downstream to comply with policy CO13 of the new structure plan and FDLP policies 89 and 92.

### **Conclusion**

This temporary facility is necessary to cater for the parking needs of the Trust's staff because of all the change and development going on at the main site. The key factors are that it must not cause: undue congestion on the Tavistock Road; harm to the hedgebanks and trees; or increased risk of flooding. The details, S106 obligation and conditions should ensure that these damaging effects will not occur.

**ITEM: 02**

**Application Number:** 04/01965

**Applicant:** The Millfields Trust

**Description of Application:** Erection of two storey building containing 14 business/industrial units (Class B1 and B2) and associated access and parking

**Type of Application:** Full planning application

**Site Address:** Former Tennis Courts Mary Seacole Road Plymouth PL1 3JY

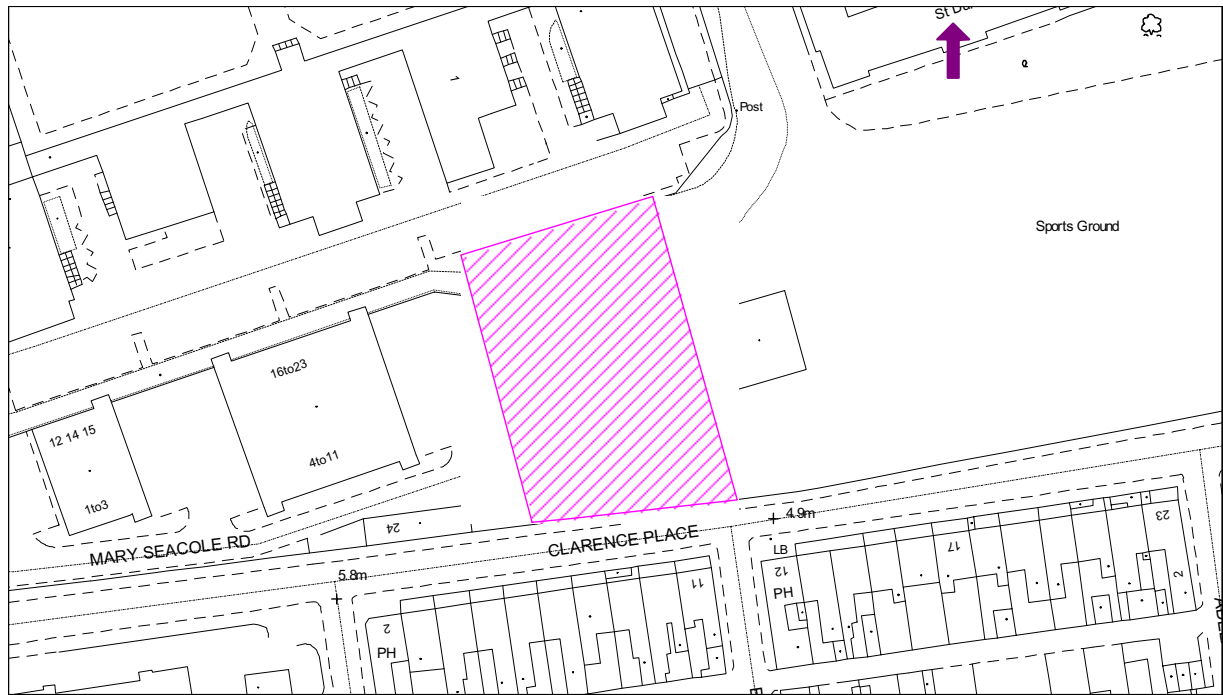
**Ward:** St Peter And The Waterfront

**Valid Date of Application:** 25.10.2004

**13 Week Date:** 24.01.2005

**Decision Category:** Major Applications

**Case Officer :** Rob McMillan



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## **Recommendation**

In respect of the application dated **25th October 2004** and the submitted drawings: **14422/200A 14422\_01 14422\_02C 14422-03B 14422-04D 14422-05C 14422-06B 14422-07** it is recommended to:

### **Minded to Grant - Refer to Secretary of State**

#### **1. DEVELOPMENT TO COMMENCE WITHIN 5 YEARS**

The development hereby permitted shall be begun before the expiration of five years beginning from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

#### **2. DRAINAGE DETAILS**

Work shall not begin on the development hereby permitted until details of drainage works (foul and surface water) have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be carried out before the development hereby permitted is occupied.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **3. LANDSCAPE DESIGN PROPOSALS**

No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **4. SOFT LANDSCAPE WORKS**

Soft landscape works shall include[planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; details of the replacement tree including its location, species and size; the implementation programme].

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **5. LANDSCAPE WORKS IMPLEMENTATION**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **6. LANDSCAPE MANAGEMENT PLAN**

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First alteration 1996.

## **7. MAINTENANCE SCHEDULE**

No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained.

## **8. 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained, if necessary by replacement.

## **9. TREE PROTECTION**

The existing trees shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 8 of BS 5837:1991 (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 any trees or hedgerows to be retained are protected during construction work in accordance with Policy AEV4 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **10. DETAILS OF ENCLOSURE AND SCREENING**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **11. ARCHAEOLOGY**

No part of the development hereby approved shall be commenced until the applicant has made arrangements, to the satisfaction of the Local Planning Authority, for a programme of archaeological observation and recording, in accordance with a written scheme which has been agreed with the Local Planning Authority.

Reason

To ensure that any archaeological remains are adequately recorded.

#### **12. USE RESTRICTION**

The development hereby permitted shall be used for business purposes only (i.e. office, research and development, or light industrial use), as defined by Class B1 of Part B of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purposes specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

#### **13. REPLACEMENT SPORTS PROVISION**

The development hereby permitted shall not be occupied until the replacement sporting facilities comprising the tennis court and hard surfaced play area/short tennis courts at St Dunstan's Abbey School, the subject of planning applications 05/0081 and 05/00046, have been completed and are ready for use.

Reason:

To ensure that replacement sporting facilities are provided to comply with policy AER11 of the adopted City of Plymouth Local Plan First Alteration 1996.

**14. CAR PARKING PROVISION**

The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced 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.

**15. CYCLE PROVISION**

The development 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 5 bicycles to be parked.

Reason:

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

**16. CYCLE STORAGE**

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 of or visitors to the building.

**17. LOADING AND UNLOADING PROVISION**

Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods to be loaded and unloaded within the site in accordance with details previously 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:-

- a. damage to amenity;
- b. prejudice to public safety and convenience, and
- c. interference with the free flow of traffic on the highway.

**18. EXTERNAL MATERIALS**

No development shall take place until samples of the materials to be used in the construction of the external surfaces 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 materials used are in keeping with the character of the area in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

**19. SURFACING MATERIALS**

No development shall take place until details and samples of all surfacing materials to be used 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 materials used are in keeping with the character of the area in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **20. CODE OF PRACTICE DURING CONSTRUCTION**

Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.
- f. provision made for the parking of vehicles of persons attending the construction site.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **21. NO OPEN DISPLAY**

No goods, plant or machinery shall be stored or displayed in the open without the prior consent in writing of the Local Planning Authority.

Reason:

To safeguard the amenities of the area and the appearance of the site.

## **22. DETAILS OF REFUSE STORAGE**

No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage facilities for the development hereby permitted.. The works shall conform to the approved details.

Reason

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

## **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be: the effect of the loss of the tennis courts/netball courts; employment policy; and the impact on the listed buildings and conservation areas; the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:



AEV4 - Loss of Existing Hedgerows, Trees or Wood  
AEV11 - Archaeological Preservation  
AEV14 - Character, Setting and Demolition of Listed Buildings  
AEV24 - RNH - Protection  
AEV38 - Landscaping and Enhancement Schemes  
AEV31 - Townscape  
AER1 - Existing Employment Areas/Premises  
AER13 - Offices outside the City Centre  
ARL11 - Loss of Playing Fields (Public and Private)  
ATR5 - The Road Network  
ATR18 - General Parking/Servicing Requirements  
POL72 - Protecting Trees  
POL73 - Ancient monuments and archaeology  
POL74 - Development affecting listed buildings  
POL75 - Development in Conservation Areas  
POL77 - Development settings  
POL78 - Relationship of development to streets and public spaces  
POL81 - Personal safety and crime prevention  
POL82 - Landscaping in development  
POL6 - Office Development outside the City Centre  
POL7 - Local Employment and Training Provision  
POL61 - Playing fields  
POL63 - Protection of indoor or outdoor sports facilities  
POL67 - Access for people with mobility problems and sensory impairment  
AEV45 - Access for Disabled Persons  
PPG1 - General Policy and Principles  
PPG15 - Planning and the Historic Environment  
PPG16 - Archaeology and Planning  
PPG17 - Sport and Recreation  
AEV20 - Preservation and Enhancement of Conservation Areas  
PPG4 - Industrial and Commercial Development

**Section 106 Obligations**

Not required.

## OFFICERS REPORT

### Site Description

The site is in the southern part of The Millfields south of the grade II\* listed buildings known as 1-10 Craigie Drive and east of the Millfields Community Economic Development Trust (CEDT) commercial buildings in Mary Seacole Road. St Dunstan's Abbey School is north east of the site. There is a squash court building and playing field to the east and the high boundary wall south of the site. The site comprises a hard play surface used either as two tennis courts or two netball courts and has an area of 0.18ha. The ground level is about 5m lower than the complex of listed buildings to the north and there are three mature trees on the top of the bank that rises up from the site to the upper level.

### Proposal Description

The application is for a new CEDT two storey building having 1080m<sup>2</sup> of floorspace. It would be 33.5m long by 18m wide with a first floor walkway on the western side 3 m wide by 9.7m high. There would be 14 units ranging from 27.6m<sup>2</sup> to 101.8m<sup>2</sup>. The plans show the creation of 27 parking spaces. There would be a retaining wall and batter up to the higher level. The design and appearance would match the existing CEDT buildings comprising buff coloured rendered walls with block work banding and limestone, a grey aluminium fascia and coated steel roof. There would be a pedestrian bridge link from the higher level to the first floor gangway of the new building.

### Background History

Application site and adjoining land to north

03/01105 - FULL - New CEDT business buildings (on site of tennis/squash courts); Change of use, conversion, repair and alteration to existing buildings to form 34 res. units, extension, to Science building to form 6 dwellings; all with new car parking areas, means of enclosure and landscaping - GRANTED.

Adjoining land to east and north

03/01123 - FULL - Replacement tennis courts - GRANTED.

04/02140 - FULL - New sports hall, alterations to provide pedestrian link to existing school buildings, formation of associated parking areas and new vehicular access - GRANTED.

05/00046 - FULL - Formation of tennis courts/hard play area within central lawn area (south of the chapel), and associated hard/soft landscaping alterations - TO BE DETERMINED.

05/00081 - FULL - Replacement tennis court to be sited between the new sports hall and playing field - TO BE VALIDATED AND DETERMINED.

### Consultation Responses

Environment Agency - No comments received.

Highway Authority - No objections subject to conditions.

English Heritage - No comments to make.

Sport England - Objects to the loss of the tennis courts. It will reconsider its advice if there will be a replacement facility or financial contribution, as secured with the previous applications - 03/01105 and 03/01123. Officers are communicating with Sport England

letting them know the position in full. This might lead to Sport England changing their advice.

Environmental Services - No objection subject to the code of construction condition.

Strategic Projects - Asset Management - Fully support this community led project that was first part funded by the Council. This extension is promoted by Millfields CEDT without financial backing from the Council. It will meet a community economic need especially with several smaller units.

### **Representations**

None received.

### **Observations**

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

The main issues with this application are: the effect of the loss of the tennis courts/netball courts; employment policy; and the impact on the listed buildings and conservation areas.

### **Recreation - the tennis courts**

The application is a revision of a previously permitted scheme that included new business units, reference 03/01105. This was a larger building on a bigger site that also included the squash courts building. Sport England did not object to that scheme because replacement facilities were to be provided under reference 03/01123 and this was controlled by condition. If there were not replacement facilities the current application would be contrary to adopted local plan (FALP) policies ARL11 and first deposit local plan (FDLP) policies 61 and 63 and PPG 17: Planning for open space sport and recreation.

Sport England have objected because when it made its comments it might not have been aware of the full situation with several application and permissions relating to this part of The Millfields. Sport England did not object to the application for new sports hall replacing the squash courts. There are other relevant new applications for a replacement tennis court between the proposed sports hall (05/00081) and playing field and a hard surfaced playing area/short tennis courts south of the chapel, (05/00046). Officers believe that when all these applications and permissions are considered as an overall project, there will be sufficient replacement facilities to comply with the policies. They have informed Sport England of this additional information to find out if it will change its advice. If it does not, the LPA will have to refer the application to the Secretary of State. Officers will update members on Sport England's latest advice at the Committee meeting.

### **Employment policy**

Millfields CEDT is a successful community run organisation that provides valuable business space for the local area as well as other tenants from other parts of the city and further afield. It provides income to help make the Trust sustainable. Surpluses are reinvested in the site and local community. This proposal should assist in putting the Trust on a firmer footing. The proposal complies with FALP policies AER1 and AER 13, and FDLP policies 6 and 7 and the precedent has been set by the existing permission, 03/01105.

### **Impact on the listed buildings and conservation areas**

The building is similar in design and appearance to the existing Millfields CEDT buildings and so will have a limited impact on the nearby grade II\* listed buildings particularly as they are at a ground level about 5m higher than the application site. The character of the The Millfields conservation area will not be harmed as the proposal will fill in the gap between the existing CEDT buildings and the proposed sports hall. It will have little effect on the Adelaide Street/Clarence Place Conservation Area to the south because of the high boundary wall screening most of the building with only the upper part visible above the wall. English Heritage does not object. The proposal will not harm the setting of the listed buildings nor the character or appearance of the conservation areas and it complies with FALP policies AEV14, AEV20 and AEV24 and FDLP policies 74 and 75.

### **Other matters**

The application involves the loss of a tree at the top of the bank which is unfortunate. But this is an improvement on the fall-back position of the current permission where two trees are shown to be felled. The Transport officer is satisfied that the highway network can cater for the traffic generation and the access and parking arrangements are acceptable in compliance with policies ATR5, ATR18, 44 and 48. There is a need for cycle parking to comply with policy 38.

### **Conclusion**

Officers consider the application to be acceptable for the above reasons. The LPA must report it to the Office of the Deputy Prime Minister if Sport England maintain their objection.

**ITEM: 03**

**Application Number:** 04/02010

**Applicant:** Gervas Property Ltd

**Description of Application:** Refurbishment and extension of building to provide 4 floors of residential accommodation above 2 floors of commercial uses, with car parking to rear on 2 decks with car lift.

**Type of Application:** Full planning application

**Site Address:** 5 St Andrews Cross Plymouth

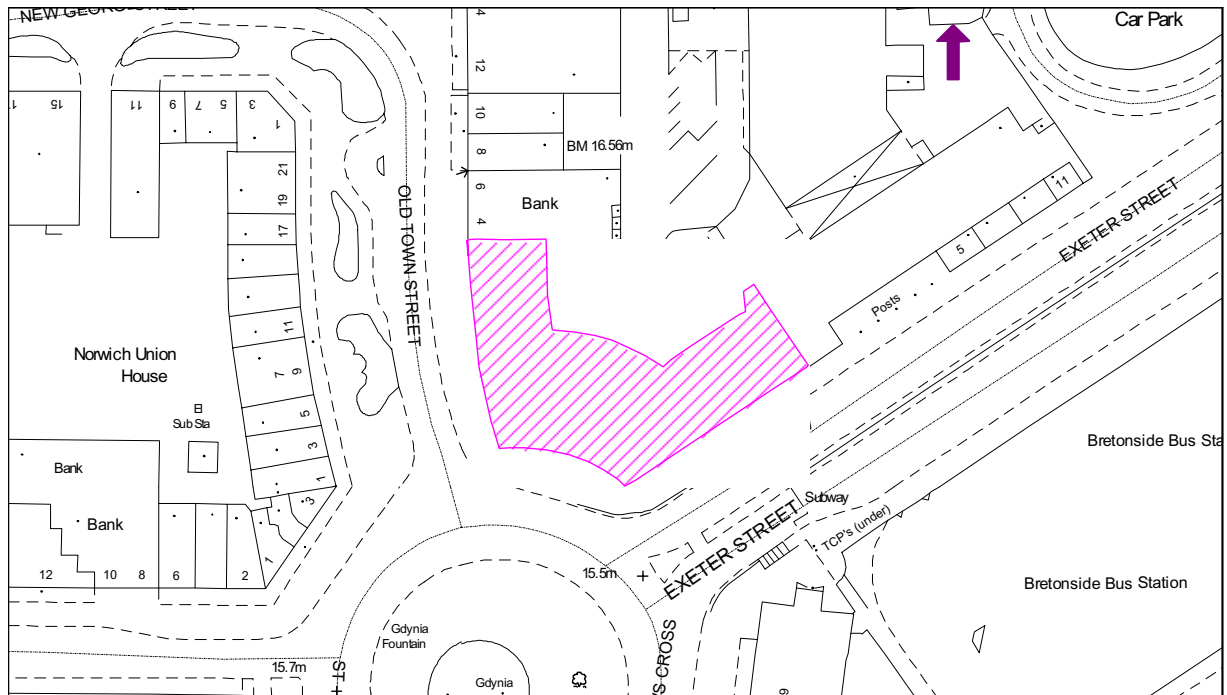
**Ward:** St Peter And The Waterfront

**Valid Date of Application:** 12.11.2004

**13 Week Date:** 11.02.2005

**Decision Category:** Major Applications

**Case Officer :** Mark Evans



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**Recommendation**

In respect of the application dated **12th November 2004** and the submitted drawings: **04032 L02.01B 04032 L02.02B 04032 L02.03A 04032 L02.04A 04032 L02.05B 04032 L02.06B 04032 L02.07A 04032 L03.01C 04032 L03.02A 04032 L04.01C 04032 L04.02B 04032 L04.03 04032 A21.01 TH/LP/01 DESIGN-CONCEPT STATEMENT** it is recommended to:

**Grant Subject to Section 106 Obligation**

**1. DEVELOPMENT TO COMMENCE WITHIN 5 YEARS**

The development to which this permission relates must be begun not later than the expiration of five years beginning with the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

**2. REAR VEHICULAR PARKING AND SERVICING**

Notwithstanding the details of the design of the rear parking area and vehicular movement and servicing area specified on the submitted drawings, no work shall commence until details of the rear parking area, vehicular movement and servicing area have been submitted to and agreed in writing by the Local Planning Authority. (For the avoidance of doubt, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site and for heavy goods vehicles to enter and leave the site in forward gear). Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained unless the Local Planning Authority gives written consent to any variation.

Reason

To enable the Local Planning Authority to consider the details of an acceptable parking, vehicular movement and servicing area at the rear of the building, in the interests of highway safety, in accordance with the provisions of adopted Local Plan Policy ATR5, ATR18 and relevant Central Government advice.

**3. FURTHER DETAILS**

Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the details submitted, no development shall commence until the following details have been submitted to and agreed in writing by the Local Planning Authority:

- (1) Details of the materials, finish and colour of the curtain walling glazing system including details of the colour and finish of the glazing, spandrel panels, mullions, transoms and frame;
- (2) Details of the proposed design of the front elevation facade (St. Andrew's Cross) at fifth floor level curtain wall/eaves junction with roof;
- (3) Details of the design of the raised ledge around the outer edge of the roof;
- (4) Details of the proposed design of the fifth floor balcony door frames at either 1:10 section or real-scale sample panel;
- (5) Details of the proposed finish and colour of the fifth floor balcony timber handrail;
- (6) Details of the design, materials and finish of the fifth/sixth floor end elevations, in addition to details of the fifth/sixth floor transitional sections between the primary central elevation addressing St Andrew's Cross and two flank wings addressing Bretonside and Old Town Street;
- (7) Details of a method of noise and structural vibration attenuation for the mechanics associated with the car lift at the rear of the building;

(8) Details of the exposure/repair/refurbishment of the ground floor pilloti. Where the original pilloti are subsequently identified as not being capable of repair, details shall be submitted to and agreed in writing by the LPA for a suggested replacement design/material. Unless otherwise agreed previously in writing with the Local Planning Authority, the ground floor pilloti shall be repaired/refurbished in accordance with the approved details prior to any use of the new commercial units commencing;

(9) Details of a refuse storage area to be provided within the site in addition to details of refuse management

All agreed details shall be strictly adhered to during the course of development.

**Reason**

To enable the Local Planning Authority to consider the above details in the interests of the protection of the residential amenity of the proposed residential units; the appearance and character of the building and locality, and in accordance with the provisions of Local Plan Policy AHR2, AHR3, AEV31 and relevant Central Government guidance.

**4. BALCONY SCREEN DETAILS**

Prior to residential use commencing, and notwithstanding the details specified on the submitted drawings, balcony privacy screens shall be constructed on the adjoining boundary of each residential unit, the detailed design, materials and finish of which shall have been submitted to and agreed in writing by the Local Planning Authority. The balcony screens shall thereafter be so retained and maintained.

**Reason**

To enable the Local Planning Authority to consider the details of the balcony privacy screens to be constructed, in the interests of the appearance and character of the development, and the residential amenity of occupiers of the residential units hereby approved. Such details are in accordance with the provisions of Local Plan Policies AEV31, AHR 2, AHR 3, AHR 4 and relevant Central Government advice.

**5. COMMERCIAL USE DETAILS**

Unless otherwise previously agreed in writing with the Local Planning Authority(LPA), with the exception of the use of the commercial units as a post office, no other commercial use of the premises shall commence until precise details of the type of commercial use proposed have been submitted to and agreed in writing by the Local Planning Authority. Where the proposed commercial use involves an A3 (Food and Drink) use, full details of an appropriate kitchen ventilation/extraction system shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be fully implemented on site prior to any A3 use of the site commencing, and shall thereafter be so retained and maintained unless the LPA gives written consent to any variation.

**Reason**

To enable the Local Planning Authority to consider the details of the proposed commercial uses in the interests of the viability of the area and in the interests of the residential amenity of the occupiers of the residential units.

**6. COMMERCIAL UNIT SOUND PROOFING DETAIL**

Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence until details of a method of sound proofing which shall be provided between the first floor commercial units and residential apartments above, has been submitted to and agreed in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so retained.

Reason

To enable the LPA to consider the details of the soundproofing to be used between the commercial and residential units in the interests of the residential amenity of the apartments hereby approved, in accordance with the provisions of adopted Local Plan Policy AHR10 and relevant Central Government advice.

**7. TRAFFIC NOISE ASSESSMENT**

Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence until a road traffic noise assessment of the vehicular traffic using St Andrew's Cross and Royal Parade has been carried out, and the results submitted to and agreed in writing by the Local Planning Authority. Where that assessment identifies excessively high road traffic noise levels, adequate measures shall be sought to attenuate the problem, such as enhanced glazing, the details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so retained.

Reason

To enable the LPA to consider the details of the noise levels generated by the adjoining road network and where relevant to ensure appropriate mitigating measures are achieved, in order to protect the residential amenity of the residential units hereby approved, and to accord with the provisions of adopted Local Plan Policy AHR3, and relevant Central Government advice.

**8. DETAILS OF REPLACEMENT WINDOWS**

Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the details specified on the submitted drawings, no work shall commence on the replacement of any of the existing windows until details of the design, method of construction and materials of the proposed new replacement windows have been submitted to and agreed in writing of the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained unless the Local Planning Authority gives written consent to any variation.

Reason

To enable the Local Planning Authority to consider the detailed design of any replacement windows in the interests of the appearance and character of the building and locality, and to accord with the provisions of adopted Local Plan Policy AEV31 and relevant Central Government advice.

**9. COMMERCIAL FRONTAGE DETAILS**

Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall commence on the reinstated glazed frontages to the ground floor commercial units until precise details of their design, method of construction (including details of all new /replacement entrance doors), materials and finish have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so retained.

Reason

To ensure that the details of the development are acceptable to the Local Planning Authority and they are in keeping with the standards of the vicinity, that they take into account the need to provide equal access to people with disabilities, and are in accordance with the policy and provisions of adopted Local Plan Policy AEV31, ASR23, ASR25 and relevant Central Government advice.



### **10. MAIN ENTRANCE DOOR DETAILS**

Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence on the construction of the new main entrance doors to the side of commercial unit 3, until details of their precise design, method of construction, materials and finish have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained.

#### **Reason**

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity, and to accord with the provisions of adopted Local Plan Policy AEV31, AHR23 and relevant Central Government advice.

### **11. LANDSCAPING**

No development shall take place until full details of both hard and soft landscape works, a programme for their implementation and details of a long-term management plan (including details of management responsibilities), have been submitted to and approved in writing by the Local Planning Authority, and these works and management plan shall be carried out as approved. These details shall include proposed planting plans (written specifications, a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate); car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing areas and lighting.

#### **Reason:**

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **12. CODE OF PRACTICE DURING CONSTRUCTION**

Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

#### **Reason**

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **13. WINDOW DISPLAY**

A ground floor window display relating to the use of the site and/or the services provided shall be provided and maintained at all times.

Reason:

To maintain the character and appearance of the existing shopping frontage.

### **14. EXTERNAL LIGHTING DETAILS**

Prior to the installation of any external lighting to the building, details of any external lighting to be used shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason

To enable the Local Planning Authority to consider the details of the external lighting scheme for the building, in the interests of the appearance and character of the development. Such details are in accordance with the provisions of Local Plan Policies AEV31 and relevant Central Government advice.

### **15. ADVERTISEMENT SIGNAGE**

Prior to the installation of any advertisement signage on the building, details of the siting, design, materials and finish shall have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be subsequently adhered to unless the Local Planning Authority gives written consent to any variation.

Reason

To enable the Local Planning Authority to consider the details of the external advertisement signage to the building, in the interests of the appearance and character of the development. Such details are in accordance with the provisions of Local Plan Policies AEV31 and relevant Central Government advice.

### **16. CAR PARKING PROVISION**

The development 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 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices. In accordance with adopted Local Plan Policies ATR5, ATR18 and relevant Central Government advice..

### **17. CAR PARKING RESTRICTION**

No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

Reason

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices.

**18. CYCLE PROVISION (RESIDENTIAL)**

No dwelling shall be occupied until space has been laid out within the site for at least 32 secure and covered residential cycle parking spaces, in accordance with current standards and details previously submitted to and approved in writing by the Local Planning Authority.

Reason

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

**19. CYCLE PROVISION (NON RESIDENTIAL)**

The development 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 at least 10 secure and covered cycle staff and customer cycle parking spaces.

Reason

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

**20. STAFF TRAVEL PLANS**

The new commercial uses hereby permitted shall not commence until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of occupation of the new commercial units the occupier shall operate the approved STP.

Reason

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices.

**21. VEHICULAR ACCESS**

Notwithstanding the details of the rear vehicular access specified, no development shall commence until details of the vehicular access to the site have been approved in writing by the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development.

Reason

To ensure that an appropriate and safe access is provided in accordance with adopted Local Plan Policies ATR5, ATR18 and relevant Central Government advice.

Informatives

1. The applicant is advised that the proposed rear site boundary, which has been slightly extended northwards in the area of the proposed car lift, includes an area currently designated as highway. Such works will require the formal extinguishment of the designated highway under Section 247 of the Town and Country Planning Act.

## Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations which in this case are considered to be the impact of the development on the townscape, the standard of environment proposed for the new residential units and the impact of the development on the local highway network, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

- AEV31 - Townscape
- AEV48 - Public Art
- AHR2 - New Residential Development
- AHR3 - Housing Density
- AHR4 - Privacy and Overlooking
- AHR8 - Conversion of Properties
- AHR9 - Cumulative Effect of Conversions
- AHR10 - Layout for Conversions
- AHR11 - Car Parking for Conversions
- AHR18 - Affordable Housing
- AER11 - City Centre Offices
- ATR5 - The Road Network
- ATR18 - General Parking/Servicing Requirements
- POL21 - Mixed Users Areas
- POL24 - Sequential Approach to Residential Development
- POL25 - New Housing Development
- POL27 - Residential Density
- POL30 - Conversions to Flats
- POL31 - Layout for Flat Conversions
- POL34 - Affordable Housing
- POL45 - Development on off-street parking areas
- POL48 - Highways capacity and safety
- POL77 - Development settings
- POL78 - Relationship of development to streets and public spaces
- POL82 - Landscaping in development
- POL84 - Public art
- PPG1 - General Policy and Principles
- PPG13 - Transport
- AHR23 - Accessible Housing
- ASR23 - Shop Fronts
- ASR25 - Equal Access for People with Disabilities to Retail Premises
- POL11 - New Shopping Development
- POL83 - Gateways and approach corridors
- H1 - Distribution of Housing
- H5 - Residential Densities
- H6 - Affordable Housing
- T2 - Hierarchy of Travel Modes
- T3 - Walking and Cycling
- C9 - Enhancing the Urban Environment
- T19 - Access from Development onto the Highway Network

### **Section 106 Obligations**

The following financial contributions and off site works are required in connection with the proposed development and are subject to current negotiations:

- (1) Education contribution improvements to secondary education at Stoke Damerel Community College - £10,853
- (2) Play area contribution towards existing or future off-site play areas/infrastructure in the local area including the Hoe - £26,400
- (3) Off-site highway contribution towards the provision of "real-time" upgrade facilities for bus shelters on Royal Parade - £20,000
- (4) Affordable Housing - The number of dwellings proposed exceeds the current affordable housing requirement 'threshold' of 24 dwellings. 25% on-site affordable housing provision is required and this will be secured through the satisfactory completion of a Section 106 Obligation.
- (5) Public realm contribution towards public realm improvements at Charles Church - £5,000
- (6) "Percent For Art" contribution based on 1% of development costs.

An administrative fee of £6,225 will also apply.

An update of the Council's negotiations on this matter will be reported to Committee.

**OFFICERS REPORT**

**Site Description**

Tamar House is a four storey, flat roofed building located in a prominent location fronting onto St Andrew's Cross. The building was built in the 1950's and forms an integral part of Plymouth City Centre's post-war reconstruction that was guided by the Plan for Plymouth 1943. The building was designed as a general post office, and today remains in post office use. The ground floor has been subdivided and is now occupied by a number of tenants including a significantly smaller post office.

The building is not listed and is not located within the Plymouth Conservation Area. It has however been identified by Jeremy Gould (Plymouth Planned - The architecture of the plan for Plymouth 1941-1962) as Plymouth's best 1950's building. It also contributes positively to the building group about St Andrew's Cross and to the wider setting of Royal Parade. Within the City Centre Precinct Urban Design Framework (2002), the building is identified as being a "building of highest quality" and of local architectural and/or historical significance.

The application site area measures approximately 0.2023 hectares, the majority of which is covered by the existing building. There is a modest car park and servicing area to the rear.

**Proposal Description**

The proposal involves:

- the use of the ground floor of the premises as three commercial units with design improvements to the ground floor shop facade,
- the use and extension of the first floor as commercial space,
- the conversion and extension of the second floor of the building to create 17 one bedroomed apartments and 1 two bedroomed apartment,
- the conversion and extension of the third floor of the building to create 17 one bedroomed apartments and 1 two bedroomed apartment,
- the construction of a new fourth floor containing 5 one bedroomed apartments and 9 two bedroomed apartments,
- the construction of a new fifth floor containing 5 one bedroomed apartments and 9 two bedroomed apartments,
- the construction of a two tier landscaped parking area to the rear, incorporating a car lift.

The total number of proposed residential apartments is 64.

Each of the two proposed additional floors would be set back 2.5m from the front edge of the existing building, and would be enclosed within a visually prominent and predominantly glass faced curtain walling facade. The existing window openings will remain unaltered, whilst the windows themselves may be replaced. The existing glazing type and transom and mullion arrangement will remain unaltered.

**Background History**

97/00565 - Alterations to form branch office - (Full) - Granted

94/00752 - Alterations to premises including new shop front - (Full) - Granted

94/00480 - Change of use from shop to uses within class A2 (Financial and Professional) - (Full) - Granted

91/00422 - Replacement of first, second and third floor windows (Full) - Granted

## Consultation Responses

Environment Agency - No observations received.

Highway Authority - No objections to principle of development, however concern is expressed regarding the loss of the existing servicing yard to the rear. Notwithstanding the details of the proposed rear parking design, further details are required to ensure that an adequate servicing area is provided. It is considered that the currently proposed on-site parking could be reduced to accommodate this.

South West Water - No observations received.

Environmental Services - No objections to the principle of the development. As the development is situated in a noisy environment, dominated by high levels of noise from traffic using St Andrew's Cross and Royal Parade, a condition is sought to ensure that the residential properties are provided with an adequate level of protection against noise. Conditions are also sought to ensure the isolation and attenuation of any mechanics associated with the new car lift at the rear to address potential noise issues; regarding the provision of a refuse storage area, where liaison should be made with the domestic refuse department of the Council to ensure that arrangements are made for future collections; and regarding the Environmental Regulation Service Code of Practice for construction and demolition sites, particularly in relation to noise, dust and waste disposal.

Education (Lifelong Learning) - The development would affect Pilgrim Primary School and Stoke Damerel Community College. Pilgrim Primary School has sufficient capacity but Stoke Damerel Community College is over-subscribed and forecast to remain so. Contributions are therefore sought for the secondary level of £10,853.

Housing - Detailed comments submitted in respect of the layout of individual flats in terms of size of rooms and layout. The site is considered to be in a key town centre location within easy reach of services and good transport links and an ideal location for town centre living. On-site affordable housing provision is therefore sought as it is considered unlikely that any off site contribution could deliver equivalent housing on a site nearby. 25% affordable housing on site is sought, preferably split 50:50 rent and shared ownership and delivered through one of the Council's 6 preferred Housing Association partners (RSLs).

Parks - Given the form and layout of the development, on-site provision is clearly not feasible. It will therefore be necessary to request contributions towards existing play facilities in the local area, including the Hoe, using the formula in the current SPG No.11.

Plymouth Design Panel - Supportive of principle of two storey extension. Initial design, scale and massing considered to respect the existing building well.

## Representations

None received.

## Observations

The key element of the application, the two storey addition to the roof of the building, stands to be determined primarily in the context of 1996 Local Plan Policy AEV31 (Townscape) and the main considerations are the impact of the proposed alterations on the character and appearance of the building and the surrounding area. The applicant has submitted a Design Statement with the application which highlights the importance of the building to the appearance of the City Centre, whilst pointing out the opportunities for the general

modernisation and economic reuse of the building. The applicant has also pointed out that there is evidence that this post-war building was originally designed to facilitate rear extension on the upper floors such that their footprints matched that of the ground floor.

The potential advantages of raising the height of this building has previously been recognised in the Council's City Centre Urban Design Framework report which was published in 2001. This identifies the application site as having a satisfactory relationship between building height and street, but recognises the potential for increased building height where it can be demonstrated that a suitable relationship between the building and the street can be achieved.

The principle of raising the height of this building is acceptable, and the proposed design and suggested materials will ensure that the quality of the development is of a high enough standard to reflect the importance of the development's key location.

In view of the importance of the building and the sensitivity of the proposed alterations, during pre-application discussions, it was considered that this aspect of the proposed development would benefit from consideration by Plymouth's Design Panel, which was established in June, 2004 to advise on architectural matters relating to important developments in the City. The Panel welcomed the proposed development in principle, and the comments of the design panel regarding suggested improvements to the design and materials have been addressed within the submitted development scheme.

The principle of creating 64 new dwellings at this location needs to be considered in the context of 1996 Local Plan Policies AHR2, AHR3, and AHR4. These concern issues such as the location of new developments in relation to local services, public transport etc, and issues such as density of development and the level of amenity provided by the proposed dwellings. In these respects the development is considered acceptable and accords with the Council's strategic objective of providing more residential accommodation in the City Centre by encouraging new mixed-use developments.

The proposed residential accommodation is also subject to Policy AHR18 in respect of affordable housing provision, and the number of dwellings proposed exceeds the current affordable housing requirement 'threshold' of 24 dwellings. 25% on-site affordable housing provision is required. This matter is currently subject to negotiations, and an update will be reported to the Planning Committee. It is anticipated that this will be secured through the completion of a Section 106 Obligation.

Policies ATR5 and ATR18 concern parking and transport issues relating to proposed developments and in these respects the Transport response referred to above indicates that the proposals are acceptable in principle. However, concern is expressed regarding the loss of the existing servicing yard to the rear. Notwithstanding the details of the proposed two level rear parking design, further details are required to ensure that an adequate servicing area is provided within the site boundary. It is considered that the currently proposed on-site parking could be reduced to accommodate this. Accordingly, appropriate conditions are recommended to ensure the provision of an adequate on-site servicing area for the commercial units, in addition to adequate cycle parking facilities. Financial contributions are also required towards public transport improvements.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to



Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

Policies 77 and 78 reflect Policy AEV31 of the 1996 Local Plan and seek to achieve the highest quality of design for new developments. Policies 24, 25, 27, 30, 31, and 34 reflect the residential development policies in the 1996 Local Plan and the proposal is again considered to be acceptable in these respects. Policies 39, 44, 45, 47, and 48 reflect the traffic and transport policies in the 1996 Local Plan and similar considerations apply in these respects. Policy 84 relates to the provision of public art and reflects Policy Aev48. It is anticipated that a percentage of the development costs will be allocated towards the provision of public art within the development. The result of on-going negotiations on this matter will be reported to Committee.

The proposed mixed-use nature of the development is considered appropriate in this City Centre location and subject to suitable conditions to safeguard the amenities of prospective flat occupiers, this aspect of the proposed development is considered acceptable.

The three outstanding issues relate to:

- (1) The currently proposed loss of the existing servicing yard to the rear. Notwithstanding the details of the proposed two level rear parking design, further details are required to ensure that an adequate servicing area is provided within the site boundary;
- (2) Whether or not the requirement for affordable housing is provided on-site or, if the developer clearly demonstrates that such a proposal would be economically un-viable, through a commuted sum for off-site affordable housing provision;
- (3) On-going discussions regarding the S106 contributions required.

Members will be provided with an update on the progress on these matters at Committee.

**ITEM: 04**

**Application Number:** 04/02085

**Applicant:** Claybrook Developments SW Ltd

**Description of Application:** Redevelop former filling station site by erection of two single-storey retail units (smaller unit to be either Class A1 or Class A3 use) with associated car parking and new vehicular accesses

**Type of Application:** Full planning application

**Site Address:** St. Marys Bridge Filling Station 1 Plymouth Road Plymouth PL7 4JP

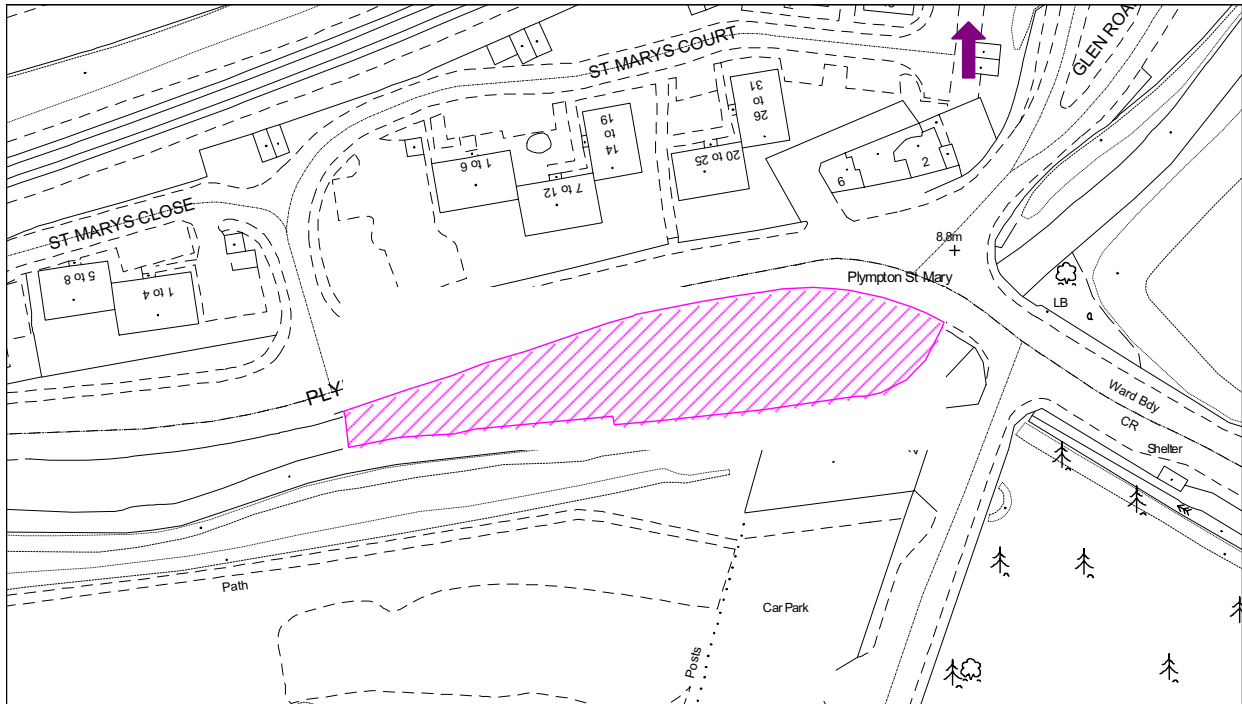
**Ward:** Plympton Erle

**Valid Date of Application:** 11.11.2004

**8 Week Date:** 06.01.2005

**Decision Category:** Departure from Adopted Local Plan

**Case Officer :** David Bate



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## Recommendation

In respect of the application dated **11th November 2004** and the submitted drawings: **site location plan 1477-002 Rev A 1477-003 Rev A** it is recommended to:

### Grant Conditionally

#### **1. DEVELOPMENT TO COMMENCE WITHIN 5 YEARS**

The development hereby permitted shall be begun before the expiration of five years beginning from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

#### **2. CAR PARKING PROVISION**

The land to be used for the parking of vehicles, and its accessway, shall be made up and marked out as shown on the application drawings before the hereby permitted use commences. The said accessway and parking area shall not be used for any other than their intended purpose without the prior written consent of the Local Planning Authority.

Reason:

To ensure that car parking provision is made and remains available for visitors.

#### **3. FOOTWAY DETAILS**

The units created by this development shall not be occupied until the fronting footway shown on the application drawing has been constructed to the satisfaction of the Local Planning Authority. Details of the vertical alignment, drainage and construction of the said footway shall be submitted to and be approved in writing by the Local Planning Authority prior to any work commencing on site.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with policy AIR2 of the City of Plymouth Local Plan First Alteration 1996.

#### **4. CYCLE STORAGE PROVISION**

Details of arrangements for the secure storage of cycles belonging to staff shall be submitted to and be approved in writing by the Local Planning Authority before any work commences on site. The said facilities shall remain available for their intended purpose and shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason:

To ensure that there is secure storage facilities for cycles belonging to staff are provided.

#### **5. CYCLE PROVISION**

The development 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 4 bicycles to be parked.

Reason

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

**6. STAFF TRAVEL PLAN**

The development hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of occupation the occupier shall operate the approved STP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices.

**7. USE RESTRICTION**

Unit 1 shall only be used for retail uses falling within Class A1 of the Town and Country (Use Classes) Order 1987 and for no other purpose with Unit 2 only being used for purposes falling within either Class A1 or A3 of the Order.

Reason:

To regulate and control the use of the premises.

**8. EXTRACTION DETAILS**

Before any Class A3 (Food and Drink) use of Unit 2 commences, details of a scheme for the mechanical ventilation of the working area, and for the filtration of grease and cooking odours, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design and colour of any extractor duct, and noise attenuation measures for the ventilation machinery. The use shall not be carried on except for so long as the approved ventilation is operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenities of the area from potential odour nuisance.

**9. REFUSE BIN PROVISION**

Before any Class A3 use of Unit 2 commences, details of the siting and form of bins for the disposal of refuse and litter by customers to be provided on the site (internally and externally) shall be submitted to and approved in writing by the Local Planning Authority. The Class A3 use shall not be carried on except when the approved bins are in position and available for use.

Reason:

To ensure satisfactory refuse disposal facilities are provided in order to prevent pollution of the local environment.

## **10. TREE RETENTION**

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 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 8 of BS 5837:1991 (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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are protected during construction work in accordance with Policy AEV4 and thereafter are properly maintained, if necessary by replacement.

## **11. REAR BOUNDARY DETAILS**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected along the rear of the site with the Tory Brook. The boundary treatment shall be completed prior to first occupation of the building hereby permitted. The applicant is advised that the provision of a brick wall to the rear of the car parking area as shown on drawing number 1477-002 Rev A is not approved. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the existing trees at the rear of the site are retained in accordance with Policy AEV4 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **12. CAR PARK SURFACING**

Prior to the commencement of development full details of the levels and surfacing of the car parking area shall be submitted to the Local Planning Authority for written approval. The applicant is advised that the surface should consist of a Geoweb type of system. All works shall accord with these approved details.

Reason:

To ensure protection of the existing tree root systems.

**13. HOURS OF OPENING**

The uses hereby permitted shall not be open to customers outside the following times: 0800 to 2200 hours Mondays to Saturdays inclusive and 1000 to 2100 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

**14. BIN STORAGE AREA**

The bin storage area shown on the approved plans shall be provided at the time of development and thereafter permanently made available for use as such.

Reason:

To ensure a satisfactory standard to development.

**15. LANDSCAPING**

Prior to the commencement of development, detailed proposals for additional tree/shrub planting within the site shall be submitted to and be subject to the written approval of the Local Planning Authority, and such planting shall be carried out at the time of development or as soon thereafter as may be agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the City of Plymouth Local Plan First Alteration 1996.

Informatives

1. In connection with condition 3 above, the applicant is advised that the footway must be kept clear of obstruction and therefore the northern corner to the steps will require setting back.
2. In connection with condition 8, the applicant is advised that any extraction system that will result in a material change to the external appearance of the application building will need to be made the subject of a separate planning application for consideration.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be:

previous commercial use of the site, impact on existing shopping centres, impact on highway, accessibility, townscape issues and impact on local amenities

the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

AEV4 - Loss of Existing Hedgerows, Trees or Wood  
AEV31 - Townscape  
AIR2 - Provision for Infrastructure and Amenities  
ASR1 - Hierarchy of Shopping Centres and Location of New Development  
ASR21 - Food and Drink, Entertainment and Amusement Premises  
ATR18 - General Parking/Servicing Requirements  
POL11 - New Shopping Development  
POL18 - Food and Drink, Entertainment and Amusement Use  
POL21 - Mixed Users Areas  
POL44 - Car, Cycle and lorry parking standards and requirements  
POL72 - Protecting Trees  
POL77 - Development settings  
POL89 - Development in areas of flood risk  
PPG6 - Town Centres and Retail Developments  
PPG25 - Flood Risk  
AEV32 - Communication Corridors  
POL78 - Relationship of development to streets and public spaces  
SPG5 - Food and Drink Uses

**Section 106 Obligations**

A draft Unilateral Undertaking has been submitted relating to the provision of the following highway works prior to occupation:

- a widening of the carriageway,
- provision of a footpath,
- provide tactile paving,
- provide 'In' and 'Out' signs,
- to revise the carriageway markings.

In addition, the owner and the applicant will pay a contribution of £13500 towards the provision of a signalled pedestrian crossing and to grant the Council the option to acquire (for £1) land to enable the construction of a cycle bridge and widening a section of footway.

**OFFICERS REPORT**

**Site Description**

Former 'Esso' service station, but now vacant. Site positioned between Plymouth Road, and residential properties in St. Mary's Court opposite, to the north and the Tory Brook, with funeral directors and public car park, to the south. A few retail premises are also located along Plymouth Road to the north-east.

**Proposal Description**

Full planning application for the re-development of this site by erection of two single-storey retail units, one of 300 sq.m. floorspace and one of 98 sq.m., with associated car parking and new vehicular accesses. Following clarification, the agent has confirmed that the smaller of the two units is proposed as either a Class A1 retail shop or Class A3, for food and drink use. A ramped pedestrian access would be available to the proposed units as well as stairs with vehicular access provided through an 'In' and 'Out' arrangement. 10 car parking and 2 staff parking spaces are proposed, together with a moped park. The submitted site layout plan also indicates two areas of possible conveyance to the Council for footway construction upto St. Mary's Bridge and to allow access to a possible cycle bridge over the Tory Brook to link into the cycle/footpath network beyond.

A detailed Planning Report accompanies this application and offers commentary on the policy background, accessibility and sustainability issues and an assessment of retail need and impact on the vitality and viability of nearby shopping centres with appendices incorporating a retail assessment/proof of need report and a preliminary flood risk assessment. A supplementary Tree Report has also been submitted.

**Background History**

85/01213 - Demolition and re-development of existing service station for petrol and diesel sales and the construction of retail sales shop. (Full) - GRANTED  
00/01184 - Installation of cash dispenser (ATM). (Full) - REFUSED

**Consultation Responses**

Environment Agency - The agent has submitted a letter from this Agency confirming the acceptability of the Flood Risk Assessment and its conclusion that the site is outside of the High Risk 1 in 100 year flood plain with possible increases in flow due to climate change also assessed and the site shown to be defended. The EA therefore has no objection to the proposed development on flood risk grounds.

Highway Authority - The main issues are traffic generation, accessibility, highway safety and parking of customer and delivery vehicles.

The traffic generation characteristics would be different to the former use and it is accepted that the proposed uses will be at their busiest in the evening after the peaks on the highway network and that the total traffic generation is likely to be less than the former filling station. Although the site is within easy walking distance of a large number of residential properties, they are on the opposite side of the road with no dedicated pedestrian crossing facility - it is essential that a contribution to these facilities is made if this development is to proceed. The proposal will improve visibility splays and whilst there will be a reduction in traffic visiting the site it is considered that there will be an increase in "right turns" in and out of the site. The white lining in Plymouth Road will therefore need to be altered to provide a refuge for these movements. There will be an increase in pedestrian movement and linkages with Market Road will be improved, however there is a need to improve pedestrian crossing facilities across Plymouth Road. The car parking and delivery arrangements are considered to be adequate.



In conclusion, therefore, the Highway Authority has no objection to the proposals subject to a Planning Agreement being entered into to secure funding towards alterations to this part of Plymouth Road to provide a footway crossing and to use part of the site for a footpath link with Linketty Lane. Conditions recommended. The Unilateral Undertaking that has been submitted is considered to be satisfactory by the Highway Authority in dealing with these matters.

### **Representations**

13 letters of representation have been received objecting on grounds that:

- a take-away unit would be detrimental to the amenities of the area, including flats opposite, the adjacent chapel of rest and the church and churchyard nearby, and would result in the congregation of youngsters, increase in noise, odour and litter and encourage vermin,
- sufficient video and take-away outlets in the area already and would devalue property prices,
- increase in traffic congestion and highway hazard on a busy main road and close to a busy mini-roundabout,
- concern over adequacy of parking provision,
- there is no available pedestrian access, especially from Market Road and the nearby public car park at the playing fields.

### **Observations**

Planning Policy Guidance Note 6 (Town Centres and Retail Developments) 1996 advises that where out-of-centre developments proposed the following key considerations should be applied:

- the likely harm to the development plan strategy,
- the likely impact on the vitality and viability of the existing town centre,
- their accessibility by a choice of means of transport,
- their likely effect on overall travel patterns and use.

The main retail concern therefore would be that this proposal would not unduly compete with the Plympton District Shopping Centre or other local centres so as to adversely affect their vitality and viability.

The agent has submitted evidence of need and assessment against the sequential test introduced in this Planning Guidance. This concludes that for the Plympton core catchment area there is no need for further convenience goods floorspace, but there is capacity for further comparison and leisure related floorspace particularly when looking to 2011. It is submitted that there are no obvious sites within the District Centre for accommodating new development, and shops within this and other local centres are all small, with only 2 units available in the Ridgeway of only some 40 sq.m. in floor area. The agent is of the view that this site is edge-of-centre as it is within easy walking distance to the District Centre at Ridgeway.

PPG6 advises that an edge-of-centre location would be some 200-300m from the primary shopping area, which often will provide the parking facilities that serve the centre and the store. At 425m from the defined prime frontage and lacking the availability of the Centre car park, it is considered that this site is more out-of-centre than edge-of-centre. Notwithstanding, as only a total of some 400sq.m commercial floorspace is being proposed, it falls below the 2500sq.m. threshold which is set in paragraph 4.13 of PPG6 where the submission of evidence to address the above 4 main considerations is required. It does however, acknowledge that such assessments may occasionally be necessary for smaller developments,

such as those that are likely to have a large impact on a District Centre, depending on the relative size and nature of the development in relation to the centre.

It is not considered that these two proposed retail units would have any significant impact on the vitality and viability of the Ridgeway District Shopping Centre and would not therefore conflict with Local Plan policy ASR1.

It is considered that the site is accessible by other modes of transport, being on the main bus route between Plympton and Plymouth, and would, with the pedestrian crossing and cycle bridge, be accessible by pedestrians and cyclists, although it would be unlikely to have any material impact on travel or car use. In addition, the Highway Authority has raised no objection to this proposal, subject to obtaining a contribution of £13500 towards a pedestrian crossing with other highway improvements as indicated above, accept that this proposal would generate less traffic throughout the day than the former petrol filling station use and that adequate car parking and delivery arrangements are proposed. No conflict therefore with policies ATR18 and AIR2.

The submitted tree survey indicates that all of the trees shown to be retained are able to be so with minimal tree surgery, although an alder at the eastern end of the site is dead and therefore additional landscaping at that end of the site should be undertaken. The four trees at the western end of the site (alder, two alder coppices and a sycamore) close to the proposed southern site boundary with the bank of the Tory Brook, however could be undermined by the proposed brick boundary wall and the use of a non-porous surface to the adjacent car parking area. Tree retention, surfacing and boundary treatment are all matters the subject of planning conditions. No conflict therefore with policy AEV4.

The low single-storey form and the design and appearance of the proposed building on this prominent corridor is considered appropriate in townscape terms in accordance with policies AEV31 and AEV32.

Local Plan policy ASR21 does allow new food and drink uses provided there would be no detriment caused to local residential amenities, traffic or parking problems or harm from noise and other disturbances.

As indicated above, the Highway Authority raises no objection to the proposal and it is considered that any potential harm to local amenities caused by noise and disturbance from customers and from odour and litter associated with a Class A3 use can, it is considered, reasonably be dealt with through the imposition of appropriate planning conditions, including restricting the hours of opening. On this basis it is not considered that a Class A3 use of the smaller retail unit would be sufficiently demonstrably harmful in this locality to sustain a refusal of planning permission.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as

successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

The site is identified as falling within a mixed use area (Policy 21) and within an area of flood risk (Policy 89).

Policy 21(3) advises that retail proposals will only be permitted insofar as they are explicitly supported by other policies of the Plan.

Policy 78 advises that development should be designed having regard to its relationship to streets and public spaces.

Policy 89 is considered satisfied as the Environment Agency has confirmed that the site is outside of the 1 in 100 year flood plain.

Policies 11, 18, 44, 27 and 77 essentially reiterate the considerations of the above adopted policies.

Supplementary City of Plymouth Planning Guidance Note 5 (Food and Drink Uses) approved in December 1995. This advises that there are normally three separate areas of concern that need to be considered - amenity, highway issues and concentration of uses. The latter is not relevant in this instance with the consideration of the other two detailed above.

**ITEM: 05**

**Application Number:** 04/02096

**Applicant:** Tamar Science Park

**Description of Application:** Outline application to develop land by erection of buildings to form an extension to the adjacent Science Park, including an ancillary research and education centre, a restaurant, and associated roads and parking areas (Revised scheme)

**Type of Application:** Outline planning application

**Site Address:** Plymouth Swallows, Kingdom Hall And Land To The Rear Off Blunts Lane Plymouth PL6 8BE

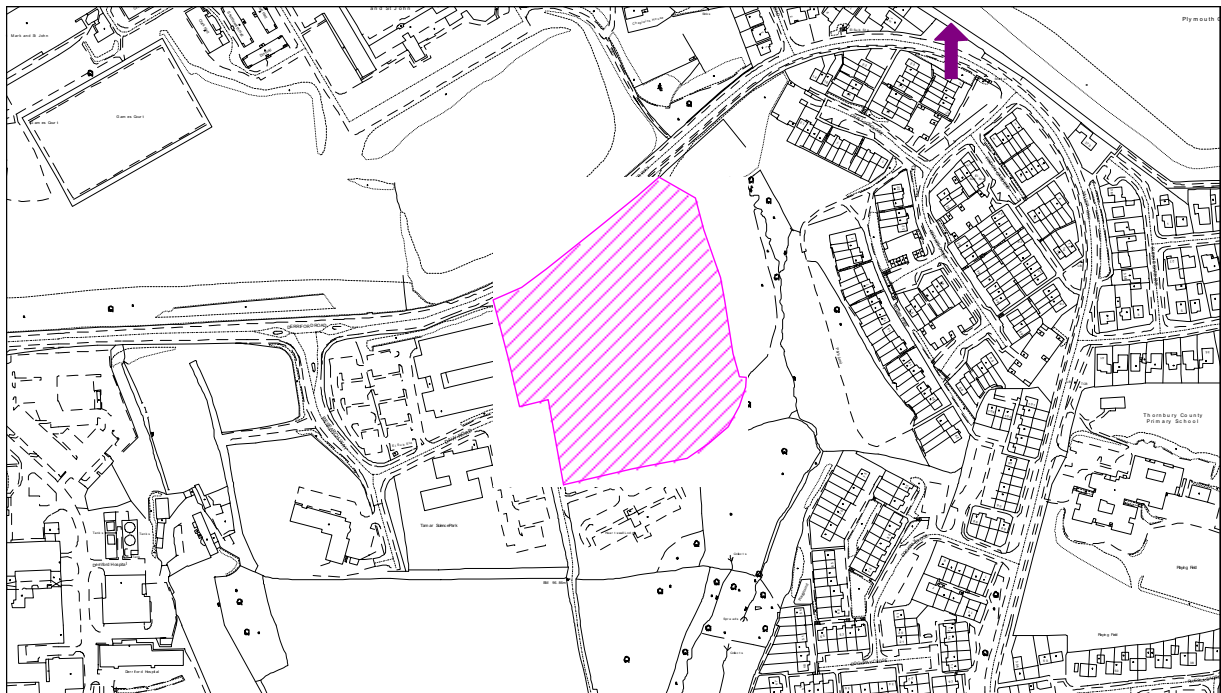
**Ward:** Moor View

**Valid Date of Application:** 12.11.2004

**13 Week Date:** 11.02.2005

**Decision Category:** Major Applications

**Case Officer :** Rob McMillan



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## **Recommendation**

In respect of the application dated **12th November 2004** and the submitted drawings: **site location plan transport assessment 1 transport assessment 2 survey drawing** it is recommended to:

### **Grant Subject to Section 106 Obligation**

#### **1. APPROVAL OF RESERVED MATTERS**

Approval of the details of the siting, design, external appearance of the buildings, the means of access and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### **2. SUBMISSION OF RESERVED MATTERS**

Plans and particulars of the reserved matters referred to in condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### **3. TIME LIMIT FOR SUBMISSION**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

#### **4. TIME LIMIT FOR COMMENCEMENT**

The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

#### **5. FOUL AND SURFACE WATER DRAINAGE**

Development shall not begin until details of the proposals for the disposal of foul and surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features and to prevent the increased risk of flooding downstream to comply with policy CO13 of the approved Devon Structure Plan 2004.

#### **6. AVOIDANCE OF INCREASED FLOOD RISK**

The drainage details in accordance with condition 8 will require a Quality Control Procedure. The system will drain either by:

1. Infiltration according to CIRIA 156 with capacity based on a 100-year design storm; or
2. Infiltration according to CIRIA 156 with capacity based on a 30-year design storm but with measures to detain surface water on site for up to the 1 in 100-year storm; or
3. Positive discharge restricted to the mean annual flood greenfield run off, with storage provided for up to the 1 in 100-year storm. Such storage can be included above ground storage. The runoff rates must be based on sufficient site permeability tests and local rainfall intensity values.

Reason:

To prevent the increased risk of flooding downstream to comply with policy CO13 of the approved Devon Structure Plan 2004.

#### **7. LANDSCAPE DESIGN PROPOSALS**

No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **8. SOFT LANDSCAPE WORKS**

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **9. LANDSCAPE WORKS IMPLEMENTATION**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **10. DETAILS OF FLOODLIGHTING**

Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the part of the site to be illuminated is brought into use . Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

#### **11. LANDSCAPE MANAGEMENT PLAN**

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First alteration 1996.

#### **12. MAINTENANCE SCHEDULE**

No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained.

#### **13. STOCKPILING/PROT. OF EXISTING TOPSOIL**

Existing topsoil stripped for re-use must be correctly store in stockpiles that do not exceed 2 metres in height and protected by chestnut palings at least 1.2 metres high to BS 1722 Part 4 securely mounted on 1.2 metre minimum height timber posts driven firmly into the ground.

Reason:

To ensure that the structure of the topsoil is not destroyed through compaction; that it does not become contaminated; and is therefore fit for re-use as a successful growing medium for plants in the interest of amenity.

#### **14. TREE SURVEY**

The plans and particulars of the landscaping works submitted in accordance with conditions 7 and 8 above shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping, lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within a distance of any retained tree or any tree on land next to the site equivalent to half the height of that tree;

(e) details of the specification and position of fencing for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason:

In accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **15. TREES AND HEDGES 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 unit 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 Section 8 of BS 5837:1991 ( 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are protected during construction work in accordance with Policy AEV4 and thereafter are properly maintained, if necessary by replacement.

### **16. BOUNDARY TREATMENT**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance



with a timetable to be agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **17. DETAILS OF ENCLOSURE AND SCREENING**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **18. ARCHAEOLOGY**

No work shall begin on the development hereby permitted until the applicant has made arrangements, to be agreed in writing by the Local Planning Authority, for a programme of archaeological investigation and recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that any archaeological interest on the site is recorded to comply with policy AEV11 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **19. DETAILS OF REFUSE STORAGE**

No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

### **20. PROTECTION OF NATURE CONSERVATION**

Details of a buffer zone between the application site and adjoining Bircham Valley local nature reserve including mitigation measures to protect the local nature reserve and site of local importance for nature conservation from any impacts that would damage its nature conservation interest shall be submitted to and approved by the local planning authority before work begins on the development hereby permitted. The development shall be carried out in accordance with these approved details.

Reason:

To conserve and protect the Bircham Valley local nature reserve and site of local importance for nature conservation to comply with policies AEV7, AEV8 and AEV9 of the adopted City of Plymouth Local Plan First Alteration 1996

**21. EXTERNAL MATERIALS**

No development shall take place until samples of the materials to be used in the construction of the external surfaces 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 materials used are in keeping with the character of the area in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

**22. SURFACING MATERIALS**

No development shall take place until details and samples of all surfacing materials to be used 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 materials used are in keeping with the character of the area in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

**23. FLOORSPACE AMOUNTS**

The total gross external floorspace shall not exceed 12,410 sq.m comprising not more than 11,210 sq.m use class BI business floorspace and not more than 1,200 sq.m of restricted use class A3 restaurant floorspace.

Reason:

To ensure that the site is not overdeveloped in the interests of amenity and highway safety to comply with policies AEV31 and ATR5 of the adopted City of Plymouth Local Plan First Alteration 1996.

**24. CODE OF PRACTICE DURING CONSTRUCTION**

Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

**25. RESTRICTION ON PERMITTED CHANGE OF USE**

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), no change of use falling within Classes A and B of Part 3 of Schedule 2 to that order shall be carried out without the consent in writing of the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate, but that a proposal to use the premises for any other purpose would need to be made the subject of a separate application to be considered on its merits.

**26. DEFINITION OF COMMERCIAL B1 USE**

The business premises shall be used for Use Class B1 business purposes and for no other uses in the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

**27. RESTRICTED ANCILLARY A3 RESTAURANT USE**

The restaurant premises shall be used for restaurant, cafe or bistro purposes ancillary to the Tamar Science Park only and for no other purposes including any other purpose in Class A3 of the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

**28. NO OPEN DISPLAY**

No goods, plant or machinery shall be stored or displayed in the open without the prior consent in writing of the Local Planning Authority.

Reason:

To safeguard the amenities of the area and the appearance of the site.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be: the principle of development and implications for the existing uses; transport matters; design; impact on the trees, hedgerows and adjoining nature reserve; and flood risk and drainage; the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and

relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

POLS3 - Infrastructure and community benefits  
AEV4 - Loss of Existing Hedgerows, Trees or Wood  
AEV7 - Preservation of SLINCs  
AEV8 - Nature Conservation Features  
AEV9 - Adverse Effect on Nature Conservation Features  
AEV11 - Archaeological Preservation  
AEV31 - Townscape  
AEV33 - Pedestrian Circulation  
AEV38 - Landscaping and Enhancement Schemes  
AEV45 - Access for Disabled Persons  
AEV47 - Safe and Secure Environments  
AER13 - Offices outside the City Centre  
ATR5 - The Road Network  
ATR18 - General Parking/Service Requirements  
ATR4 - Cyclists and Pedestrians  
ATR20 - Car Parking for People with Disabilities  
ASR21 - Food and Drink, Entertainment and Amusement Premises  
AIR1 - Decisions on Planning Applications  
AIR2 - Provision for Infrastructure and Amenities  
POLS2 - Strategic principles on the distribution of development.  
POL6 - Office Development outside the City Centre  
POL18 - Food and Drink, Entertainment and Amusement Use  
POL21 - Mixed Users Areas  
POL38 - Walking and Cycling  
POL39 - Buses and New Developments  
POL44 - Car, Cycle and lorry parking standards and requirements  
POL47 - Transport assessments and travel plans  
POL48 - Highways capacity and safety  
POL69 - Development in Greenscape areas  
POL71 - Protection of Landscape Features, Habitats and Species  
POL72 - Protecting Trees  
POL73 - Ancient monuments and archaeology  
POL77 - Development settings  
POL78 - Relationship of development to streets and public spaces  
POL79 - Development that creates public space  
POL80 - Ease of movement  
POL81 - Personal safety and crime prevention  
POL82 - Landscaping in development  
POL85 - Environmentally conscious design  
POL89 - Development in areas of flood risk  
POL92 - Surface water run off  
PPG1 - General Policy and Principles  
PPG4 - Industrial and Commercial Development  
PPG9 - Nature Conservation  
PPG13 - Transport  
PPG16 - Archaeology and Planning  
ACR11 - Protection of Existing Community Facilities  
POL53 - Protection of Community Facilities  
POL63 - Protection of indoor or outdoor sports facilities

**Section 106 Obligations**

An obligation is required to provide for a travel plan covering the application site and existing Tamar Science Park. This will include financial penalties if targets are not met. There will be a contribution to the Derriford bus shuttle service. The amount has still to be agreed.

## OFFICERS REPORT

### Site Description

The site lies to the east of the Tamar Science Park at the junction of Derriford Road and Blunts Lane. It has an area of 2.5ha. There are hedge banks and trees on both sides of Blunts Lane and trees along the southern boundary. Marjons is north of the site where there is an embankment with mature pine trees. Bircham Valley Nature Reserve is to the east comprising a steep wooded valley. There is a line of mature trees on the southern boundary and beyond this is Heartswell Lodge. The western part of the site comprises Kingdom Hall and the Swallows Gymnasium. The eastern part is an area of rough grassland that rises up and then drops down to an area of brambles and gorse and the Bircham Valley. The land falls from south to north.

### Proposal Description

The application is in outline, with all matters reserved, for an extension to the Tamar Science Park. The illustrative plans show a development of 11,210m<sup>2</sup> of business/research and development floorspace and a restaurant of 1,200m<sup>2</sup>. Access would be from Davy Road. A new access off Derriford Road would be created but restricted to buses, cyclists and pedestrians and Blunts Lane north of Davy Road would be closed to vehicular traffic. The buildings would be grouped around a central public space with perimeter buildings around courtyards. Formal street relationships would be created with the surrounding roads and new access from Derriford Road. The buildings would be two storey with three storey parts at corner plots. There would be 348 parking spaces with a further 100 occasional overspill conference spaces within the open spaces. There would be a balancing pond in the south eastern part.

### Background History

Application site

04/00354 - OUTLINE APPLICATION - To develop land by erection of buildings to form an extension to the adjacent Science Park, including an ancillary research and education centre, a restaurant, and associated roads and parking areas - WITHDRAWN.

Land west of the application site

There have been several application on the existing Tamar Science Park. The main ones are:  
96/01170 - Erection of innovation and technology transfer centre - GRANTED.

00/01273 - Extension to ITTC Phase One building to form new entrance/reception facility

### Consultation Responses

Highway Authority - Traffic Generation/Impact

In terms of vehicular movements at the junction of Plymbridge Lane with Derriford Road, the Transport Assessment states that there will be little impact upon this junction in terms of additional movements generated by the proposed extension to the Tamar Science Park (TSP). Recent survey work indicates that this junction is operating well over capacity in both the am and pm peak traffic periods.

In the am period, the proposed development would increase the number of eastbound movements at this junction by an additional 4.6%. Guidelines state that an increase in traffic movements up to 5% is allowable, except where traffic congestion problems already exist. The Derriford Road/ Plymbridge Lane junction is heavily congested. In the pm period, the

number of westbound movements at the junction would increase by nearly 10% on that arm, a significant rise in movements. Traffic approaching the site from the west would also have to negotiate Derriford Roundabout, which is also operating at capacity (and beyond) in both the am and pm peak traffic hours, with vehicles often queuing back to the Derriford Road/Plymbridge Lane junction.

The distribution of traffic entering and leaving the site in the am and pm is based on the TA submitted for the Peninsula Medical School in 2002. This stated that only 32% of the traffic entering the TSP would do so approaching from the west (Derriford Roundabout) and that 68% would travel to the site along Miller Way. Officers question the accuracy of this distribution split, as the percentage of traffic approaching and entering the site from the west would seem to be very low. Obviously any increase in the percentage of vehicles approaching the TSP from this direction would increase the figure of 4.6% mentioned above, adding to the existing congestion problems at Derriford Road/Plymbridge Lane.

A total trip rate of 2.21 movements per 100 sq.m. of GFA has been applied to the B1 use (11,210 sq.m in total) from the TRICS database. However by undertaking a more specific search of sites within TRICS that are of a similar size to that being proposed (between 7,000 and 15,000 sq.m), the total trip rate increases to 2.97 movements from the current rate of 2.21.

Car Parking- Whilst the number of car parking spaces serving the site (348 in total) falls within the parking standards in both the FDLP and PPG 13 (373 spaces based on 1 space per 30 sq.m. of GFA), for the reasons above relating to the impact of the development on the highway network, the LPA would be seeking a reduction in the level of car parking serving the site from that which has been proposed. These are maximum parking standards and should not form the baseline for parking provision.

The parking accumulation survey submitted takes no account of the need for a Travel Plan and the modal shift away from single car occupancy journeys to sustainable modes of transport such as public transport, walking, cycling etc and hence reducing the number of traffic movements currently taking place on the highway network and easing congestion at existing junctions that are operating at capacity. The level of car parking proposed to serve the site should be reduced in order to reflect the modal shift targets included within the Travel Plan which, shall be applied to the entire TSP, not just phase 4.

Officers do not agree with the requirement that additional 'over flow' spaces be provided to serve conferences held at the TSP. Car parking to serve such a facility should be included within the overall car parking allocation for the site. Rather than attract delegates to the site by car, the applicant should seek to promote the use of the sustainable alternatives along with the Park and Ride sites at both The George and Milehouse. The latter would cater for "reverse" bus flows where people living in the south west part of the city would travel away from the city centre during the morning peak and towards it in the evening.

Suitable measures will need to be put in place to ensure that the car parking spaces serving the site are managed and are not subject to abuse by staff employed at other nearby trip attractors (Derriford Hospital, PIBP etc).

Some secure and covered cycle parking should be provided to comply with policies ATR18, 38 and 48: 25 would suffice, 1 space per 450 sq.m.

The closure of Blunts Lane to vehicular traffic would lead to the removal of some on-street car parking, although the precise extent of the number of spaces removed needs to be

determined (31 proposed in the TA). The lack of parking for the restaurant is acceptable as the applicant has confirmed that this facility will primarily serve the Science Park.

Travel Plan - The applicant is proposing to introduce a 'global' Travel Plan for the existing TSP and the proposed extension. The Travel Plan would actively seek to promote the use of sustainable transport modes and reduce the number of single car occupancy journeys. A survey of staff at phases 1 and 2 of the TSP showed that 89% of the journeys are single car occupancy, with only 4% car sharing and 4% using public transport. Considering that the site is located within a short walk of Derriford Hospital, which is served by an average of 40-50 buses an hour, these figures are particularly disappointing.

At present 55-60% of the total number of journeys being made to Derriford Hospital (both staff and patients) are single car occupancy. The TSP will be served by the Derriford shuttle bus service linking sites to the proposed bus station at Derriford Hospital. This service will be essential in raising the awareness of staff to the use of public transport as an alternative to the car. The applicant has proposed a modal shift target of 70% single car occupancy from the year of opening, with a reduction to 60% after 2 years. Research has proven that travel patterns are often determined within the first few days and once established, it is very difficult to influence and change them, particularly after an extended length of time such as 2 years.

Officers require a single car occupancy target of 65% be agreed from the outset, with a further reduction to 60% either after 2 years or on commencement of the shuttle bus service through the site (whichever is sooner). This change in travel by single car occupancy would lead to a reduction in the parking requirement of 24%, that is 84 spaces to 264. It would encourage the modal shift to sustainable transport and further enhance the concept of demand management in relation to car parking on the TSP.

To ensure that the applicant strives to meet the modal shift targets, the travel plan will be monitored by the Local Authority on a 6 monthly basis if phased targets are not achieved there would be financial penalties. Details of these penalties will be subject to negotiation. The travel plan would be covered by way of a Section 106 Agreement.

Shuttle Bus - At present there are 40-50 buses an hour serving Derriford Hospital and this is likely to increase when the bus station is built. The TSP will be served by this number of bus services with the start of the shuttle bus service through the site. A contribution is needed towards it, to be agreed by negotiation, to be secured in the S106 obligation.

Layout - A further crossing point (with central island) should be provided on Derriford Road, close to its' junction with Blunts Lane in order to provide a safe crossing on Derriford Road for both cyclists and pedestrians accessing Blunts Lane from Derriford Road.

Servicing areas of adequate size should be provided to ensure that delivery vehicles etc can be loaded and unloaded whilst parked clear of the internal site access road. The traffic routes through the site are unclear from the layout plans submitted. There appear to be a number of 'dead ends' without adequate vehicular turning provision, especially for larger refuse/delivery vehicles. Further clarification is therefore sought from the applicant relating to the internal operation of the site/traffic routing.

The closure of the upper section of Blunts Lane to vehicular traffic is likely to require a Traffic Order. The applicant needs to demonstrate how they propose to keep the internal access roads clear of parked vehicles (double yellow lines?)



The applicant has indicated that a bus/cycle/pedestrian access route will be provided into the site from Derriford Road. To ensure that this access is not used by cars etc, suitable access control measures will be required such as a barrier with swipe card/identification loops in the road. Bus stops and shelters will need to be provided at strategic locations along the route that the shuttle bus would take through the site.

Environment Agency - No comments received.

Plymouth City Airport - No objection.

Environmental Services - No comments received.

Economic Development - No objections.

### **Representations**

No letters of representation have been received.

### **Observations**

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

The main issues with this application are: the principle of development and implications for the existing uses; transport matters; design; impact on the trees, hedgerows and adjoining nature reserve; and flood risk and drainage.

### **Principle**

The site is unallocated "white land" in the adopted Local Plan First Alteration (FALP) and a mixed use area in the Local Plan First Deposit (FDLP). The adopted local plan does not have policies for science parks but the proposed mix of uses complies with FDLP 21 particularly as it adjoins the existing Tamar Science Park. The strategy section of the FDLP identifies Derriford Hospital and adjoining sites as a medical and health cluster to include linked research and education. The expansion of the science park conforms with this objective.

The proposal involves land used as a Kingdom Hall by Jehovah's Witnesses and the Swallows Gymnasium. These are well-used community and sporting facilities that must be replaced at suitable alternative sites to comply with policies ACR11, 53 and 63. Officers are aware that the applicants have been negotiating with these occupiers and officers in other Council services to achieve this. If members are minded to grant permission suitable conditions will be attached to ensure this occurs making the principle of the development acceptable.

## **Transport**

The crucial matter with this application is the transport implications. The transport officer's detailed and thorough comments are set out above. The road network in the northern corridor suffers congestion particularly at the Derriford roundabout and Derriford Road/Plymbridge Lane. The applicant estimates that when the proposal is completed and fully occupied there could be 1,000 employees. Many of these would travel to work by car. Such an increase in traffic would exacerbate the existing traffic jams. Officers are negotiating with the applicant's agents to try to agree measures to reduce the harmful effects caused by the increase in traffic the proposal will generate. These are:

1. The level of car parking (348 spaces) should be reduced to reflect modal shift targets within the travel plan. (See further below)
2. In respect of the travel plan for the existing TSP and this extension, a single car occupancy target of 65% should be agreed from the outset, with a further reduction to 60% either after two years or on commencement of the shuttle bus service (whichever is the sooner).
3. In accordance with the reduction in the percentage of single car occupancy journeys from 89% to 65%, there should be a comparable reduction in car parking spaces serving the site, i.e. by 24%, that is 84 spaces. The Travel Plan will need to be monitored every six months, and financial penalties imposed if targets are not met.
4. A financial contribution must be made to the shuttle bus service, which will run through the Science Park. The size of this contribution will need to be determined through negotiation.

If the applicant agrees to these measures the proposal could be acceptable to comply with policies ATR5, ATR18, ATR4, 38, 44, 47 and 48.

As this is an outline application with little detail on access and highway matters, there are a number of points relating to means of access, servicing, pedestrian, cycle and bus routes and facilities and the closure of part of Blunts Lane would be agreed at the detailed stage. They will be covered by conditions and informatives that will be set out in an addendum report.

## **Design**

The applicant's design agents have cooperated with the Council urban designers to prepare an illustrative masterplan for the development of the extension. The concepts of: harmonising the built form into its natural setting; grouping the buildings around a public space; creating perimeter buildings around courtyards and street spaces to create definition and enclosure; following the TSP theme of using contemporary design are all supported as they comply with the local plan design policies. Care will be required at the detailed stage to ensure there are good pedestrian and cycle links with the adjoining roads, sites and nature reserve.

## **Trees hedges and nature conservation**

There are mature trees and hedgebanks along Blunts Lane on the west of the site and on the southern boundary. These add to the character of the area and their loss should be minimised. Those to be retained must be protected and managed with sufficient space between them and the proposed buildings and hard surfaced areas to comply with policies AEV4, AEV38, 71 and 72.

The eastern boundary is with the Bircham Valley local nature reserve. This a site of local importance for nature conservation area in the FALP and greenscape area 108 in the FDLP. When detailed plans are prepared they will need to show a buffer zone with this area to ensure that its nature conservation and amenity value is not harmed to comply with policies AEV7, AEV8 AEV9 and 69.

**Drainage**

The site is in the "Derriford, Plympton red problem drainage" area where development at Derriford has increased the risk of flooding downstream in the Forder valley. The development will increase surface water run off rates in storm conditions. Surface water drainage and/or storage will be required to prevent the increased risk of flooding downstream to comply with policy CO13 of the new structure plan and FDLP policies 89 and 92. The illustrative plans show that there will be an attenuation pond in the south east corner of the site to perform this function.

**Conclusion**

The principle of development is acceptable for the above reasons and it would be a valuable addition to the Derriford medical and health cluster. It is essential that the siting and design respect the natural features surrounding the site and the transport implications can be controlled sufficiently so as not to cause unacceptable additional congestion on the nearby highway network and junctions. Officers still have transport concerns and are negotiating these matters with the applicant's agents. They will update members at the Committee meeting. If Officers can agree the transport measures with the applicant the application would be acceptable.

**ITEM: 06**

**Application Number:** 04/02180

**Applicant:** Mr I Garton

**Description of Application:** Outline application to demolish rear bldgs.and develop land by erection of students' studios/key workers' accommodation, with communal services and cycle/car parking, and change of use of front building from shop to wine bar with flat above  
**Type of Application:** Outline planning application

**Site Address:** 25-27 Bretonside Plymouth PL4 0BB

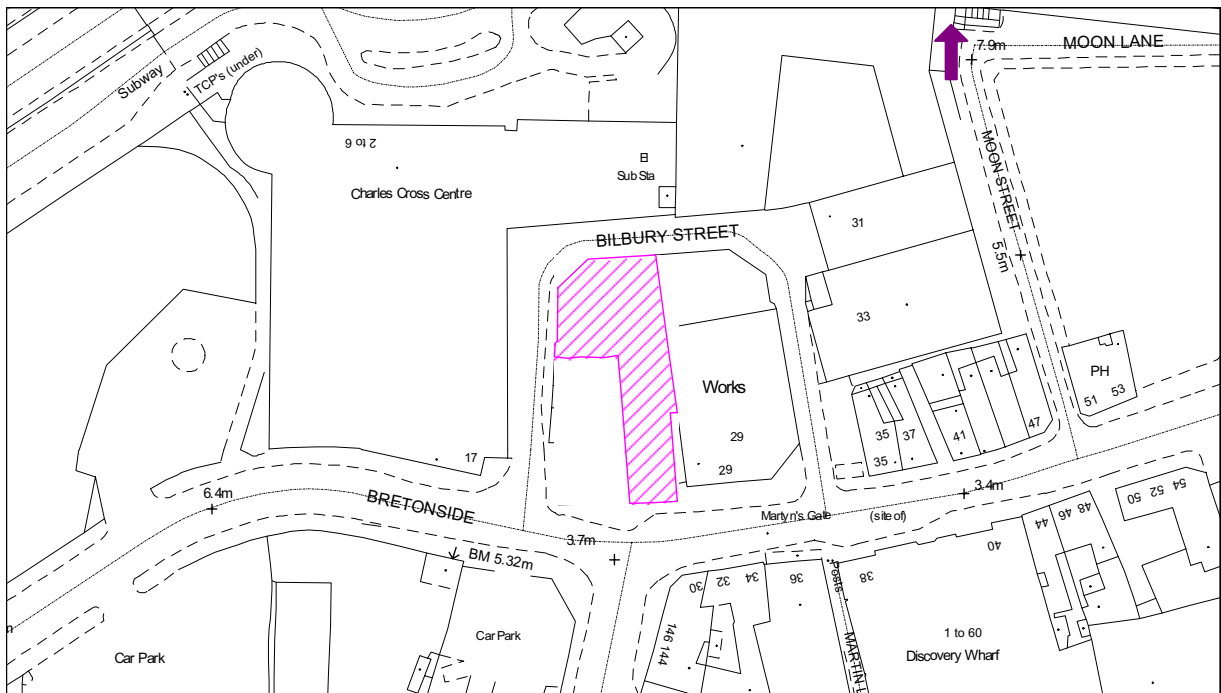
**Ward:** St Peter And The Waterfront

**Valid Date of Application:** 24.11.2004

**13 Week Date:** 23.02.2005

**Decision Category:** Major Applications

**Case Officer :** Mark Evans



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## **Recommendation**

In respect of the application dated **24th November 2004** and the submitted drawings: **964.02B 964.03B** it is recommended to:

### **Grant Subject to Section 106 Obligation**

#### **1. APPROVAL OF RESERVED MATTERS**

Prior to the commencement of the conversion of the exiting retail premises or the use of the wine bar commencing, the following details shall have been submitted to and agreed in writing by the Local Planning Authority:

- (1) Details of the extent of the proposed wine bar use, including details of type of food served;
- (2) Scaled plan of the proposed kitchen;
- (3) Method of cooking;
- (4) Details of a ventilation extraction system (scaled plan of the position of the discharge stack in relation to the building and residential accommodation, specification design, mechanical noise levels, internal siting and odour mitigating measures).

Such agreed details shall be fully implemented on site prior to any use of the premises as a wine bar commencing and shall be thereafter so retained and maintained unless the Local Planning Authority gives written consent to any variation.

#### **Reason**

To enable the Local Planning Authority to consider the details of the proposed wine bar in the interests of the residential amenity of neighbouring properties, and in accordance with adopted Local Plan Policies ASR18, ASR21 and relevant Central Government advice.

#### **2. SUBMISSION OF RESERVED MATTERS**

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the buildings, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

#### **Reason:**

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### **3. TIME LIMIT FOR SUBMISSION**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

#### **Reason:**

To comply with Section 92 of the Town and Country Planning Act 1990.

#### **4. TIME LIMIT FOR COMMENCEMENT**

The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

### **5. WINE BAR DETAILS**

Prior to any conversion of the ground floor retail unit or use of the wine bar commencing, whichever is the sooner, the following details shall have been submitted to and agreed in writing by the Local Planning Authority:

- (1) Details of the extent of wine bar use including the type of cooking proposed;
- (2) Details of a ventilation extraction system to be installed (including details of siting, design, mechanical noise levels generated and type of silencer to be used, details of any odour mitigating measures and scaled plan of the position of the discharge stack in relation to the building and the residential accommodation;
- (3) Scaled plan details of proposed kitchen;

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained and retained.

Reason:

To enable the Local Planning Authority to consider the details of the proposed wine bar use in the interests of the residential amenity of the neighbouring properties, and to accord with adopted Local Plan Policies ASR18, ASR21 and relevant Central Government advice.

### **6. PEDESTRIAN/CYCLE ACCESS**

The building shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity.

### **7. CAR PARKING PROVISION (BUILDING)**

The building shall not be occupied until a car parking area has been constructed, drained and surfaced in accordance with the details that shall be previously submitted to and approved in writing 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, in accordance with adopted Local Plan Policies ATR5, ATR18 and relevant Central Government advice.

### **8. CYCLE PROVISION**

The development 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 15 bicycles to be parked.

Reason

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

**9. CYCLE STORAGE**

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 of or visitors to the building.

**10. LOADING AND UNLOADING PROVISION**

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

Unless otherwise agreed in writing with the Local Planning Authority, deliveries shall only take place between the hours of 08:00 hrs to 19:00 hrs. For the avoidance of doubt there shall be no deliveries outside these times.

Reason

To enable such vehicles to be loaded and unloaded so as not to cause obstruction to the public highway to avoid:-

- a. damage to amenity;
- b. prejudice to public safety and convenience, and
- c. interference with the free flow of traffic on the highway, and
- d. in the interests of the residential amenity of neighbouring properties.

**11. CODE OF PRACTICE DURING CONSTRUCTION**

Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

## **12. ARCHAEOLOGICAL SURVEY**

No part of the development shall be commenced until the applicant has made arrangements, to the satisfaction of the Local Planning Authority, for a programme of archaeological observation and recording, in accordance with a written scheme which has been previously submitted to and agreed in writing with the Local Planning Authority.

### Reason

In accordance with Policy AEV11 of the adopted City of Plymouth Local Plan First Alteration, 1996.

### Informatives

1. The applicant's attention is drawn to the fact that the units shall be excluded from the Parking Permit Zone that is in operation in the area.
2. A Section 106 Agreement will be required in order to secure a contribution of £10,000 towards improving pedestrian linkages from the development to the City Centre and Barbican area, and towards the provision of additional traffic signage directly opposite the entrance to the rear parking area in order to highlight the fact to motorists exiting the development, that Bilbury Street is one-way.
3. With regards service vehicle loading and unloading, in order to ensure that vehicles associated with deliveries/collections from the wine bar are parked clear of the highway, the applicant is recommended to explore the possibility of obtaining permission to use the dedicated loading/unloading bay in Bilbury Street, which serves both Gala and Staples.
4. The applicant is advised that the proposed development is likely to generate a requirement for the on-site provision of 25% affordable housing achieved through a 50:50 split mix of rent and shared ownership, delivered through one of the Council's partner RSLs.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations which in this case are considered to be the impact of the development on the townscape; the impact of the development on the appearance, character and setting of the adjoining listed building and conservation area; the impact of the development on the local highway network and the provisions to be made for improved pedestrian/cyclist connections to and from the application site; the impact of the development on the residential amenity of neighbouring properties, the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

AEV31 - Townscape  
AHR2 - New Residential Development  
AHR3 - Housing Density  
AHR4 - Privacy and Overlooking  
AHR5 - Character of Residential Areas  
AHR18 - Affordable Housing  
AHR23 - Accessible Housing  
ATR5 - The Road Network



ATR18 - General Parking/Servicing Requirements  
ARL9 - Amenity/Children's Play Space in New Residential Development  
ACR7 - University Student Accommodation  
AEV11 - Archaeological Preservation  
ASR21 - Food and Drink, Entertainment and Amusement Premises  
POL25 - New Housing Development  
POL26 - Established Residential Areas  
POL27 - Residential Density  
POL74 - Development affecting listed buildings  
POL75 - Development in Conservation Areas  
POL77 - Development settings  
POL36 - Student Housing  
PPG1 - General Policy and Principles  
PPG3 - Housing  
PPG13 - Transport  
PPG15 - Planning and the Historic Environment  
C9 - Enhancing the Urban Environment  
C11 - Historic Settlements and Buildings  
T2 - Hierarchy of Travel Modes  
T3 - Walking and Cycling  
T19 - Access from Development onto the Highway Network  
H1 - Distribution of Housing  
H5 - Residential Densities  
ASR18 - Changes in Use of Shopping Centres

### **Section 106 Obligations**

The following financial contributions and off-site works are required in connection with the proposed development:

- (1) Off-site open space improvements - (amount dependent on type of residential units proposed);
- (2) Improved pedestrian linkages from the development to the Barbican and City Centre areas- £10,000;
- (3) Public realm improvements at Charles Church - £2500.

In addition, provision of 25% on-site affordable housing is required should the development incorporate 24 residential units or more.

An administrative fee of 10 % would also apply.

## OFFICERS REPORT

### Site Description

This is a 0.055 hectare site on the northern side of Bretonside directly opposite its junction with Vauxhall Street. The site is occupied by an impressive three-storey frontage building which contains a car radio retail/office premises (Turnbull's) on the ground floor with ancillary commercial, including storage, accommodation above, and by an ancillary workshop building fronting Bilbury Street to the rear. Immediately to the west in Bretonside, is the Grade II Listed Kings Head public house, whilst immediately to the east is a rather plain single-storey building occupied by HM Customs. The boundary of the Barbican Conservation Area extends along Bretonside immediately to the front of the existing shop/showroom premises, with the application site therefore being just outside the northern boundary of this Conservation Area..

### Proposal Description

The proposal is to retain and refurbish the existing three-storey building fronting onto Bretonside, with a change of use of the existing ground floor retail use to a wine bar with restricted A3 use, (restricted food menu). The development incorporates the demolition of the existing buildings to the rear with the construction of a new building containing student accommodation.

The application seeks outline planning permission with design, siting, and external appearance all reserved for future consideration. However, the application is accompanied by illustrative drawings showing the retention of the original two/three storey building on the Bretonside frontage with a new four storey building stepping up to a five storey building to the rear. These details show that the building could contain 30 self-contained student rooms, with six parking spaces including a disabled parking space and a secure cycle store accessed at the rear off Bilbury Street.

### Background History

04/00865 - Outline application to demolish shop/workshop and develop land by erection of students' studios with communal services and car/cycle parking, with details of means of access and landscaping - Refused

### Consultation Responses

Environment Agency - No Comments received.

Highway Authority - No objections in principle subject to financial contribution towards improved pedestrian linkages from the development to the Barbican and City Centre areas - £10,000, and appropriate highway conditions. Occupiers of accommodation would be excluded from permit parking schemes.

English Heritage - On the basis of the information submitted, (lack of contextual analysis, design statement or scheme justification), cannot endorse any decision of approval.

South West Water -No comments received

Environmental Services - On the basis of the level of information provided, does not support application - If application is to be supported, further details are required regarding the type of A3 use, details of proposed extraction system (where relevant), sound insulation, drainage and delivery and hours of operation. Appropriate conditions are recommended to ensure such details are obtained.

Housing - A proposal for 30 residential units would result in the requirement for affordable housing provision, preferably within the site due to its ideal town centre location. The suggested unit sizes appear too small and are not appropriate for permanent living, and will not therefore be acceptable to meet the Council's housing needs. It is suggested that the unit sizes should be increased and that on-site provision of 25% is provided. Ideally this should be in the form of a mix of rented and shared ownership at 50:50 split and delivered through one of the Council's partner RSLs.

Plymouth University - No objections to principle, comments made regarding suggested layout, size of units, tenure and management.

### **Representations**

No letters of representation have been received.

### **Observations**

The application stands to be considered in the context of the following key policies of the Adopted City of Plymouth Local Plan 1996.

AEV14 - Seeks to ensure new development does not harm the setting of a listed building. In this respect, the proposed development proposes the retention and refurbishment of the existing two/three storey building which fronts onto Bretonside, and which is considered to be an important historic feature in the streetscene adjacent to the Grade II Listed Kings Head Public House. This would contribute to the preservation of the appearance and setting of the adjoining listed building, and is therefore in accordance with adopted planning policy.

AEV20 - Seeks to ensure that new development does not harm the setting of a designated Conservation Area. In this respect, the proposed development retains the visually interesting historic two/three storey building fronting onto Bretonside which, although unlisted, does contribute significantly to the character and appearance of this part of the Conservation Area. In addition the larger portion of the proposed new four and five storey development to the rear would be viewed against the backdrop of part of the much larger Staples building, and therefore would be unlikely to have an adverse impact upon the character and appearance of the Conservation Area. For these reasons the proposed development is considered to be acceptable.

AEV31 - Seeks to ensure that the form, scale, and design of new development is compatible with its surroundings. As described above the development would be likely to be in keeping with the scale of development in the locality, and accordingly is considered to be acceptable.

ACR7 - Seeks to encourage the creation of student accommodation in locations that are easily accessible to the University, and in this respect the proposed site appears to be accessible and reasonable for this purpose.

ARL9 - Seeks to ensure that a reasonable amount of amenity or open space is provided in new residential developments for the benefit of prospective residents. In this respect the illustrative drawings indicate that only an extremely limited, totally enclosed on-site amenity space could be provided. In the event of planning permission being granted for this

development then a more acceptable form of open space/amenity area would need to be provided on site, or alternatively a financial contribution would be required to secure off-site improvements at a suitable location in the neighbourhood.

ATR4/ATR5 - Seek to ensure that new development is compatible with the capacity of the local road network and that adequate provision is made for pedestrians and cyclists. The low level of on-site parking spaces for the student flats is considered to be reasonable and should ensure that occupiers and visitors would be encouraged to seek to use more sustainable forms of transport than the private car. The development would be expected to give rise to greater pedestrian movements in the area and in this respect a contribution towards improved pedestrian and cycling links should be sought, including improved footpath facilities to and from the Barbican and City Centre.

ASR18 and ASR21 - Seek to ensure that new food and drink premises, or any change of use to such uses does not seriously undermine the retail function of the shopping centre, or result in unacceptable detriment to residential amenity, or traffic and parking problems, or noise levels and other disturbances. Taking into account the use of the adjoining public house, the proposed wine bar use with restricted A3 use, (limited snack food served only), is not considered to conflict with the provisions of these policies. Appropriate conditions are suggested to address the above-mentioned Environmental Services' concerns.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF

Policies 25, 26, 27, 74, 75, 77, and 36 reiterate those of the Adopted Local Plan described above.

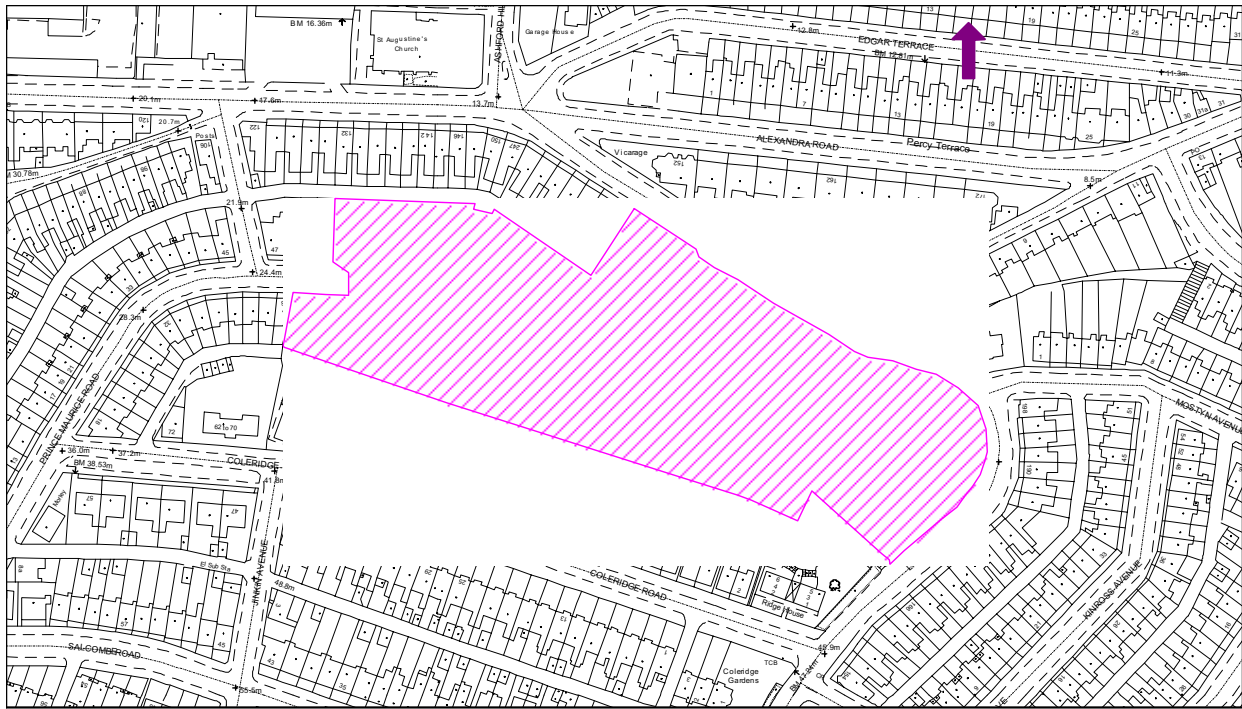
A further material planning consideration is that the application site lies wholly within the area affected by the Moon Street and environs Planning and Urban Design Brief which was published by the City Council in January 2000. The main purpose of the brief is to guide prospective developers when preparing redevelopment schemes. The Brief envisages a mix of uses within this area, but significantly though, predominantly residential and office accommodation. The Brief identifies the Bretonside frontage building as being of townscape merit and which as such should be retained in situ. The proposed development would therefore be in accordance with this brief in this respect.

In summary, whilst the comments of English Heritage regarding the level of detail submitted are noted, it should be taken into account that this is an outline application with details of siting, design and external appearance reserved for future approval. It is considered that the proposed development would be in keeping with both the setting of the Barbican Conservation Area and adjacent listed building and the proposed retention and refurbishment of the existing three storey frontage building onto Bretonside and suggested scale and design

of the new building proposed to the rear is considered appropriate. The development would not conflict with the requirements of the Moon Street and Environs Planning and Urban Design Brief.

**ITEM: 07**

**Application Number:** 04/02181  
**Applicant:** The William Jinkin Trust  
**Description of Application:** Outline application to develop land for residential purposes  
**Type of Application:** Outline planning application  
**Site Address:** Allotment Gardens Prince Maurice Road Plymouth PL4  
**Ward:** Efford And Lipson  
**Valid Date of Application:** 24.11.2004  
**13 Week Date:** 23.02.2005  
**Decision Category:** Major Applications  
**Case Officer :** Alan Hartridge



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**Recommendation**

In respect of the application dated **24th November 2004** and the submitted drawings: **site plan 1:1250 Archaeological A SK103B III layout III cross section** it is recommended to:

**Grant Subject to Section 106 Obligation**

**1. APPROVAL OF RESERVED MATTERS**

Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

**2. SUBMISSION OF RESERVED MATTERS**

Plans and particulars of the reserved matters referred to in condition 1 above relating to the development shall be submitted in writing to the Local Planning Authority and the development shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

**3. TIME LIMIT FOR SUBMISSION**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

**4. TIME LIMIT FOR COMMENCEMENT**

The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

**5. CONTOURS AND CROSS SECTIONS**

Plans and particulars of the reserved matters referred to in condition 1 above relating to the development shall include detailed contour plans of the existing and proposed situation, and cross sections illustrating the extent of earthmoving, underbuilding and retaining walls proposed and the existing and proposed relationship between the development and neighbouring dwellings beyond the boundary of the site.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and due to the topography of the site approval of the details specified is required to

ensure that the development is in keeping with the character of the area in accordance with policy AEV31 of the adopted City of Plymouth First Alteration 1996..

### **6. SEWAGE DISPOSAL**

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **7. SURFACE WATER DISPOSAL**

Prior to the commencement of any development, a scheme for the provision and implementation of surface water limitation shall be submitted to and agreed in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable previously approved in writing by the local planning authority.

Reason:

To prevent the increased risk of flooding in accordance PPG25 Development and Flood Risk and to enable consideration to be given to any effects of changes in the drainage regime.

### **8. LANDSCAPING PROPOSALS**

No development shall take place until full details (including planting details at 1:200 scale) of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels and contours and cross sections across the site; means of enclosure and retaining walls and structures; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant (including the fountain on the site boundary with Lipson Road).

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **9. SOFT LANDSCAPING**

Soft landscape works shall include 1:200 scale planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and the implementation programme.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.



### **10. LANDSCAPE WORKS IMPLEMENTATION**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

### **11. DETAILS OF EARTHWORKS**

No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of the land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity.

### **12. LANDSCAPE MANAGEMENT PLAN**

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First alteration 1996.

### **13. MAINTENANCE SCHEDULE**

No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained.

### **14. TREE SURVEY**

The plans and particulars of the landscaping works submitted in accordance with condition 8 above shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each

retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping, lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree;

(e) details of the specification and position of fencing for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason:

In accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **15. DETAILS OF TREE PLANTING**

The plans and particulars of the landscaping works submitted in accordance with condition 8 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996.

#### **16. 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 Policy AEV38 of the adopted City of Plymouth Local Plan First Alteration 1996 are subsequently properly maintained, if necessary by replacement.

#### **17. TREE PROTECTION DURING CONSTRUCTION**

The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 8 of BS 5837:1991 (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 any trees or hedgerows to be retained are protected during construction work in accordance with Policy AEV4 of the adopted City of Plymouth Local Plan First Alteration 1996.

**18. STREET DETAILS**

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 unit 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 AHR2 and AIR2 of the adopted City of Plymouth Local Plan First Alteration 1996.

**19. ACCESS (CONTRACTORS)**

Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity.

**20. PROVISION OF SIGHT LINES**

No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety.

**21. CAR PARKING PROVISION**

The development shall not be occupied until car parking space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority and for vehicles to turn so that they may enter and leave the site in forward gear).

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices.

**22. TRAFFIC ORDERS**

No development shall commence on site until alterations to existing Traffic Orders on Prince Maurice Road together with the introduction of waiting restrictions on the access road have been organised by, or on behalf of, the Local Highway Authority to the satisfaction of the Local Planning Authority.

Reason:

Without such restrictions the development would be likely to result in unacceptable harm to the amenity of the area, prejudice public safety and convenience and interfere with the free flow of traffic.

**23. FOOTWAY ON LIPSON ROAD**

No work shall commence on the construction of any hereby permitted dwellings until a footway has been constructed by the developer along the east side of Lipson Hill between the proposed site access onto Lipson Road and Salcombe Road together with an accompanying pedestrian crossing facility. Details of these works are to be submitted to the Local Planning Authority, and approved in writing by the local planning authority, prior to the commencement of development on site.

Reason :

In the interest of public safety and convenience.

**24. ARCHAEOLOGICAL RECORDING**

No development shall commence until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with paragraph 3.23 of PPG15: Planning and the Historic Environment, to ensure that a record of such features is made and kept available for inspection.

**25. ACCESS FOR OBSERVATION/RECORDING**

The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

Reason:

In accordance with Policy AEV11 of the adopted City of Plymouth Local Plan First Alteration 1996.

**26. EXTERNAL MATERIALS**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling units 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 materials used are in keeping with the character of the area in accordance with Policy AEV31 of the adopted City of Plymouth Local Plan First Alteration 1996.

**27. CODE OF PRACTICE DURING CONSTRUCTION**

Before any development is commenced, a Code of Practice shall be submitted to and approved by the Local Planning Authority which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction of the proposed development. The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;

e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy AEV49 of the adopted City of Plymouth Local Plan First Alteration 1996.

Informatives

1. There will be a need for a Section 278 (Highways Act 1980) Agreement.
2. Proposed residents will be excluded from parking provision in the Permit Parking Zone.
3. This permission does not imply any endorsement of the layout shown on drawing SK103 B accompanying the application.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the planning history and the principle and likely impact of residential development; site topography and relationship with existing development and highways in the locality; identification of, and likely impact on, features of acknowledged importance; the setting of a nearby Listed Building; potential for increased flood risk and archaeological, highway safety and transportation matters, the proposal in outline is not considered to be demonstrably harmful to local amenities with the imposition of conditions and acceptance of legal agreements. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

AEV4 - Loss of Existing Hedgerows, Trees or Wood  
AEV11 - Archaeological Preservation  
AEV14 - Character, Setting and Demolition of Listed Buildings  
AEV47 - Safe and Secure Environments  
AHR1 - New Housing Sites  
AHR2 - New Residential Development  
AHR3 - Housing Density  
AHR23 - Accessible Housing  
AHR24 - Wheelchair Housing  
ATR5 - The Road Network  
ARL6 - Lack of Open Space  
ARL7 - Allotments  
ARL9 - Amenity/Children's Play Space in New Residential Development  
AIR2 - Provision for Infrastructure and Amenities  
PRO92 - Lipson Allotments  
POL24 - Sequential Approach to Residential Development  
POL25 - New Housing Development  
POL34 - Affordable Housing

POL35 - Lifetime Homes  
POL38 - Walking and Cycling  
POL44 - Car, Cycle and lorry parking standards and requirements  
POL60 - Children's play space  
POL71 - Protection of Landscape Features, Habitats and Species  
POL72 - Protecting Trees  
POL73 - Ancient monuments and archaeology  
POL74 - Development affecting listed buildings  
POL77 - Development settings  
POL78 - Relationship of development to streets and public spaces  
POL79 - Development that creates public space  
POL80 - Ease of movement  
POL81 - Personal safety and crime prevention  
POL82 - Landscaping in development  
POL85 - Environmentally conscious design  
POL92 - Surface water run off  
PPG3 - Housing  
PPG16 - Archaeology and Planning  
PPG17 - Sport and Recreation  
PPG15 - Planning and the Historic Environment  
PPG25 - Flood Risk  
AEV31 - Townscape  
AEV38 - Landscaping and Enhancement Schemes  
AEV49 - Pollution

### **Section 106 Obligations**

Development proposals should make provision for

- at least 40 dwellings with either 25% of the site laid out for public open space with play facilities in accordance with approved plans and provided prior to 75% occupancy or a contribution for improvements to equivalent existing off-site open space/play facilities at Trefusis Park/ Lipson playground (in accordance with the standard in SPG 11- children's play space) prior to 50% occupancy.
- a contribution to education infrastructure at Lipson Vale Primary School and Lipson Community College (in accordance with the standard in IPS 4-education needs) prior to any occupancy.
- At least 25% of the dwelling units to be affordable housing (in accordance with the standard in IPS 3 - Affordable Housing) and they should comprise a mix of 2, 3 and 4 bed units (4 bed needs to be for rent) split 50:50 between rented and shared ownership.50% of the affordable housing units to be provided for occupation and development to commence on the remaining 50% before 75% of the other units are occupied.
- At least 20% of the units shall be to Lifetime Homes standard (as defined in the Local Plan).
- Contribution to improvements to the signal controlled junction at Lipson Rd with Alexander road (£15000) prior to any occupancy.
- Payment of the standard administrative charge for preparation of the S106.

**OFFICERS REPORT****Site Description**

This is a re-submission of an application that was previously submitted in December 2003 and subsequently withdrawn to enable an Archaeological Assessment to be carried out and to enable drainage aspects to be considered. The assessment has been completed (mainly desk-based) and shows that the presence of Civil War fortifications is likely (although no statutory designations apply to this site).

The site comprises some 1.4 hectares of irregular shaped and overgrown former allotment land on a north facing slope on a hillside leading down Lipson Hill to Lipson Vale in a residential area only a mile or so from the city centre. The area largely comprises streets of terraced housing developed about the turn of the last century. There is a long frontage with the Lipson Hill highway, with high rock face/retaining walls topped by trees on the north and east boundaries. Part of the northern boundary comprises the lower level rear of properties in Lipson Road, the southern boundary comprises the higher level rear of properties in Coleridge Road and the western boundary, from whence the main vehicular access is proposed comprises properties on Prince Maurice Road. The site is fenced (to protect against potential trespass and vandalism) and access over the site is difficult. Nevertheless, it is evident that numerous self-sown trees and scrub has developed over the years obscuring former allotments and site features. The applicant's agent points out that the allotments were totally vacated by the end of 2001.

There is a small secured pedestrian access gate to Lipson Hill on the eastern boundary of the site. The whole site is largely screened from local views in the urban scene but visible from distant views across valleys from Mannamead and Efford.

**Proposal Description**

The applicants wish to place the land on the open market with the benefit of an outline planning permission for residential development. The land is owned by the W T Jinkin Trust (named after a local builder who died in the 1930's and through his Will created a charity to construct houses to be made available rent free to a particular sector of society in need of social housing). Twenty-one self-contained single-bedroomed flats were constructed by the Trustees to the south of the site at 30 - 72 Coleridge Road, and these remain fully occupied. Their private communal garden lies beyond the southern boundary of the site. The allotments were laid out by the Trust, but the site subsequently became a maintenance problem in more recent years. The site was allocated for residential development following recommendation of a Local Plan Inspector in 1996, (when it was reported that only 3 allotments remained in use) and there was concern at that time about vandalism and unauthorised tipping.

The application is in outline with all matters reserved for future consideration. It is accompanied by an illustrative layout and a cross-section. This is not intended to prescribe any development form but only generally indicate the site's potential for accommodating an extended Prince Maurice Road cul-de-sac of semi-detached/terraced housing (approx 54 dwellings with 80 parking spaces and 10 visitor parking spaces).

There are steep slopes and a quarry face within the site and it is evident that a hillside development of this nature on this site would involve extensive cut and fill engineering operations, and a large amount of "underbuild" to support dwelling units. Space would be allocated and laid out for public open space and children's play. Pedestrian access is proposed to Lipson Road to the north west and south east corners of the site, (with off-site works proposed to link with existing footways).

### **Background History**

03/02057 - Outline application for residential development (with an indicative layout for 40 dwellings and 24 flats) - withdrawn February 2004.

### **Consultation Responses**

Environment Agency - Suggested standard condition in respect of the withdrawn application. Further views awaited.

Housing Services - Current policy requires 25% of such sites to be affordable housing. This should comprise a mix of 2, 3 and 4 bed houses (4 bed needs to be for rent) split 50:50 between rented and shared ownership (and suggest a named Housing Association for this site).

Lifelong Learning - The site will affect Lipson Vale Primary School and Lipson Community College, both of which are oversubscribed and forecast to remain so (S106 contribution requested - and need for details of the number and size of units proposed).

Parks Services - When commenting on the withdrawn application suggested that the very steep bank doesn't provide quality space for open space and playground and concerns about the footpath out onto Lipson Road (safety aspect as no footway to connect onto). Suggests need for a S106 for funds to improve the neighbourhood playground (Lipson playground near the Community College or Trefusis Park). Any views on this application will be reported.

Highway Authority - All matters, even access, are reserved - consequently advisory comments are provided relating to the illustrative plan provided covering accessibility, traffic generation, traffic distribution, car parking provision and layout. Vehicular access can only be provided from Prince Maurice Road and pedestrian access can only be safely provided from Prince Maurice Road and Lipson Road. The Lipson Road access is considered essential to provide a pedestrian link with the nearby schools. Additional footways and road crossing arrangements will be necessary to make this function safely (suggests a condition). The introduction of this development will cause a noticeable increase in traffic movement on Prince Maurice Road and through the signal controlled junction of Lipson Road with Alexandra Road. With this in mind, a contribution is sought towards improving the function of the junction by improving its ability to accommodate additional traffic and its safety by the provision of a "Remote Monitoring system". The required contribution is estimated at £15,000.

No objection is made in respect of car parking provision (PPG3 suggests a maximum of 1.5 spaces per unit). The spur road which provides access to the site is currently heavily used for car parking. Opening up this road to provide access to the site without making provision for the displaced car will add to the car parking problems in Prince Maurice Road. A Permit Parking Zone (PPZ) is to be introduced in Prince Maurice Road shortly due to the heavy demand for car parking in this street. It is understood that not all cars parked there belong to residents of the street. Whilst the applicant will not be asked to contribute towards the introduction of the PPZ there will be a need to alter the Traffic Orders relating to the PPZ when (or if) the development proceeds (a condition is suggested). The site will be excluded from the PPZ and the applicant should be advised of this by means of an informative.

The carriageway and vehicle turning area shown on the illustrative plan is inadequate. Having regard to the 2 to 3 metre (approx.) escarpment which exists on the boundary, it is difficult to imagine how the pedestrian access on the north side of the site can be provided. Details of off site highway works on Lipson Road (south east corner of site) will need to be worked up (condition suggested).



## **Representations**

The development of this site has been the subject of neighbour correspondence over the years. When considering the Local Plan allocation in 2002 (Proposal 92) consideration was given to 33 letters of objection and 2 letters of support. In respect of the current application there are currently 16 letters of objection and 3 letters of support.

Support (3 residents Coleridge Road):

The proposal will bring the site into good use and release funds for refurbishing Trust houses; the site is currently used as a dumping ground and there are dangers from children lighting fires and firing air-guns at wildlife; there is an opportunity to widen narrow part of Lipson Road.

Objections (8 residents Coleridge Road, 4 residents of Prince Maurice Road and 5 individual residents - Lipson Vale, Southern Terrace, West Hill Road, Honicknowle Lane, Kinross Avenue):

There should be more than 25% social housing;

The area is already overdeveloped, many houses with no gardens; the site should be the subject of a CPO to provide green open space/play areas; the land should be returned to allotment use and should not contradict POL25 of the Local Plan as the Trust has refused to rent any out and one allotment is still in use;

The proposal should be accompanied by an environmental assessment as this is naturalised wildlife oasis and the proposal will result in destruction of trees and "green lung";

The proposal should be the subject of a detailed archaeological investigation; there should be no interference with a listed building;

Cross-sections are needed as the site is too steep to accommodate 54 dwellings, there would be issues of child safety as there is high wall to Lipson Road; the proposal will give rise to overlooking problems/loss of daylight/sunlight and there is a sheer quarry face within the site;

There are underground springs and the proposed development will give rise to run-off drainage problems;

The proposal will give rise to additional parking problems and vehicular generation problems for busy congested roads and junctions in the area (particularly at rush hour);

A service lane is needed to serve the rear of homes on the lower part of Coleridge Road and there will be access problems for refuse vehicles and emergency vehicles;

The proposal will give rise to increased security problems for local residents/increased crime risk;

The proposal will give rise to extensive and potentially noisy/disturbing excavation and tipping operations;

A block of flats would spoil local views and the introduction of affordable housing will put strains on infrastructure and services (including doctors, dentists and schools).

## **Observations**

### **Policy Framework**

Proposal AHR1 of the Local Plan First Alteration 1996 identifies a minimum of 2 acres (0.8 hectare) of this site as suitable for housing development subject to policies AHR23, ARL7 and AIR2 with existing allotment holders being accommodated (there were 3 at that time) and the provision of public open space and a children's play space within the 3.5 acre site. It was anticipated that 24 dwellings could be accommodated on the site.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

The site was included as a proposed housing allocation in the FDLP (Proposal 92). The opportunity was taken to review the implied density in light of PPG3. The site is allocated for approximately 66 dwellings making provision for the following:

- a) On site open space/play facilities or a contribution for the equivalent off site open space /play facility provision.
- b) Contribution to the provision of educational infrastructure.
- c) In the region of 55% affordable homes on site.
- d) In the region of 20% of homes to lifetime homes standard.

The Local Plan First Deposit was subject to consultation up until March 2002. Representations were received - 33 objecting to the site's allocation for housing and 2 in support.

The concerns of some local residents about the unsuitability of this overgrown naturalised hillside site for development is understandable, but the policies and proposals of the Local Plan (proposal 92 and POL24) identify this site as underused land and follow PPG3 and related Government advice to prioritise the use of urban sites in addressing housing needs, and maximising opportunities for regeneration benefits and building communities (including the provision of affordable housing and other community infrastructure).

### **Allotment issues**

ARL7 and POL25 relate to the need to avoid the loss of valuable allotment land, but it seems evident that allotment use on the site were declining by 1996 when the issue was addressed in the Local Plan First Alteration, (as Proposal 92 carries forward the housing allocation but no longer includes the need to retain any allotments). The applicant's agent has submitted an extract from an allotment register to demonstrate that they were all officially vacated in 2001.

### **Density and Layout**

The concerns of some residents about the steepness of the site for development and the need to safeguard trees and archaeological features is also understandable.

AHR2 and POL25 relate to the need for high quality design to achieve a satisfactory layout here and POL34 and 35 relate to the need for affordable housing for proposal including 25 dwellings or more and lifetime homes as referred to in Proposal 92 (except that the latter requires a higher provision of affordable housing on this particular site - but following review of this issue the Council normally adheres to the 25% figure in the Local Plan First Alteration for the proportion of affordable housing in proposed developments).

Because of the distance involved any proposed residential development should not have a detrimental impact upon the setting of the Listed Mount Lipson Cottage (at a lower level beyond the north east boundary of the site) and particularly as the cottage is sunk into the hill and only the rooftop is visible. Furthermore any new built development would probably be sited away from the boundary of the site in this area. (This would accord with POL 74). Nevertheless, there will be a need to avoid overlooking/overshading issues in the detail design of the residential development (in accordance with AHR2 and POL25).

The Archaeological Assessment points to the need for a careful site survey during clearing operations and site excavations (so that appropriate mitigation measures might be defined (in accordance with POL73). Some mature trees on the site should be safeguarded as they might be integrated into the proposed layout and could form local landmark features. Such landscape features should be identified by survey prior to the commencement of development: (if POL71 and POL72 are to be realised).

There is also a need for detailed contour plans, cross sections and perspective plans to demonstrate that high quality design can be achieved on this steeply sloping north facing site. Unfortunately, dwellings with such an aspect can cause design problems for achieving environmentally conscious designs (POL85). Generally slopes in excess of 1:5 have serious design (and cost) implications on the appearance of development, with the provision of split-level built development and a need for useable external garden/amenity space without entailing a proliferation of high retaining walls and an incongruous 'brutal' form of development.

There may be a potential for continuing the existing urban fabric pattern of terraced housing, with, perhaps, a higher focal building and a focal public open space - but it is considered that the submitted illustrated layout design (with proposed semi-detached housing and public open space on very steep parts of the site) would result in a poor standard of development (contrary to POL77). Existing housing backs onto the site and new housing needs to back onto existing back gardens to create as much frontage public spaces as possible (such would accord with POL78).

### **Open space**

Good views are afforded across the valley on the site. Open space needs to be useable and a focal point (overlooked for security purposes) and such provision should be encouraged in accordance with POL79 and POL81).

The applicants have agreed that 25% of the site could be set aside for public open space provision. PPG17 'Planning for Open Space, Sport and Recreation' (July 2002) highlights the importance of open space in such urban areas. It is considered that a local public space is important given the lack of vehicular connection through to Lipson Road, and public footpaths should be sited away from the steep drop to Lipson Road (POL80).

### **Highway issues**

The views of the highway engineers are endorsed. It is suggested that permission should only be given if a contribution towards improvements to the traffic control signals at the junction of Lipson Road with Alexandra Road is provided (by means of a Planning Agreement) and appropriate Conditions are imposed.

### **Conclusion**

Extensive further detailed further work needs to be undertaken, and numerous plans need be produced, to enable full and proper consideration to be given to the appropriate scale and likely impact of residential development here. Compliance with the requirement of the S106

Agreement is essential. Although the submitted "illustrative" layout cannot be endorsed, and the list of conditions is extensive, it is considered that outline permission is warranted and a steer might be given for suitable residential development here (beyond that defined in proposal 92) to better integrate needed residential development in the community interest.

**ITEM: 08**

**Application Number:** 04/02271

**Applicant:** Mr And Mrs Wixey

**Description of Application:** Erection of dwellinghouse, bridge linked to existing cottage whose upper floor will form an annexe to the proposal and lower floor will be stores and workshop (existing outbuildings to be removed)

**Type of Application:** Full planning application

**Site Address:** Drift Cottage Boringdon Road Turnchapel Plymouth

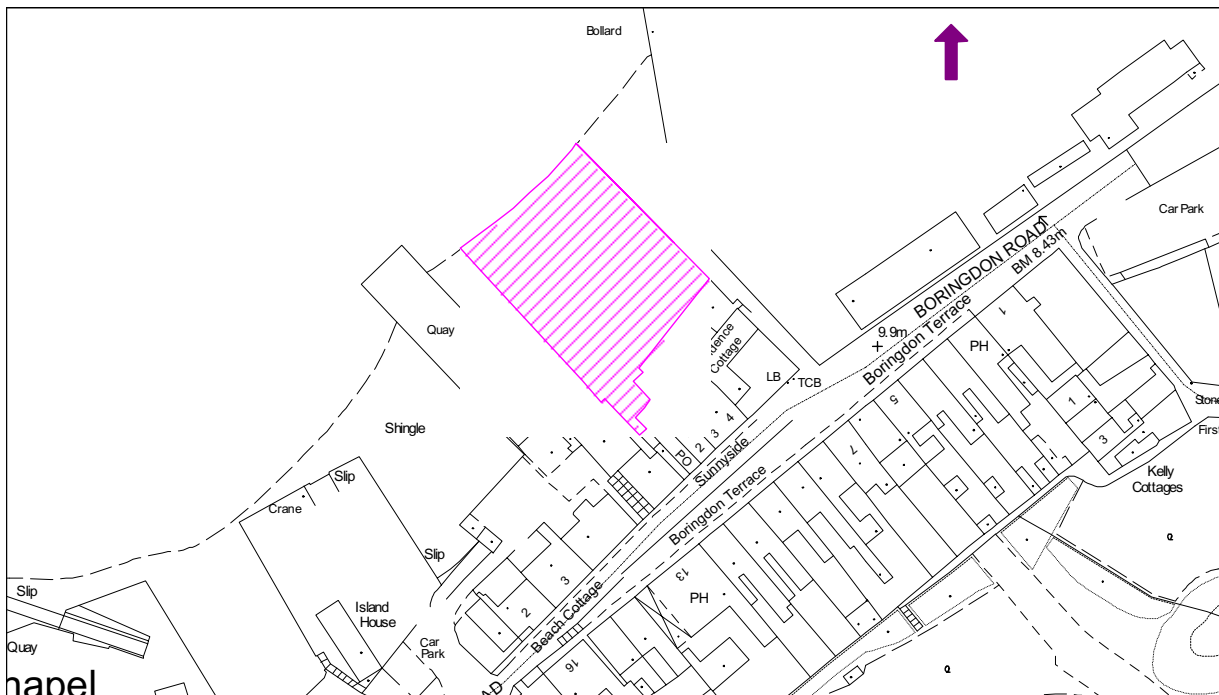
**Ward:** Plymstock Radford

**Valid Date of Application:** 08.12.2004

**8 Week Date:** 02.02.2005

**Decision Category:** City Council Member or Employee

**Case Officer :** David Bate



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**Recommendation**

In respect of the application dated **8th December 2004** and the submitted drawings: **site location plan MDC05 MDC06 MDC09 DC/31/B DC/32/B DC/35 DC/36/A DC/37/A DC/38/A DC/39 DC/40 DC/41/A** it is recommended to:

**Refuse**

**1. HARM TO AMENITIES OF WATCH COTTAGE**

The proposed dwelling would, given its height and distance of some 6.5m and 8m from the rear, north facing, kitchen and living/dining room windows respectively of the adjacent property 'Watch Cottage', represent a dominant and overbearing form of development that would unreasonably and severely restrict the outlook from these windows and also impact on the outlook from the garden harmful to the residential amenities of that property and contrary to policies AEV31(6), AHR6(2) and AHR7(2) of the adopted City of Plymouth Local Plan First Alteration 1996 and Policy 28(1) and (7) of the City of Plymouth Local Plan (1995-2011) First Deposit 2001.

**Relevant Local Plan Policies**

The following policies from the Devon Structure Plan, the Adopted City of Plymouth Local Plan First Alteration 1996 and the emerging City of Plymouth Local Plan First Deposit 2001 were taken into account in determining this application:

- AEV20 - Preservation and Enhancement of Conservation Areas
- AEV26 - Turnchapel
- AEV31 - Townscape
- AEV32 - Communication Corridors
- AEV40 - Waterfront Development
- AHR2 - New Residential Development
- AHR5 - Character of Residential Areas
- AHR6 - Development of Small Sites
- AHR7 - Backland Development
- POL25 - New Housing Development
- POL28 - Householder Development
- POL75 - Development in Conservation Areas
- POL77 - Development settings
- POL83 - Gateways and approach corridors
- PPG15 - Planning and the Historic Environment
- PPG1 - General Policy and Principles

**OFFICERS REPORT****Site Description**

Drift Cottage is a modest dwelling in a waterside location within the Turnchapel Conservation Area. It lies within a group of other dwellings lying on the north side of Boringdon Road, the majority of which are set on a north-south orientation and have their rear elevations facing the water (whereas Drift Cottage presents a side elevation to the water). The curtilage of Drift Cottage includes a single-storey outbuilding which runs along the rear of the site and an area of quayside, including two piers constructed for drying boats. Public slipway and pedestrian access to the water are obtained alongside the application site, to the side of Providence Cottage and Watch Cottage. Beyond the slipway is MOD land, separated by a substantial wall. Watch Cottage is set some 2.5m above the level of the site.

**Proposal Description**

The application is a re-submission of the scheme refused under application 04/00729, with amendments to reduce and soften the profile of the proposed dwelling resulting in a reduction in the overall width by almost 2m and height to apex by 1.1m. The dwelling would have a bridge link to the existing cottage which would become annexe accommodation at first floor level with workshop and stores below. The proposed dwellinghouse would retain its unusual design, echoing a marine/industrial/boathouse/dry dock form, and would sit on the existing two piers. An access deck from the lower level of the dwelling would provide a stepped access to the beach. The bridge link, balcony and access deck would have glass ballustrading which would be extended from the latter along the shore front to the sites eastern boundary with the public steps. External materials would be copper sheeting, timber cladding and glass. The existing single-storey kitchen, store and workshop wing which runs along the rear of the site below 'Watch Cottage' would be demolished.

Although the application is not accompanied by a design statement, additional supporting drawings and visualisations have been provided to demonstrate the architect's reasoning and intentions for the proposed building that he has designed.

The applicant has submitted a letter to support the application. This comments that Drift Cottage was originally a boathouse and at high tide flooding is experienced causing damp problems on the ground floor; predicted rises in sea levels; original intentions to demolish the cottage and rebuild (which met a negative response from the Council's Conservation Officer); advice from the Conservation Officer to propose a modern building, not a replica cottage; previous concerns over the mass of the building have been addressed in this amended proposal.

**Background History**

80/03758 - Boat gear store, boat drying piers and extension to dwelling (Full) - GRANTED.

84/02018 - Amended version of 80/3758 (Full) - GRANTED.

91/00768 - Extension to dwelling (Full) - GRANTED.

04/00729 - Erection of dwellinghouse, bridge linked to existing cottage whose new use will become an annexe to the proposal. (Full) - REFUSED.

**Consultation Responses**

Highway Authority – No objection subject to conditions.

Environmental Services - No objections, subject to the slipway being kept clear at all times and to control of construction work.

Queen's Harbour Master - No objection as the development would not significantly impact on the freedom of navigation within the area, but draws attention to the need for non-planning consents for works below the High Water mark.

Plymouth Design Panel - This application was considered by the Panel, but due to the modest scale of development proposed the Panel decided that it was not within its remit and declined to offer any comment.

### **Representations**

A total of 43 letters of representation have been received.

19 are letters in support of the application with commentary that the dwelling is creative, innovative and would enhance the local area and waterfront; this type of development should be encouraged; it would add interest in the village where the majority of the original properties are not unique or particularly interesting and the more recent ones have tried to emulate this bland and uninteresting style; the proposed development is forward thinking, beautiful with its creative use of materials adding interest and grace to the village; it is the waterside location that makes Turnchapel interesting and therefore it is this perspective that deserves attention; the proposal fits in to an overall vision of the City as a modern redeveloped one capable of supporting progressive ideas; this amended proposal causes little or no obstruction to adjacent residences; exciting design; would smarten up a scruffy piece of foreshore; would complement and even enhance the environment of Turnchapel with the proposed copper sheathing a perfect echo of the village's boat and shipbuilding past and the design utilising the resemblance to the boathouses and covered shipyards which once were so common on all Plymouth's estuaries; reflects TR2 in a modest way; modern architecture can sit alongside old, as evidenced by the new visitors' centre on The Barbican; communities evolve and this should be reflected in the wider environment; small innovative projects as well as flagship ones add to the renaissance and the City's ambitions; should not be constantly producing pastiches of bygone ages and may encourage others to improve their properties.

24 letters have been received objecting to this application on grounds that the building would not be in keeping and would obstruct/restrict views to other dwellings; design inappropriate in a Conservation Area; would alter village character and aspect from the waterside; overlooking; although smaller still an inappropriate design, position, massing and dominance to nearby properties; front of Watch Cottage not 'square on' as shown on photographic image but angled with light and outlook affected; Watch Cottage was used by the Turnchapel pilot to sight potential customers in the Sound, its name would have no meaning if permission granted; no objection to a more appropriate development; would change the view of the village from the Cattewater and be a blot on the seascape; no sewage ingress problem now exists; will stick out from the shoreline like a sore thumb; the piers were meant for dry moorings only; could have a modern building but not so large; precedent; no Building Regulations approval for supporting piers; reflective sunlight off copper would cause dazzle; minimal changes to previous refusal; would exacerbate parking situation in village; disruption during construction; applicant aware of flooding problem before purchase of this former boathouse; would dominate and detract from the historical integrity of this waterside village; applicant's statement inconsistent - was to abandon damp ground floor but now proposes to use as a workshop/store; demolition and be-build would be preferable; proposal would be a carbuncle in this location; Turnchapel should be kept as a quaint fishing village; incompatible and out of scale and keeping with its surroundings; the ability of the self-built pillars to support the dwelling is suspect; global warming and the tidal bore could also impact on the dwelling and stability of the piers; style out of context with existing mature and historic buildings in a conservation area; adverse effect on visual amenity of those using slipway and seating alongside.



## **Observations**

For the avoidance of doubt, it is considered that this proposal should be regarded as the erection of a 'replacement' dwelling and as such the policies, and the issues they raise, in respect of extensions to dwellings (except Policy 28 below) cited in the previous application will not be utilised.

In the adopted City of Plymouth Local Plan First Alteration 1996, policy AEV20 states that all development in Conservation Areas should preserve or enhance their special character, with new build being of a high standard of design which will, in its manner and form, respect and be sympathetic to the character and appearance of the Conservation Area. The explanation to the policy states that special attention has to be paid to Conservation Areas with regard to the principles of conservation and enhancement and that proposals that would harm the character of Conservation Areas will therefore be resisted. Appropriate and sensitive development is required.

Policy AEV26 specifically relates to the Turnchapel Conservation Area and states that development will not be permitted in Turnchapel which results in the loss of quays and beaches, significantly enlarges existing or introduces new commercial uses into the area or extends the village along its access roads. Development will not be permitted which would give rise to a significant increase in vehicular activity or parking within the restricted confines of the conservation area and its approaches.

Policy AEV31 is the general townscape policy and includes the requirement that the form, massing, height, siting, materials and design of the development must be appropriate and that it must be sensitive to the character of the surrounding area.

Policy AEV32 requires attractive frontages along the waterfront.

Policy AEV40 sets out the need to safeguard distinctive areas of the waterfront, to protect significant views and vistas across water areas and having regard to the impact of development on the setting of existing waterfront buildings and spaces, the visual impact on the shoreline and to the form, massing, height, siting and design of the development in relation to the site and its waterfront setting.

PPG1 includes guidance in respect of design. In discussing "poor design", which it states should be rejected, it says that this may include proposals that are inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings. It says that Local Planning Authorities should not attempt to impose a particular architectural taste or style arbitrarily but states that it is however proper to seek to promote or reinforce local distinctiveness. Authorities should not concern themselves with design details except where these significantly affect the character or quality of the area, including neighbouring buildings. Finally, it says that particular weight should be given to the impact of development on existing buildings and on the character of areas recognised for their townscape value, including Conservation Areas.

PPG15 relates to the historic environment, including Conservation Areas. The prime consideration in identifying a Conservation Area is the quality and interest of an area, rather than that of individual buildings and sets out the need to preserve or enhance their character and appearance. Paragraph 4.17 of this guidance states:

"Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should

be a stimulus to imaginative, high quality design, and should be seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own."

As the proposal does not involve the loss of a quay or beach, enlarge existing or introduce new commercial uses into the area, or extend the village along its access roads and is unlikely to result in an increase in vehicular activity as a single dwelling unit only would remain on site, this proposal would not conflict with any of the points referred to in policy AEV26 which is the specific policy for Turnchapel Conservation Area.

It is considered that this is a unique waterfront site which is capable of accommodating a building of quality and sympathetic to context. This amended proposal has reduced the mass and bulk of the proposed building from that refused under application 04/00729 with refinements to the profile which has reduced its hard lines to create a more softer and subtle form. The design is contemporary with a deep rooted philosophy in the context of its place - strong local references are made from Devonport Historic South Yard slip/boat house the forms of buoys and marine propeller blades. These have been incorporated into a design which is reinforced with the use of high quality materials including copper and timber. The resulting building would, it is considered, sit comfortably in this unique waterfront site and accord with the guidance in PPG15 referred to above.

Although the Conservation Area at this point is characterised by "traditionally designed buildings rising from the water's edge" (as reported for 04/00729), the majority of these buildings have suffered from alterations and additions at the rear, north, side which, it is considered, have created significant visual disharmony and variation along the waterfront. The introduction of a contemporary building on this site as proposed would not, it is considered harm the character and appearance of Turnchapel Conservation Area. Indeed due to its contextual design, its unique position and the use of quality materials this building could be regarded as representing an enhancement to the waterfront and a feature of interest. Public views of the building within the village are limited to the South Coast Path from the top of St. John's Road on the western approach to the village and by patrons visiting the New Inn public house by car, from where the building would be seen in the foreground of the military depot and its substantial boundary wall to the east. The only other public view within the village is immediately adjacent to the site from the public landing point. People sitting on the public bench above this point would directly face the side of the proposed building and there would be a clear blocking of the public view along the village shorefront upto and including most of the Plymouth Yacht Haven Moorings beyond. However, the building would not obstruct the view of Mountbatten or beyond the water of the Barbican or the Citadel - this significant view would therefore be maintained. The public view from outside the village is clearly from the South Coast Path across the water at Cattedown and those on boats using the estuary, and from here, the proposal is not considered to cause any harm to visual amenity for the reasons identified earlier in this paragraph and due to its lower position on the waterfront compared with the rising properties behind.

It is therefore considered that this proposal would not conflict with the general Conservation Area, townscape and waterfront considerations of policies AEV20, AEV31, AEV32 and AEV40

Policies AHR2, 5, 6 and 7 are considered to set out the relevant requirements for new dwellings in this instance. These include that they must respect the scale and character of existing development, the design must be satisfactory, and they must be in character with the

area. These aspects have been dealt with above. In addition, it is considered that the principle of the development proposed is acceptable.

Policy AHR7 in addition, states that there must be no unreasonable dominance of neighbouring dwellings and/or their gardens whilst Policy AEV31 also states that undue loss of amenity to adjacent properties must be avoided.

In this regard, notwithstanding the reduction to the mass of the building now proposed, the building would in comparison with the ground level of Watch Cottage adjacent, still have an effective height to apex of some 4m and be positioned some 6.5 from the rear kitchen window and some 8m from the low cilled (600mm) living/dining room window to this property. It is considered that the proposed development would, due to this close juxtaposition, lead to problems of relationship with this existing building and represent a dominant and overbearing form of development that would unreasonably and severely restrict the outlook from these windows, harmful to the residential amenities of that property.

It is however, considered that the proposed building would not have any demonstrably harmful impact on the amenities of the residential properties fronting Boringdon Road given their higher position, further distance and that their outlook is either already limited at ground floor level and at first floor level and balconies would be out across the water over the top of the building although it is acknowledged that the view of the estuary immediately in the foreground would be obscured.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

Policies 25, 75, 77 and 83 essentially reiterate the housing, townscape, conservation area and waterfront considerations of the adopted policies detailed above.

Policy 28 relates to extensions to and development at residential properties and requires, inter alia, that development does not lead to an unacceptable loss of privacy, outlook or sunlight/daylight to adjacent properties and is not overbearing or dominant when viewed from neighbouring windows or gardens.

The other criteria within this Policy are not considered appropriate for the consideration of this dwelling as they are more relevant to extension proposals.

### **Conclusions**

It is considered that the proposed building does represent fine innovative design of great interest and would be appropriate for this projecting waterfront location and enhance the character and appearance of the Conservation Area. The height and mass of the proposed dwelling, in comparison with nearby properties, including Drift Cottage itself, is now

considered appropriate with the softening of form improving the detailing of the building. Even though the building would be out over the water and further forward than any other building in the locality it would still have a backcloth of the wall, and buildings beyond, of the military depot just 5m away and from the estuary and Cattedown of rising properties behind. The proposed building although of different design and appearance, would be in context and would not therefore be out of keeping with its location and would not therefore be detrimental to the character and appearance of the area.

It is however considered that the building would still have an unfortunate and harmful effect on the outlook from Watch Cottage, in that it would be unreasonably overbearing and dominant and restrict their outlook; the outlook from their windows and garden would be transformed from a generally open one out across the water and boats, a significant feature of that property, to a much more restricted outlook framed and dominated by the proposed building.

It is therefore recommended that permission be refused.

**ITEM: 09**

**Application Number:** 04/02300

**Applicant:** E Kamaie

**Description of Application:** Demolition of hostel and re-development of site by erection of 3/4 storey building containing 12 flats, with associated car parking and amenity space

**Type of Application:** Full planning application

**Site Address:** North Friary House And Medical Centre Greenbank Terrace  
Greenbank Plymouth

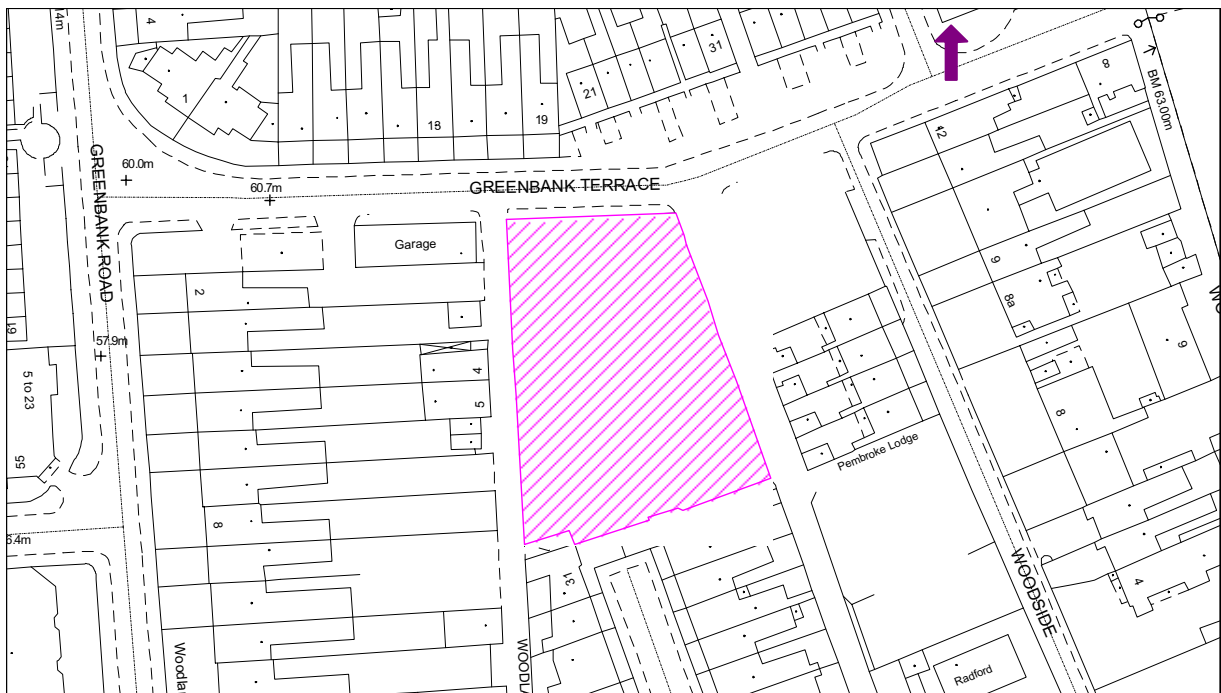
**Ward:** Drake

**Valid Date of Application:** 13.12.2004

**13 Week Date:** 14.03.2005

**Decision Category:** Major Applications

**Case Officer :** James Wells



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## Recommendation

In respect of the application dated **13th December 2004** and the submitted drawings: **2695.4 2695.5 2695.6 2695.7 Rev A 2695.8 Rev A 2695.9 Rev A 2695.10 Rev A 2695.11 Rev A** it is recommended to:

### Refuse

#### **1. POOR DESIGN**

The proposed design is considered to be poor. Due to a combination of a cluttered roofscape, poorly detailed building elevations and front facade that is dominated by an incongruous glazed feature. The proposal would be both out of keeping with its context and of a lesser quality than that which exists. Accordingly, this proposal is contrary to policy AEV31.1 of the adopted City of Plymouth Local Plan 1996, policy 77.5 and guidance contained within PPG1 (general policy and principles).

#### **2. IMPACT ON TOWNSCAPE**

The proposal to demolish the existing building fronting onto Greenbank Terrace and replace it with a building of low design quality would be detrimental to the visual qualities and townscape of this area and would be contrary to policy AEV31.2 of the adopted City of Plymouth Local Plan 1996 and policy 77.3 of the emerging City of Plymouth Local Plan (1995-2011).

#### **3. SUSTAINABILITY**

The proposal to demolish the buildings on the site has failed to demonstrate that they are incapable of being converted to a residential use. As such the proposal is contrary to the aims of sustainable development and does not seek to reduce its' impact on the environment. The proposal is contrary to policy 85 (6) of the emerging City of Plymouth Local Plan First Deposit (1995-2011) and guidance in PPG3 (housing).

#### **4. SUB-STANDARD ACCESS POINTS**

Both the access to the car park to the rear of the property and the parking area shown at the front of the property are considered to be sub-standard. The car park to the rear does not include any provision for forward visibility at the entrance/exit which is likely to give rise to issues of personal and highway safety. The parking area shown at the front of the proposed building does not indicate any provision for pedestrians and this would give rise to serious concerns regarding conflict between vehicles and pedestrians. The principle of parking vehicles along the frontage of the property is not considered to be safe due to the potential for conflict. The proposal is therefore contrary to policy AHR2.5 and 2.6, ATR5, AHR6.3 and 6.7 of the adopted City of Plymouth Local Plan First Alteration 1996 and Policies 48, 80 and 81 of the City of Plymouth Local Plan First deposit 2001.

#### **5. OVER PROVISION OF PARKING**

The proposed parking levels are considered to be excessive and would allow for more than 1.5 spaces per dwelling. There is no justification for such provision given the location of the site. The proposal is contrary to policy 44 of the City of Plymouth Local Plan First Deposit (1995-2011) 2001 and advice in PPG3 and PPG13.

#### **6. LACK OF STREET DETAILS**

The proposal shows inadequate provision for vehicular and pedestrian circulation within the development, safe access to and from the site and street lighting and drainage details. The

proposal is contrary to policy ATR18, AHR2 and AHR6.3 of the City of Plymouth Local Plan First Alteration 1996 and policy 44, 48, 80 and 81 of the City of Plymouth Local Plan First Deposit 2001.

### **Relevant Local Plan Policies**

The following policies from the Devon Structure Plan, the Adopted City of Plymouth Local Plan First Alteration 1996 and the emerging City of Plymouth Local Plan First Deposit 2001 were taken into account in determining this application:

- AEV4 - Loss of Existing Hedgerows, Trees or Wood
- AEV31 - Townscape
- AEV49 - Pollution
- AHR2 - New Residential Development
- AHR3 - Housing Density
- AHR4 - Privacy and Overlooking
- AHR5 - Character of Residential Areas
- ATR5 - The Road Network
- ATR18 - General Parking/Servicing Requirements
- AIR2 - Provision for Infrastructure and Amenities
- POL25 - New Housing Development
- POL27 - Residential Density
- POL38 - Walking and Cycling
- POL44 - Car, Cycle and lorry parking standards and requirements
- POL48 - Highways capacity and safety
- POL72 - Protecting Trees
- POL77 - Development settings
- POL78 - Relationship of development to streets and public spaces
- POL82 - Landscaping in development
- POL85 - Environmentally conscious design
- C22 - Conserving Energy Resources
- PPG1 - General Policy and Principles
- PPG3 - Housing
- PPG13 - Transport

### **Section 106 Obligations**

Educational infrastructure to cover both primary and secondary schools totalling £11116.

### **Site Description**

The site is currently occupied by two buildings, a hostel and a medical centre with a site area extending to 0.2 hectares. The hostel building has its frontage along Greenbank Terrace and is a very attractive traditional property being finished with painted render and a slated roof. To the front of this building there is a narrow section of garden defined by low metal railings which provides a context for the building. The building extends to the full width of the site which is bounded by service lanes on either side. To the rear of the building is a mature Beech tree which is the subject of TPO 366. The site sits on a slope which runs from north to south with the land falling away from Greenbank Terrace

To the rear of the hostel building is a medical centre which is shown to be demolished as a result of this proposal. This building is single storey structure of face brick construction with a flat felted roof. There are allocated parking spaces along one side of the building with access being taken from Woodland Terrace Lane. This building is shown to be demolished in order to provide off road parking for the new flatted development.

### **Proposal Description**

Permission is sought to demolish the existing hostel building and medical centre and to erect a three/four storey building with rooms in the roof to provide for 12 flats (6x2 bed, 4x1 bed and 2x3 bed) with the provision of 18 parking spaces and informal parking spaces along the frontage of the building. The building shows three projecting gable features on the front elevation with the central feature being glazed and extending to the ridge of the building with the roof being hipped and having two dormer windows facing the service lanes on both sides. The building is shown to be a render finish with a slated roof.

### **Background History**

None recent.

### **Consultation Responses**

Environmental Services - Recommend conditions regarding land quality (to ensure there are no contaminants) and a code of practice during the construction period.

Highway Authority - Recommend refusal due to sub-standard access and inadequate street details.

### **Representations**

Five letters have been received regarding this application. One in support and one making observations about the development. The letter of support is conditional upon maintaining the current Beech tree which is the subject of a TPO (not shown on the submitted plans) and reconsideration of the central glazed feature. The second letter makes comment upon traffic issues, building works/possible dates of work and questions about the validity of the plans. The other 3 letters raise concern about the future of the protected Copper Beech tree and also concerns about the loss of North Friary House with general observations about the layout of the site. Details of the date of works commencing would not be directly relevant to planning considerations. If demolition occurred this would be in accordance with a code of practice to be agreed. The plans have to be taken at face value unless it can be proven otherwise.

### **Observations**

Given that the site lies within an established residential area, the principle of residential development is acceptable. However, this application is considered to be objectionable for



three primary reasons; the design / townscape is poor in relation to the surrounding area, the principle of sustainable development has not been considered and the parking levels are excessive. For these reasons the proposal is not considered to be acceptable and should be refused.

This proposal seeks to demolish what is a very attractive building without giving consideration to the feasibility of converting what exists. The site does not appear to have been considered wholeistically. Whilst proposing to demolish the medical centre for parking spaces no consideration seems to have been given to the area that would be left. It may be more prudent to consider what could happen around the site if the hostel building remained and the medical centre was demolished. Given the age of the hostel building it is likely that this could be converted into residential units relatively easily, whereas the medical centre is less likely to be so easy to adapt. Contained within PPG3 (Housing) at paragraph 41 there is reference to promoting the conversion of buildings to alternative uses. Where this is considered Planning Authorities are encouraged to take a more flexible approach to parking standards, levels of amenity space etc. As part of the Council's responsibility to promote sustainable development, Policy 85 (6) seeks to retain and refurbish buildings where this desirable and feasible. Due to the architectural / townscape qualities of the existing building and what that contributes to the surrounding area, it is desirable to retain the current building. It has not been demonstrated that it is not feasible to retain the building and adapt it for another use. On that basis the proposal conflicts with the aims of minimising the impact of development on the environment and is not a sustainable approach.

In design terms, the building that is proposed makes a lesser contribution to the townscape qualities of this street than that which is proposed. The style of the hostel building has been used as a model in new development in this area. To loose this building to something of a lesser quality is not acceptable. The main facade of the proposed building is dominated by a central glazed atrium which dominates and would appear incongruous when set against the restrained style of the rest of the building. The front elevation lacks any detailing that refers to the character of the buildings in this area and appears to be very plain. The window detailing lacks any referencing to the local vernacular. The roof appears to be poorly conceived and would be dominated by the central glazed atrium, two dormer windows on the flank elevations and four rooflights. The roofscape in this area is clean and simple, as per the recent development on the adjacent site. The context of the building would disappear and instead would become a 'sea' of parking. From every perspective the design and townscape qualities have not been properly addressed and indeed the junction between public and private spaces has not been distinguished. There does not appear to be any consideration of what is locally distinctive and how that could be incorporated into the design. The general form and massing of the proposed building would appear squat and out of kilter with the nature of the surrounding buildings. The proposal would clearly be in conflict with policies AEV31, Policies 77 and 78 of the emerging plan and PPG1.

There are highway related concerns pertaining to this proposal. The frontage of the development shows an undefined area labelled as parking. This area is not considered to be acceptable due to the potential conflict between vehicles and pedestrians. It is difficult to see how exactly this area would function, no details have been supplied on this aspect. When taken with the 18 proposed spaces to the rear of the building, the level of parking provision would be excessive and not in accordance with PPG3. The service lane that would provide vehicle access to the development is not shown to provide a footway along this section. It is considered that such a footway would be necessary to ensure pedestrian safety. There are no details to show a link between the rear parking area and the block of flats. This aspect of the scheme lacks sufficient detail to enable a full assessment.

The protected Beech tree should not be adversely affected by the development and would afford it more room and would therefore continue to provide a local visual amenity.

The proposed flats would have an adequate floor plan together with adequate provision of amenity space and bin storage. The technical aspects of the development have been satisfied.

The qualitative aspects of the proposal have not been fully considered and the development that is proposed does not meet the requirements of the development plan and the application is therefore recommended for refusal.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF.

**ITEM: 10**

**Application Number:** 04/02317

**Applicant:** Mrs S Shaw

**Description of Application:** Part two-storey, part single-storey, side extension and erection of double private motor garage (existing garage and entrance lobby to be removed)

**Type of Application:** Full planning application

**Site Address:** 37 Furzehatt Road Plymouth PL9 8QX

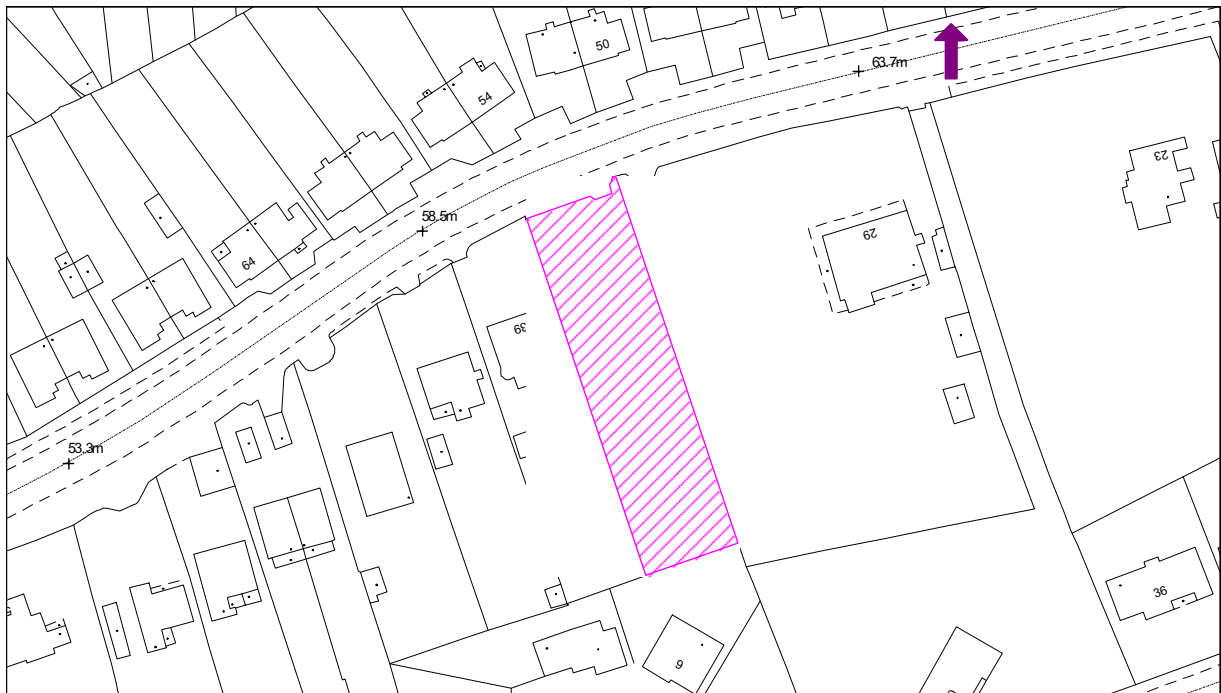
**Ward:** Plymstock Dunstone

**Valid Date of Application:** 15.12.2004

**8 Week Date:** 09.02.2005

**Decision Category:** City Council Member or Employee

**Case Officer :** Stuart Anderson



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## **Recommendation**

In respect of the application dated **15th December 2004** and the submitted drawings: **Site location plan Block plan Drawing no.10 Drawing no.09 Drawing no.08 Drawing no.07 Drawing no.06 Drawing no.03 Drawing no.01** it is recommended to:

### **Grant Conditionally**

#### **1. DEVELOPMENT TO COMMENCE WITHIN 5 YEARS**

The development hereby permitted shall be begun before the expiration of five years beginning from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: (a) the impact on surrounding residential amenity, (b) the impact on the streetscene, (c) highway safety aspects; the proposal is not considered to be demonstrably harmful to local amenities. In the absence of any other overriding considerations, and with the imposition of the specified planning conditions, the proposed development is acceptable and complies with the following policies of the Devon Structure Plan First Review 1996, the City of Plymouth Local Plan First Alteration 1996, the City of Plymouth Local Plan (1995-2011) First Deposit 2001 and relevant Supplementary Planning Guidance, Government Circulars and Planning Policy Guidance Notes as follows:

AHR13 - Residential Extensions  
POL28 - Householder Development  
SPG1 - House Extensions  
AHR15 - Miscellaneous Householder Developments  
SPG2 - House and Roof Alterations  
AEV31 - Townscape

### **Site Description**

This is a detached dwellinghouse with a detached garage in the front garden, in the Plymstock area of the city. The property is set in large grounds and has a fairly wide curtilage. There is a hedge along, but outside, the frontage of the site.

### **Proposal Description**

To extend the house on its east side with a two-storey extension to provide a new entrance hall, utility room, cloakroom and toilet, with a new en-suite bedroom and separate additional bathroom above, plus a single-storey extension in the rear part of the side extension to provide a dining room. It is also proposed to replace the existing garage with a double garage, located closer to the road.

### **Background History**

04/00460 - Single-storey side extension, including private motor garage (existing lobby and garage to be removed) (Full) ~ GRANTED.

### **Consultation Responses**

Transport Officer - no objection.

### **Representations**

None.

### **Observations**

The application turns on Policies AHR13 and AHR15 of the City of Plymouth Local Plan First Alteration 1996.

### **Proposed Side Extension**

It is considered that the proposed side extension generally complies with criteria 1, 4, 5, 6, 7 and 8 of AHR13.

With regards to criteria 2 and 3, the proposed extension would only have a minimal degree of subordination. SPG1 states that non-subordinate extensions are sometimes allowable, if there is sufficient room to expand without adversely affecting the streetscene or the amenity of the neighbours. In this case, there is no risk of "terracing" occurring, as there is a large amount of space between number 37 and the neighbouring house at number 29. Also, the properties on this side of Furzehatt Road do not conform to a singular architectural style, and vary in their designs, heights and widths. There is also no established building line on this side of Furzehatt Road. For these reasons, it is considered that a lesser degree of subordination can be accepted, without having any adverse impact on the streetscene or the amenity of the neighbours.

### **Proposed Private Motor Garage**

The Transport Officer has not objected to the proposal and the proposal is not considered to have any adverse impact on highway safety.

The proposed garage would be situated close to the front boundary of the property. It is proposed that part of the garage would be situated below the current driveway level. SPG2 recommends that for front garages, consent will not normally be granted for a garage located in a prominent position at the front of the property unless it is of high quality and garages are an existing feature of the streetscene. The proposed garage is well-designed, with appropriate

materials. Furthermore, the existing garage is in the front garden area of the property and there are other examples nearby of garages in the front, including some close to the front boundary. It is considered that the proposed garage would generally comply with AHR15.

The City of Plymouth First Deposit Local Plan (1995-2011) (FDLP) was published for consultation in December 2001, and was placed on formal deposit in January 2002. On 18 March 2003, in anticipation of the Government's proposed reform of the development planning system nationally, the Council's Executive Committee resolved not to proceed to Revised Deposit stage, but instead to move towards producing a Local Development Framework (LDF) for Plymouth. Production of the LDF is in its early stages.

However, it is important to recognise that the Council has not abandoned the FDLP. For that reason, both the Adopted City of Plymouth Local Plan 1996, and the 'emerging' FDLP continue to comprise 'material considerations' in decision making. Paragraph 48 of PPG1 states that the weight to be given to the FDLP policies and proposals will increase as successive stages of its progress towards adoption are reached, in this case as it undergoes the process of being embodied into the LDF. Policy 28 of the FDLP raises no additional aspects.

The proposed development is considered acceptable and is recommended for a grant of planning permission.

P47 04/05

**PLANNING COMMITTEE**

**DATE: 2<sup>nd</sup> February 2005**

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**Decisions issued for the following period: 24<sup>th</sup> December 2004 to 18<sup>th</sup> January 2005**

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**Note This list includes:**

- **Committee Decisions**
- **Delegated Decisions**
- **Withdrawn Applications**
- **Returned Applications**

(1)

**Application Number:** 00/00642      **Applicant:** Pinewood Homes Ltd And Midas Homes Ltd

**Application Type:** Full planning application

**Description of Development:** Erection of 81 residential units inclusive of 1 concierge apartment together with associated car parking (forming completion of marina development)

**Site Address:** Millbay Marina Village Custom House Lane Plymouth

**Decision: Refuse**

**REASONS:**

- 1            INAPPROPRIATE DESIGN
- 2            IMPACT ON RESIDENTIAL AMENITY
- 3            IMPACT ON LISTED BUILDINGS
- 4            LACK OF PUBLIC ACCESS
- 5            IMPACT ON SAC
- 6            IMPACT ON NAVIGATION LIGHTS

(2)

**Application Number:** 02/01850      **Applicant:** Rowe (Holdings) Ltd

**Application Type:** Full planning application

**Description of Development:** Erection of 73 residential apartments and a restaurant in a building ranging from 4-storeys to 10-storeys, erection of two 3-storey live/work units, with 2-storey car park and waterfront public walkway

**Site Address:** Land Adj. Shepherds Wharf Sutton Road Plymouth

**Decision: Withdrawn**

(3)

**Application Number:** 02/01957      **Applicant:** Norwich Property Trust

**Application Type:** Full planning application

**Description of Development:** Erection of retail unit (approx.1860 sq.m.) on part of existing car park, with associated reconfiguration of car park, additional access at Laira Bridge Road and Cattewater Road / Finnigan Road, and landscaping

**Site Address:** Land Bounded By Laira Bridge Road, Gdynia Way And Cattewater Road Plymouth

**Decision: Refuse**

**REASONS:**

- 1            TRAFFIC FLOW - LAIRA BRIDGE ROAD
- 2            TRAFFIC FLOW - FINNIGAN ROAD
- 3            APPEARANCE
- 4            FLOOD RISK



(4)

**Application Number:** 02/01958      **Applicant:** Norwich Property Trust Ltd

**Application Type:** Full planning application

**Description of Development:** Demolition of part approx.1740 sq.m of existing retail units, refurbishment of remainder approx.3855 sq.m to form 3 retail units, with assoc reconfiguration of car pk, add access at Laira Bridge Rd/ Cattewater Rd/Finnigan Rd,and landscaping

**Site Address:** Land Bounded By Laira Bridge Road, Gdynia Way And Cattewater Road Plymouth

**Decision: Refuse**

**REASONS:**

- 1 TRAFFIC PROBLEMS - LAIRA BRIDGE ROAD
- 2 TRAFFIC PROBLEMS - FINNIGAN ROAD
- 3 UNDESIRABLE FORM, CHARACTER/APPEARANCE
- 4 FLOOD RISK

(5)

**Application Number:** 02/01959      **Applicant:** Norwich Property Trust Ltd

**Application Type:** Full planning application

**Description of Development:** Formation of all-movements road junction and highway improvements to form access at Laira Bridge Road

**Site Address:** Land Bounded By Laira Bridge Road, Gdynia Way And Cattewater Road Plymouth

**Decision: Refuse**

**REASONS:**

- 1 TRAFFIC PROBLEMS
- 2 FLOOD RISK

(6)

**Application Number:** 03/00113      **Applicant:** Mrs L Cooke

**Application Type:** Outline planning application

**Description of Development:** Outline application to develop land by erection of a detached bungalow and garage, together with associated off-site highway improvements in Furzehatt Road and Dean Hill

**Site Address:** Land At Burrow Hill Plymouth

**Decision: Grant Subject to S106 Obligation - Out**

- 1 APPROVAL OF RESERVED MATTERS
- 2 SUBMISSION OF RESERVED MATTERS
- 3 TIME LIMIT FOR SUBMISSION
- 4 TIME LIMIT FOR COMMENCEMENT
- 5 CAR PARKING PROVISION
- 6 TREE PROTECTION DURING CONSTRUCTION
- 7 SINGLE STOREY AND NO OTHER DEVELOPMENT
- 8 LANDSCAPING DETAILS
- 9 LANDSCAPING IMPLEMENTATION
- 10 FENCE REMOVAL

(7)

**Application Number:** 03/01259      **Applicant:** Barratt Exeter

**Application Type:** Full planning application

**Description of Development:** Demolition of existing warehouse and erection of 12 flats and 12 family dwellings with associated roads, parking spaces and alterations to existing roads

**Site Address:** Salisbury Warehouse 1 Salisbury Ope Plymouth

**Decision: Grant Subject to S106 Obligation - Full**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 SEWAGE DISPOSAL
- 3 SURFACE WATER DISPOSAL
- 4 LANDSCAPE DESIGN PROPOSALS
- 5 LANDSCAPE WORKS IMPLEMENTATION
- 6 LANDSCAPE MANAGEMENT PLAN
- 7 DETAILS OF TREE PLANTING
- 8 TREE REPLACEMENT
- 9 DETAILS OF BOUNDARY TREATMENT
- 10 STREET DETAILS
- 11 ROAD ALIGNMENT AND DRAINAGE
- 12 COMPLETION OF ROADS AND FOOTWAYS
- 13 PROVISION OF PARKING AREA
- 14 EXTERNAL MATERIALS
- 15 CONTAMINATED LAND
- 16 NOISE REPORT AND MITIGATION MEASURES
- 17 CODE OF PRACTICE DURING CONSTRUCTION

Informatives

- 1 DRAINAGE INFORMATION
- 2 ROAD RETAINING STRUCTURE
- 3 JAPANESE KNOTWEED

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(8)

**Application Number:** 03/01748      **Applicant:** UK Pub Company Ltd

**Application Type:** Full planning application

**Description of Development:** Demolition of public house and erection of 24 flats with car parking for 31 cars and landscaping

**Site Address:** The Royal Marine Torridge Way Plymouth

**Decision: Grant Subject to S106 Obligation - Full**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 MATERIALS
- 3 FURTHER DETAILS
- 4 LANDSCAPE DESIGN PROPOSALS
- 5 SOFT LANDSCAPE WORKS
- 6 LANDSCAPE WORKS IMPLEMENTATION
- 7 TREE PROTECTION
- 8 AMENITY AREA
- 9 ACCESS FROM NAMED ROAD
- 10 PROVISION OF SIGHT LINES
- 11 REINSTATEMENT OF FOOTWAY
- 12 PROVISION OF PARKING AREA
- 13 REFUSE STORAGE
- 14 DRAINAGE
- 15 CONTINUATION OF FOOTWAY

(9)

**Application Number:** 04/00457      **Applicant:** Peninsula Care Homes Ltd

**Application Type:** Full planning application

**Description of Development:** Single-storey extension to residential home to create 3 additional rooms, extension to garden room and relocation of bin store

**Site Address:** Plymbridge House 1-3 Plymbridge Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 PROVISION OF PARKING SPACES

(10)

**Application Number:** 04/00763      **Applicant:** Mr Rogers

**Application Type:** Full planning application

**Description of Development:** Filling over old Army concrete bases with imported inert fill and covering with top soil to increase land available for farming by raising levels

**Site Address:** Land At Barn Farm Hooe Hill Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 COMPLIANCE WITH AMENDED PLANS
- 2 MATERIAL TO BE REMOVED ADJACENT TO TREES
- 3 SITE AREA RESTRICTION

(11)

**Application Number:** 04/00850      **Applicant:** Prestige Homes SW Ltd

**Application Type:** Full planning application

**Description of Development:** Demolish leisure centre and redevelop site by erection of nine and ten storey building containing 122 flats above ground floor food and drink use and basement parking (amended proposals)

**Site Address:** The Ballard Centre The Crescent Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 EXTERNAL MATERIALS
- 3 SURFACING MATERIALS
- 4 SEWAGE DISPOSAL/DRAINAGE WORKS
- 5 SURFACE WATER DISPOSAL
- 6 LANDSCAPE DESIGN PROPOSALS
- 7 LANDSCAPE WORKS IMPLEMENTATION
- 8 MAINTENANCE SCHEDULE
- 9 STREET DETAILS
- 10 CARPARK CONNECTION DETAILS
- 11 CYCLE STORAGE PROVISION
- 12 DETAILS OF BASEMENT CAR PARK
- 13 REFUSE AND SERVICING ARRANGEMENTS
- 14 ARCHAEOLOGY
- 15 FOOD AND DRINK USE DETAILS

- 16 DETAILS OF FUME EXTRACTOR
  - 17 CODE OF PRACTICE DURING CONSTRUCTION
- Informatives
- 1 PERMIT PARKING ZONE EXCLUSION
  - 2 FIRE SAFETY ADVICE
  - 3 CHANGES TO PUBLIC CARPARK EQUIPMENT ETC
  - 4 EXTINGUISHMENT ORDER AND SECTION 278
- 

**(12)**

**Application Number:** 04/01636      **Applicant:** Mr T Peters

**Application Type:** Full planning application

**Description of Development:** Part two-storey, part single-storey, rear extension (existing single-storey extension to be removed)

**Site Address:** 47 Stenlake Terrace Plymouth PL4 9LA

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 OBSCURE GLAZING
- 3 COMPLIANCE WITH FLOOD PROOFING MEASURES

Informatives

- 1 LANDFILL SITE NEARBY
  - 2 PARTY WALL ACT
- 

**(13)**

**Application Number:** 04/01716      **Applicant:** A And A Shemetras

**Application Type:** Full planning application

**Description of Development:** Change of use from office to single family dwelling

**Site Address:** 17 Addison Road Plymouth PL4 8LL

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(14)**

**Application Number:** 04/01740      **Applicant:** Mr And Mrs Stone

**Application Type:** Full planning application

**Description of Development:** 2/3 storey detached dwelling, incorporating basement garage (revised scheme)

**Site Address:** Land Between 8 And 12 Byard Close Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 BOUNDARY TREATMENT
- 3 GARAGES RETAINED FOR PARKING
- 4 GARAGE DOOR TYPE (ADJACENT TO HIGHWAY)
- 5 OBSCURE GLAZING
- 6 DETAILS OF ENCLOSURE AND SCREENING

**(15)**

**Application Number:** 04/01763      **Applicant:** Thompson And Jackson

**Application Type:** Full planning application

**Description of Development:** Change of use from surgery (Class D1) to offices (Class B1)

**Site Address:** 12 Hyde Park Road Plymouth PL3 4RJ

**Decision:** Refuse

**REASONS:**

1            INADEQUATE PARKING PROVISION

Informatives

1            PARKING PERMITS

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**(16)**

**Application Number:** 04/01822      **Applicant:** Mr And Mrs J Honey

**Application Type:** Full planning application

**Description of Development:** Single storey rear extension and formation of vehicle parking area in front garden

**Site Address:** 66 Cardinal Avenue Plymouth PL5 1UT

**Decision:** Refuse

**REASONS:**

1            INADEQUATE SITE

2            IMPACT ON STREET SCENE

**(17)**

**Application Number:** 04/01825      **Applicant:** Mr And Mrs M Storey

**Application Type:** Full planning application

**Description of Development:** Formation of rooms in roofspace involving rear dormer and front rooflights

**Site Address:** 19 Norton Avenue Plymouth PL4 7PE

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(18)**

**Application Number:** 04/01836      **Applicant:** Mr And Mrs S J Edwards

**Application Type:** Full planning application

**Description of Development:** Retention of garden shed in rear garden

**Site Address:** 243 Clittaford Road Plymouth PL6 6HZ

**Decision:** Permitted

(no conditions)

(19)

**Application Number:** 04/01846      **Applicant:** Mr And Mrs D Rickard

**Application Type:** Full planning application

**Description of Development:** Detached rear conservatory

**Site Address:** 32 Northumberland Street Plymouth PL5 1AY

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 SCREEN FENCE
- 3 RENDERING OF REAR BOUNDARY WALL

Informatives

- 1 BUILDING REGULATIONS REQUIRED
- 

(20)

**Application Number:** 04/01851      **Applicant:** Phillip Morgan

**Application Type:** Full planning application

**Description of Development:** Erection of a single storey side extension for use as a garage and replacement driveway

**Site Address:** 2 Blairgowrie Road Plymouth PL5 1NP

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 MATCHING MATERIALS
- 3 USE RESTRICTION (GARAGE)

Informatives

- 1 Matching materials
- 

(21)

**Application Number:** 04/01853      **Applicant:** Mrs S Thompson

**Application Type:** Full planning application

**Description of Development:** Erection of a front porch

**Site Address:** 60 Marina Road Plymouth PL5 2NR

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 MATCHING MATERIALS

Informatives

- 1 EA COMMENTS – 250M OF LANDFILLI
  - 2 MATCHING MATERIALS
  - 3 PARTY WALL ACT
-

(22)

**Application Number:** 04/01869      **Applicant:** Devon And Cornwall Housing Association Ltd

**Application Type:** Advert application

**Description of Development:** Non illuminated freestanding sign

**Site Address:** Whitefield House Greenbank Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1        5 YEAR CONSENT
- 2        MAINTENANCE
- 3        SAFE CONDITION
- 4        REMOVAL
- 5        PERMISSION OF OWNER
- 6        TRANSPORT CONSIDERATIONS
- 7        INFORMATIVE

(23)

**Application Number:** 04/01893      **Applicant:** J Turnage

**Application Type:** Full planning application

**Description of Development:** 4 storey building containing 7 flats for 45 students and parking area

**Site Address:** 1-2 Bedford Park Villas Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1        DURATION OF FULL PERMISSION
- 2        MANAGEMENT ARRANGEMENTS
- 3        OCCUPANCY RESTRICTION
- 4        CAR PARKING
- 5        DRAINAGE OF THE PARKING AREA
- 6        LANDSCAPE DESIGN DETAILS
- 7        SOFT LANDSCAPE WORKS
- 8        LANDSCAPE WORKS IMPLEMENTATION
- 9        LANDSCAPE MANAGEMENT PLAN
- 10       MAINTENANCE SCHEDULE
- 11       CYCLE PROVISION
- 12       CYCLE STORAGE
- 13       TREE PROTECTION
- 14       WINDOWS NOT TO OPEN ONTO THE HIGHWAY
- 15       RESTRICTION ON NUMBER OF RESIDENTS
- 16       EXTERNAL MATERIALS
- 17       CODE OF PRACTICE DURING CONSTRUCTION
- 18       FURTHER DETAILS OF REFUSE STORAGE
- 19       NON USE OF THIRD FLOOR OPEN AREA
- 20       THIRD FLOOR OPEN AREA TO REMAIN OPEN

**Informatives**

- 1        EXCLUSION FROM THE PARKING PERMIT ZONE
  - 2        DETAILS OF THE MANAGEMENT ARRANGEMENTS
-

(24)

**Application Number:** 04/01910      **Applicant:** Devon And Cornwall Housing Association

**Application Type:** Full planning application

**Description of Development:** Change of use and conversion of first floor flat to office

**Site Address:** 2,3 And 4 Endsleigh Gardens Plymouth

**Decision:** Refuse

**REASONS:**

- 1 UNJUSTIFIED LOSS OF RES UNIT
- 2 INACCESSIBLE/ UNJUSTIFIED

Informatives

- 1 ACCESSIBLE PREMISES
- 

(25)

**Application Number:** 04/01913      **Applicant:** Airport Business Centre Ltd

**Application Type:** Full planning application

**Description of Development:** Formation of additional car parking areas north (side) and east (front) of building, alterations to car park layout south (side) of building and formation of new bridge link to office block at first floor level

**Site Address:** 10 Thornbury Road Plymouth PL6 7PW

**Decision:** Permitted

**CONDITIONS:**

- 1 TRAVEL PLAN
- 2 SOFT LANDSCAPING WORKS
- 3 TREE REPLACEMENT

Informatives

- 1 LANDSCAPE DETAILS
- 

(26)

**Application Number:** 04/01920      **Applicant:** Exway Coachworks Ltd

**Application Type:** Full planning application

**Description of Development:** Alterations to industrial building, improvement to offices, and provision of spray booths, vehicle wash and valet building

**Site Address:** 6 Lister Close Plymouth PL7 4BA

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 CAR PARKING PROVISION
- 3 CODE OF PRACTICE
- 4 VENTILATION/NOISE ATTENUATION DETAILS
- 5 RESTRICTION ON POWER DRIVEN MACHINERY



(27)

**Application Number:** 04/01927      **Applicant:** J Griffiths And Peninsula Autism Services

**Application Type:** Full planning application

**Description of Development:** Erection of two-storey outbuilding to provide staff flat, residents' facilities and administrative offices at Autistic Spectrum Disorder Unit (existing garage to be removed)

**Site Address:** St Winnow Rocky Park Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 USE RESTRICTION
- 3 TREE PROTECTION
- 4 TREE REPLACEMENT

Informatives

- 1 CHANGE OF USE
  - 2 PLANNING PERMISSION REQUIRED
- 

(28)

**Application Number:** 04/01955      **Applicant:** A And S Williams

**Application Type:** Full planning application

**Description of Development:** Change of use of dwellinghouse into four flats (retrospective)

**Site Address:** 260 North Road West Plymouth PL1 5DG

**Decision:** Permitted

**CONDITIONS:**

- 1 AMENITY SPACE

Informatives

- 1 PERMIT PARKING ZONE
- 

(29)

**Application Number:** 04/01970      **Applicant:** Mr T Turner

**Application Type:** Outline planning application

**Description of Development:** Outline application for the erection of 2 three storey blocks of flats containing 17 dwellings and car parking

**Site Address:** 315-317 Tavistock Road Plymouth PL6 8AD

**Decision:** Withdrawn

(30)

**Application Number:** 04/01971      **Applicant:** M Fowley

**Application Type:** Full planning application

**Description of Development:** Front conservatory

**Site Address:** 34 Belle Vue Rise Plymouth PL9 9QD

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 OBSCURE GLAZING

(31)

**Application Number:** 04/01974      **Applicant:** Devonport Management Ltd (DML)

**Application Type:** Full planning application

**Description of Development:** Temporary use of land at Weston Mill for the storage of materials and plant sorting of demolition materials and erection of concrete crushing plant

**Site Address:** H M Dockyard Saltash Road Keyham

**Decision: Permitted**

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 TEMPORARY CONSENT
- 3 HOURS OF OPERATION
- 4 CODE OF PRACTICE DURING CONSTRUCTION
- 5 LOADING AND UNLOADING PROVISION
- 6 USE OF LOADING AREAS

(32)

**Application Number:** 04/01981      **Applicant:** Mr And Mrs M Rodd

**Application Type:** Full planning application

**Description of Development:** Part two-storey, part single-storey, rear extension to dwelling and extension to garage including provision of pitched roof

**Site Address:** 6 Elm Grove Plymouth PL7 2BW

**Decision: Refuse**

**REASONS:**

- 1 OUT OF CHARACTER
- 2 LOSS OF SUNLIGHT/DAYLIGHT
- 3 FLOOD RISK

(33)

**Application Number:** 04/01982      **Applicant:** Mr And Mrs Cliffe

**Application Type:** Full planning application

**Description of Development:** Change of use of garage to living accommodation and erection of a garage side extension and rear raised patio and steps

**Site Address:** 50 Canterbury Drive Plymouth PL5 4HH

**Decision: Withdrawn**

(34)

**Application Number:** 04/01996      **Applicant:** Mr R Baylis

**Application Type:** Outline planning application

**Description of Development:** Outline application to develop part of rear curtilage by demolishing garages/workshop and erecting 3 three-storey mews-type dwellinghouses, with details of siting and means of access

**Site Address:** Geasons Geasons Lane Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 APPROVAL OF RESERVED MATTERS
- 2 SUBMISSION OF RESERVED MATTERS
- 3 TIME LIMIT FOR SUBMISSION
- 4 TIME LIMIT FOR COMMENCEMENT
- 5 CAR PARKING PROVISION
- 6 TURNING SPACE PROVISION
- 7 GARAGE USE RESTRICTION
- 8 TREE RETENTION AND PROTECTION
- 9 RESTRICTIONS ON PERMITTED DEVELOPMENT
- 10 OBSCURE GLAZING

Informatives

- 1 TREE WORKS INFORMATIVE
- 

(35)

**Application Number:** 04/01998      **Applicant:** Gareth Eddy

**Application Type:** Full planning application

**Description of Development:** Change of use of ground and first floor of no.46 from offices (A2) to café/bar (A3), alts. to the external appearance incl. front balcony feature, use of forecourt of both premises for food/drink consumption, and single storey rear extension

**Site Address:** 45-46 Tavistock Place Plymouth PL4 8AX

**Decision:** Withdrawn

(36)

**Application Number:** 04/01999      **Applicant:** Ms C Heath

**Application Type:** Full planning application

**Description of Development:** 0402322\_First-floor rear extension

**Site Address:** 5 Ivydale Road Plymouth PL4 7DE

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 NO WINDOWS IN SIDE ELEVATION

Informatives

- 1 PARTY WALL ACT
-

(37)

**Application Number:** 04/02000      **Applicant:** Mr Simon Meadows

**Application Type:** Full planning application

**Description of Development:** Rear garage and utility area within existing courtyard

**Site Address:** 35 Moor View Devonport Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 USE RESTRICTION (GARAGE)
- 3 GARAGE DOOR TYPE (ADJACENT TO HIGHWAY)
- 4 GARAGE CLEAR OF OBSTRUCTION

Informatives

- 1 KERB LOWERING
- 

(38)

**Application Number:** 04/02006      **Applicant:** Gatebrook Developments Ltd

**Application Type:** Full planning application

**Description of Development:** Continue use of ground floor as 2 self contained flats

**Site Address:** 22 North Road East Plymouth PL4 6AS

**Decision:** Permitted

Informatives

- 1 LISTED BUILDING CONSENT
- 

(39)

**Application Number:** 04/02012      **Applicant:** Tesco Stores Ltd

**Application Type:** Advert application

**Description of Development:** Installation of 11 non-illuminated advertisements

**Site Address:** Tesco Superstore Transit Way Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 5 YEAR CONSENT
- 2 MAINTENANCE
- 3 SAFE CONDITION
- 4 REMOVAL
- 5 PERMISSION OF OWNER
- 6 TRANSPORT CONSIDERATIONS
- 7 INFORMATIVE

**(40)**

**Application Number:** 04/02016      **Applicant:** Mr K Smith

**Application Type:** Outline planning application

**Description of Development:** Outline application to demolish bungalow and develop site by erection of 3 dwellinghouses, with details of siting and with indication of improved and widened access

**Site Address:** Rock View Boringdon Hill Plymouth

**Decision:** Refuse

**REASONS:**

- 1 TOWN CRAMMING
- 2 SUB-STANDARD ACCESS/HIGHWAY SAFETY
- 3 SITING AND IMPACT ON ROAD WIDENING

**(41)**

**Application Number:** 04/02021      **Applicant:** Mr And Mrs Evans

**Application Type:** Full planning application

**Description of Development:** Rear conservatory and formation of open courtyard and parking area

**Site Address:** 119 Torr Lane Plymouth PL3 5UF

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 GARAGE DOOR
- 3 OBSCURE GLAZING

**(42)**

**Application Number:** 04/02022      **Applicant:** Mr And Mrs Davey

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 43 Longstone Avenue Plymouth PL6 6QZ

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(43)**

**Application Number:** 04/02025      **Applicant:** A Chapman

**Application Type:** Advert application

**Description of Development:** Illuminated fascia and projecting signs

**Site Address:** Hyde Park House Mutley Plain Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 5 YEAR CONSENT
- 2 MAINTENANCE
- 3 SAFE CONDITION
- 4 REMOVAL
- 5 PERMISSION OF OWNER
- 6 TRANSPORT CONSIDERATIONS

**Informatives**

- 1 SITE PERMIT

(44)

**Application Number:** 04/02026      **Applicant:** Keedollan Properties Ltd

**Application Type:** Outline planning application

**Description of Development:** Outline application to erect two-storey extension to form 4 two-bedroom flats, with all details except landscaping

**Site Address:** Land Adjacent To 34 Hooe Road Plymouth

**Decision:** Refuse

**REASONS:**

- 1            LOSS OF TURNING SPACE
- 2            LOSS OF PARKING SPACE

(45)

**Application Number:** 04/02028      **Applicant:** C Blagdon

**Application Type:** Full planning application

**Description of Development:** Double private motor garage

**Site Address:** 28 Rigdale Close Plymouth PL6 5PR

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            USE RESTRICTION (GARAGE)

(46)

**Application Number:** 04/02029      **Applicant:** Mr And Mrs S Pinnock

**Application Type:** LDC Proposed development

**Description of Development:** Rear extension

**Site Address:** 112 Church Way Plymouth PL5 1AH

**Decision:** PP not req- Lawful Dev (Proposed Use)

Informatives

- 1            BASIS OF DECISION

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(47)

**Application Number:** 04/02031      **Applicant:** Mr And Mrs Pentecost

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension, including private motor garage, provision of pitched roof to replace existing flat roof, installation of dome rooflight, and rear conservatory

**Site Address:** 117 Plymstock Road Plymouth PL9 7PH

**Decision:** Refuse

**REASONS:**

- 1            OVERLY LARGE AND BULKY BUILDING
- 2            LOSS OF PRIVACY

(48)

**Application Number:** 04/02032      **Applicant:** K Anderson And M Wood

**Application Type:** LDC Proposed development

**Description of Development:** Single-storey rear extension

**Site Address:** 74 Reddington Road Plymouth PL3 6PT

**Decision:** PP req- Lawful Dev Certs (Proposed Use)

1      ABOVE PERMITTED DEVELOPMENT VOLUME LIMIT

(49)

**Application Number:** 04/02033      **Applicant:** Millborne Limited

**Application Type:** Full planning application

**Description of Development:** `Change of use and conversion of ground floor veterinary practice to form commercial unit and self-contained flat, with alterations to two existing flats on first-and second-floors

**Site Address:** Albert House Station Road Plympton

**Decision:** Permitted

**CONDITIONS:**

- 1      DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2      OBSCURE GLAZING
- 3      USE RESTRICTION OF COMMERCIAL PROPERTY

(50)

**Application Number:** 04/02036      **Applicant:** Mr M O'Brien

**Application Type:** Full planning application

**Description of Development:** Front extension to showroom

**Site Address:** 121A Trelawney Road Peverell Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1      DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2      MATERIALS

Informatives

- 1      PARTY WALL ACT
- 2

(51)

**Application Number:** 04/02039      **Applicant:** Elizabeth Ann Lyndon

**Application Type:** LDC Proposed development

**Description of Development:** Rear conservatory

**Site Address:** 34 Cromer Walk Plymouth PL6 6HE

**Decision:** PP not req- Lawful Dev (Proposed Use)

1            PERMITTED DEVELOPMENT

(52)

**Application Number:** 04/02040      **Applicant:** Mr G Mills (Bursar)

**Application Type:** Full planning application

**Description of Development:** New sports hall, alterations to provide pedestrian link to existing school buildings, formation of associated parking areas and new vehicular access

**Site Address:** St Dunstons Abbey School Craigie Drive Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            DRAINAGE DETAILS
- 3            SURFACING MATERIALS DETAILS
- 4            EXTERNAL MATERIALS
- 5            TREE PROTECTION FENCING
- 6            SPORT AND COMMUNITY USE
- 7            FURTHER DETAILS
- 8            EXTENT OF DEVELOPMENT CONSIDERED
- 9            CAR PARKING PROVISION
- 10          CYCLE PROVISION
- 11          HOURS RESTRICTION

Informatives

- 1            SPORT ENGLAND COMMENTS ATTACHED
- 2            SOAKAWAY PREFERRED
- 3            HIGH LEVEL WINDOWS - WEST ELEVATION

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(53)

**Application Number:** 04/02041      **Applicant:** Mrs V Worrall

**Application Type:** LDC Proposed development

**Description of Development:** Single-storey extension of dining room and extension to rear of kitchen comprising corridor and shower/toilet

**Site Address:** 4 Deeble Close Plympton Plymouth

**Decision:** PP not req- Lawful Dev (Proposed Use)

1            LAWFUL



(54)

**Application Number:** 04/02043      **Applicant:** Beech Croft Developments (SW) Ltd

**Application Type:** Full planning application

**Description of Development:** Erection of two detached dwellinghouses with attached double private motor garages, formation of passing bay and associated off-site highway works

**Site Address:** 3 Blackberry Close Plymouth PL9 7EU

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 TREE AND HEDGEROW PROTECTION
- 3 PROVISION OF PEDESTRIAN RAMP
- 4 PROVISION OF PASSING BAY
- 5 PROVISION OF PARKING AND TURNING
- 6 REMOVAL OF PERMITTED DEV RIGHTS
- 7 NO FURTHER WINDOWS OR DOORS
- 8 OBSCURE GLAZING

Informatives

- 1 GAS MIGRATIONS FROM LANDFILL SITE
- 

(55)

**Application Number:** 04/02044      **Applicant:** Mr And Mrs C Saunders

**Application Type:** Full planning application

**Description of Development:** Formation of room in roofspace involving rear dormer extension and three front rooflights

**Site Address:** 5 Swallows End Plymouth PL9 7DZ

**Decision:** Refuse

**REASONS:**

- 1 UNSIGHTLY REAR DORMER
- 2 IMPACT ON CHARACTER OF AREA (DORMER)
- 3 IMPACT ON STREETSCENE (FRONT ROOFLIGHTS)

(56)

**Application Number:** 04/02045      **Applicant:** Tesco Stores Ltd

**Application Type:** Advert application

**Description of Development:** Banner, flagpole and A-frame signs

**Site Address:** Tesco 2 Woolwell Crescent Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 5 YEAR CONSENT
- 2 MAINTENANCE
- 3 SAFE CONDITION
- 4 REMOVAL
- 5 PERMISSION OF OWNER

Informatives

- 1 APPEAL DETAILS
- 2 SALES MARQUEE

(57)

**Application Number:** 04/02048      **Applicant:** J B Swilton

**Application Type:** Full planning application

**Description of Development:** Single-storey front extension, to include a porch

**Site Address:** Sun-Stone School Lane Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

Informatives

1            EA ADVISE

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(58)

**Application Number:** 04/02049      **Applicant:** Tesco Stores Ltd

**Application Type:** Full planning application

**Description of Development:** Erection of a marquee on part of car park in summer months (April-October) for 5 years, for the sale of horticultural products

**Site Address:** Tesco 2 Woolwell Crescent Plymouth

**Decision:** Refuse

**REASONS:**

1            HARM TO PEDESTRIAN SAFETY

(59)

**Application Number:** 04/02050      **Applicant:** D A Hildrew

**Application Type:** Full planning application

**Description of Development:** Rear conservatory and detached private motor garage

**Site Address:** 20 Peacock Close Plymouth PL7 4QL

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            OBSCURE GLAZING

Informatives

1            ERRORS IN TITLING ON PLANS

(60)

**Application Number:** 04/02051      **Applicant:** Keychange Charity

**Application Type:** Listed Building Consent

**Description of Development:** Internal alterations to Moore wing to convert 9 single bedrooms into 6 en-suite bedrooms

**Site Address:** Mount Eventide Residential Home 7 Lipson Terrace Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            TIME LIMIT FOR COMMENCEMENT (LBC)

(61)

**Application Number:** 04/02052      **Applicant:** Tesco Stores Ltd

**Application Type:** Full planning application

**Description of Development:** Erection of a marquee on part of car park in summer months (April-October) for 5 years, for the sale of horticultural products

**Site Address:** Tesco Superstore Transit Way Plymouth

**Decision:** Refuse

**REASONS:**

1            PEDESTRIAN SAFETY

(62)

**Application Number:** 04/02053      **Applicant:** Mrs Ali

**Application Type:** Full planning application

**Description of Development:** Single storey extension to garage to form utility room (and internal alterations to main building to form additional bedrooms)

**Site Address:** 293-295 Tavistock Road Plymouth

**Decision:** Refuse

**REASONS:**

1            INADEQUATE/LOSS OF PARKING

Informatives

1            ENFORCEMENT INVESTIGATION

2            PARKING/ TURNING AND TRAVEL REVIEW

(63)

**Application Number:** 04/02054      **Applicant:** J L McGregor

**Application Type:** Full planning application

**Description of Development:** First floor side extension (above part of existing lounge and garage)

**Site Address:** 274 Fort Austin Avenue Plymouth PL6 5SR

**Decision:** Refuse

**REASONS:**

- 1            OVERBEARING AND LOSS OF OUTLOOK
- 2            OVERLOOKING

(64)

**Application Number:** 04/02055      **Applicant:** Mr D Owen

**Application Type:** Full planning application

**Description of Development:** Change of use from use classes B1 (Business) and B2 (General Industrial) to use class B8 (storage/distribution)

**Site Address:** H M Land Registry Drake Hill Court Burrington Way Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            LOADING AND UNLOADING PROVISION
- 3            USE OF LOADING AREAS
- 4            RETENTION OF TREES / HEDGEROWS

(65)

**Application Number:** 04/02056      **Applicant:** Mr R Darcy

**Application Type:** Full planning application

**Description of Development:** Alterations to front elevation (providing wall behind shopfront glass to produce dummy window)

**Site Address:** 59 Fleet Street Plymouth

**Decision:** Refuse

**REASONS:**

- 1            VISUAL HARM

**Informatives**

- 1            ADV CONSENT

(66)

**Application Number:** 04/02061      **Applicant:** Mr I Stevenson

**Application Type:** Full planning application

**Description of Development:** Single storey side extension

**Site Address:** 33 Netton Close Plymouth PL9 8UL

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 PROTECTION OF HEDGEBANK
- 3 RETENTION OF TREES

(67)

**Application Number:** 04/02062      **Applicant:** Judith Dight

**Application Type:** Full planning application

**Description of Development:** Side/rear conservatory

**Site Address:** 65 Dark Street Lane Plympton Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(68)

**Application Number:** 04/02064      **Applicant:** Mr C Forrest

**Application Type:** Full planning application

**Description of Development:** Change of use and alteration of workshop to provide ancillary offices (for estate agency) over additional covered parking area

**Site Address:** 65 Southside Street Plymouth PL1 2LA

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 OBSCURE GLAZING
- 3 MATERIALS

Informatives

- 1 PERMIT PARKING ZONE

(69)

**Application Number:** 04/02067      **Applicant:** P Sanders

**Application Type:** Full planning application

**Description of Development:** Front porch and rear extension/conservatory

**Site Address:** 127 Budshead Road Plymouth PL5 2PJ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(70)

**Application Number:** 04/02068      **Applicant:** Mr And Mrs Huxtable-Smith

**Application Type:** Full planning application

**Description of Development:** Formation of vehicle hardstanding in side garden

**Site Address:** 7 South Hill Hooe Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            PROVISION OF SIGHT LINES

3            DRIVEWAY GRADIENT

4            DOUBLE YELLOW LINES

Informatives

1            KERB LOWERING

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(71)

**Application Number:** 04/02069      **Applicant:** Peverell Park Surgery

**Application Type:** Full planning application

**Description of Development:** Pedestrian access ramp to Peverell Park Surgery (The Stables)

**Site Address:** Pounds House 162 Outland Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(72)

**Application Number:** 04/02070      **Applicant:** Mr And Mrs S Benney

**Application Type:** Full planning application

**Description of Development:** Two storey front and single storey rear extensions

**Site Address:** 41 Lulworth Drive Plymouth PL6 7DT

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 MATCHING MATERIALS / SAMPLES
- 3 NO FURTHER SIDE WINDOWS

(73)

**Application Number:** 04/02072      **Applicant:** St Lukes Hospice

**Application Type:** Full planning application

**Description of Development:** Alterations and extensions, with provision of two additional parking spaces for parking mini-buses

**Site Address:** St Lukes Hospice Stamford Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 FURTHER DETAILS
- 3 LANDSCAPE MAINTENANCE

Informatives

- 1 HUMAN REMAINS

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(74)

**Application Number:** 04/02073      **Applicant:** Mr And Mrs Gallini

**Application Type:** Full planning application

**Description of Development:** Retention of outbuilding (linking dwelling to garden shed)

**Site Address:** 102 St Peters Road Plymouth PL5 3JG

**Decision:** Permitted

(No conditions)

(75)

**Application Number:** 04/02074      **Applicant:** Mr M Scantlebury

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension including private motor garage (existing garage to be removed)

**Site Address:** 76 Hemerdon Heights Plymouth PL7 2EZ

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 NO SIDE WINDOWS
- 3 USE RESTRICTION (GARAGE)

(76)

**Application Number:** 04/02076      **Applicant:** Mrs S Newton

**Application Type:** Full planning application

**Description of Development:** Double private motor garage with storage/games room above, driveway to side and rear of garage, and rear conservatory to dwelling

**Site Address:** 64 Billacombe Road Plymouth PL9 7EX

**Decision:** Refuse

**REASONS:**

- 1 IMPACT ON HIGHWAY SAFETY
- 2 INTRUSION INTO STREETSCENE
- 3 IMPACT ON OUTLOOK

(77)

**Application Number:** 04/02078      **Applicant:** Mrs Edmunds

**Application Type:** Full planning application

**Description of Development:** Change of use of ground floor shop to use as enlargement of adjacent social club at Number 92

**Site Address:** 90 Embankment Road Plymouth PL4 9HY

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 RESTRICTION ON PLAYING OF MUSIC
- 3 NO FURTHER OPENINGS IN PARTY WALL



(78)

**Application Number:** 04/02079      **Applicant:** Mr And Mrs Buckland

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension

**Site Address:** 37 Nevada Close Plymouth PL3 6SY

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(79)

**Application Number:** 04/02081      **Applicant:** R J F Bowden

**Application Type:** Outline planning application

**Description of Development:** Outline application to redevelop land (from commercial) for residential purposes

**Site Address:** 131-133 Victoria Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            APPROVAL OF RESERVED MATTERS
- 2            SUBMISSION OF RESERVED MATTERS
- 3            TIME LIMIT FOR SUBMISSION
- 4            PARKING SPACES
- 5            ACCESS DETAILS
- 6            CODE OF PRACTICE DURING CONSTRUCTION

Informatives

- 1            ACCESS INFORMATION
- 2            SEPERATION OF PLOTS

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(80)

**Application Number:** 04/02082      **Applicant:** Mr And Mrs Friend

**Application Type:** Full planning application

**Description of Development:** Two storey side extension, incorporating existing private motor garage

**Site Address:** 53 Segrave Road Plymouth PL2 3DS

**Decision:** Refuse

**REASONS:**

- 1            STREET SCENE

(81)

**Application Number:** 04/02087      **Applicant:** Plymouth City Council

**Application Type:** Full planning application

**Description of Development:** Replacement of existing aluminium sliding sash windows with PVCu fixed over top hung glazed windows

**Site Address:** 1-36 Mount Stone Road Plymouth PL1 3RW

**Decision:** Refuse

**REASONS:**

1            DETRIMENTAL TO CONSERVATION AREA

(82)

**Application Number:** 04/02089      **Applicant:** Mr And Mrs A Davies

**Application Type:** Full planning application

**Description of Development:** Demolish house and redevelop site by erection of two dwellinghouses, with additional vehicular access from Plymbridge Road

**Site Address:** 127 Larkham Lane Plymouth PL7 4PR

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            ACCESS CONSTRUCTION BEFORE OCCUPATION
- 3            PROVISION OF SIGHT LINES
- 4            DRIVEWAY GRADIENT
- 5            CAR PARKING PROVISION
- 6            PROVISION OF FOOTWAY
- 7            SURFACING MATERIALS
- 8            DETAILS OF ENCLOSURE AND SCREENING
- 9            EXISTING TREES/HEDGEROWS TO BE RETAINED
- 10          OBSCURE GLAZING
- 11          REMOVAL OF PERMITTED DEVELOPMENT RIGHTS
- 12          NO NEW SIDE WINDOWS ABOVE G/F LEVEL

Informatives

- 1            SECTION 278 AGREEMENT

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(83)

**Application Number:** 04/02090      **Applicant:** Colourcolt Ltd

**Application Type:** Full planning application

**Description of Development:** Change of use of vaults (numbers 1, 4 and part of 3) to Class B8 storage of documentary records by Plymouth Barbican Association Ltd

**Site Address:** 41-42 New Street Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            USE RESTRICTED TO BARBICAN ASSOCIATION

**(84)**

**Application Number:** 04/02094      **Applicant:** Mrs Johnson

**Application Type:** Full planning application

**Description of Development:** Rear, garden level conservatory (with link to higher living room level)

**Site Address:** 4 The Old Laundry Plymouth PL1 3NL

**Decision:** Refuse

**REASONS:**

- 1            IMPACT UPON CONSERVATION AREA
- 2            IMPACT UPON PRIVACY

**(85)**

**Application Number:** 04/02099      **Applicant:** Resond (Health) Ltd

**Application Type:** Reserved Matters application

**Description of Development:** New Surgery (Class D1) and health care building, and associated works (approval of reserved matters) (Revision to previously approved scheme to add windcatcher units to roofline)

**Site Address:** Land Opposite Lakeside Residential Home Ernesettle Green Plymouth

**Decision:** Permitted

**CONDITIONS:**

Informatives

- 1            APPROVAL OF RESERVED MATTERS

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**(86)**

**Application Number:** 04/02100      **Applicant:** Mr Tucker

**Application Type:** Full planning application

**Description of Development:** Change of use and conversion of lower ground and ground floors from post office to two self-contained flats, with replacement external rear fire escape and access staircase to first-floor flat

**Site Address:** 212 Old Laira Road Plymouth PL3 6AE

**Decision:** Refuse

**REASONS:**

- 1            INADEQUATE CAR PARKING PROVISION

**(87)**

**Application Number:** 04/02102      **Applicant:** Mr Glen Millar

**Application Type:** Full planning application

**Description of Development:** External lift (for disabled person) in front garden

**Site Address:** 14 Lympne Avenue Plymouth PL5 2PR

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            PERSONAL LIMITATION

(88)

**Application Number:** 04/02103      **Applicant:** UK Pub Company Ltd

**Application Type:** Full planning application

**Description of Development:** Change of use, conversion and extension of 1st and 2nd floors to form 8 flats, retaining public house on ground floor and extending public house manager's flat on third floor with alterations including installation of rooflights

**Site Address:** The Old Friary 51 Bretonside Plymouth

**Decision:** Withdrawn

(89)

**Application Number:** 04/02104      **Applicant:** Emeris Ltd

**Application Type:** Full planning application

**Description of Development:** Detached dwelling with detached double garage

**Site Address:** Land Adjoining 20,22,27 And 29 Moorfield Avenue Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 CODE OF PRACTICE DURING CONSTRUCTION
- 3 BOUNDARY TREATMENT
- 4 CONSERVATORY DETAILS
- 5 USE RESTRICTION (GARAGE)
- 6 DRIVEWAY GRADIENT
- 7 GARAGE DOOR TYPE (RESTRICTED DRIVE)
- 8 CAR PARKING PROVISION
- 9 CONSTRUCTION WORKS
- 10 VISIBILITY SPLAYS
- 11 SURFACE WATER
- 12 GARAGES FOR PARKING ONLY
- 13 NO PD

**Informatives**

- 1 FOOTPATH
- 2 HIGHWAYS

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(90)

**Application Number:** 04/02105      **Applicant:** Mr And Mrs Wilkins

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension, and formation of rooms in roofspace of extended dwellinghouse, with dormers and rooflights

**Site Address:** 113 Underlane Plymstock Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 NO SIDE WINDOWS

**(91)**

**Application Number:** 04/02106      **Applicant:** Peninsular Developments Ltd

**Application Type:** Full planning application

**Description of Development:** Change of use and conversion of farmhouse and barns to form a total of 6 dwellings, with associated parking and turning area provision

**Site Address:** 8-14 Sherford Road Plymouth PL9 8DH

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 RESTRICTIONS ON PERMITTED DEVELOPMENT
- 3 OBSCURE GLAZING
- 4 FURTHER DETAILS
- 5 PARKING
- 6 FURTHER HIGHWAY DETAILS
- 7 SURFACE WATER DISPOSAL
- 8 CODE OF PRACTICE DURING CONSTRUCTION
- 9 MATERIALS
- 10 RECORDING
- 11 CYCLE PROVISION
- 12 FURTHER DETAILS
- 13 YARD AREA
- 14 LANDSCAPING
- 15 SOFT LANDSCAPE WORKS

Informatives

- 1 LISTED BUILDING ASPECT
- 

**(92)**

**Application Number:** 04/02107      **Applicant:** Mr And Mrs D Connolly

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension, incorporating private motor garage

**Site Address:** 22 Rashleigh Avenue Plymouth PL7 4DA

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 NO SIDE WINDOWS
- 3 USE RESTRICTION (GARAGE)

Informatives

- 1 PARTY WALL ACT
- 

**(93)**

**Application Number:** 04/02108      **Applicant:** Mr And Mrs G R Burns

**Application Type:** Outline planning application

**Description of Development:** Outline application to develop part of rear garden by erection of chalet bungalow with integral private motor garage, with details of siting, means of access and landscaping

**Site Address:** 74 Elburton Road Plymouth PL9 8JB

**Decision:** Refuse

**REASONS:**

- 1 BACKLAND DEVELOPMENT
- 2 POOR ASPECT/LIGHT PENETRATION
- 3 OVERLOOKING

(94)

**Application Number:** 04/02110      **Applicant:** Mr And Mrs S Shirley

**Application Type:** Full planning application

**Description of Development:** Two-storey rear extension with balcony and terrace (existing rear structures to be removed)

**Site Address:** 78 Radford Park Road Plymouth PL9 9DX

**Decision:** Refuse

**REASONS:**

- 1            LOSS OF PRIVACY
- 2            OVERBEARING AND DOMINANT

(95)

**Application Number:** 04/02111      **Applicant:** Benbow Street Leisure

**Application Type:** Full planning application

**Description of Development:** Single storey rear extension, internal alterations to provide toilets for disabled persons, and alterations including external stairways

**Site Address:** The Haddington 28 Benbow Street Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            ROOF AREA USE RESTRICTION

(96)

**Application Number:** 04/02114      **Applicant:** Mr J Curtis

**Application Type:** Full planning application

**Description of Development:** Single storey rear extension (following removal of rear store)

**Site Address:** 40 Whin Bank Road Plymouth PL5 3BB

**Decision:** Permitted

**CONDITIONS:**

- 1            MATCHING MATERIALS
- 2            OBSCURE GLAZE TOP OF DOOR
- 3            NO FURTHER SIDE WINDOWS
- 4            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**Informatives**

- 1            PARTY WALL ACT

(97)

**Application Number:** 04/02116      **Applicant:** British Heart Foundation

**Application Type:** Full planning application

**Description of Development:** Shopfront alterations

**Site Address:** 95 Mutley Plain Plymouth PL4 6JJ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

Informatives

1            DOOR HANDLE TO CONTRAST WITH DOOR FRAME

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(98)

**Application Number:** 04/02117      **Applicant:** Mr Chapple

**Application Type:** Full planning application

**Description of Development:** Provision of step lift in front garden to improve access for a disabled person

**Site Address:** 116 Melrose Avenue Plymouth PL2 3RJ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            PERSONAL LIMITATION

(99)

**Application Number:** 04/02118      **Applicant:** Mr S R Knapman

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 7 Mardon Close Plymouth PL6 8TZ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            OBSCURE GLAZING.

**(100)**

**Application Number:** 04/02119      **Applicant:** British Heart Foundation

**Application Type:** Advert application

**Description of Development:** Non-illuminated fascia and projecting signs

**Site Address:** 95 Mutley Plain Plymouth PL4 6JJ

**Decision:** Permitted

**CONDITIONS:**

- 1        5 YEAR CONSENT
- 2        MAINTENANCE
- 3        SAFE CONDITION
- 4        REMOVAL
- 5        PERMISSION OF OWNER
- 6        TRANSPORT CONSIDERATIONS

**(101)**

**Application Number:** 04/02122      **Applicant:** Mr Tin Yam Chan

**Application Type:** Full planning application

**Description of Development:** Waive conditions 2 and 3 of planning permission notice no. 02/00842 (requiring re-instatement of front wall) to now provide a vehicle hardstanding in the front garden

**Site Address:** 44 Headland Park Plymouth PL4 8HT

**Decision:** Refuse

**REASONS:**

- 1        INSUFFICIENT PARKING
- 2        HARM TO VISUAL AMENITY

Informatives

- 1        PERMIT PARKING ZONE

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**(102)**

**Application Number:** 04/02124      **Applicant:** Pemberley Developments

**Application Type:** Conservation Area Consent

**Description of Development:** Demolition of former Blackfriars Copy building, with retention of basement level

**Site Address:** Site At Friars Lane Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1        DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2        CODE OF PRACTICE DURING DEMOLITION
- 3        CONTRACT LINK TO REDEVELOPMENT
- 4        EXPLORATORY WORK
- 5        ACCESS FOR OBSERVATION/RECORDING

Informatives

- 1        CO-EXISTING CONDITIONS
  - 2        NOTICE OF DEMOLITION
-



**(103)**

**Application Number:** 04/02125      **Applicant:** Mr D Morris

**Application Type:** Full planning application

**Description of Development:** Single-storey front and side extensions, with enlargement of balcony at first-floor level

**Site Address:** 1 Catalina Villas Plymouth PL9 9XQ

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2          NO FURTHER WINDOWS

Informatives

- 1          BUILDING REGULATIONS REQUIRED
- 

**(104)**

**Application Number:** 04/02127      **Applicant:** Mr And Mrs R Larson

**Application Type:** Full planning application

**Description of Development:** Single-storey side extension including private motor garage (existing garage to be converted to habitable accommodation)

**Site Address:** 52 Pollard Close Plymouth PL9 9RR

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

Informatives

- 1          UNDERGROUND SERVICES
- 

**(105)**

**Application Number:** 04/02129      **Applicant:** Mr Davarian

**Application Type:** Full planning application

**Description of Development:** Continue use of shop as cafe

**Site Address:** 44 Bretonside Plymouth

**Decision:** Refuse

**REASONS:**

- 1          INSUFFICIENT INFORMATION

**(106)**

**Application Number:** 04/02130      **Applicant:** Mr And Mrs Minion

**Application Type:** Full planning application

**Description of Development:** Single-storey side/rear extension, conversion of garage to gym and conversion of lower ground floor from storage to living accommodation for elderly relative, with formation of front light well

**Site Address:** 6 Reddington Road Plymouth PL3 6PS

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 OBSCURE GLAZING ON GYM WINDOW
- 3 GRANNY ANNEXE

Informatives

- 1 PARTY WALL ACT
- 

**(107)**

**Application Number:** 04/02131      **Applicant:** M S Day

**Application Type:** Full planning application

**Description of Development:** Continue use of land as part of garden of No.56

**Site Address:** Land Adjacent To 56 Westfield Plymouth

**Decision:** Permitted

**CONDITIONS:**

Informatives

- 1 EXTINGUISHMENT OF HIGHWAY RIGHTS
- 

**(108)**

**Application Number:** 04/02132      **Applicant:** Mr And Mrs Holmes

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 2 Haldon Place Plymouth PL5 3QS

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(109)**

**Application Number:** 04/02133     **Applicant:** Sheffield Insulations

**Application Type:** Advert application

**Description of Development:** Externally illuminated company name sign

**Site Address:** Block H2 87 St Modwen Road Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1        5 YEAR CONSENT
- 2        MAINTENANCE
- 3        SAFE CONDITION
- 4        REMOVAL
- 5        PERMISSION OF OWNER
- 6        TRANSPORT CONSIDERATIONS

Informatives

- 1        APPEAL DETAILS
- 

**(110)**

**Application Number:** 04/02135     **Applicant:** University Of Plymouth

**Application Type:** Full planning application

**Description of Development:** Link building (between fitness suite/squash courts and nursery buildings)

**Site Address:** 3-15 And ATC Premises/Car Park Endsleigh Place Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1        DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2        EXTERNAL MATERIALS
- 3        SURFACING MATERIALS
- 4        LANDSCAPING DESIGN PROPOSALS
- 5        SOFT LANDSCAPE WORKS
- 6        LANDSCAPE WORKS IMPLEMENTATION
- 7        MAINTENANCE SCHEDULE
- 8        CODE OF PRACTICE DURING CONSTRUCTION
- 9        USE OF OUTDOOR PLAY AREA: NUMBERS
- 10       USE OF OUTDOOR PLAY AREA: TIME

Informatives

- 1        DISCUSSIONS WITH ADJOINING PROPERTY

(111)

**Application Number:** 04/02136      **Applicant:** Morice Town Primary School

**Application Type:** Full planning application

**Description of Development:** Alterations and extensions to existing primary school, and alterations to playground with new retaining wall/boundary fences

**Site Address:** Morice Town Primary School Charlotte Street Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 FURTHER DETAILS
- 3 PLAYGROUND SURFACE/WALL DETAILS
- 4 CAR PARKING PROVISION
- 5 SCHOOL TRAVEL PLAN
- 6 MATERIALS

(112)

**Application Number:** 04/02137      **Applicant:** Mr And Mrs Hooks

**Application Type:** Full planning application

**Description of Development:** First floor rear extension

**Site Address:** 31 Cedarcroft Road Plymouth PL2 3JX

**Decision:** Refuse

**REASONS:**

- 1 LOSS OF LIGHT/OUTLOOK AND OVERBEARING

(113)

**Application Number:** 04/02138      **Applicant:** Mr And Mrs P Fortune

**Application Type:** Full planning application

**Description of Development:** Private motor garage and parking space (existing garage and sun room shed to be removed)

**Site Address:** 36 Moorland Avenue Plymouth PL7 2DA

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 LEVEL OF GARAGE
- 3 DRIVEWAY GRADIENT
- 4 SURFACE WATER DRAINAGE

**(114)**

**Application Number:** 04/02139      **Applicant:** Mr And Mrs G Humphrey

**Application Type:** Full planning application

**Description of Development:** First floor side extension, (partially above existing garage)

**Site Address:** 17 Durris Close Plymouth PL6 8JP

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(115)**

**Application Number:** 04/02140      **Applicant:** A Cummings

**Application Type:** Full planning application

**Description of Development:** Change of use and conversion of former post office to use as estate agent's offices in conjunction with existing use of No.12

**Site Address:** 10 Eggbuckland Road Plymouth PL3 5HE

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(116)**

**Application Number:** 04/02141      **Applicant:** Mr A Tozer

**Application Type:** Full planning application

**Description of Development:** Single storey side/rear extension

**Site Address:** 18 Plaistow Crescent Plymouth PL5 2EA

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

Informatives

1            BUILDING REGULATIONS REQUIRED

(117)

**Application Number:** 04/02143      **Applicant:** Kimac Properties Ltd

**Application Type:** Full planning application

**Description of Development:** Change of use and conversion to form 3 self contained flats, including external stairway

**Site Address:** 46 Houndiscombe Road Plymouth PL4 6EX

**Decision:** Refuse

**REASONS:**

- 1            VIS. AND AMENITY HARM FROM EXTERNAL STAIR
- 2            INADEQUATE PROVISION FOR PARKING

Informatives

- 1            REVISED SCHEME FOR TWO UNITS
- 

(118)

**Application Number:** 04/02145      **Applicant:** V Goode

**Application Type:** Full planning application

**Description of Development:** First-floor extension over existing garage and single-storey side and rear extension to provide swimming pool, steam room and toilet, with terrace above

**Site Address:** 5 Catalina Villas Plymouth PL9 9XQ

**Decision:** Refuse

**REASONS:**

- 1            EFFECT ON VIEWING CORRIDOR

(119)

**Application Number:** 04/02146      **Applicant:** Mr And Mrs Welsh

**Application Type:** Full planning application

**Description of Development:** Single/two storey rear extension (revised scheme)

**Site Address:** 22 Manadon Drive Plymouth PL5 3DH

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            INTERNAL FLOOR LEVEL

**(120)**

**Application Number:** 04/02148      **Applicant:** Mr And Mrs Arberry

**Application Type:** Full planning application

**Description of Development:** Detached private motor garage and vehicular access

**Site Address:** 11 Osprey Gardens Plymouth PL9 8PP

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            USE RESTRICTION (GARAGE)

**(121)**

**Application Number:** 04/02149      **Applicant:** A L George

**Application Type:** Listed Building Consent

**Description of Development:** Renewal of roof covering in natural slate, renewal/repair of windows and roof drainage gullies, and repainting of building exterior in same colour as existing

**Site Address:** 23 Lockyer Street Plymouth PL1 2QW

**Decision:** Listed Building Consent not req'd

**(122)**

**Application Number:** 04/02153      **Applicant:** The Headteacher And Governors

**Application Type:** Full planning application

**Description of Development:** Extension to provide additional classroom

**Site Address:** Woodford Infants School Litchaton Way Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            STAFF TRAVEL PLAN

**(123)**

**Application Number:** 04/02155      **Applicant:** Mr And Mrs D Kerswell

**Application Type:** Full planning application

**Description of Development:** Part two-storey, part single-storey, side extension

**Site Address:** 109 Staddiscombe Road Plymouth PL9 9LT

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(124)**

**Application Number:** 04/02159      **Applicant:** Caesars Foods Ltd

**Application Type:** Full planning application

**Description of Development:** Change of use of ground and lower ground floors from sandwich bar to cafe/takeaway, including pizza preparation and delivery service

**Site Address:** 41 Mutley Plain Plymouth PL4 6JQ

**Decision:** Refuse

**REASONS:**

- 1            CONTRARY TO SHOPPING POLICY
- 2            HIGHWAY SAFETY

**(125)**

**Application Number:** 04/02161      **Applicant:** Mrs Williams

**Application Type:** Full planning application

**Description of Development:** Porch/front extension

**Site Address:** 83 Plymbridge Road Plymouth PL6 7LD

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(126)**

**Application Number:** 04/02164      **Applicant:** McDonalds Restaurants Ltd

**Application Type:** Full planning application

**Description of Development:** Variation of condition 3 of planning permission 97/00110 to allow restaurant to open between 06.00 hours and midnight every day

**Site Address:** 100 New George Street Plymouth PL1 1RX

**Decision:** Permitted

**CONDITIONS:**

- 1            OPENING HOURS

**(127)**

**Application Number:** 04/02165      **Applicant:** Mr And Mrs P Dowling

**Application Type:** Full planning application

**Description of Development:** Three storey town house with integral garage and parking space for existing dwelling (revised scheme)

**Site Address:** 106 Alexandra Road Ford Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            PROVISION OF FOOTWAY
- 2            PARKING PROVIDED BEFORE OCCUPATION
- 3            PARKING PROVISION FOR 106
- 4            NO FURTHER WINDOWS



**(128)**

**Application Number:** 04/02168      **Applicant:** Mr N Edgcumbe

**Application Type:** Full planning application

**Description of Development:** Two-storey side extension including private motor garage, with single-storey extension to the rear

**Site Address:** 155 Springfield Road Plymouth PL9 8PU

**Decision:** Refuse

**REASONS:**

- 1            IMBALANCES PAIR OF HOUSES
- 2            POTENTIAL HIGHWAY SAFETY PROBLEMS

**(129)**

**Application Number:** 04/02176      **Applicant:** Plymouth City Council

**Application Type:** Full planning application

**Description of Development:** Replacement of aluminium windows with PVCu windows

**Site Address:** 2a-12b (evens) River View Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(130)**

**Application Number:** 04/02178      **Applicant:** Mr And Mrs S D Carey

**Application Type:** Full planning application

**Description of Development:** Change of use/conversion of store to form residential unit (revised scheme)

**Site Address:** 3 Eton Street Plymouth PL1 5DR

**Decision:** Refuse

**REASONS:**

- 1            SUB-STANDARD LIVING ENVIRONMENT
- 2            OUT OF CHARACTER

**(131)**

**Application Number:** 04/02179      **Applicant:** Mr And Mrs Hayes

**Application Type:** Full planning application

**Description of Development:** Single storey rear extension (partially on site of existing structure)

**Site Address:** 40 Rosslyn Park Road Plymouth PL3 4LN

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

Informatives

1            BUILDING REGULATIONS REQUIRED

2            PARTY WALL ACT

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**(132)**

**Application Number:** 04/02184      **Applicant:** The British Land Company Plc

**Application Type:** Advert application

**Description of Development:** Replacement free-standing illuminated estate sign

**Site Address:** Land At Marsh Mills Park Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            5 YEAR CONSENT

2            MAINTENANCE

3            SAFE CONDITION

4            REMOVAL

5            PERMISSION OF OWNER

6            TRANSPORT CONSIDERATIONS

**(133)**

**Application Number:** 04/02185      **Applicant:** O2 (UK) Ltd

**Application Type:** GPDO Part 24 Consultation

**Description of Development:** Installation of 12 metres high "telegraph pole" style monopole, shrouded antennas and 2 equipment cabinets on grass verge

**Site Address:** Land Opposite 103-107 Efford Road Plymouth

**Decision:** Prior approval not required GDO appns

**(134)**

**Application Number:** 04/02194      **Applicant:** D K Bennetton

**Application Type:** Full planning application

**Description of Development:** Two storey side extension (south) incorporating double private motor garage and elderly person's annex; alterations to existing private motor garage to form living accommodation, with first floor extension above

**Site Address:** 451 Tavistock Road Plymouth PL6 7HE

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 DRIVEWAY MATERIALS
- 3 USE RESTRICTION

Informatives

- 1 Discharge
- 

**(135)**

**Application Number:** 04/02196      **Applicant:** Mr And Mrs Cole

**Application Type:** Full planning application

**Description of Development:** Change of use (and alterations) of part of ground floor from shop to additional living accommodation for existing dwelling (re-submission)

**Site Address:** Shop 55 Station Road Keyham

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(136)**

**Application Number:** 04/02200      **Applicant:** GBCO Trading Ltd

**Application Type:** Full planning application

**Description of Development:** Continuation of use, and retention of conversion works, of ground floor shop to form licensed lounge bar, with replacement shop front, with ancillary facilities on part of first floor

**Site Address:** 13 Mutley Plain Plymouth PL4 6JG

**Decision:** Refuse

**REASONS:**

- 1 CONTRARY TO SHOPPING POLICY

(137)

**Application Number:** 04/02207      **Applicant:** N Rogers

**Application Type:** Full planning application

**Description of Development:** Part two-storey, part single storey, rear extension

**Site Address:** 24 Rowland Close Plymouth PL9 9TH

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2          WINDOW RESTRICTION

(138)

**Application Number:** 04/02214      **Applicant:** Mr P Smith

**Application Type:** Full planning application

**Description of Development:** Rear conservatory, timber decking and internal alterations

**Site Address:** 27 Higher Mowles Plymouth PL3 6PY

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(139)

**Application Number:** 04/02216      **Applicant:** ASDA Stores Ltd

**Application Type:** Advert application

**Description of Development:** Three externally illuminated name signs (two on tower, one on west elevation of building)

**Site Address:** Asda Stores 1 Leypark Drive Plymouth

**Decision:** Permitted

**CONDITIONS:**

- 1          5 YEAR CONSENT
- 2          MAINTENANCE
- 3          SAFE CONDITION
- 4          REMOVAL
- 5          PERMISSION OF OWNER
- 6          TRANSPORT CONSIDERATIONS
- 7          INFORMATIVE
- 8          ILLUMINATION DETAILS

**(140)**

**Application Number:** 04/02234      **Applicant:** Plymouth Charity Trust

**Application Type:** Full planning application

**Description of Development:** Single-storey rear extension

**Site Address:** 41 Heles Terrace Plymouth PL4 9LH

**Decision:** Refuse

**REASONS:**

- 1            ADVERSE EFFECT ON ADJOINING DWELLING
- 2            TOTAL LOSS OF AMENITY SPACE

**(141)**

**Application Number:** 04/02235      **Applicant:** Mr I Rickard

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 4 Canefields Avenue Plymouth PL7 1XH

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2            OBSCURE GLAZING

**(142)**

**Application Number:** 04/02236      **Applicant:** Mr And Mrs E Parker

**Application Type:** Full planning application

**Description of Development:** Demolition of garage and formation of hardstanding for 2 cars, with rearrangement of steps.

**Site Address:** 57 Underlane Plympton Plymouth

**Decision:** Refuse

**REASONS:**

- 1            INADEQUATE WIDTH

**(143)**

**Application Number:** 04/02241      **Applicant:** Mr And Mrs Parmenter

**Application Type:** Full planning application

**Description of Development:** Single-storey rear extension

**Site Address:** 124 Lynwood Avenue Plymouth PL7 4SQ

**Decision:** Permitted

**CONDITIONS:**

- 1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(144)**

**Application Number:** 04/02248      **Applicant:** Mr Millar

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 14 Selsden Close Plymouth PL9 8UR

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2          OBSCURE GLAZING

**(145)**

**Application Number:** 04/02257      **Applicant:** Mr S Pearce

**Application Type:** Full planning application

**Description of Development:** Erection of detached bungalow (further revised scheme)

**Site Address:** 7 Roman Way Plymouth PL5 2ED

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2          DRIVEWAY GRADIENT
- 3          DEDICATED PARKING/TURNING AREAS
- 4          MATERIALS
- 5          RETENTION OF TREES
- 6          BOUNDARY TREATMENTS
- 7          ADVANCE PLANTING

Informatives

- 1          GATES
- 

**(146)**

**Application Number:** 04/02258      **Applicant:** Mr M Elliot

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 24 Bromhead Court Plymouth PL6 5NJ

**Decision:** Permitted

**CONDITIONS:**

- 1          DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(147)

**Application Number:** 04/02263      **Applicant:** Mr And Mrs Walters

**Application Type:** Full planning application

**Description of Development:** First floor rear extension

**Site Address:** 122 Fleet Street Plymouth PL2 2BT

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(148)

**Application Number:** 04/02266      **Applicant:** Mr And Mrs K Roe

**Application Type:** Full planning application

**Description of Development:** Single storey lower ground floor rear extension (with balcony above)

**Site Address:** 12 Hallerton Close Plymouth PL6 8NP

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            OBSCURE GLAZING

(149)

**Application Number:** 04/02268      **Applicant:** Mr M J Hughes

**Application Type:** Full planning application

**Description of Development:** Single-storey rear extension and front porch

**Site Address:** 5 Burniston Close Plymouth PL7 1PQ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

2            OBSCURE GLAZING

(150)

**Application Number:** 04/02270      **Applicant:** Mr And Mrs Easterbrook

**Application Type:** Full planning application

**Description of Development:** Two storey side extension extending above single storey rear/side extension (following removal of garage)

**Site Address:** 12 Raynham Road Plymouth PL3 4EU

**Decision:** Withdrawn

(151)

**Application Number:** 04/02275      **Applicant:** Society Of Saint Vincent De Paul

**Application Type:** Full planning application

**Description of Development:** CHANGE OF USE TO RETAIL SHOP

**Site Address:** Shop 94 Victoria Road Plymouth

**Decision:** Application Returned

(152)

**Application Number:** 04/02278      **Applicant:** Mr And Mrs Hart

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 90 Lake View Close Plymouth PL5 4LX

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 OBSCURE GLAZING.

(153)

**Application Number:** 04/02290      **Applicant:** A Tanner

**Application Type:** Full planning application

**Description of Development:** Single-storey rear extension

**Site Address:** 44 Craven Avenue Plymouth PL4 8SL

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(154)

**Application Number:** 04/02293      **Applicant:** Mr R Maker

**Application Type:** Full planning application

**Description of Development:** First-floor side extension

**Site Address:** 14 Rowland Close Plymouth PL9 9TH

**Decision:** Permitted

**CONDITIONS:**

- 1 DEVELOPMENT TO COMMENCE WITHIN 5 YEARS
- 2 NO SIDE WINDOWS



(155)

**Application Number:** 04/02303      **Applicant:** Mr And Mrs Evans

**Application Type:** Full planning application

**Description of Development:** Rear conservatory (partially on site of existing smaller structure)

**Site Address:** 103 Butt Park Road Plymouth PL5 8NS

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(156)

**Application Number:** 04/02304      **Applicant:** Ms J Jane

**Application Type:** Full planning application

**Description of Development:** Provision of vehicle hardstanding in front garden

**Site Address:** 79 Beacon Park Road Plymouth PL2 2PH

**Decision:** Permitted

**CONDITIONS:**

1            SURFACE WATER DISPOSAL  
2            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS  
3            CAR PARKING PROVISION (BUILDING)

(157)

**Application Number:** 04/02312      **Applicant:** Miss A Pearce

**Application Type:** Full planning application

**Description of Development:** Rear conservatory

**Site Address:** 7 Mayflower Close Plymouth PL9 8SJ

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(158)

**Application Number:** 04/02314      **Applicant:** Mrs J Drake

**Application Type:** Full planning application

**Description of Development:** Formation of rooms in roofspace, with installation of rooflights

**Site Address:** 26 Park Avenue Plymstock Plymouth

**Decision:** Permitted

**CONDITIONS:**

1            DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

**(159)**

**Application Number:** 05/00047      **Applicant:** Mr G Mills (Bursar)

**Application Type:** Conservation Area Consent

**Description of Development:** SHORT TENNIS COURTS/HARD PLAY AREA, AND ASSOCIATED PATHWAY ALTERATIONS

**Site Address:** St Dunstons Abbey School Craigie Drive Plymouth

**Decision:** CAC not req'd

**PLANNING COMMITTEE****2<sup>nd</sup> February 2005****APPEAL DECISIONS**

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-

- a. Site at Land North of Frobrisher Approach, Manadon, Plymouth.- appeal under Section 78 of the Town and Country Planning Act 1990 against non determination for Outline application to develop land off Frobisher Approach (Manadon) rear of Aberdeen Avenue and South of St Peters Road for residential purposes – appeal withdrawn
- b. Site at Apsley Yard, 25 Apsley Road, Plymouth – appeal under Section 78 of the Town and Country Planning Act 1990 against a Refusal to grant planning permission for One three storey building (with accommodation in the roofspace) containing a total of 17 flats with car parking and external works – appeal allowed.

**Note:**

**Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.**

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P49 04/05

**CITY OF PLYMOUTH**

**Cabinet Member:** Planning and Regeneration  
Councillor Nelder

**CMT Member:** Director of Development

**Subject:** Scheme of Delegation for Planning  
Applications: Annual Review

**Committee:** Planning Committee

**Date:** 2<sup>nd</sup> February 2005

**Author:** Clive Perkin  
Development Consents Manager

**Contact:** tel: (01752 (30) 4352  
e-mail: e.g. clive.perkin@plymouth.gov.uk

**Ref:** Your ref.

**Part:** I

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**Executive Summary:**

Following the introduction of a new Scheme of Delegation in respect of planning applications on the 1<sup>st</sup> January 2004, Members requested that as part of the proposals the scheme should be reviewed after the first year.

The report identifies that the number of decisions made under delegated powers has as a result risen from 80-85% to 91%. Furthermore, as a direct consequence the speed at which decisions on Minor and Other applications have been made has significantly improved, such that performance targets for both of these types of application are now being exceeded.

The report identifies the number of cases brought before the Committee and the reasons for the Committee referrals. The report concludes that the processes provide a balance between quick and efficient processes and transparent decision making.

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**Corporate Plan 2004-2007:**

The new Scheme of Delegation forms part of the modernisation of the Planning service, with the aim of improving delivery of high quality built environment.

This therefore meets two of the Corporate plan objectives:

Provide a strong strategic framework to promote investment, guide development and safeguard our built environment.

Achieve an excellent corporate planning and performance culture.

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**Implications for Medium Term Financial Plan and Resource Implications:**

**Including finance, human, IT and land**

None

**Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, etc.**

None

**Recommendations & Reasons for recommended action:**

- 1) That Members note the reports findings for the schemes first year of operation;
- 2) Members agree to retain the Scheme of Delegation and instruct officers to review the scheme on a yearly basis;
- 3) Members instruct officers to promote the Scheme of Delegation with the Planning Officers Society as an example of Best Practice

**Alternative options considered and reasons for recommended action:**

- 1) Review Scheme of Delegation to further reduce the number of cases being considered by Planning Committee: rejected due to need to balance efficient service provision with transparent decision-making process.
- 2) Review scheme of delegation to increase the number of items being considered by Planning Committee: rejected due to existing procedures providing sufficient opportunity for relevant items to be considered by Planning Committee and the need to meet corporate and national performance targets.

**Background papers:**

Planning Committee Agenda Papers

**Sign off:**

Fin	initials	Leg	initials	HR		L.P.		IT	
Originating CMF Member									



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Scheme of Delegation: Annual Review of Scheme of Delegation  
and associated Planning Performance  
Planning Committee 2<sup>nd</sup> February 2005

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## Introduction

1. Following the introduction of new delegated arrangements for the determination of Planning applications in January 2004, this annual review is being undertaken to assess the impact that those changes have had on the work of the Development Consents Unit and to enable Members to consider the issues that may have arisen with a view where necessary to review the scheme in place.
2. In 2001, the Government issued its consultation paper on the reform of the planning system (Planning: Delivering a fundamental change) in which it promotes the development of continuous improvement performance through Best Value and Local Public Service Agreements, as well as community engagement and democratic renewal.
3. The Planning Officers Society, in association with the ODPM and I&DeA have produced "Moving towards Excellence in Planning" (1<sup>st</sup> edition April 2003). Its purpose was to set out a self-assessment framework for evaluating a planning service, a tool for members and managers of planning services to ensure that they are addressing government priorities.
4. The document includes reference to the need for consistent and transparent decision making, through in part the adoption of a clear and appropriate schedule of delegated powers to meet the Best Value Performance Indicator 188 target of 90% delegated decisions.
5. Since the adoption of the new scheme of delegation, BVPI 188 has been removed as a performance indicator but replaced by relevant requirements for transparent and efficient decision making through public service agreements, as well as through the Quality of Service BVPI (205) that looks at the delivery of the wider service area. Therefore, notwithstanding the removal of the specific BVPI on delegated decisions, the need for a streamlined but transparent decision making process remains.
6. This report will detail the decisions made during this last year, and to set these against the context of the performance of the Unit as a whole.

## Scheme of Delegation

7. A scheme of delegation needs to form a balance between achieving performance targets whilst enabling Members to consider applications

which are of sufficient importance to warrant debate and ensure that all those with an interest in the decision are provided with a transparent decision making process. Furthermore, any procedure must be clear and straight forward to maximise efficient service delivery and clear lines of responsibility. It was on this basis that Members agreed that all decisions be delegated to the Head of Planning and Regeneration, with the exception of the following which would be considered at Planning Committee:

- 1. Major Applications**
- 2. Departures**
- 3. Applications by Employees or Members of the Council**
- 4. Requests made by Members**
- 5. Recommendation contrary to advice of a Statutory Consultee**
- 6. Applications referred to Committee by the Head of Planning**

8. For the 6 categories, categories 1, 2 and 3 are identified at the time the application is submitted. Categories 4 and 5 are identified during the consideration of the application, and are initially logged as Delegated items. Category 6 items are identified either at the time the application is submitted or during consideration of the application, depending upon the case and the issues that may arise.
9. The new scheme of delegation was introduced on the 1<sup>st</sup> January 2004. All applications submitted after that date were assessed at the time of submission as to whether they were delegated or Committee items under the new categories.

### **Assessment of Decisions: 1<sup>st</sup> January 2004 - 21<sup>st</sup> January 2005**

10. In the period specified above, the Authority received 2382 applications and made 2350 decisions. Of those decisions, 2135 were made under delegated powers, which equates to 91% of all decisions.
11. The attached table in **Appendix 1** shows a breakdown of the committee reports submitted in the same period. The reports are broken down into the criteria for committee decisions, and whether the decision was in accordance with or contrary to the officer recommendation. The opportunity has also been taken to identify those deferred for Site visits or further negotiation.
12. The first thing to note is that the new scheme of delegation and thus Committee criteria did not start to affect the items on the agenda until March and April. This was due to the time lag between receiving an application and it being reported or determined, usually a 6 to 8 week period. The increased level of delegation therefore started to make a difference to the number of applications coming forward to Committee in March.
13. In assessing the effectiveness of the new scheme of delegation it is therefore intended to only review those reports made from April 2004 onwards. Each of the 6 criteria will be assessed in turn. Please note



that some applications were deferred and discussed at 2 or more meetings. For the purpose of assessing the effectiveness of the Committee criteria each application will only be counted once.

14. There were 133 separate applications considered by Committee in the specified period. The numbers in each criteria were as follows:
  1. Majors = 88 (66%)
  2. Departures = 6 (5%)
  3. Member/Employee = 19 (14%)
  4. Member Referral = 2 (1.5%)
  5. Statutory consultee = 2 (1.5%)
  6. Head of P&R referral = 16 (12%)

**Criteria 1: Majors**

15. These formed the bulk of all reports in the period April 2004 to January 2005. It should be noted that in cases where an application is both a Major and a Departure, it will be scheduled as a Major.
16. The scale of these schemes means that Committee deliberation of the proposals are essential. It could be considered that those that are both Majors and Departures, and where the officer recommendation is to refuse, could be dealt with as delegated items. However, these are often the cases that lead to Appeals where full consideration by Members is essential to inform any Appeal process. Furthermore, it would require all Major/Departure applications to be initially identified as delegated items and subsequently changed to Committee items where appropriate. This is not considered to be clear or efficient.
17. On this basis it is considered appropriate to retain the existing arrangements.

**Criteria 2: Departures**

18. There were only 2 applications considered by Committee that were solely identified as Departures. However, many of the applications listed as Majors were also departures, but were identified for Committee as Majors in the first instance. Again, Committee discussion on these types of application where the Authority has not set out an adopted policy approach is considered appropriate, and thus it is recommended to retain the existing arrangements.

**Criteria 3: Member or Employee**

19. This formed the second highest percentage of Committee reports, albeit significantly behind criteria 1. These relate in the main to the simpler household extensions, and the numbers are not considered high when given the size of the workforce employed by the City Council.

20. There is scope here to introduce changes to the scheme of delegation, where for example such proposals could be considered in consultation with Chair of the Planning Committee, or only brought before Planning Committee where the proposal generates objections and the Head of Planning and Regeneration recommends approval.
21. However, given the overriding need for probity, and the fact that performance on householder applications is very high, it is considered that the existing format be retained.
22. The introduction of further levels of decision assessment can in fact delay consideration of an application, and in some instances mistakes could be made where late objections are received.
23. The current arrangements where applications by members or employees are identified at the time the application is submitted ensures that the case officer can programme the report to the most appropriate Planning Committee, and any third party with an interest in the proposal is clear about the procedures.
24. On this basis it is considered appropriate to retain the existing arrangements.

**Criteria 4: Member referrals:**

25. Again, these accounted for only 1.5% of all Committee reports. The reasons why they were referred are included in the commentary in **Appendix 1**.
26. Since January 2004, there have been 10 requests in total from Members for a referral of an application to Planning Committee. Details are included in **Appendix 2**.
27. Details of the numbers of Member referrals that took place under the former scheme of delegation are not known. However, it does seem that since new procedures have been introduced into Development Consents, including the new scheme of delegation and the amount of information provided to Members, that requests for referral have been reduced. The fact that only 10 requests have been made in total appears to support this statement.
28. Liaison between Members and officers has improved such that Members are now more able to await developments on an application before deciding whether to make a referral. Although 8 (80%) of the referral requests were rejected, it should be noted that 1 of them was already scheduled for Committee (procedures have since been changed to ensure that Members are clear on this) and another one had already been determined, the Ward Member being satisfied with the outcome.
29. A copy of the member referral form is included in **Appendix 3**.

30. Overall, it is considered that the new procedure is working well to bring forward items that would benefit from Committee discussion. On this basis it is considered that the existing arrangements should be retained.

**Criteria 5: Recommendation Contrary to Statutory Consultee**

31. Only two decisions came forward under this criteria, details of which are listed in **Appendix 1**. In both instances the objections forwarded by the relevant Consultee were not considered of sufficient weight to warrant a refusal, and to some extent the Consultee themselves recognised this fact. However, it was necessary to make these issues known to Committee in order to clarify to the Consultee why an approval was made.
32. On this basis it is not considered necessary to change the existing arrangements.

**Criteria 6: Head of Planning and Regeneration Referral**

33. With 16 reports submitted under this criteria, this is the 3<sup>rd</sup> largest group of Committee items. Commentary in Appendix 1 clarifies why such referrals were made. In the main, this was due to two factors – competing policy issues such that a recommendation was finely balanced; and secondly the history of a site and previous Committee discussion that may have taken place. The types of referral made under this criteria needs to be monitored further to ensure that unnecessary referrals are not made.
34. However, it is considered appropriate that such referrals continue to be made in both of these instances. On this basis it is not considered necessary to review this criteria.

**Best Value, Performance and the Planning Delivery Grant**

32. The key performance indicator for Planning, affecting both the Corporate Performance Appraisal for the Authority as a whole as well as the level of funding offered under the Planning Delivery Grant is BVPI 109. This deals specifically with the speed with which decisions are made and is classified into three categories:

BVPI 109 (a) – % of major applications determined in 13 weeks (target = 60%)

BVPI 109 (b) - % of minor applications determined in 8 weeks (target = 65%)

BVPI 109 (c) – % of other applications determined in 8 weeks (target = 80%)

34. The new scheme of delegation was introduced as part of a wide range of measures intended to improve performance under BVPI 109. In order to assess the effectiveness of the changes, it is necessary to review performance. Therefore, performance for each of the three categories over the last 4 years (April to March) is as follows:

a) Major applications determined in 13 weeks - (Target 60%):

2000 - 2001: 32%  
2001 - 2002: 33%  
2002 - 2003: 25%  
2003 - 2004: 32%  
2004 - 2005: 37% (to date)

b) Minor Applications determined in 8 weeks – (Target 65%):

2000 - 2001: 54%  
2001 - 2002: 58%  
2002 - 2003: 34%  
2003 - 2004: 44%  
2004 - 2005: 80% (to date)

c) Other Applications determined in 8 weeks – (Target 80%):

2000 - 2001: 67%  
2001 - 2002: 73%  
2002 - 2003: 46%  
2003 - 2004: 57%  
2004 - 2005: 88% (to date)

35. Performance on Majors continues to improve, although at a much more measured rate. The new scheme of delegation does not directly affect performance of these applications as they continue to be determined at Committee. Of greater impact has been the introduction of a 3 week Committee cycle and improved reports to enable Members to make decisions within the timescales. However, the removal of a number of the Minor and Other applications from the Committee cycle has enabled resources to be redirected within the service to concentrate on improving performance on Majors.
36. The significant improvements in the performance of determining both Minor and Other applications commenced in March/April 2004, once the new scheme of delegation had had an opportunity to work. Although performance improvements have not been solely restricted to the changes in the scheme of delegation, it is very clear that this has greatly assisted in ensuring that performance on these applications is now at the highest level ever, and being sustained over a number of months, well above performance targets..

## **Recommendations**

- 36 The new scheme of delegation has clearly started to have a major impact on the performance of determining planning applications, whilst it is considered not adversely affecting the decision-making process. The associated changes to the Planning Committee, including more regular meetings, improved reports and public speaking have all helped to change the way applications are being dealt with, providing an improved service provision overall.
- 37 Compared to other Authorities schemes of delegation, it is considered that this scheme provides a good balance between clear procedures, efficient working practices and transparent decision making. The Planning Officers Society cites the scheme of delegation of one particular Authority as being best practice, but this extends to 10 criteria and is based upon more complex arrangements to establish some of those criteria. On this basis it is considered that the effectiveness of Plymouth's scheme of delegation itself be put forward as Best practice.
- 38 The scheme of delegation is seen to be working well and therefore at this stage it is considered that the following 3 recommendations be made:
- 1) That members note the reports findings for the schemes first year of operation;
  - 2) Members agree to retain the Scheme of delegation and instruct officers to review the scheme on a yearly basis;
  - 3) Members instruct officers to promote the Scheme of Delegation with the Planning Officers Society as an example of Best Practice

## **Appendices**

- 1) Table of Committee decisions January 2004 – January 2005
- 2) Table of Member Referral Requests
- 3) Member Referral Form

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Appendix 1: Scheme of Delegation Annual Review: Report to Planning Committee 2nd February 2005:

Committee Date	Application Number	Committee referral type	Decision	Decisions in accordance with recommendation	Comments
22-Jan-04	0300985FUL	COMMMWB	PER	Y	
22-Jan-04	0301427FUL	COMMEA	REF	Y	
22-Jan-04	0301460OUT	COMMWA	PS106	Y	
22-Jan-04	0301517FUL	COMMMWB	PER	Y	
22-Jan-04	0301583FUL	COMMEB	PER	Y	
22-Jan-04	0301682FUL	COMMMWB	PER	Y	
22-Jan-04	0301683FUL	COMMEB	DEFER SV	NO	Determined at subsequent Committee on the 19th February
22-Jan-04	0301684FUL	COMMEB	PER	Y	
22-Jan-04	0301696FUL	COMMMWB	PER	Y	
22-Jan-04	0301743FUL	COMMEA	DEFER SV	NO	Determined at subsequent Committee on the 19th February
22-Jan-04	0301765FUL	COMMWA	REF	Y	
22-Jan-04	0301778FUL	COMMMWB	REF	Y	
22-Jan-04	0301780LBC	COMMMWB	REF	Y	
22-Jan-04	0301822FUL	COMMWA	PS106	Y	
22-Jan-04	0301866FUL	COMMMWB	PER	Y	
22-Jan-04	0301868FUL	COMMMWB	REF	Y	
22-Jan-04	0301871FUL	COMMMWB	PER	Y	
22-Jan-04	0301894FUL	COMMMWB	DEFER SV	NO	Determined at subsequent Committee on the 19th February
22-Jan-04	0301904FUL	COMMEB	WDN		
22-Jan-04	0301921FUL	COMMEB	REF	Y	
22-Jan-04	0301939FUL	COMMMWB	DEFER SV	Y	Withdrawn at subsequent Committee on the 19th February
22-Jan-04	0301945FUL	COMMMWB	PER	Y	
22-Jan-04	0301961FUL	COMMEB	PER	Y	
22-Jan-04	0301964FUL	COMMWA	REF	Y	
22-Jan-04	0302025FUL	COMMMWB	PER	Y	
22-Jan-04	0302043FUL	COMMEB	PER	Y	
22-Jan-04	0302044FUL	COMMEB	PER	Y	
22-Jan-04	0302056FUL	COMMMWB	PER	Y	
22-Jan-04	0302072FUL	COMMEA	REF	Y	
19-Feb-04	0301234FUL	COMMEB	PER	Y	
19-Feb-04	0301663FUL	COMMEA	PS106	Y	
19-Feb-04	0301683FUL	COMMEB	PER	Y	
19-Feb-04	0301743FUL	COMMMWB	PER	Y	
19-Feb-04	0301748FUL	COMMEA	PS106	Y	
19-Feb-04	0301873FUL	COMMMWB	PER	Y	
19-Feb-04	0301894FUL	COMMMWB	PER	Y	
19-Feb-04	0301917FUL	COMMMWB	PER	Y	
19-Feb-04	0301918LBC	COMMMWB	PER	Y	
19-Feb-04	0301939FUL	COMMMWB	WDN		
19-Feb-04	0301943OUT	COMMWA	DEFER	Y	Determined at subsequent Committee on the 7th July
19-Feb-04	0301982FUL	COMMEA	PER	Y	
19-Feb-04	0301987REM	COMMWA	PENDING	Y	
19-Feb-04	0302021FUL	COMMWA	PS106	Y	
19-Feb-04	0302026FUL	COMMMWB	PER	Y	
19-Feb-04	0302030REM	COMMWA	PER	Y	
19-Feb-04	0302051FUL	COMMMWB	PER	Y	
19-Feb-04	0302062FUL	COMMWA	PER	Y	
19-Feb-04	0302068FUL	COMMMWB	REF	Y	
19-Feb-04	0302074REM	COMMEA	PER	Y	
19-Feb-04	0302095FUL	COMMMWB	REF	Y	

19-Feb-04	0302096FUL	COMMWB	PER	Y	
19-Feb-04	0302097REM	COMMEA	PER	Y	
19-Feb-04	0302119OUT	COMMWA	WDN		
19-Feb-04	0400077FUL	COMMEB	PS106	Y	
18-Mar-04	0100895FUL	HOTP	PER	Y	
18-Mar-04	0201880FUL	HOTP	WDN		
18-Mar-04	0301289FUL	MAJOR	DRAFT	Y	
18-Mar-04	0301439FUL	HOTP	PER	Y	
18-Mar-04	0301967FUL	MAJOR	DEFER SV	Y	Determined at subsequent Committee on the 28th April
18-Mar-04	0302173FUL	MAJOR	PER	Y	
18-Mar-04	0400027FUL	MAJOR	PER	Y	
07-Apr-04	0301968FUL	1	DRAFT	Y	
07-Apr-04	0302012OUT	1	REF	Y	
07-Apr-04	0302034FUL	1	PER	Y	
07-Apr-04	0302109FUL	1	PS106	Y	
07-Apr-04	0400088FUL	1	PS106	Y	
07-Apr-04	0400098FUL	1	PER	Y	
07-Apr-04	0400146FUL	1	WDN		
07-Apr-04	0400337OUT	6	REF	Y	HoPR referral due to complex planning history of site and previous committee decisions.
28-Apr-04	0200707OUT	1	DRAFT	Y	
28-Apr-04	0300862FUL	1	REF	Y	
28-Apr-04	0301948CAC	1	REF	Y	
28-Apr-04	0301967FUL	1	PS106	Y	
28-Apr-04	0302054FUL	1	REF	Y	
28-Apr-04	0302055CAC	1	REF	Y	
28-Apr-04	0302141FUL	1	PS106	Y	
28-Apr-04	0400185FUL	6	WDN		HoPR referral due delicate policy balance re: retention of specialist sports facility
28-Apr-04	0400254FUL	1	PS106	Y	
28-Apr-04	0400255LBC	1	PER	Y	
28-Apr-04	0400288FUL	1	REF	Y	
19-May-04	0301346OUT	1	DRAFT	Y	
19-May-04	0301998REM	6	PER	Y	HoPR referral due to number of applications being submitted and history of site in terms of transport issues.
19-May-04	0302000REM	6	PER	Y	HoPR referral due to number of applications being submitted and history of site in terms of transport issues.
19-May-04	0302182REM	6	DEFER	Y	HoPR referral due to number of applications being submitted and history of site in terms of transport issues. Determined at subsequent Committee on 28th July
19-May-04	0400073FUL	1	PS106	Y	
19-May-04	0400104OUT	1	PS106	Y	
19-May-04	0400391FUL	6	REF	Y	HoPR referral due to competing Policy grounds with social care relevance
02-Jun-04	0302181FUL	1	REF	Y	
02-Jun-04	0400018FUL	6	DRAFT	Y	HoPR referral due to nature of proposed use
02-Jun-04	0400108FUL	1	DEFER	Y	Determined at subsequent Committee on 8th September
02-Jun-04	0400115FUL	1	REF	Y	
02-Jun-04	0400262FUL	1	DRAFT	Y	
02-Jun-04	0400264FUL	1	DEFER SV	NO	Reconsidered on 18th August



02-Jun-04	0400502FUL	3	PER	Y	
02-Jun-04	0400504FUL	3	PER	Y	
02-Jun-04	0400576FUL	1	PER	Y	
02-Jun-04	0400701FUL	1	PER	Y	
07-Jul-04	0300230OUT	1	WDN		
07-Jul-04	0301943OUT	1	PS106	Y	
07-Jul-04	0400224LBC	6	PER	Y	SEE 0400336
07-Jul-04	0400269FUL	1	DRAFT	Y	
07-Jul-04	0400336FUL	6	PER	Y	Head of P&R referral due to delicate balance of policy issues and loss of specialist sports facilities.
07-Jul-04	0400483FUL	1	REF	Y	
07-Jul-04	0400517FUL	1	DRAFT	Y	
07-Jul-04	0400521FUL	4	PER	Y	Member referral granted due to complex planning history of development along this back lane and previous Committee resolutions and Appeal decisions.
07-Jul-04	0400539FUL	1	PER	Y	
07-Jul-04	0400660LBC	3	PER	Y	
07-Jul-04	0400661FUL	3	PER	Y	
07-Jul-04	0400696FUL	1	PER	Y	
07-Jul-04	0400722REM	1	PER	Y	
07-Jul-04	0400837FUL	1	PS106	Y	
07-Jul-04	0400865OUT	1	REF	Y	
28-Jul-04	0301259FUL	1	PS106	Y	
28-Jul-04	0301649FUL	1	PER	Y	
28-Jul-04	0302182FUL	1	PER	Y	
28-Jul-04	0400108FUL	1	DEFER NEGOTIATION NS	NO	
28-Jul-04	0400262FUL	1	DRAFT	Y	Determined at subsequent Committee on 8th September
28-Jul-04	0400273FUL	1	DEFER S.V.	NO	
28-Jul-04	0400525FUL	1	DRAFT	Y	Determined at subsequent Committee on 18th August
28-Jul-04	0400542OUT	3	PER	Y	
28-Jul-04	0400815FUL	3	PER	Y	
28-Jul-04	0401071OUT	6	REF	Y	Referral due to complex history on site and previous decisions made by Committee/at Appeal
28-Jul-04	0401085FUL	1	PER	Y	
28-Jul-04	0401095FUL	3	PER	Y	
28-Jul-04	0401184FUL	6	PER	Y	Head of P&R referral due to previous Committee resolution on this site with contrary recommendation.
28-Jul-04	0401225FUL	2	PER	Y	
28-Jul-04	0401226FUL	2	PER	Y	
28-Jul-04	0401227FUL	2	WDN		
28-Jul-04	0401230FUL	2	PER	Y	
18-Aug-04	0301316OUT	6	DRAFT	Y	Head of P&R referral due to previous Committee resolution on this site.
18-Aug-04	0400264FUL	1	DEFER	Y	Determined at subsequent Committee on 29th September
18-Aug-04	0400273OUT	1	REF	Y	
18-Aug-04	0400736OUT	1	DEFER	Y	Determined at subsequent Committee on 8th September
18-Aug-04	0400850FUL	1	PER	Y	
18-Aug-04	0400860FUL	1	WDN		
18-Aug-04	0400868FUL	1	DEFER S.V.	Y	Royal William Yard - application still pending
18-Aug-04	0400869LBC	1	DEFER S.V.	Y	Royal William Yard - application still pending
18-Aug-04	0400932FUL	1	PS106	Y	

18-Aug-04	0401020FUL	1	DRAFT	Y	
18-Aug-04	0401084FUL	3	REF	Y	
18-Aug-04	0401153FUL	3	PER	Y	
18-Aug-04	0401204FUL	5	PER	Y	Sport England Objection over loss of sports pitch. However, recognised that inadequate facility and therefore referred to GOSW and approved
08-Sep-04	0400108FUL	1	DRAFT	Y	
08-Sep-04	0400729FUL	3	REF	Y	
08-Sep-04	0400736OUT	1	DRAFT	Y	
08-Sep-04	0400982FUL	1	PER	Y	
08-Sep-04	0401046FULL	4	DEFER SV	NO	Member referral given history of applications and discussions on development in this rear lane. Determined at subsequent Committee on 24th September
08-Sep-04	0401075OUT	1	PER	Y	
08-Sep-04	0401078OUT	1	PER	Y	
08-Sep-04	0401079OUT	1	PER	Y	
08-Sep-04	0401080OUT	1	PER	Y	
08-Sep-04	0401160FUL	3	PER	Y	
08-Sep-04	0401267OUT	1	PER	Y	
08-Sep-04	0401272OUT	1	PER	Y	
08-Sep-04	0401338FUL	3	PER	Y	
08-Sep-04	0401396REM	1	PER	Y	
29-Sep-04	0301903C1884	2	CNOBJ	Y	
29-Sep-04	0400264FUL	1	DRAFT	Y	
29-Sep-04	0400257OUT	1	APPEAL	Y	
29-Sep-04	0400934FUL	1	DEFER SV	NO	Determined at subsequent Committee on 22nd December
29-Sep-04	0401046FUL	4	PER	Y	see previous entry Sept 8th
29-Sep-04	0401060FUL	1	DEFER	Y	Determined at subsequent Committee on 20th October
29-Sep-04	0401081OUT	1	PER	Y	
29-Sep-04	0401107OUT	1	PER	Y	
29-Sep-04	0401504FUL	1	DRAFT	Y	
29-Sep-04	0401567FUL	3	PER	Y	
20-Oct-04	0401060REM	1	PER	Y	
20-Oct-04	0401413FUL	1	PER	Y	
20-Oct-04	0401657FUL	1	DRAFT	Y	
10-Nov-04	0400370FUL	1	WDN		
10-Nov-04	0401308REM	1	DRAFT	Y	
10-Nov-04	0401619OUT	1	PER	Y	
10-Nov-04	0401654FUL	3	PER	Y	
10-Nov-04	0401682FUL	3	PER	Y	
10-Nov-04	0401758FUL	2	PER	Y	
10-Nov-04	0401790FUL	1	DRAFT	Y	
10-Nov-04	0401794FUL	1	DRAFT	Y	
01-Dec-04	0401150OUT	1	DRAFT	Y	
01-Dec-04	0401760OUT	1	DRAFT	Y	
01-Dec-04	0401783OUT	5	PER	Y	Environment Agency Objection. Requested that applicant connect to mains drainage instead of private drainage. However, main drains not accessible so considered appropriate to approve as submitted.
01-Dec-04	0401848FUL	1	DRAFT	Y	

22-Dec-04	0000642FUL	1	REF	Y	
22-Dec-04	0201957FUL	1	REF	Y	
22-Dec-04	0201958FUL	1	REF	Y	
22-Dec-04	0201959FUL	1	REF	Y	
22-Dec-04	0300113OUT	6	OS106	Y	Head of P&R referral due to previous Committee resolution on this site.
22-Dec-04	0302154FUL	1	DRAFT	Y	
22-Dec-04	0400018FUL	6	DRAFT	Y	Head of P&R referral due to previous Committee resolution on this site.
22-Dec-04	0400269FUL	1	DRAFT	Y	
22-Dec-04	0400763FUL	1	PER	Y	
22-Dec-04	0400934FUL	1	DRAFT	Y	
22-Dec-04	0401271FUL	6	DRAFT	Y	Head of P&R referral due to previous Committee resolution on this site.
22-Dec-04	0401636FUL	3	PER	Y	
22-Dec-04	0401752REM	1	DRAFT	Y	
22-Dec-04	0401825FUL	3	PER	Y	
22-Dec-04	0401853FUL	3	PER	Y	
22-Dec-04	0401893FUL	1	PER	Y	
22-Dec-04	0402011FUL	6	DEFER SV	NO	Head of P&R referral due to delicate balance of policy issues. Determined at subsequent Committee on 12th January
22-Dec-04	0402055FUL	1	PER	Y	
12-Jan-05	0401805FUL	1	DEFER	Y	Pending further report
12-Jan-05	0401970OUT	1	WDN		
12-Jan-05	0402011FUL	6	PER	NO	see 22nd December entry.
12-Jan-05	0402123FUL	1	DRAFT	Y	
12-Jan-05	0402124CAC	1	PER	Y	
12-Jan-05	0402200FUL	6	REF	Y	Head of P&R referral due to delicate balance of policy issues and associated enforcement case.
12-Jan-05	0402241FUL	3	PER	Y	

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**Appendix 2: Scheme of Delegation Annual Review: Report to Planning Committee 2nd February 2005:**

<b>Member Requests for Referral of delegated items to Planning Committee: January 2004 - January 2005</b>						
<b>Number</b>	<b>Date</b>	<b>Member</b>	<b>Application</b>	<b>Reason for Referral</b>	<b>Accepted/Rejected</b>	<b>Reason</b>
1	Mar-04	Cllr Smith	04/00261	None by Cllr - reference made to letter from applicants concerned at proposed refusal	Rejected	No statement made by Cllr as to why a Committee discussion required
2	13th April 2004	Cllr W Foster	04/00269	Various planning issues requiring discussion	Rejected	Application already identified as a Committee item as a Major development
3	18th June 2004	Cllr Haydon	04/00521	previous applications have been refused on this back lane and needs discussion on the suitability of the access	Accepted	Previous applications have been refused but in the light of Appeal decisions allowing development officers now recommend approval - consider this warrants further debate.
4	15th July 2004	Cllr Shears	04/00597	large scale local opposition	Rejected	Large scale local opposition is not in itself justification to refer a matter to Committee for discussion and a decision
5	26th July 2004	Cllr Haydon	04/01029	A much needed facility worthy of support - the Highway objection appears unreasonable	Rejected	The fundamental Highway objection is based upon strong Highway safety grounds that the Chair considers would leave the Committee with little option but to accept. Discussion would therefore be of little benefit and as a result the determination of the application would fall outside of the determination period.
6	26th July 2004	Cllr Santillo	03/0865	Consideration of the case has been delayed and the owners of this existing employment site wish to retire and consider that a residential scheme will be more appropriate given the residential character of the area	Rejected	Although Committee discussion would no doubt air the employment issue, the fundamental policy objection to the loss of employment land would leave the Committee with little option than to refuse the application and therefore the discussion would not be beneficial.
7	3rd August 2004	Cllr Shears	04/01046	There are already properties being built in this back lane and the lane is not suitable for the extra traffic. Approval for further development in this lane could result in loss of confidence in the effectiveness of planning controls	Accepted	In view of the complex history to developments in this lane, considered appropriate to consider further developments at Committee.
8	15th October 2004	Cllr Stark	04/01489	Proposal is contrary to adopted policies and given proliferation of such uses in the area is very contentious.	Rejected	The application had already been refused under delegated powers by the time the referral had been received. However, the refusal effectively overcame the need for the referral.
9	5th January 2005	Cllr Leaves	04/02125	The existing houses were placed in such a way to allow views of the water between the house. The extension is large and would shut views of various properties. A site visit should be undertaken to assess the proposal.	Rejected	Loss of views is not a material planning consideration that the planning committee could have discussed. It was also noted that the extensions themselves were small relative to the existing properties and thus the wider impact on the coastal area would be minimal.
10	11th January 2005	Cllr Santillo	04/02143	The proposed use of the premises as 3 flats instead of an HMO for students would be better for the local area. An independent view of the proposal would prevent an appeal if a compromise situation could be achieved.	Rejected	There are clear policy objections to this proposal in view of problems of providing rear access to the upper flats. The Chair was mindful of a compromise situation that officers had placed before the applicant but which had not been taken up.

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Appendix 3: Member Referral Form

**PLANNING COMMITTEE**  
**PLANNING APPLICATION REFERRAL**  
**MEMBER REQUEST FORM**

**Name of Member:**

**Contact Telephone Number(s):**

**Planning Application Reference Number:**

**Planning Application Site Address:**

**Reasons for Referral Request:**

**Date:**

Please email the completed form to [paul.barnard@plymouth.gov.uk](mailto:paul.barnard@plymouth.gov.uk) Paul Barnard,  
Head of Transport & Planning, Telephone: 01752 – 304860

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By virtue of paragraph(s) 13 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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